

## **DeKalb Charter Review Commission Suggested Revisions**

(JIM GRUBIAK 04-04-23)

### **Section 2 The Commission**

(b) – (d) Revise subsections (b), (c) and (d), describing commissioner districts, to conform to HB 1250 (2022). Effective Jan.1, 2023.

(e) Revise age and residency requirements for commissioners to conform to state law: at least 12 months residency in district; and at least 21 years of age upon taking office.

and,

Consider amending to clarify that “except for displacement of their residence” means that sitting commissioners do not vacate their positions when drawn out of their district by reapportionment legislation.

### **Section 3 Establishment of the Commission**

(a) – (d) Revise provisions for electing commissioners to conform to HB 1250 (2022). Effective Jan.1, 2023.

(e) Revise to provide that commissioners take office upon being sworn in at the first meeting In January instead of on “the first day of January”.

### **Section 4 Running for Other Elective Offices**

Revise, if necessary, to conform to state election law.

### **Section 6 Vacancies**

(b) Amend to conform to state law governing special elections when there are more the 180 days remaining in the term.

(c) Amend to address suspension of a commissioner or CEO by the Governor upon indictment.

(d) Consider amending to provide that the chief judge of superior court fills the vacancy when there are fewer the 180 days remaining in the term as contemplated by OCGA 36-5-21. Intent would be to ensure vacancy is filled expeditiously.

- (e) Amend to clarify that a presiding officer serving as interim CEO continues as a member of the commission and continues to preside at commission meetings. Consider deleting language which bars an interim CEO from voting on commission matters. Or, allow the interim CEO to vote but only to break BOC ties.

## Section. 1 – Governing Authority Defined

### Org Act

- (a) Creation of BOC members and creation of CEO position
- (b) CEO and BOC constitute the Governing Authority

### Proposed Change (CFL):

Change: Sec. 1( c) New - Insert language: “As the governing authority, the CEO represents the county’s administrative branch, and the BOC represents the legislative branch of government, and act independently based on the respective powers and duties of the commission and the chief executive shall be as provided in this act.”

Change: Sec. 1(d) New - Insert language: The administrative and legislative branches are co-equals as members of the governing authority. As such, a balance of power shall be established based on the respective powers and duties of the commission and the chief executive shall be as provided in this act. (Obtaining the balance of power can be discussed in Section 9 – Powers of the Commission and Section13 – Powers and Duties of the CEO)

## Section 2 – The Commission

CFL Comment: We have a subcommittee reviewing the Board of Commissioners. Should we wait on the committee’s report prior to reviewing this section? Next committee meeting is April 19<sup>th</sup>. Or, will tonight’s suggestions be forwarded to the subcommittee for its consideration?

### Org Act

- (a) The commission shall consist of seven members.
- (b) For purposes of electing members of the board of commissioners, DeKalb County is divided into seven commissioner districts. One member of the board shall be elected from each such district.
  - (c) (1) Commissioner Districts 1, 2, 3, 4, and 5 shall be and correspond to those five numbered districts described in and attached to and made a part of this Act and further identified as "Plan: dekalbcc-import1-02092012 Plan Type: local Administrator: dekalb cc User: bak".
  - (d) (1) Commissioner Districts 6 and 7 shall be and correspond to those two numbered districts described in and attached to and made a part of this Act and further identified as "Plan Name: deksuperdist4 Plan Type: LOCAL User: Gina Administrator: CNTY-DEKALB".
- (e) Each commissioner shall be a citizen of this state, at least 25 years of age, and shall have been a resident of the geographic area encompassed by the respective commissioner district for at least two years immediately prior to taking office

### Robert Wittenstein Proposed Changes: (a), (b) (c) and (d)

Change: Increase the size of the Board of Commissioners from 7 to 9. Add a County Commission Chair who is elected county-wide and add one additional ‘district’ seat to reduce the size of each district from 151,500 to 126,300. The County Commission Chair gets one vote on matters before the Commission.

#### CFL Comments/Questions

- a. Does this have the effect of eliminating super districts?
- b. Is Commission Chair included in 9 BOC members or in addition to?
- c. Clarify additional district (how many BOC members 9 or 10?)
- d. Should we specify the BOC districts comprising Districts 6 and 7 respectively?
- e. What are the pros & cons of eliminating superdistricts? Public comments indicate that having two commissioners from which to resolve issues should one of the commissioners demonstrate a lack of responsiveness.

Change, "Each commissioner shall be elected by a majority of the electors voting within the respective commissioner district" to "Each commissioner shall be elected in accordance with Georgia State law in a method determined by ordinance of the Commission."

Change Sec. 2(e): Has the two-year residency requirement for Commissioner been changed to a one-year residency by state law?

Change: Sec. 2(f) (new)

Commissioners, including the County Commission Chair, are limited to three consecutive terms for a total of twelve (12) years. Once a commissioner is out of office for a minimum of four years they may be reelected and serve up to three consecutive terms. Commissioners currently seated on the Board of Commissioners when this is enacted by serve three additional terms regardless of the number of terms they have previously served on the Commission.

#### CFL Comments/Questions

1. Effective date of term limits should define rotation off by districts. Depending on length of service, this could delay implementation up to 12 years.
2. Use current Org Act language: Those members of the Board of Commissioners of DeKalb County who are serving as such on January 1 2012 (define new effective date of change), and any person selected to fill a vacancy in any such office shall continue to serve as such members until the regular expiration of their respective terms of office and until the election and qualification of their respective successors. The successor to each such member shall be elected as provided in this section.

#### Jim Grubiak Proposed Changes:

Change: (b) – (d) Revise subsections (b), (c) and (d), describing commissioner districts, to conform to HB 1250 (2022). Effective Jan.1, 2023.

Change: (e) Revise age and residency requirements for commissioners to conform to state law: at least 12 months residency in district; and at least 21 years of age upon taking office.

Change: Consider amending to clarify that "except for displacement of their residence" means that sitting commissioners do not vacate their positions when drawn out of their district by reapportionment legislation.

#### CFL Comment/Question

### Section 3 Establishment of the Commission

#### Org Act

Specifies the staggering of elections by commission districts

## Jim Grubiak

Change: Sec. 3 (a) – (d) Revise provisions for electing commissioners to conform to HB 1250 (2022). Effective Jan.1, 2023.

Change: Sec. 3 (e) Revise to provide that commissioners take office upon being sworn in at the first meeting In January instead of on “the first day of January.”

## Section 4 Running for Other Elective Offices

Change: Revise, if necessary, to conform to state election law.

## Section 5 Chief Executive

### Org Act

The chief executive of DeKalb County shall be a citizen of this state, at least thirty (30) years of age and shall have been a resident of DeKalb County for at least five (5) years immediately prior to taking office.

(c) Any person elected chief executive shall not be eligible to serve more than two (2) consecutive full terms of office. In the event a person fills a vacancy in the office of chief executive as provided in section 6 of this act, such person shall be eligible for election to two (2) full consecutive terms of office as chief executive. When a person has served two (2) full consecutive terms of office as chief executive, such person shall not again be eligible to hold said office until such person has been out of office as chief executive for at least four (4) years.

In the event a vacancy occurs in the office of chief executive when less than one hundred eighty (180) days remain in the unexpired term of office, the presiding officer of the commission shall exercise the powers and duties of the chief executive, except as provided in subsection (e) of this section, for the unexpired term.

### Robert Wittenstein Proposed Changes

Change: Sec. 5 (a), (b) and (c)

Remove the DeKalb County CEO. Replace the CEO with a County Manager form of government where the County Manager is hired by the County Commission and is responsible for running the day-to-day operations of the County.

**CFL Comment/Question:**

**1. What are the pros and cons CEO vs. county manager?**

## Comments on DeKalb County Organizational Act by John Turner [15 May 2023]

My initial comments are for Section 2, and they affect sections 6, 11 and 12.

### Sec. 2. - The commission.

(a) The commission shall consist of seven members.

#### REVISIONS (a):

The commission shall consist of 11 members:

- **Eight individual districts, with the county population subdivided as equally as possible into the eight districts.**
- **Two Superdistricts, with each Superdistrict covering four of the eight individual districts.**

- **One at-large commissioner who would be the Chair of the Board of Commissioners.**

**COMMENT: The population of DeKalb County in the 2020 US Census is 764,382. Having eight commission districts would lower the population per individual district to approximately 96,000 people.**

## **Sec. 6. - Vacancies.**

### **(a)**

Vacancies on the commission and in the office of chief executive occurring by reason of death, resignation, removal from the county or from the district from which elected or for any other reason shall be filled as provided in this section.

### **(b)**

In the event a vacancy occurs on the commission or in the office of chief executive when at least one hundred eighty (180) days remain in the unexpired term of office, the election superintendent of DeKalb County, within fifteen (15) days after the vacancy occurs, shall issue the call for a special election to fill such vacancy for the unexpired term. Such special election shall be held not less than twenty-nine (29) nor more than forty-five (45) days after the issuance of the call, and shall be held and conducted in accordance with the provisions of Code Title 34, known as the "Georgia Election Code" [O.C.G.A. § 21-2-1 et seq.], as now or hereafter amended. If the vacancy is in the office of the chief executive, the presiding officer of the commission shall exercise the powers and duties of the chief executive, except as provided in subsection (e) of this section, for the period beginning on the date the vacancy occurs and ending when the successor chief executive takes office for the unexpired term following the special election provided for herein.

### **(c)**

In the event a vacancy occurs in the office of chief executive when less than one hundred eighty (180) days remain in the unexpired term of office, the presiding officer of the commission shall exercise the powers and duties of the chief executive, except as provided in subsection (e) of this section, for the unexpired term.

### **(d)**

In the event a vacancy occurs on the commission when less than one hundred eighty (180) days remain in the unexpired term of office, the remaining members of the commission shall appoint a qualified person to fill such vacancy for the unexpired term. Any person appointed by the commission to fill a vacancy as provided herein shall possess the residency and other qualifications required for the office.

### **(e)**

If the presiding officer of the commission exercises the powers of chief executive pursuant to subsections (b) and (c) of this section, the person serving as the chief executive in either case shall not be authorized to discharge the executive assistant. A presiding officer serving as chief executive shall not be authorized to vote as a member of the commission during such service.

**REVISIONS:**

- Replace “presiding officer of the commission” with “chair of the commission” in all subsections.
- In section (e), the chair of the commission serving as chief executive shall be authorized to vote as a member of the commission during such service, but only to break a tie vote.

**COMMENT:** The full-time chair of the commission would replace the current process of rotation of the presiding officer. The eight individual and two superdistrict commissioners would be able to focus their attention on their districts, and not have the additional responsibilities of presiding officer.

## **Sec. 11. - Presiding officer.**

(a)

The chief executive shall have no vote at any regular or specially called meeting of the commission unless the members of the commission are equally divided. Even when the members of the commission are equally divided, the chief executive may not vote on a matter which is not subject to veto by said officer under the provisions of subsection (d) of [section 15](#) of this Act.

**REVISION (a):** The chief executive shall have no vote at any regular or specially called meeting of the commission. **[Removed the tie vote condition to this section]**

(b)

At the first regular meeting in January of each year, the commission shall elect from its membership a presiding officer and a deputy presiding officer. The member serving as presiding officer or deputy presiding officer shall retain all rights, powers and duties as a member of the commission.

**REVISION (b):** At the first regular meeting in January of each year, the commission shall elect from its membership **a vice-chair from one of the two Superdistrict commissioners**. The member serving as **vice chair** shall retain all rights, powers and duties as a member of the commission.

(c)

The presiding officer shall preside at meetings of the commission and shall have the following additional duties:

**REVISION (c):**

- **Replace “presiding officer of the commission” with “chair of the commission” in all instances in subsections 1 through 4.**

(1)

To convene such special meetings of the commission as are deemed necessary, but all members shall be notified at least three (3) days in advance of any such special meeting;

(2)

To appoint the members and chairpersons of such committees of the commission as the commission, by its rules, may establish and fill vacancies therein, but any such appointments may be rejected by a majority vote of the total membership of the commission;

(3)

To compel the attendance of members at meetings of the commission by subpoena, if necessary, subject to the policy of the commission as established by its rules; and

(4)

To exercise such other powers and duties as may be assigned to the presiding officer by ordinance or rules and regulations of the commission.

(d)

In the event the office of the member serving as presiding officer becomes vacant for any reason, or in the event the presiding officer is absent for any reason, or in the event the presiding officer exercises the powers of the chief executive pursuant to subsections (b) or (c) of section 6 of this act, then the deputy presiding officer shall exercise the powers and duties of the presiding officer during the absence of the presiding officer or until a successor presiding officer is elected by the commission at the first regular meeting held during the next succeeding January.

**REVISION (d):** In the event the chair becomes vacant for any reason, or in the event the chair is absent for any reason, or in the event the chair exercises the powers of the chief executive pursuant to subsections (b) or (c) of section 6 of this act, then the vice chair shall exercise the powers and duties of the chair during the absence of the chair.

## **ROBERT WITTENSTEIN**

### **A Proposed change to the DeKalb County Organizational Act**

Sec. 2(a), (b) (c) and (d)

Increase the size of the Board of Commissioners from 7 to 9. Add a County Commission Chair who is elected county-wide and add one additional ‘district’ seat to reduce the size of each district from 151,500 to 126,300. The County Commission Chair gets one vote on matters before the Commission.

### **A proposed change to the DeKalb County Organizational Act**

Sec. 2(e)



Change, “Each commissioner shall be elected by a majority of the electors voting within the respective commissioner district” to “Each commissioner shall be elected in accordance with Georgia State law in a method determined by ordinance of the Commission.”

**A proposed change to the DeKalb County Organizational Act**

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**A proposed change to the DeKalb County Organizational Act**

Sec. 5 (a), (b) and (c)

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