

MINUTES
CHARTER REVIEW COMMISSION
JULY 20, 2022

I. ROLL CALL

PRESENT:

Steve Henson	Bobbie Sanford
Virginia Harris	Clara Delay
Claudette Leak	Jim Grubiak
Mary Hinkel	Dwight Thomas
Lance Hammonds	Vickie Turner
Robert Wittenstein	Rep. Karla Drenner
Susan Neugent	John Turner

ABSENT:

Karen Bennett
Dr. Gerald Austin, Sr.
Ex-Officio Senator Emanuel Jones

- II. Approval of the June 23, 2022 Minutes**
III. Review of Organizational Act by the County Attorney

Section VIII - Compensation for the Chief Executive Officer and Commission
The General Assembly enacted a State Law allowing the County Government to
Set their own compensation within very strict guidelines
Section IX - Powers and Duties of the Commission
Sections 1 through 23

The County Attorney will return to the Charter Review meeting on August 4, 2022 to continue her
Review of the Organization Act

REPORT FROM THE CHAIR

Staffing - The Vice Chair, Secretary and Chairman Henson met with the Carl Vinson Institute on staff assistance. The institute's proposal for service is currently being reviewed by the CEO's office. Hopefully, we will have support at the next meeting.

If there are questions from the members, email the Chairman and/or the secretary for follow-up.

UNFINISHED BUSINESS

By-Laws

Chairman Henson asked for any amendments to the By-Laws submitted at the previous meeting. The Chairman reviewed the Quorum requirements. The Quorum consists of eight members. The By-Laws state that one must not be absent from the meeting more than three times without good cause.

The Chairman asked for a **MOTION** to approve the By-Laws.

MOTION was made by Virginia M. Harris to approve as submitted and seconded by Clara Delay pending discussion.

DISCUSSION

Robert Wittenstein stated that he had concerns about citizens being able to speak in the beginning of the meeting rather than the end, as they may have items they would like to bring before the Commission prior to any action being taken. They would not have to wait until it has been voted on before offering any comments. His second concern was about bringing an item up at one meeting and voting on it at the next meeting which prevents citizens from having an opportunity to speak with the community on any proposed change.

Chairman Henson stated that his concerns were well taken and they have that discretion under the proposed By-Laws.

Clara Delay expressed her views on providing secretarial assistance for the Commission. She thought that it should be a county employee.

Chairman Henson stated that should probably be the case and the employee would be a person designated by him and would probably be a County official.

Mary Hinkel also stated that she felt it would be someone from the Clerk's office. Having reviewed the Minutes from the last time, she appreciated the good work they are doing, as it is a difficult task.

Clara Delay stated that she just wanted clarification.

At that point, Chairman Henson stated hearing no further comments, he would like a **MOTION** and second to approve the By-Laws.

Viviane Ernstes stated that Chief Executive Officer Thurmond was attempting to speak.

Prior to the CEO speaking, the County Attorney stated that when you are doing something like this, you should actually call the roll and each member should speak.

Chief Executive Officer Thurmond stated that the discussion significant to him was that this Commission would build a consensus of memberships on decision making. One of his top priorities was to encourage us to build a consensus with the membership, so that we truly were representative of the entire county or at least give the people representing the County to be heard.

Chairman Henson stated that was contemplated when they put in that they would be a super number of 10 members required for any major proposal or to the final report of the Commission.

CEO Thurmond further stated that with all due respect, so that everyone will recognize even what this contemplates or what it might lead to.

County Attorney Ernstes explained that the Executive Order says eight members of the Charter Commission shall constitute a Quorum for the transactional business. She further stated that any recommendations for the Charter from the Charter Commission to add, eliminate, modify or change any provision of the Org. Act must be approved by the 10 members of the Commission that show the way that your By-Laws are drafted right now is there must be eight members for a Quorum to start a meeting, but then the By-Laws are drafted to indicate that there is a majority of those present and voting so if only eight folks show up these five people can make a decision on a particular **MOTION**.

Chairman Henson stated that, to address the CEO's concern, he made sure that the actual number was 10 members for anything that would be an amendment or change to our Organization Act and certainly, I can assure both of you and the CEO, that it is our intention to try to get things as close to unanimous as possible.

County Attorney Ernstes stated that it takes eight for a Quorum, but it also has a set number defined to take action and do as written your By-Laws are not as specific and somewhat unclear.

Chairman Henson stated that he didn't think they were unclear. You know if you do any action that changes the Organization Act, it will take 10 members to do the vote.

Jim Grubiak stated that he thought it was pretty clear the way that it was written right now and it was designed to implement the CEO's Executive Order and reflect the typical voting requirements in the By-laws of most organizations and nonprofits.

Claudette Leak stated that she is not clear on what the issue is.

Chairman Henson asked the CEO if he was concerned that the Commission would adopt minutes with just a simple majority of the Quorum.

CEO Thurmond stated that he things the way it is currently written, it does not delineate simple approval of minutes. He wanted to clearly articulate that they know that it can be done with a majority to conduct these simple perfunctory decisions that are just not written that way right now.

Claudette Leak stated that she just wanted to be clear in her mind, are we saying that to conduct the normal business of the Commission and to get something approved that is not going to change the Organization Act primarily by the County Attorney, so I am not clear where the concern is now because we haven't addressed any other issues.

County Attorney Ernstes stated that you have a majority of the Members present and you only have eight members on the Commission, five votes carry the day on any **MOTION** made at that meeting except for changes to the Organization Act.

Chairman Henson stated that conveys a certain importance to the members of the Commission, to be on the Commission and present at the meetings and for any vacancies to be filled, including the one that exist for CEO Thurmond.

CEO Thurmond stated that this is the vision he has but he is just sharing the original intent.

Chairman Henson commented that we have a **MOTION** and second; however, I am willing to defer to the next meeting and I don't think there would be any harm in that.

Clara Delay stated that she was somewhat troubled and did not have a full understanding of as to how that conflicts and so personally, I would like to defer until the next meeting.

Vickie Turner stated that she would like to request a deferral to the next meeting allowing for more time because there obviously is still some unrest. We know we can always go back and amend but that has its challenges as well.

Mary Hinkel stated that it's unfortunate in a way. I think we were all in agreement of moving forward, but CEO Thurmond has raised this and for clarification purposes we can in the next meeting vote on the By-Laws.

Chairman Henson stated that he is going to ask Ms. Delay to withdraw her second from the **MOTION**. Hopefully, we can reach a resolution that we're both happy with and that the Commission would also like. If not, we will bring it back to the meeting and hash it out.

CEO Thurmond stated that the one thing you have to be successful with any initiative in DeKalb, you have to really be sensitive to the history, not so much the present; but you have to acknowledge and contemplate and strategize and address lingering issues and nothing has been more divisive.

PUBLIC COMMENT:

Steve Binney, 1053 Seville Drive, Clarkston, Georgia. Mr. Binney expressed his views on the history of the Organization Act.

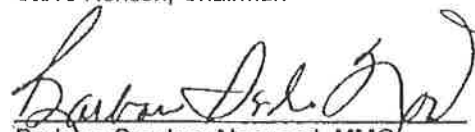
Ed Williams, 2562 Rainbow Creek Drive, Decatur, Georgia. Mr. Williams expressed his concern that the public have input into the drafting of the Organization Act.

Chairman Henson announced that the next meeting will be held on August 4, 2022 at 6:00 p.m.

Hearing no further discussions or objections, the Chairman adjourned the meeting.



Steve Henson, Chairman



Barbara Sanders-Norwood, MMC
Clerk to the Board of Commissioners and
Chief Executive Officer