



DeKalb Charter Review Report Appendix

Table of Contents

Appendix A: Letters from Members of the DCCRC.....	2
Appendix B: Executive Orders.....	10
Appendix C: Compiled DeKalb Charter Review Commission Edits and Recommendations.....	20
Appendix D: DeKalb County Commission District Demographics.....	53
Appendix E: Metropolitan Atlanta Counties: Structure & Demographics.....	77
Appendix F: HB 694 (2023).....	93
DRAFT SEC. 8. COMPENSATION BASED ON LANGAUGE OF HB 694 (2023).....	93
HB 694 (2023).....	94
Appendix G: Charter Review Sub-Committee Report.....	97
Appendix H: Subpoena Research.....	98
Appendix I: DeKalb Municipal Association Recommendations.....	100
Appendix J: Letter from the Office of Independent Internal Audit.....	106
Appendix K: Public Comments.....	107
PUBLIC COMMENTS FROM REGULAR MEETINGS.....	107
PUBLIC COMMENTS FROM PUBLIC HEARINGS.....	139
PUBLIC COMMENTS FROM THE WEBSITE.....	147

Appendix A: Letters from Members of the DCCRC

Via Email

November 15, 2023

Mr. Steve Henson
Chair, DeKalb Charter Review Commission
1300 Commerce Drive
Decatur, Georgia 30030

Re: Charter Review Comments

Dear Chairman Henson,

Thank you for your service as chair of the DeKalb Charter Review Commission (CRC) and for your efforts to ensure the completion of the Organizational Act (Org Act) assessment and the timely production of the Commission's final report.

It is important to note that the Commission's recommendations achieved the CEO's Executive Order objective to ***"harmonize all parts of the Organizational Act."*** The CRC devoted significant time in discussing and evaluating the form of government, powers of the CEO and Board of Commissioners, the budget process, and purchasing and contracting that resulted in reasonable recommendations. Presentations to the Commission by County agencies and departments were insightful and provided information considered in assessing the Org Act.

However, there were two areas of the Executive Order not addressed: the Pandemic's impact on operations and operational enhancements to improve stakeholder service delivery. Factors that prevented these reviews were the result of time constraints related to completion of the Org Act review, and the inability to obtain needed documentation for the decision-making process. While the CRC made good faith efforts to obtain the necessary documentation, the lack of information prevented the Commission from considering this important aspect of the Commission's mandate of recommending service delivery enhancements.

Topics/Issues – Considered/Not Recommended

Submission of the following topics/issues is intended briefly memorialize issues that include public comments or CRC discussions.

1. Change the form of CEO Government Structure
2. Purchasing & Contracts Policies - Review of changes recommended by the Office of Independent Internal Audit Term limits – Board of Commissioners
3. Boards and Authorities – A copy of the county's report was not available for review
4. Personnel Policy – Consider changing department heads from merit positions to contract positions (Gwinnett County) has this policy
5. Communications Department – Consider establishing constituent services department to enhance responsiveness to constituents

Charter Review Comments

November 15, 2023

Page 2

CRC Process

1. Formal Work Plan – Commission should adopt a formal work plan with timelines
2. Subcommittees – Establish subcommittees adopted by the full Commission
3. Citizen Engagement – Consider conducting a countywide citizen survey and developing a separate communications plan
4. Votes to Approve Recommendations - Consider a simple majority of the CRC members to approve recommendation in lieu of a 70% of the membership

Future CRC Consideration

County Operations – While the Org Act provides a high-level governance structure, a review of the Chapters associated with each Org Act section should be reviewed to determine if there are potential impacts or issues that should be considered for Org Act changes. It is at the department level that determines the quality, accountability, and transparency in delivering services.

It has been a privilege to work with fellow Commission members who demonstrated a commitment to work in the best interest of DeKalb County citizens. As in any other governmental and political processes, there were passionate different points of view and compromise, and agreement. The CRC members are commended for their civility, respect, and courtesy demonstrated during this process.

Thank you for consideration of these comments/observations.

Respectfully,

Claudette Leak

Claudette Leak, CRC Member

Virginia W. Harris, MPA, CIA, CGFM

December 13, 2023

Dekalb County Senate Delegation
Dekalb County House Delegation
Dekalb County Board of Commissioners
Dekalb County Chief Executive Officer

Dear Chief Executive Officer Thurmond,

I am writing to extend my deepest appreciation for appointing me to serve on the DeKalb County Charter Review Commission. It is an immense honor and privilege to contribute to such a vital initiative under the leadership of Chair Steve Henson.

I wholeheartedly endorse all the proposed amendments to the DeKalb Organizational Act presented by the CRC and strongly encourage members of the DeKalb legislative delegation to enact these amendments without alteration.

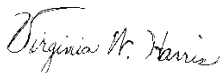
Collaborating with dedicated colleagues and professionals who shared a commitment to review and propose recommendations for the existing Organizational Act was truly invigorating. Under Chairman Henson's guidance, we achieved significant progress, contributing meaningfully and positively impacting the process.

Taking into consideration that the CEO form of government often confuses many citizens; while the charter explicitly outlines the CEO's exclusive authority and responsibilities regarding County operations, most citizens perceive their commissioners as direct representatives when seeking answers or support; despite the charter lacking provision for this role. I would like to suggest the following recommendations for future reviews of DeKalb County's charter:

- (1) Conducting an independent and professionally managed survey among DeKalb citizens concerning services and service delivery could significantly enhance the future decision-making process.
- (2) A comprehensive examination of public administration research on a national scale would greatly aid in assessing and refining the DeKalb County model. Specifically, regarding the relationship between service delivery and different forms of government.

I am immensely grateful for this incredible opportunity to serve and contribute to this important cause.

Warm Regards,



Virginia W. Harris

JAMES F. GRUBIAK
Attorney At Law
1251 Fairview Road
Atlanta, Georgia 30306

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jfgrubiak@icloud.com

404-378-7104 (landline)

MEMORANDUM

TO: DeKalb County Chief Executive Officer
DeKalb County Board of Commissioners
DeKalb County State House Legislative Delegation
DeKalb County State Senate Legislative Delegation
FROM: Jim Grubiak
SUBJECT: DeKalb Charter Review Commission Recommendations
DATE: November 15, 2023

I am honored to have served as a member of the DeKalb County Charter Review Commission (CRC). The CRC was created by executive order of Chief Executive Officer Michael Thurmond to review and *harmonize all parts of the county Organizational Act and recommend changes in order to achieve the best delivery of services to the citizens of DeKalb County*. I was initially appointed to the CRC by then Commissioner Kathie Gannon. My appointment was subsequently ratified by Commissioner Ted Terry when he took office.

The amendments to the Organizational Act as proposed by the CRC in the final report are intended, in large part, to clarify various provisions in the existing Organizational Act and conform numerous provisions therein to general state law and the Georgia constitution. Other provisions are designed to improve communications with the public, encourage citizen engagement, foster better communications and the sharing of information between the board of commissioners and the CEO, expedite and track decisionmaking relative to various vacancies and appointments, eliminate conflicts in procurement processes, reshape the budget development schedule to more logically fit the fiscal year, and provide for the periodic creation of future study commissions to review the Organizational Act beginning no later than 2029.

I am in support of all the amendments to the DeKalb Organizational Act proposed by the CRC and urge the members of the DeKalb legislative delegation to enact the amendments as proposed.

However, while the proposed amendments to the Organizational Act all have merit and should result in improved administrative processes, I do not believe that the amendments being proposed will overcome the deficiencies of DeKalb's CEO form of government. DeKalb is the only county in Georgia with the CEO form of government, and one of only a handful in the country.

There's good reason for the paucity of CEO counties in the country. In my opinion, the CEO form of county government is inherently inefficient, fosters conflict between the branches, and discourages collaboration among and between the commissioners and the chief executive. The CRC heard testimony from former Fulton County chairperson John Eaves and former Gwinnett county manager and chairperson Charlotte Nash on the rationale for establishing the county manager form of government employed by most urban county governments. We learned that having a professional county manager with the authority and responsibility for managing the day-to-day affairs of the county, including the power to hire, evaluate, and terminate department heads also implies a system of accountability whereby department heads are accountable to the county manager and the county manager is accountable to the board of commissioners for the efficient provision of county services. The CEO form of county government is sorely lacking in that regard. However, there was not sufficient interest in the county manager form among CRC members to meet the supermajority threshold needed to move DeKalb in that direction. Perhaps a review of the Organizational Act by a future commission will look more favorably on making the switch.

Finally, I'd like to express my appreciation to Chairman Steve Henson for his leadership and commitment to forging the consensus necessary to adopt the Charter Review Commission's final recommendations. I would also like to recognize the members of the Commission for the time and energy they spent studying the Organizational Act and proposing and debating the many amendments that appear in the final proposal.

jfg

November 13, 2023

DeKalb County CEO
DeKalb County Board of Commissioners
DeKalb County State House Legislative Delegation
DeKalb County State Senate Legislative Delegation

Dear Elected Officials:

The House Delegation appointed me to serve on the DeKalb Charter Review Commission and I would like to thank them for the opportunity to serve the citizens of DeKalb County in this way.

In addition, I would like to thank Chair Steve Henson for his leadership and the other members of the Commission for their participation and commitment to the Commission's work. I am proud that this Charter Review Commission was able to proceed to a finished report and that we reached consensus on the suggested changes submitted for your consideration.

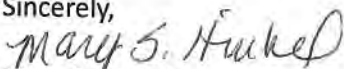
While the changes we are suggesting, in my opinion, will improve the Organizational Act and make it current with State Law, they do not address the main question of whether our current form of government is the best form of government for achieving the most efficient and effective delivery of services to the citizens of DeKalb County.

Our review process did not examine the form of government in any depth. Nor did we examine the delivery of county services in any meaningful way, as, for example, reviewing evidence or data measuring customer satisfaction or the efficacy and efficiency of service delivery in DeKalb as compared to other metro counties. Perhaps having future Charter Review Commissions scheduled on a regular basis will allow those Commissions to address service delivery more deliberately, as well as focus on any other specific areas of county policies and procedures needing review.

Given the constraints presented by the Open Meetings laws and the limited technical and human resources the County had available for supporting the Commission's work, only one formal sub-committee was established to work outside of the Commission's regular meetings: the subcommittee looking at the Board of Commission district structure. If other subcommittees had been formed, for example on form of government or service delivery, they might have provided Commission members more opportunity for deeper research and discussion in these areas. There was also little support for the Commission using innovative digital technology and techniques to improve public engagement and communications with citizens of DeKalb County. Again, perhaps future Charter Review Commissions will be able to overcome these constraints.

In spite of these limitations, I do think we have made good recommendations that will improve DeKalb County government and I encourage the enactment of the Commission's recommendations.

Sincerely,


Mary S. Hinkel

Robert Wittenstein
1146 Bordeaux Court
Dunwoody, Georgia 30338

October 24, 2023

DeKalb County Senate Delegation
DeKalb County House Delegation
DeKalb County Board of Commissioners
DeKalb County CEO

DeKalb elected officials,

As a member of the commission tasked with reviewing the DeKalb County organizational act and making recommendations for changes, I am proud of the work done by the commission and I approve of all the suggested changes submitted for your consideration.

That said, this exercise was a missed opportunity to make meaningful changes.

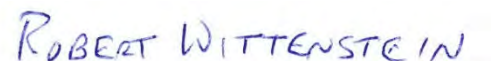
The commission was created by Executive Order of the CEO rather than a resolution passed by the County Commission or a citizen advisory committee established by the legislature. The executive order issued by the CEO gave the CEO the power to name three of the fourteen members and ensured that the Commission chair and vice-chair would both be CEO appointments. The Executive Order also dictated that no change could be recommended without a vote in favor by ten of the fourteen appointed members.

This board composition, and these rules, ensured that no meaningful changes would be made to the form of government or to the powers or prerogatives of the CEO. There was significant support for a change from a CEO form of government to a County Manager form of government, but the deck was stacked against any real possibility for change.

The proposed organizational act includes a provision for another review commission to occur no later than January 2029. It is vital that the next review be conducted by a commission where no one stakeholder has the opportunity to dominate the commission. That commission should be able to make recommendations based on a majority of members' support rather than requiring over 70 percent approval to pass.

It was a privilege to serve on the commission and I encourage enactment of all the recommendations.

Respectfully submitted,



Robert Wittenstein

November 11, 2023

DeKalb County Delegation, Georgia General Assembly
Governing Authority, DeKalb County, Georgia

Re: Charter Review Commission

Dear DeKalb Delegation and Governing Authority:

I am grateful to have been entrusted to serve on this commission by District 2 Commissioner Michelle Long Spears and her predecessor former Commissioner Jeff Rader. I support the revisions proposed.

By way of other observations and considerations, I have the following suggestions for future efforts to review DeKalb's charter:

- The CEO form of government is confounding to many citizens. While the charter is explicit in outlining the exclusive authority and responsibility of the CEO regarding the operations of the County, most citizens believe their commissioners are their literal representatives in seeking answers, information, relief, and support related to operations, the authority for which is not provided in the charter.
- An independent commission and staff would provide a constructive foundation for future consideration of governmental structure.
- An independent, professionally conducted survey of DeKalb citizens regarding services and service delivery would better inform future efforts.
- A thorough review of public administration research regarding the connection between delivery of services and form of government nationally would also inform future efforts to assess the DeKalb model.

Sincerely,

Susan E. Neugent

Susan E. Neugent
Member
DeKalb Charter Review Commission (2019-2023)

Appendix B: Executive Orders

March 25, 2019



Chief Executive Officer

Michael L. Thurmond

Office of the Chief Executive Officer

DeKalb County, Georgia

Michael L. Thurmond

Chief Executive Officer

Board of Commissioners

District 1
Nancy Jester

District 2
Jeff Rader

District 3
Larry Johnson

District 4
Steve Bradshaw

District 5
Mereda Davis Johnson

District 6
Kathie Gannon

District 7
Lorraine Cochran-Johnson

Executive Order No. 2019-001 Creation of a Charter Review Commission to Examine the DeKalb County Form of Government

WHEREAS, the Chief Executive Officer of DeKalb County (CEO) seeks to provide the highest quality and most efficient government for citizens of DeKalb County, Georgia; and

WHEREAS, the CEO desires a comprehensive review of the Organizational Act of DeKalb County (Org. Act) to ensure that the government of DeKalb County is representative of all citizens of DeKalb County and responsive to the needs and demands of the citizens of DeKalb County; and

WHEREAS, the CEO would like to review the Org. Act to harmonize all parts of the Org. Act and recommend changes in order to achieve the best delivery of services to the citizens of DeKalb County; and

NOW THEREFORE, the Chief Executive Officer hereby issues the following Executive Order:

(1) There is hereby created the DeKalb County Charter Review Commission (the Charter Commission).

(2) The Commission shall be composed of 17 citizens of DeKalb County (the County) who have been residents of DeKalb County for at least one year immediately preceding the date of taking office and who remain residents of DeKalb County while in office.

(a) The members of the Charter Commission shall be selected as follows:

(i) One member shall be appointed by the board of education of DeKalb County;

(ii) Three members shall be appointed by the CEO. Of those three members, at least one appointee shall be a resident of that portion of DeKalb County lying south of the southernmost corporate boundaries of the City of Decatur, and one shall be a resident of that portion of DeKalb County lying north of the southernmost corporate boundaries of the City of Decatur. The third

member may be appointed from any jurisdiction within DeKalb County. Two of the three CEO appointees shall serve as Chairperson and vice Chairpersons for the commission.

(iii) Seven members, each residing in a separate district of commissioner Districts 1 through 7, shall be appointed by the Board of Commissioners (BOC), which shall determine the manner in which it shall consider a prospective member's skills, knowledge, training, and experience which are directly related to the stated duties of the Charter Commission.

(iv) Three members shall be appointed by the DeKalb County delegation in the House of Representatives of the General Assembly, and one may be a member of the DeKalb County delegation in the House of Representatives of the General Assembly.

(v) Three members shall be appointed by the DeKalb County delegation in the Senate of the General Assembly and one may be a member of the DeKalb County delegation in the Senate of the General Assembly; and

(iv) The chairpersons of the DeKalb County delegation of the House of Representatives of the General Assembly and Senate of the General Assembly shall be members of ex officio.

(3) The appointees' names shall be submitted to the Office of the CEO and to the Clerk to the BOC.

(4) Members shall serve without compensation.

(5) In the event any member of the Charter Commission, without good cause, fails to attend three consecutive meetings of the Charter Commission, the member's position on the Charter Commission shall become vacant.

(6) When a vacancy occurs, written notice shall be provided to the entity or official that originally appointed the member who shall fill the vacancy in the same manner as the original appointment. If the appointing entity or official fails to fill the vacancy within twenty (20) business days from written notice, the CEO shall fill the vacancy.

(7) The Charter Commission shall convene from May 1, 2019 to December 31, 2020.

(a) It shall be the duty of the appointed co-chairpersons to call an organizational meeting of the Charter Commission. The co-chairpersons shall convene the meeting and shall preside over the election of a secretary, and such other officers as the Charter Commission deems necessary, by majority vote.

(b) The co-chairpersons shall preside over meetings, to lead and direct the Charter Commission and its activities, and act for the Charter Commission when so authorized by the Charter Commission. The presence of a least one co-chairperson shall be necessary for the transaction of any business by the Charter Commission.

(c) Eight members of the Charter Commission shall constitute a quorum for the transaction of business. However, any recommendation from the Charter Commission to add, eliminate, modify or change any provision of the Org. Act must be approved by at least ten members of the Charter Commission. No vacancy on the Charter Commission shall impair the authority of the Charter Commission to carry out its duties under this Executive Order.

(d) The Charter Commission shall have the authority to adopt by-laws, rules or regulations governing its operations, establish its schedule and it may organize itself into such committees and sub-committees as it deems necessary and appropriate.

(8) The Charter Commission shall work with the County's Executive Assistant to gather any and all county related information necessary to advance its work.

(9) The Charter Commission shall refer to all previous studies of the DeKalb County government. It shall specifically consider the reports of the two previous charter commissions created by the General Assembly: the Local Government Commission (1954) and the DeKalb County Government Reorganization Commission (1979).

(10) The CEO requests the DeKalb County governing authority (Governing Authority) and the Charter Commission to agree that the Charter Commission must conduct a mutually agreed upon number of public hearings throughout the County, to include but not be limited to each commission district during its study period and deliver mutually agreed upon periodic written and oral updates to the Governing Authority.

(11) All meetings held by the Charter Commission shall be open to the public and meeting notices shall be widely distributed through local publications, the internet and electronic mail. Proceedings of the Charter Commission shall be taped and available for on-demand viewing on the County's website. The County shall create a specific website for the work of the Commission where presentations, background materials, minutes of the meetings and other documents can be accessed by the public. An opportunity for public comments will be allowed at each meeting.

(12) The Charter Commission shall submit its final written recommendation(s) to include the appropriate form of government of DeKalb County and/or any suggested changes to the Org. Act no later than December 31, 2020 to the CEO and BOC.

(13) A copy of the final report shall also be presented to each member of the General Assembly from DeKalb County, the Governor, the Lieutenant Governor, Speaker of the House and chairpersons of the Senate State and Local Governmental Operations committee and the House Governmental Affairs committee.

(14) Any changes to the governance structure of DeKalb County should be advanced through local act of the General Assembly (i.e., local legislation) sponsored by elected officials representing a portion of DeKalb County.

This Order is effective immediately.

So issued this _____ day of _____ 2019.

Michael L. Thurmond
Chief Executive Officer
DeKalb County, Georgia

ATTEST:

Barbara H. Sanders, CCC
Clerk to the CEO and BOC

This Executive Order shall remain in the custody of the County Clerk. Certified copies are available upon request.

March 25, 2019



December 31, 2019

To: DeKalb County Charter Review Commission Members

Re: DeKalb County Charter Review Informational Meeting

Dear Commission Members,

Thank you for agreeing to serve on the DeKalb County Charter Review Commission (Commission). I realize this is a significant commitment on your part and I appreciate your willingness to serve on this important initiative.

The Commission is authorized by Executive Order to conduct a comprehensive review of the Organizational Act of DeKalb County (Org. Act) to ensure that our government is representative of and responsive to the needs and demands of all citizens of DeKalb County.

If necessary, the Commission is empowered to recommend changes in order to achieve the best delivery of services to the citizens of DeKalb County.

To begin this effort, we will hold our informational meeting on January 29th at 6:30pm in the Manuel Maloof Auditorium, 1300 Commerce Drive, Decatur GA 30033. This meeting will allow you to meet your fellow commission members, your Chair and Vice Chairpersons and review next steps.

I look forward to working with you in 2020 and thank you in advance for the work that you will do on behalf of the citizens of DeKalb County.

Please contact my office to confirm your attendance and to answer any additional questions you may have.

Michael L. Thurmond

Chief Executive Officer
DeKalb County Georgia



Chief Executive Officer
Michael L. Thurmond

Office of the Chief Executive Officer
DeKalb County, Georgia

Michael L. Thurmond
Chief Executive Officer

Board of Commissioners

District 1
Robert Patrick

District 2
Jeff Rader

District 3
Larry Johnson

District 4
Steve Bradshaw

District 5
Mereda Davis Johnson

District 6
Edward "Ted" Terry

District 7
Lorraine Cochran-Johnson

Executive Order No. 2021-001
Creation of a Charter Review Commission to
Examine the DeKalb County Form of Government

WHEREAS, the Chief Executive Officer of DeKalb County (CEO) seeks to provide the highest quality and most efficient government for citizens of DeKalb County, Georgia; and

WHEREAS, the CEO desires a comprehensive review of the Organizational Act of DeKalb County (Org. Act) to ensure that the government of DeKalb County is representative of all citizens of DeKalb County and responsive to the needs and demands of the citizens of DeKalb County; and

WHEREAS, the CEO, through Executive Order No. 2019-001 dated April 9, 2019, did establish a Charter Review Commission; and

WHEREAS, the CEO, through a Revised Executive Order No. 2019-001 did extend certain deadlines included in original Executive Order No. 2019-001; and

WHEREAS, the CEO has determined that further revisions to Revised Executive Order No. 2019-001 are necessary for the Charter Review Commission to complete their charge;

WHEREAS, the CEO would like to review the Org. Act generally to harmonize all parts of the Org. Act and recommend changes in order to achieve the best delivery of services to the citizens of DeKalb County; and

WHEREAS, the ongoing COVID-19 pandemic, resulting in the issuance of emergency declarations at the Federal, State and County levels, has significantly impacted and in some cases fundamentally altered the operations of the DeKalb County Government and has required an increased focus on public health and economic insecurities; and

WHEREAS, the CEO would like to review the Org. Act specifically in light of the impact of the ongoing COVID-19 pandemic and its impacts on County operations in order to: (1) identify potential enhancements and improvements in service delivery or operational structure; and (2) to ensure DeKalb County will be responsive and effective when operating during any future emergency conditions; and

NOW THEREFORE, the Chief Executive Officer hereby issues the following Executive Order, superseding and replacing all versions of Executive Order No. 2019-001

(1) There is hereby created the DeKalb County Charter Review Commission (the Charter Commission).

(2) The Commission shall be composed of 17 citizens of DeKalb County (the County) who have been residents of DeKalb County for at least one year immediately preceding the date of taking office and who remain residents of DeKalb County while in office.

(a) The members of the Charter Commission shall be selected as follows:

(i) One (1) member shall be appointed by the board of education of DeKalb County;

(ii) Three (3) members shall be appointed by the CEO. Those three

members may be appointed from any jurisdiction within DeKalb County. Two (2) of the three (3) CEO appointees shall serve as Chair and Vice-Chair for the commission as designated by the CEO.

(iii) Seven (7) members, each residing in a separate district of commissioner Districts 1 through 7, shall be appointed by the Board of Commissioners (BOC), which shall determine the manner in which it shall consider a prospective member's skills, knowledge, training, and experience which are directly related to the stated duties of the Charter Commission.

(iv) Three (3) members shall be appointed by the DeKalb County delegation in the House of Representatives of the General Assembly, and one (1) may be a member of the DeKalb County delegation in the House of Representatives of the General Assembly.

(v) Three (3) members shall be appointed by the DeKalb County delegation in the Senate of the General Assembly and one (1) may be a member of the DeKalb County delegation in the Senate of the General Assembly; and

(vi) The chairpersons of the DeKalb County delegation of the House of Representatives of the General Assembly and Senate of the General Assembly shall be members of ex officio.

(3) The appointees' names shall be submitted to the Office of the CEO and to the Clerk to the BOC.

(4) Members shall serve without compensation.

(5) In the event any member of the Charter Commission, without good cause, fails to attend three consecutive meetings of the Charter Commission, the member's position on the Charter Commission shall become vacant.

(6) When a vacancy occurs, written notice shall be provided to the entity or official that originally appointed the member who shall fill the vacancy in the same manner as the original appointment. If the appointing entity or official fails to fill the vacancy within twenty (20) business days from written notice, the CEO shall fill the vacancy.

(7) The Charter Commission shall convene from January 1, 2021 to December 31, 2022.

(a) It shall be the duty of the appointed Chair to call an organizational meeting of the Charter Commission. The Chair shall convene the meeting and shall preside over the election of a secretary, and such other officers as the Charter Commission deems necessary, by majority vote.

(b) The Chair shall preside over meetings, to lead and direct the Charter Commission and its activities, and act for the Charter Commission when so authorized by the Charter Commission. In the absence of the Chair, the Vice-Chair shall perform the functions of the Chair. The presence of the Chair or Vice-Chair shall be necessary for the transaction of any business by the Charter Commission.

(c) Eight (8) members of the Charter Commission shall constitute a quorum for the transaction of business. However, any recommendation from the Charter Commission to add, eliminate, modify or change any provision of the Org. Act must be approved by at least ten (10) members of the Charter Commission. No vacancy on the Charter Commission shall impair the authority of the Charter Commission to carry out its duties under this Executive Order.

(d) The Charter Commission shall have the authority to adopt by-laws, rules or regulations governing its operations, establish its schedule and it may organize itself into such committees and sub-committees as it deems necessary and appropriate.

(8) The Charter Commission shall work with the County's Executive Assistant to gather any and all county related information necessary to advance its work.

(9) The Charter Commission shall refer to all previous studies of the DeKalb County government. It shall specifically consider the reports of the two previous charter commissions created by the General Assembly: the Local Government Commission (1954) and the DeKalb County Government Reorganization Commission (1979).

(10) The CEO requests the DeKalb County governing authority (Governing Authority) and the Charter Commission to agree that the Charter Commission must conduct a mutually agreed upon number of public hearings throughout the County, to include but not be limited to each commission district during its study period and deliver mutually agreed upon periodic written and oral updates to the Governing Authority.

(11) All meetings held by the Charter Commission shall be open to the public and meeting notices shall be widely distributed through local publications, the internet and electronic mail. Proceedings of the Charter Commission shall be taped and available for on-demand viewing on the County's website. The County shall create a specific website for the work of the Commission where presentations, background materials, minutes of the meetings and other documents can be accessed by the public. An opportunity for public comments will be allowed at each meeting.

(12) The Charter Commission shall submit its final written recommendation(s) to include the appropriate form of government of DeKalb County and/or any suggested changes to the Org. Act both generally and more specifically in light of lessons learned from operating during the ongoing COVID-19 pandemic no later than December 31, 2022 to the CEO and BOC.

(13) A copy of the final report shall also be presented to each member of the General Assembly from DeKalb County, the Governor, the Lieutenant Governor, Speaker of the House and chairpersons of the Senate State and Local Governmental Operations committee and the House Governmental Affairs committee.

(14) Any changes to the governance structure of DeKalb County should be advanced through local act of the General Assembly (i.e., local legislation) sponsored by elected officials representing a portion of DeKalb County.

This Order is effective immediately.

So issued this 18th day of March 2021.



Michael L. Thurmond
Chief Executive Officer
DeKalb County, Georgia

ATTEST:



Barbara H. Sanders, CCC
Clerk to the CEO and BOC

This Executive Order shall remain in the custody of the County Clerk. Certified copies are available upon request.



Chief Executive Officer
Michael L. Thurmond

Office of the Chief Executive Officer
DeKalb County, Georgia

Michael L. Thurmond
Chief Executive Officer

Amendment Of Executive Order No. 2021-001 “Creation of A Charter Review Commission to Examine the Dekalb County Form of Government” to Extend Duration and All Included Deadlines Through December 31, 2023

WHEREAS, the Chief Executive Officer of DeKalb County (CEO) seeks to provide the highest quality and most efficient government for citizens of DeKalb County, Georgia; and

WHEREAS, the CEO desires a comprehensive review of the Organizational Act of DeKalb County (Org. Act) to ensure that the government of DeKalb County is representative of all citizens of DeKalb County and responsive to the needs and demands of the citizens of DeKalb County; and

WHEREAS, the CEO, through Executive Order No. 2019-001 dated April 9, 2019, did establish a Charter Review Commission; and

WHEREAS, the CEO, through a Revised Executive Order No. 2019-001 and through Executive Order 2021-001 did extend certain deadlines included in original Executive Order No. 2019-001; and

WHEREAS, the CEO has determined that further revisions and an extension of associated deadlines are necessary for the Charter Review Commission to complete their charge; and

WHEREAS, the CEO would like a review the Org. Act generally to harmonize all parts of the Org. Act and recommend changes in order to achieve the best delivery of services to the citizens of DeKalb County; and

WHEREAS, the ongoing COVID-19 pandemic, resulting in the issuance of emergency declarations at the Federal, State and County levels, has significantly impacted and in some cases fundamentally altered the operations of the DeKalb County Government and has required an increased focus on public health and economic insecurities; and

Board of Commissioners

District 1
Robert Patrick

District 2
Michelle Long Spears

District 3
Larry Johnson

District 4
Steve Bradshaw

District 5
Mereda Davis Johnson

District 6
Edward “Ted” Terry

District 7
Lorraine Cochran-Johnson

WHEREAS, extending certain deadlines established by Executive Order No. 2021-001 to December 31, 2023 is necessary for the Charter Review Commission to complete their charge.

NOW THEREFORE, the Chief Executive Officer hereby amends Executive Order No. 2021-001 as follows:

1. Striking the portion of Section 7 of Executive Order No. 2021-001 that reads:

“The Charter Commission shall convene from January 1, 2021 to December 31, 2022.”

and inserting in its place the following:

“The Charter Review Commission shall convene from January 1, 2021 to December 31, 2023.”; and,

2. Striking the portion of Section 12 of Executive Order No. 2021-001 in its entirety and inserting in lieu thereof a new section 12 to read as follows:

“(12) The Charter Commission shall submit its final written recommendation(s) to include the appropriate form of government of DeKalb County and/or any suggested changes to the Org. Act both generally and more specifically in light of lessons learned from operating during the ongoing COVID-19 pandemic no later than December 31, 2023 to the CEO and BOC.”

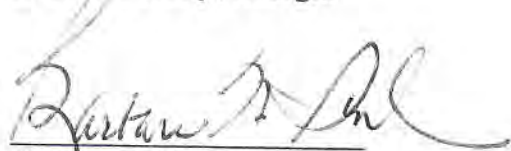
This Amended Order is effective immediately.

So issued this 9th day of February 2023.

ATTEST:



Michael L. Thurmond
Chief Executive Officer
DeKalb County, Georgia



Barbara H. Sanders, CCC
Clerk to the CEO and BOC

This Executive Order shall remain in the custody of the County Clerk. Certified copies are available upon request.

Appendix C: Compiled DeKalb Charter Review Commission Edits & Recommendations

Compiled DeKalb Charter Review Commission Edits & Recommendations

	Claudette Leak	John Turner	Mary Hinkel	Jim Grubiak	Robert Wittenstein
Section 1: Governing Authority	<p>Sec. 1 (c): Add “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.”</p> <p>Sec. 1 (d): Add “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 Sec. 9 and 13)</p>		<p>Comment: Intent of the bifurcation of the governing authority – include a purpose statement referencing “checks and balance” nature of this authority? Assign appropriate authority & power to each branch commensurate with its responsibilities. Will need to be modified if we do away with CEO position.</p>		

	Claudette Leak	John Turner	Mary Hinkel	Jim Grubiak	Robert Wittenstein
Section 2: The Commission	<p>Sec. 2: 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 19th. Or will tonight’s suggestions be forwarded to the subcommittee for its consideration?”</p> <p>Sec. 2 (f): Effective date of term limits should define rotation off by districts. Depending on length of service, this could delay implementation up to 12 years. Recommended language in CL edits.</p>	<p>Sec. 2: Increase the size of BOC from 7 to 11. The new commission districts will include 8 individual districts with the county population subdivided as equally as possible, 2 super districts that cover 4 of the 8 individual districts, and 1 at-large commissioner that would be the Chair of the BOC. This would lower the average district population to about 96,000.</p>	<p>Sec. 2 (a)-(d): Increase the size of the board from 7 to 9 so there are 6 single districts, 2 super districts, and 1 chair (in lieu of a CEO). Single district commissioners are elected by their districts; super districts are elected by half of the county; the chair is elected county wide. The chair gets one vote on matters before the Commission, except for zoning and land use planning. Revise to conform to HB 1250 (2022). Effective Jan. 1, 2023 (based on 2020 census).</p> <p>Sec. 2 (e): Revise age and residency requirements for commissioners to conform to state law: at least 12 years residency in district; and at least 21 years of age upon taking office.</p> <p>Sec. 2 (f): Proposed new section for term limits.</p> <p>See Mary Hinkel’s edit for full language and research from other counties with CEOs nationally.</p>	<p>Sec. 2 (b)-(d): Revise subsections (b), (c), and (d) describing commissioner districts to conform to HB 1250 (2022). Effective Jan. 1, 2023.</p> <p>Sec. 2 (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.”</p> <p>Sec. 2 (e): 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.</p>	<p>Sec. 2: Change section to reflect the following changes: Increase the size of BOC from 7 to 9. Add County Commission Chair who is elected county-wide and add 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.</p> <p>Sec. 2 (e): Replace second sentence of subsection with “Each commissioner shall be elected in accordance with Georgia State law in a method determined by ordinance of the Commission.”</p> <p>Sec. 2 (f): New subsection “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 4 years they may be reelected and serve up to 3 consecutive terms. Commissioners currently seated on the BOC when this is enacted by serving 3 additional terms regardless of the number of terms they have previously served on BOC.”</p>

	Claudette Leak	John Turner	Mary Hinkel	Jim Grubiak	Robert Wittenstein
Section 3: Est. of the Commission			<p>Sec. 3 (a)-(d): Revise to conform to HB 1250.</p> <p>Sec. 3 (e): Revise to be “on first meeting in January” instead of “first day of January.”</p>	<p>Sec. 3 (a)-(d): Revise provisions for electing commissioners to conform to HB 1250 (2022). Effective Jan. 1, 2023.</p> <p>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.”</p>	

	Claudette Leak	John Turner	Mary Hinkel	Jim Grubiak	Robert Wittenstein
Section 4: Running for Other Elected Offices			<p>Sec. 4: Revise to conform to state election law and attorney general’s opinion.</p>	<p>Sec. 4: Replace section with “The office of the chief executive or any member of the commission shall be declared vacant upon such elected official qualifying, in a general primary or general election, or special primary or special election, for another state, county, or municipal elective office or qualifying for the United States House of Representatives or the United State Senate if the term of the office for which the chief executive or commissioner is qualifying for begins more than 30 days prior to the expiration of such official’s present term of office, The vacancy created in any such office shall be filled as provided by Chapter 2 of Title 21 of the Official Code of Georgia Annotated, as now or hereafter amended.”</p>	

	Claudette Leak	John Turner	Mary Hinkel	Jim Grubiak	Robert Wittenstein
Section 5: Chief Executive			<p>Sec. 5: Remove “CEO.” Replace with a “Board Chair.” If CEO position isn’t removed, at least review powers and duties and reassign some to COO.</p>		<p>Sec. 5: Remove the 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.</p> <p>Sec. 5: Add “Effective January 1, 2032, implement a County Manager form of government where the County Manager is hired by the County Commission and is responsible to the County Commission for running the day-to-day operations of the County. A County Commission Chairperson shall be elected county-wide and shall preside over the County Commission and represent the County. Prior to January 1, 2032, amendments to the charter shall be made to ensure a proper transition to the new form of government.”</p>

<p>Section 6: Vacancies</p>	<p>Sec. 6 (b): Add “180 days or more remain in the unexpired term of office, the presiding officer shall immediately notify the election director, upon receipt of said vacancy, for the election director of Dekalb County to begin the election process.” Also add after the first sentence “Upon completion of the election process and the election of a successor, the executive assistant shall assume the interim responsibilities of the chief executive.”</p> <p>Sec. 6 (b)(1): New section “Should multiple commission vacancies occur simultaneously, but do not create affect the commissions ability to maintain a quorum of four (4) members, or to conduct votes requiring a supermajority of five (5) votes, the procedures in Section 6(b) shall apply.”</p> <p>Sec. 6 (b)(2): New section “Should multiple commission vacancies occur simultaneously resulting in the commission’s ability to maintain four (4) votes for a quorum or to conduct votes requiring a supermajority of five (5) votes, the following will occur:” A legal opinion is needed to address the applicable language for situations of at least</p>	<p>Sec. 6: Replace “presiding officer of the commission” with “chair of the commission” throughout section.</p> <p>Sec. 6 (e): Add “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.” to the last sentence of the subsection.</p> <p>Sec. 6: Comment “The full-time chair of the commission would replace the current process of rotation of the presiding officer. The eight individual and two super district commissioners would be able to focus their attention on their districts, and not have the additional responsibilities of presiding officer.”</p>	<p>Sec. 6 (c): Add “Suspension from office. Upon the suspension from office of the CEO or a commissioner in any manner authorized by the general laws of the State of Georgia, a successor for the duration of the suspension shall be secured in the manner described below: a. For a CEO suspension, the presiding officer of the board assumes the role as Interim CEO and shall exercise the powers of the chief executive officer while continuing to serve as a member of the commission and continuing to preside at commission meetings. The interim CEO shall not be authorized to discharge the executive assistant. b. For a Commissioner suspension, the chief judge of the superior court shall appoint an Interim Commissioner who meets the qualifications and residency requirements for the office.”</p> <p>Sec. 6: Agree with Jim Grubiak on 6(b) and (d).</p> <p>Sec. 6: Possible language from the Model Charter could be added to the section.</p> <p>See MH notes for examples.</p>	<p>Sec. 6 (a): Insert after “reason” and before “shall be filled” “and temporary vacancies created by suspension of a chief executive or a commissioner pursuant to O.C.G.A. §45-5-6 as now or hereafter amended,”</p> <p>Sec 6 (b): Replace with “not less than twenty-nine (29) nor more than forty-five (45) days after the issuance of the call, and shall be held...”</p> <p>Sec 6 (b): Replace “Code Title 34, known as the "Georgia Election Code" [O.C.G.A. § 21-2-1, et seq.],” with “Chapter 2 of Title 21 of the Official Code of Georgia Annotated,”</p> <p>Sec 6 (c): Create a new subsection © starting at “If the vacancy...”</p> <p>Sec 6 (c)(1): Replace “the” with “a” and delete “is.”</p> <p>Sec 6 (c)(1): add “occurs when at least one hundred eighty (180) days remain in the unexpired term of office,” after “the office of the chief executive.”</p> <p>Sec (c)(2): Make current subsection (c) into (c)(2).</p> <p>Sec (c)(3): Make new subsection (c)(3), “In the event a temporary vacancy occurs as a result of the suspension of a chief executive, the presiding officer of the commission shall exercise the powers and duties of the chief executive for the period beginning on the date the suspension</p>	<p>Sec. 6 (b): Replace “presiding officer of the commission” to “executive assistant/chief operating officer.”</p> <p>Sec. 6 (b): Remove “except as provided in subsection (e) of this section,”</p> <p>Sec. 6 (c): Remove section.</p> <p>Sec. 6 (d): Change (d) to (c).</p> <p>Sec. 6 (e): Remove section.</p>
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<p>180 days remaining on unexpired term and less than 180 days remaining on unexpired term.</p> <p>Sec. 6 (c): Continue changes made to 6(d) concerning vacancies.</p> <p>Sec. 6 (d): Add after “unexpired term in office,” “the remaining members of the commission, with a supermajority vote, shall appoint a qualified person to fill such vacancy for the unexpired term.”</p> <p>Sec. 6 (f): Add at the end of current language “creating a vacancy on the commission, the commissioners, by supermajority vote, shall select an interim commission replacement until the completion of the presiding officer’s unexpired term provided.”</p>			<p>occurs and ending with the unexpired term of the suspended chief executive, until the office of the suspended chief executive is vacated by operation of law, or the suspended chief executive is reinstated, whichever occurs first.”</p> <p>Sec. 6 (d): Add “a majority of” before the remaining members.”</p> <p>Sec. 6 (d): Add “Such appointment shall be made within 30 days of the occurrence of the vacancy. If the appointment required by this subsection is not filled by the commission within the time specified, the chief judge of superior court shall make the appointment within the next 30-day period.” After “the unexpired term.”</p> <p>Sec. 6. (e): Delete “(b) and” and replace “executive assistant” with “chief operating officer.”</p> <p>Sec. 6: Add a section (f) with the following 3 subsections, “(1) In the event the chief executive is suspended or vacates the office for any reason, a qualified person shall be appointed to fill the temporary vacancy on the commission created by the presiding officer serving as the chief executive. (2) In the event a commissioner is suspended, a qualified person shall be appointed to fill the temporary vacancy on the commission created</p>	
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	Claudette Leak	John Turner	Mary Hinkel	Jim Grubiak	Robert Wittenstein
				<p>by the suspension.</p> <p>(3) The appointments required by paragraphs (1) and (2) herein shall be for the unexpired term of the official, until the office of a suspended official is vacated by operation of law, or a suspended official is reinstated, whichever occurs first. Such appointment shall be made in the manner specified in paragraph (d) above.</p>	
Section 7: Oath & Bond	<p>Sec. 7: Question: “Is a signed affidavit required to provide for the true and faithful performance of their duties and that they are not the holders of any public funds unaccounted for?”</p> <p>Sec. 7: Amend section to add at end of first sentence “before the judge of the probate court of DeKalb County for the true and faithful performance of their duties and that they are not the holders of any public funds unaccounted for and shall sign an affidavit attesting to not holding unaccounted public funds prior to the chief executive and members of the commission taking an oath.”</p>		<p>Sec. 7: Add second paragraph “The CEO and each commissioner are trustees and servants of the residents of the county and all act in a fiduciary capacity for the benefit of such residents.”</p> <p>Sec. 7: Add to section title so it reads “Oath, Bond, and Fiduciary Capacity.”</p>		<p>Sec. 7: Remove “and Bond” from section title.</p> <p>Sec. 7: Remove last part of section starting with “In addition the chief” to the end of the section.</p>

<p style="text-align: center;">Section 8: Compensation</p> <p>Sec. 8: Amend section to reflect changes in HB 694 approved by the General Assembly and effective July 1,2023. The provisions of any other law to the contrary notwithstanding.</p> <p>Sec. 8 (a)(1) and (2): Delete current sections and replace to reflect HB 694 changes: “In addition to any compensation provided for in an Act providing a supplement to the compensation, expenses, and allowances of the judges of the Stone Mountain Judicial Circuit, approved March 21, 1974 (G. L. 1974, p391), as amended, beginning July 1, 2023, the salary supplement provided by DeKalb County to the superior court judges of the Stone Mountain Judicial Circuit shall be increased in the amount of \$21,489.00.”</p> <p>Sec. 8 (b): New section “the official of DeKalb County listed below shall be the following percentages of the gross salary as defined in Section 1 of HB 694: 1. CEO = 100% (\$21,489) 2. Member of the BOC =31.9% (\$6,876).</p> <p>Sec. 8 (c): New section “The General Assembly has the authority to increase supplemental compensation for judges, and to amend an Act</p>		<p>Sec. 8: Comment: “specific dollar figures should be publicly available somewhere on the county website).”</p>	<p>Sec. 8: Replace with ““Compensation of the chief executive and commissioners including salary, compensation, expenses and expenses in the nature of compensation, may be fixed by an act of the General Assembly or by the governing authority in accordance with O.C.G.A. §36-5-24 and §§36-5-27 through 29, as now or hereafter amended.”</p>	<p>Sec. 8 (1): Insert “Upon election” at beginning of list.</p> <p>Sec. 8 (1): Remove “which he received in 1991” and add “set by the Georgia state legislature provided to newly appointed Superior Court judges. Annual salary adjustments shall be in an amount equal to the Consumer Price Index (CPI) plus one (1) percent” and remove “to be paid in equal monthly installments;”</p> <p>Sec. 8 (2): Replace “nineteen (19)” with “seventy-five (75)”</p>
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	Claudette Leak	John Turner	Mary Hinkel	Jim Grubiak	Robert Wittenstein
	<p>providing for the compensation of certain county officers and officials of DeKalb County, approved March 31, 1976 (Ga. L. 1976, p.3986), as amended, so as to revise the compensation of certain judges, judicial officers, and county officers; to provide for an effective date; to repeal conflicting laws; and for other purposes.”</p>				

<p style="text-align: center;">Section 9: Powers & Duties of the Commission</p> <p>Sec. 9 (a): Add “implementation, and oversight” after “to compel enforcement,” in second sentence.</p> <p>Sec. 9 (b): New section “The following powers are hereby vested in the commission: (1) The chief executive has exclusive powers to supervise and direct staff on the implementation of resolution, or ordinance entered on its minutes, policies, rules, and regulations governing all matters reserved for its jurisdiction. The commission shall have the authority to establish rules to ensure the implementation and enforcement of governing matters of irregularities identified by the Independent Internal Auditor and/or the Board of Ethics.”</p> <p>Sec. 9 (b): Amend to include provide implementation and enforcement of the commission’s policies and governance resulting from the commission’s official actions.</p> <p>Sec. 9 (c): Amend to include action commission can take if the chief executive fails to implement adopted, policies, regulations, ordinance.</p> <p>Sec. 9 (c): Add “failure to implement” after “punishment for violation,”</p>		<p>Sec. 9 (a): Change “legislate” to replace “oversight.”</p> <p>Sec. 9 (a): Proposed new power of control over hiring of planning director. “Nominate the planning director (CEO confirms) and have the planning director hired using an employment contract so that it can be renewed, revised, extended, or canceled by the Commissioners.” See MH edit for details.</p> <p>Sec. 9 (a): Proposed new power to adopt ordinances structuring the means to promulgate administrative procedures for the operation of county government. See MH edit for details.</p> <p>Sec. 9 (a): Proposed new power to make inquiries of department heads for the purpose of obtaining information needed in discharge of duties including responding to constituents concerns and to share information with the whole commission as warranted.</p> <p>Sec. 9 (a): Power to compel attendance at BOC meetings and sworn testimony of CEO and any county employee by subpoena, if necessary, subject to the policy of the BOC as established by its rules (included in GA Model County Charter, p. 21-22). This is to give the commissioners a formal mechanism to check executive/administrative activities to follow-up decisions.</p> <p>Sec. 9 (a): Power to enter into inter-governmental agreements with DeKalb municipalities to share in provision of</p>	<p>Sec. 9 (a): Add “legislative” before policy-making or rule-making body</p> <p>Sec. 9 (a)(10): Replace “unless approved, prior to consideration and adoption by the governing authority, by the member or members of the commission representing the district or super district in which the subject property is located.” with “without an affirmative vote from either the district or super district commissioner in whose district the subject property is located.”</p> <p>Sec. 9 (a)(18): Revise to conform to state law about business and occupation taxes or delete that language and instead refer to DeKalb’s business and occupation tax ordinance.</p> <p>Sec. 9 (c): Amend to conform to O.C.G.A. §36-1-20. Delete “labor on a work gang.” Max jail time should be 60 days. Add reference to the Clean Water Act penalty exception “up to \$1000 per day.”</p>	<p>Sec. 9 (a)(10): Remove “provided, however, that no planning or zoning ordinances shall become effective unless approved, prior to consideration and adoption by the governing authority, by the member or members of the commission representing the district or super district in which the subject property is located.”</p>
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	Claudette Leak	John Turner	Mary Hinkel	Jim Grubiak	Robert Wittenstein
			services where duplication of services occurs and both the county and the municipalities benefit from sharing the load.		
Section 10: Audits	<p>Sec. 10 (b): Amend to define the responsibility and action to be taken by the executive officer and commissioner when irregularities are reported to the commission as an audit finding.</p> <p>Sec. 10 (c): Amend to reflect who has authority to act upon and to correct any irregularities.</p>		Agree with Jim Grubiak's recommendations.	<p>Sec. 10: Change title of section to "Annual Financial Audits."</p> <p>Sec. 10 (a): Remove "screens and" from third sentence.</p> <p>Sec. 10 (a): Add to the end "The recommended outside auditor shall be selected from the list of auditors recommended by the audit oversight committee pursuant to Section 10A (n)(9) of this act."</p> <p>Sec. 10 (b): Remove end of first sentence from "the act providing" to "[O.C.G.A. § 36-60-8]."</p> <p>Sec. 10 (b): Change second sentence to say "Section 36-60-8 and Article 1 of Chapter 81 of Title 36 of the Official Code of Georgia Annotated, as now or hereafter amended."</p> <p>Sec. 10 (c): Remove "complete the audit in compliance" to "each year, and" from first sentence.</p> <p>Sec. 10 (c): Remove the second "the auditor shall" from first sentence.</p>	

	Claudette Leak	John Turner	Mary Hinkel	Jim Grubiak	Robert Wittenstein
Section 10A: Independent & Internal Audit	<p>Sec. 10A: Comment “No O.A. mention of action the BOC can exercise to address irregularities. Recent Oracle audits were prevented from release by CEO.”</p> <p>Sec. 10A (g)(8): New non-audit contract reviews: The auditor shall oversight in reviewing contracts and non-audit contract reviews submitted by purchasing and contracts to the OIIA, prior to approval by the commission to ensure the county receives the best value for its funds.”</p> <p>See CL notes for examples and further explanation.</p>		<p>Sec. 10A: Agree with most of Jim Grubiak’s recommendations except for 10A(d), would like to keep the 2-term max for internal auditor or find best recommended practice.</p> <p>See MH notes for further questions related to the section.</p>	<p>Sec. 10A (d): Add subsection (d)(1) and (d)(2).</p> <p>Sec. 10A (j)(4): Replace existing “sixty (60) days” with “thirty (30) days.”</p> <p>Sec. 10A (n)(9)(a): Amend first sentence to say “Selecting not fewer than two (2) nor more than three (3) nominees for the position of independent internal auditor...”</p> <p>Sec. 10A (n)(9)(g): Amend first sentence to say “selection process for the outside auditing firm conducting annual financial statement audits required by Section 10 of this Act,”</p> <p>Sec. 10A (n)(9)(h): Amend to say “Evaluating the outside auditing firm providing annual financial statement auditing services pursuant to Section 10 of this act and providing oversight of that audit...”</p>	

<p style="text-align: center;">Section 10A: Independent & Internal Audit</p>	<p>Sec. 10A (j)(4): Amend section to say “Any agency failing to respond to audit findings within 60 days shall be deemed non-compliant and the chief executive officer shall be required to provide a written justification for a lack of response and to provide a date on which the response will be provided to the chief audit executive.”</p> <p>Sec. 10A (j)(7): Add subsection (j) 7 To require service benchmarking of key performance metrics. “To track performance and efficiency of government services is to compare key performance metrics associated with the provision of services to those of similar situated governments with similar services (e.g. Cobb, Gwinnett). The Independent Internal Audit shall include benchmarking in its individual agency audit reports and include benchmarking in its annual report to the chief executive and commissioners. The independent Internal Audit may commission such studies outside entities with experience in performing such studies based on criteria established by the auditor and in consultation with the audit oversight committee. Such studies shall be presented publicly to the</p>				
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	Claudette Leak	John Turner	Mary Hinkel	Jim Grubiak	Robert Wittenstein
	<p>audit oversight committee, chief executive, and the commission. Studies shall be posted to the Independent Internal Audit website.”</p> <p>Sec. 10A (n)(1): Add to the end of the section “No member of the audit oversight committee shall be appointed by the chief executive or commission.”</p>				
Section 11: Presiding Officer	<p>Sec. 11 (a): Add “If the members of the commission are equally divided, the agenda item shall be considered to have failed approval.” to end of subsection.</p> <p>Sec. 11 (b): Add “Should the commission fail to agree upon a new presiding officer, the deputy presiding officer shall automatically become the presiding officer for one year.”</p> <p>Sec. 11 (c)(2): Delete last sentence referencing rejection of committee appointments by presiding officer.</p>	<p>Sec. 11 (a): Add “the chief executive shall have no vote at any regular or specially called meeting of the commission” and remove the tie vote condition to this section.</p> <p>Sec. 11 (b): Add “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 Super district commissioners. The member serving as vice chair shall retain all rights, powers and duties as a member of the commission.”</p> <p>Sec. 11 (c): Replace “presiding officer of the commission” with “chair of the commission” in all instances from subsection 1 through 4.</p>	<p>Sec. 11 (a): Move to Sec. 12 or Sec. 13 because of references to CEO.</p> <p>Sec. 11 (d): If agreement is reached that the Presiding Officer retains his/her role with the commission while serving temporarily as CEO then delete “or in the event of the presiding officer exercises the powers of the chief executive pursuant to subsection X of section 6 of this act...”</p>	<p>Sec. 11 (a): Delete this subsection, which limits the role of the CEO regarding voting at meetings and move it to Section 12 (Meetings).</p>	<p>Sec. 11 (a): Remove subsection.</p> <p>Sec. 11 (b): Replace section with “The presiding officer of the county commission shall be the County Commission Chair elected county-wide by the citizens of DeKalb County. At the first regular meeting in January of each year, the commission shall elect from its membership a deputy presiding officer.”</p> <p>Sec. 11 (d): Remove “or in the event the presiding officer” to “section 6 of this act,”</p> <p>Sec. 11 (d): Replace “presiding officer” with “County Commission Chair”</p> <p>Sec. 11 (d): Replace “the commission at the first regular meeting held during the next succeeding January” with “the citizens of DeKalb County.”</p>

	Claudette Leak	John Turner	Mary Hinkel	Jim Grubiak	Robert Wittenstein
Section 11: Presiding Officer		Sec. 11 (d): Change language to “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.”			
Section 12: Meetings	Sec. 12: Amend section to make sure all meetings of the commission shall be conducted in accordance with the Georgia Open Meetings Act. Add “with a published time allotted for public comment.” at the end of the section.	Sec. 12: Change 4 members of the commission to “the chair of the commission, or any six (6) members of the commission,” Sec. 12: Change references to “presiding officer” to “the chair of the commission” throughout section. Sec. 12: Change any reference of “at least four (4) members of the commission, or three (3) members and the presiding officer.” to “at least six (6) members of the commission, or five (5) members and the chair.”	Sec. 12: Agree with Jim Grubiak’s recommendations. Sec. 12: Recommend that BOC look at its meeting procedures and rules from viewpoint of public and move matters of intense public interest or importance to top of agenda. Sec. 12: Recommend that every commissioner have evening weekend town hall meetings at least quarterly and/or as needed.	Sec. 12: Insert the text deleted from subsection (a) of Section 11 at the end of Section 12. “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.”	Sec. 12: Replace “any four (4)” with “by a majority of the.” Sec. 12: Replace “the presiding officer and any three (3)” with “A majority of the.” Sec. 12: Remove “or any four (4) member of the commission exclusive of the presiding officer” from the second sentence. Sec. 12: Replace “at least four (4)” with “a majority of the.” Sec. 12: Remove “or three (3) members and the presiding officer” from second to last sentence of section.

<p>Section 13: Powers & Duties of the Chief Executive</p>	<p>Sec. 13 (a): Amend section to say “The chief executive, subject to the approval of the commission, shall establish rules to regulate purchasing for all county departments, offices, and agencies of the county government, with the exception of the tax commissioner, clerk of the superior court, district attorney, and sheriff.”</p> <p>Sec. 13 (b): Amend section to say “Except for contracts of employment the commission shall authorize all contracts involving the expenditure of county funds in excess of one hundred thousand dollars (\$100,000.00). The chief executive shall be authorized to provide employment contracts for all department directors under the chief executive’s supervision authority effective with vacancies occurring after the effective date of this Act. Within the budgetary limitations, the chief executive shall fix the compensation of department heads.</p> <p>Sec. 13 (b): Add as last line in this section Failure to provide the commission requests for information, the chief executive must provide written response as to the reason for denial of the request. In such instance, the</p>		<p>Sec. 13: Replace “Executive Assistant” with “County Manager” throughout section.</p> <p>Sec. 13 (a): Delete “exclusive” and “direct and control” in first sentence.</p> <p>Sec. 13 (a): Add to second sentence “The chief executive shall ensure that the administration, led by the county manager, carries out, executes, and enforces all ordinances...”</p> <p>Sec. 13 (a): Change “deal solely through” to “communicate with.”</p> <p>Sec. 13 (a): Add “or preclude the Board of Commissioners from structuring formal, published administrative procedures and ensuring their implementation.” at end of subsection.</p> <p>Sec. 13 (b): Add “Subject to the approval of the commission expressed through a resolution authorizing the action, of the chief executive and county manager, acting together” in the first sentence of the subsection.</p> <p>Sec. 13 (b): Amend second sentence to say “Subject to the approval of the commission, the chief executive and county manager, acting together, may create...”</p> <p>Sec. 13 (b): Amend “Regular reporting of any such changes shall be published via the county website.” at the end of the subsection.</p> <p>Sec. 13 (c)(1): Change third sentence to say “Within the budgetary limitations, the chief executive shall recommend the compensation of the county manager and the county attorney for confirmation by the</p>	<p>Sec. 13 (a): Revise first sentence to say “Except as otherwise provided in this act, the chief executive shall...”</p> <p>Sec. 13 (a): Revise the third sentence to say “the chief operating officer” instead of “his executive assistant.”</p> <p>Sec. 13 (a): Revise the last sentence to say “Nothing herein shall be construed to preclude any commissioner from seeking information necessary to the establishment of policy or the enactment of legislation from any person, including any employee of DeKalb County. The chief operating officer, or his designee, shall be copied on any such inquiry. The chief operating officer shall coordinate the response to inquiries directed to the administration by members of the commission and shall be responsible for such requests being answered in a timely manner.”</p> <p>Sec. 13 (b): Amend first sentence “subject to the approval by resolution of the commission.”</p> <p>Sec. 13 (b): Amend second sentence to also say “by resolution” after “subject to the approval.”</p> <p>Sec. 13 (c)(1): Replace “executive assistant” with “chief operating officer” throughout subsection.</p> <p>Sec. 13 (c)(1): Add at the end of the paragraph “The chief executive shall nominate the chief operating officer</p>	<p>Sec. 13: Changes throughout section from “chief executive” to “county manager.”</p> <p>Sec. 13 (a): Remove “his executive assistant’s office” to “his/her office.”</p> <p>Sec. 13 (c)(1): Remove subsection.</p> <p>Sec. 13 (e) and (f): Remove subsections.</p> <p>Sec. 13 (g): Add to first sentence “The county manager may make recommendations to the independent auditor to investigate...”</p> <p>Sec. 13 (h): Remove subsection.</p>
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<p>commission may use its subpoena powers to compel the production of requested information.</p> <p>Sec. 13 (e): Add “CEO hiring responsibility shall include the authority to change department head designation from merit system-based hiring to contracts. This provides the CEO flexibility to ensure responsibility, accountability, and transparency for the effective delivery of services to DeKalb County citizens. This change becomes effective July 2024 as directors (department heads) retire, resign, or for any reason that renders the position vacant. The Attorney, Finance Director, Planning & Sustainability, and Human Resources positions are exempt from this provision, and shall remain under the Merit System. Updates to Chapter 20 of the Code of DeKalb should reflect this change.”</p> <p>Sec. 13 (c)(1): Add new language after “requirements of section 14 of this act.” stating “The county attorney shall be subject to the requirements of section? (add a section).”</p> <p>Sec. 13 (c)(1): Add new language change sentence that begins with “No member of the commission</p>		<p>commission. Both of said officers shall serve at the pleasure of the chief executive- - but a discharge of these employees shall be subject to the approval of the commission.”</p> <p>Sec. 13 (c)(2): Move subsections to county manager position.</p> <p>Sec. 13 (d): Move subsection to county manager position.</p> <p>Sec. 13 (g): Add “Final reports from these investigations shall be made public at a commission meeting and posted to the county website.” to the end of the subsection.</p> <p>Sec. 13 (i): Add “and on the county website” to the end of the third sentence.</p> <p>Sec. 13 (i): Add “A summary shall also be communicated to the public in a format more easily understood by the general public and shall provide summary information on the top forecasted expenditures that require 80 percent of expected total revenues. The summary information shall also include each Department Director’s name, number of employees, and number authorized vs. number paid, previous year budget and proposed year budget, and the last two years of actual expenditures separated by salaries, outside fees, and contracts, materials, etc.” before last sentence of the subsection.</p>	<p>and the county attorney no later than last day of January in each odd-numbered calendar year unless the time for nomination is extended by resolution of the commission. The officials appointed pursuant to this paragraph shall be at-will employees subject to employment agreements between the county and said officials.”</p> <p>Sec. 13 (c)(2): Remove “planning director” from subsection.</p> <p>Sec. 13 (d): Amend paragraph to say “the chief executive shall, except as otherwise provided in this act, have exclusive authority to appoint, remove, and fix the compensation of all employees and officials...”</p> <p>Sec. 13 (h): Amend paragraph “The chief executive shall manage all external relationships for the county including but not limited to relationships with the U.S. Congress, the Georgia General Assembly, and Federal, state, regional and local government agencies and organizations including DeKalb municipalities and other county governments. The CEO shall represent the county in all such intergovernmental matters. The chief executive shall also manage all internal relationships including but not limited to relationships with the board of commissioners, other</p>	
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	Claudette Leak	John Turner	Mary Hinkel	Jim Grubiak	Robert Wittenstein
	<p>or the commission itself shall be authorized to nominate persons for” by adding “the department director, including the planning director. Within the budgetary limitations, the chief executive shall fix the compensation of the executive assistant, the county attorney, and department directors.”</p> <p>Sec. 13 (c)(2): Amend section to say “the chief executive shall appoint the finance director.”</p> <p>Sec. 13 (c)(2): Delete the appointment of planning and merit system directors to a contract status and remove from being subjected to the merit system regulations.</p> <p>Sec. 13 (g): Add “The chief executive and the commission shall have power to investigate” to the beginning of the section.</p> <p>Sec. 13 (i): Add “and to the county’s website” at the end of the third sentence of the section.</p>		<p>See MH notes for more specific replacements of “county manager” in place of “executive assistant” and further detail.</p>	<p>elected county officers and officials, and the judiciary, as well as all appointed boards, commissions, authorities and similar organizations of the county. The chief executive shall seek...”</p>	

	Claudette Leak	John Turner	Mary Hinkel	Jim Grubiak	Robert Wittenstein
Section 13A: Appointments to Public Office	<p>Sec. 13A: Request clarity from County Attorney: When referring to the governing authority, does this mean both the legislative or administrative branch combined? Or, can each branch independently act as a governing authority?</p> <p>Sec. 13A (a)(1)(A): Amend section to start with “Within 60 days of receiving notification of an expired term, the chief executive shall nominate a person by sending a written notice to the commission. Within 10 days of receiving notification of a vacancy, chief executive shall nominate a person by sending a written notice to the commission, the appointment term, list of other county boards/agencies on the which the candidate serves at the time of nomination, and the name of the person nominated by the chief executive.”</p>		<p>Sec. 13A (a)(2): Add “as soon as practicable, but not more than ninety (90) days after learning of the need to fill the post or vacancy. If vacancies known by the chief executive officer are unfilled ninety (90) days after the date on which the post or vacancy should be filled, the commission shall be allowed to offer nominations for consideration.” to the end of the subsection.</p>	<p>Sec. 13A (a)(1)(B): Add to the end of the subsection “If the commission does not confirm or reject the nomination by the chief executive within the time specified herein, the nomination shall stand confirmed.”</p> <p>Sec. 13A (a)(1)(D): Add to the end of the subsection “If the commission does not confirm or reject the nomination by the chief executive within the time specified herein, the nomination shall stand confirmed.”</p> <p>Sec. 13A (a)(1)(F): Add new subsection (F) “Notwithstanding the provisions of subparagraph (A) of this paragraph, if the chief executive does not nominate a person to fill a post or vacancy as required by this subsection within 30 days of the date the vacancy occurs, the commission shall, within 30 days thereafter, either at a regular or called meeting, elect a qualified person to fill the post without the necessity of a nomination by the chief executive. The requirements of this paragraph shall apply to appointments to all DeKalb County boards, authorities, and other organizations unless state law creating the post provides that the position be filled by the chief executive.”</p>	<p>Sec. 13A: Remove 13A as it is currently written and replace with new section detailed in RW notes.</p>

	Claudette Leak	John Turner	Mary Hinkel	Jim Grubiak	Robert Wittenstein
Section 13A: Appointments to Public Office	See CL notes for further details and explanations.			Sec. 13A (e)(1): Add new subsection (e) “(1) The chief operating officer shall coordinate and supervise the process for making appointments vested in the chief executive and the commission by maintaining a roster of all such appointments, identifying vacancies and the timing of vacancies, and reporting same to the chief executive and the commission on a timely basis.” “(2) The chief operating officer shall post on the county website the roster of appointments and public notices announcing the existence and status of vacancies including the schedule for making appointments.”	

<p style="text-align: center;">Section 14: Chief Operating Officer & Administrators</p>	<p>Sec. 14: Add new subsection “A copy of the final budget adopted shall be transmitted by the chief executive to the grand jury of DeKalb County Superior Court then in session within ten (10) days of its adoption.” Claudette Leak comment: Amend to specify how the executive assistant’s roles are defined and experienced.</p> <p>Sec. 14: “...fix the compensation of two administrators and three Deputy COOs (Infrastructure, Development, and Public Safety) and include these positions on the county’s organizational structure.” The distinction between the administrators and the Deputy COOs is that administrators may assist the COO in the broader countywide operations and Deputy COOs assist in administration of operations within their specified departments. Vacancies shall be filled within 60 days of the position being vacated.”</p>		<p>Sec. 14: Change section title to “County Manager; Administrators.”</p> <p>Sec. 14: Change “executive assistant” to “county manger” throughout section.</p> <p>Sec. 14 (a): Add “every four years” to first sentence of the section for chief executive nominations.</p> <p>Sec. 14 (b): Remove section.</p> <p>Sec. 14 (c): Change “college” to “master’s”. Add to the end of the subsection “In lieu of a master’s degree, the executive assistant can have been designated a Credentialed Manager by the International City/County Management Association (ICMA) or designated a Certified Public Manager by the University of Georgia’s Certified Public Manager program).”</p> <p>Sec. 14 (f): Remove “executive assistant in such manner as the chief executive shall direct.” in last sentence of the section.</p> <p>Sec. 14 (g): New subsection “The County Manager shall hire, direct, and supervise department heads and set their salaries in contracts to be approved by the Commission.”</p>	<p>Sec. 14: Change section title to “Chief Operating Officer; Duties; Administrators.”</p> <p>Sec. 14: Change all references of “Chief Executive” to “Chief Operating Officer” throughout section.</p> <p>Sec. 14 (a): Amend section to say “Subject to the qualifications for said office as hereinafter provided in this section, the chief executive shall nominate a chief operating officer whose nomination shall be subject to confirmation by the commission.”</p> <p>Sec. 14 (b): Amend section by adding “In furtherance of this subsection, the chief executive may delegate to the chief operating officer matters concerning the operation, supervision, and administration of one or more of the departments or agencies within the scope of the chief executive’s authority, including, but not limited to, appointment, compensation and removal of department directors and other employees of the county.”</p> <p>Sec. 14 (f): Amend first sentence to start with “The chief operating officer shall, following consultation with the chief executive,”</p> <p>Sec. 14 (f): Add new second and third sentences “The assistants appointed pursuant to the subsection shall be at-will employees subject to employment agreements between</p>	<p>Sec. 14: Change title of section to “Chief Operating Officer; administrators.”</p> <p>Sec. 14: Change references to “executive assistant” to “chief operating officer” throughout section.</p> <p>Sec. 14 (c): Amend section to require chief operating officer to hold a “master’s degree” instead of a “college degree.”</p>
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	Claudette Leak	John Turner	Mary Hinkel	Jim Grubiak	Robert Wittenstein
				<p>the county and said employees. Additional assistants to the chief operating officer may be employed under the terms of this subsection if such additional positions are included in a county budget proposed by the chief executive and approved by the commission.”</p> <p>Sec. 14 (g): Add new subsection that says “Pursuant to subsection (b) of this section, the chief executive may delegate to the chief operating officer matters concerning the operation, supervision, and administration of one or more of the departments or agencies within scope of the chief executive’s authority, including but not limited to, appointment, compensation, and removal of department directors and other employees of the county.”</p>	
Section 15: Veto Power of CEO				<p>Sec. 15 (a): Add to the end of subsection “If the chief executive does not approve or veto an ordinance or resolution within eight (8) business days after its adoption by the commission, it shall become effective without the chief executive’s approval.” Amend subsection (b) the same by removing last sentence and adding the above sentence.</p>	Remove section.

	Claudette Leak	John Turner	Mary Hinkel	Jim Grubiak	Robert Wittenstein
Section 16: Comprehensive Development Plan			<p>Sec. 16 (a): Add “long-term” in front of “comprehensive development plan”</p> <p>Sec. 16 (a): Add “to be used as a guide for the growth and development of the county” before “which shall:”</p> <p>Sec. 16 (a)(1): Add “Consider the present and planned physical” to subsection.</p> <p>Sec. 16 (a)(3): Add to the first sentence “identify the general location, character, and extents of streets and thoroughfares.”</p> <p>Sec. 16 (b): Add at the beginning of section “The chief executive officer shall be responsible for the review and revising of the comprehensive development plan in a manner as prescribed by state law and the Board of Commission.”</p> <p>Sec. 16 (b): Add at the end of section “At a minimum, these formal procedures shall include holding public hearings in each Commission district in such manner as the commission shall prescribe by ordinance. The approved Comprehensive Development Plan shall be used as a guide for the preparation of the County’s Capital Improvement Program and Capital Budget, both which shall require public hearings to be held as prescribed by Commission ordinance.”</p> <p>See MH notes for new subsection 16(c) with 6-year development plan.</p>	<p>Sec. 16: Review and revise to ensure that section conforms to state comprehensive planning requirements for preparing, adopting and implementing a comprehensive plan under the Georgia Planning Act and regulations of the Georgia Department of Community Affairs.</p>	

Section 17: Budgeting & Control of Expenditures	<p>Sec. 17: Add new subsection “The chief executive shall submit to the board no later than December 15 of each year a proposed budget governing the expenditures of all county funds, including capital outlay and public works projects for the following calendar year.”</p> <p>Sec. 17: Add “For planning purposes, to ensure adequate prioritization of services, and allocation of budgetary funding, the chief executive shall submit the county’s strategic plan with the chief executive’s budget submission to the commission.”</p>		<p>Sec. 17: Change date for the CEO to submit the budget on September 30.</p> <p>Sec. 17: Remove second sentence of the section.</p> <p>Sec. 17: Add “containing detailed information” in last sentence of third paragraph.</p> <p>Sec. 17: New paragraph after first paragraph “In November, the Chief Executive Officer and members of the Finance, Audit, and Budget Committee of the Board of Commissioners shall hold at least three evening public meetings to present a budget message that explains the general fiscal policies of the county, the important features of the proposed budget, explanations of major changes recommended for the next fiscal year, a general summary of the proposed budget, a summary of the county’s debt position, and other pertinent comments and information.”</p>	<p>Sec. 17: Review to make sure section complies with OCGA 36-81-1.</p> <p>Sec. 17: Add at the beginning of the section “The chief executive shall serve as the county budget officer unless the chief operating officer, the finance director, or some other person is so designated by the chief executive.”</p> <p>Sec. 17: Remove “chief executive officer” and replace with “budget officer.”</p> <p>Sec. 17: Add at the end of the first paragraph “Standards shall be established for the manner in which the budget report from the budget officer to the commission is to be prepared, presented, and supported with the documentation by the budget officer.”</p> <p>Sec. 17: Replace “The chief executive shall cause to be published in the official organ of DeKalb County a copy of the proposed budget along with a notice to the public that a public hearing on the proposed budget shall be held at a time and place certain, which time shall be not less than ten (10) days of [from] the publication.” with “Upon submitting the budget report to the commission, the budget officer shall give notice to the public regarding the availability of the budget report and the schedule of any public hearings required by</p>	<p>Sec. 17: Change “chief executive” to “county manager” throughout section.</p> <p>Sec. 17: Change date of budget submission to “October 1.”</p> <p>Sec. 17: Remove second sentence of section.</p> <p>Sec. 17: Change date for approval and adoption to “December 15” and add “prior to the start of the fiscal year to which it pertains” after. Add a new sentence after this “In the event that the county commission fails to approve a budget by December 15, the budget presented by the county manager shall be automatically adopted until a budget revision is approved by the county commission.”</p> <p>Sec. 17: Remove second to last paragraph of the section.</p>
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	Claudette Leak	John Turner	Mary Hinkel	Jim Grubiak	Robert Wittenstein
				O.C.G.A. § 36-81-1, et seq., as now or hereafter amended. The budget office shall also cause to be published in the official organ of DeKalb County and on the county website a copy of the proposed budget.”	
Section 17: Budgeting & Control of Expenditures			<p>Sec. 17: Add to first section of the third paragraph “and on the website of DeKalb County” before “a copy of the proposed budget.</p> <p>Sec. 17: Change date for approval and adoption to December 15.</p> <p>Sec. 17: Add to fourth paragraph “A copy of the final budget adopted shall be posted on the County website and transmitted...”</p> <p>Sec. 17: Remove fifth paragraph.</p> <p>Sec. 17: Add new paragraph at end of section.</p> <p>See MH notes on new paragraph details and reference to Section 2-113 of Article III Finance.</p>	<p>Sec. 17: Revise last sentence to say “The chief executive shall enforce compliance with this requirement by all departments, offices, or agencies of the county government, including elected county officials, with the exception of the tax commissioner, clerk of superior court, district attorney, probate judge, and sheriff.”</p>	

	Claudette Leak	John Turner	Mary Hinkel	Jim Grubiak	Robert Wittenstein
Section 18: Purchases & Contracts	<p>Sec. 18 (c): Amend to say after “approval of the commission” that “This shall include contracts with a value of \$50,000 under the administrations control. Such contracts shall not have an accumulative value exceeding of less than \$100,000.”</p> <p>Sec. 18 (e): Amend to say after “approval of such contracts.” that “This shall include contracts under \$100,000 authorized for the administration that do not meet the BOC approval threshold.”</p> <p>Sec. 18: Question: what are the contract spending levels of authority?</p>		<p>Sec. 18 (a): Change first sentence of section to “The chief executive, subject to an ordinance enacted by the commission shall establish rules, guidelines, and/or policies consistent with state law to regulate purchasing and procurement for all county departments...”</p> <p>Sec. 18 (a): Remove last sentence of subsection.</p>	<p>Sec. 18 (a): Amend subsection to say “The chief executive, subject to an ordinance enacted by the commission, shall establish rules, guidelines, and/or policies to regulate purchasing and procurement for all county departments...” Sec. 18 (a): Add “probate judge” in last sentence (before “sheriff”).</p> <p>Sec. 18 (b): Amend “Except for contracts of employment, the commission shall authorize all contracts involving the expenditure of county funds in excess of one hundred thousand dollars (\$100,000.00).”</p> <p>Sec. 18 (c): Amend “No more than one (1) contract involving the expenditure of county funds during a fiscal year may be made with any vendor without approval of the commission.”</p>	<p>Sec. 18 (a): Add to first sentence “The county manager shall draft and submit, subject to the approval of the commission, rules to regulate purchasing...”</p>

	Claudette Leak	John Turner	Mary Hinkel	Jim Grubiak	Robert Wittenstein
Section 18: Purchases & Contracts				<p>Sec. 18 (d): Amend “Subdividing a proposed contract which is for an amount above the threshold specified in subsection (a) or (b) of this section into smaller contracts or subcontracts for the purpose of avoiding the requirements of subsection (a) or (b) of this section shall be prohibited and such contracts shall be void <i>ab initio</i>.”</p> <p>Sec. 18 (e): Amend “Except for contracts of employment, all contracts for purchase shall be published on the county website within thirty (30) days of approval of such contracts.”</p>	

	Claudette Leak	John Turner	Mary Hinkel	Jim Grubiak	Robert Wittenstein
Section 19: Department of Finance			<p>Sec. 19 (b): Add to the end of the subsection that statements should be posted on the county website.</p>	<p>Sec. 19 (a): Add at the beginning of the last sentence “Except as otherwise provided by resolution of the governing authority,”</p> <p>Sec. 19 (b): Replace “courthouse bulletin board” with “website.”</p> <p>Sec. 19 (c): Edit the last sentence of subsection by removing “Except as hereinafter provided, the provisions of this section are advisory only, and the” and replace with “The.”</p>	
Section 20: Records & Minutes	<p>Sec. 20: Add “In addition to an ordinance for the location of records, the commission shall by resolution provide that state law retention of documents shall be implemented.”</p>		<p>Sec. 20: Add new paragraph after the first that states “The clerk’s office shall be the repository of all official records of the commission and the CEO and only those ordinances, resolutions, actions, orders or proceedings conveyed to the clerk are valid and enforceable.”</p>	<p>Sec. 20: Amend section by referencing OCGA 36-1-25 regarding the keeping of minutes by counties; and by referencing OCGA 50-18-71 (c) which outlines amounts that may be charged for providing copies of public records.</p> <p>Sec. 20: Change section title to “County clerk; records; minutes; agendas.”</p> <p>Sec. 20 (a): Add sentence at the end of subsection “The minutes shall be maintained in the offices of the county clerk.”</p>	

	Claudette Leak	John Turner	Mary Hinkel	Jim Grubiak	Robert Wittenstein
Section 20: Records & Minutes				<p>Sec. 20 (b): New subsection “Copies of contracts, maps, or similar material or documents related to actions taken by the governing authority may be included in the minutes or incorporated by reference to an alternate location. Where incorporated by reference, such documents shall be stored in a central location or locations identified by ordinance or resolution of the governing authority.”</p> <p>Sec. 20 (c): Add to end of last sentence “as authorized by O.C.G.A. 50-18-71 as now or hereafter amended.”</p>	
Section 21: Agreements of Candidates			<p>Sec. 21: Move section to end of Section 2 and repeat at the end of Section 5.</p>		

	Claudette Leak	John Turner	Mary Hinkel	Jim Grubiak	Robert Wittenstein
Section 22: Officials not to be Interested in Contracts			<p>Sec. 22: Change name of section to "Financial Interests in County Contracts."</p>	<p>Sec. 22: Amend the section by removing "section 233 1714 of the Code of Georgia of 1933" and replace with "[O.C.G.A. § 36-1-14]."</p>	

	Claudette Leak	John Turner	Mary Hinkel	Jim Grubiak	Robert Wittenstein
Section 22A: Code of Ethics				<p>Sec. 22A (d): Consider adding the following at the end of subsection (d) "Each official and each department director subject to this section, shall file a sworn statement with the board of ethics either disclosing any interests that might exist or declaring he or she has no interests to disclose. Such statements shall be filed upon appointment to the position, upon occurrence of an interest, and annually thereafter."</p>	

	Claudette Leak	John Turner	Mary Hinkel	Jim Grubiak	Robert Wittenstein
Potential New Sections				<p>For the purpose of undertaking a comprehensive review of this organizational act, an organizational act review commission comprised of a cross section of non-elected citizens and members of the DeKalb legislative delegation shall be established by resolution of the board of commissioners no later than January 2029 and every eight (8) years thereafter. Such a commission shall be established and funded to study and review of the organizational act or part of the organizational act leading to recommendations to the board of commissioners, the chief executive, and the DeKalb state legislative delegation. The board of commissioners shall appropriate funds and provide staff, independent legal counsel, administrative support, and outside experts sufficient to carry out the duties of the commission. If requested by either the chief executive or by resolution of the board of commissioners, an organizational act review commission may review specific chapters of the DeKalb County code of ordinances and make recommendations for revisions of said chapters.</p>	



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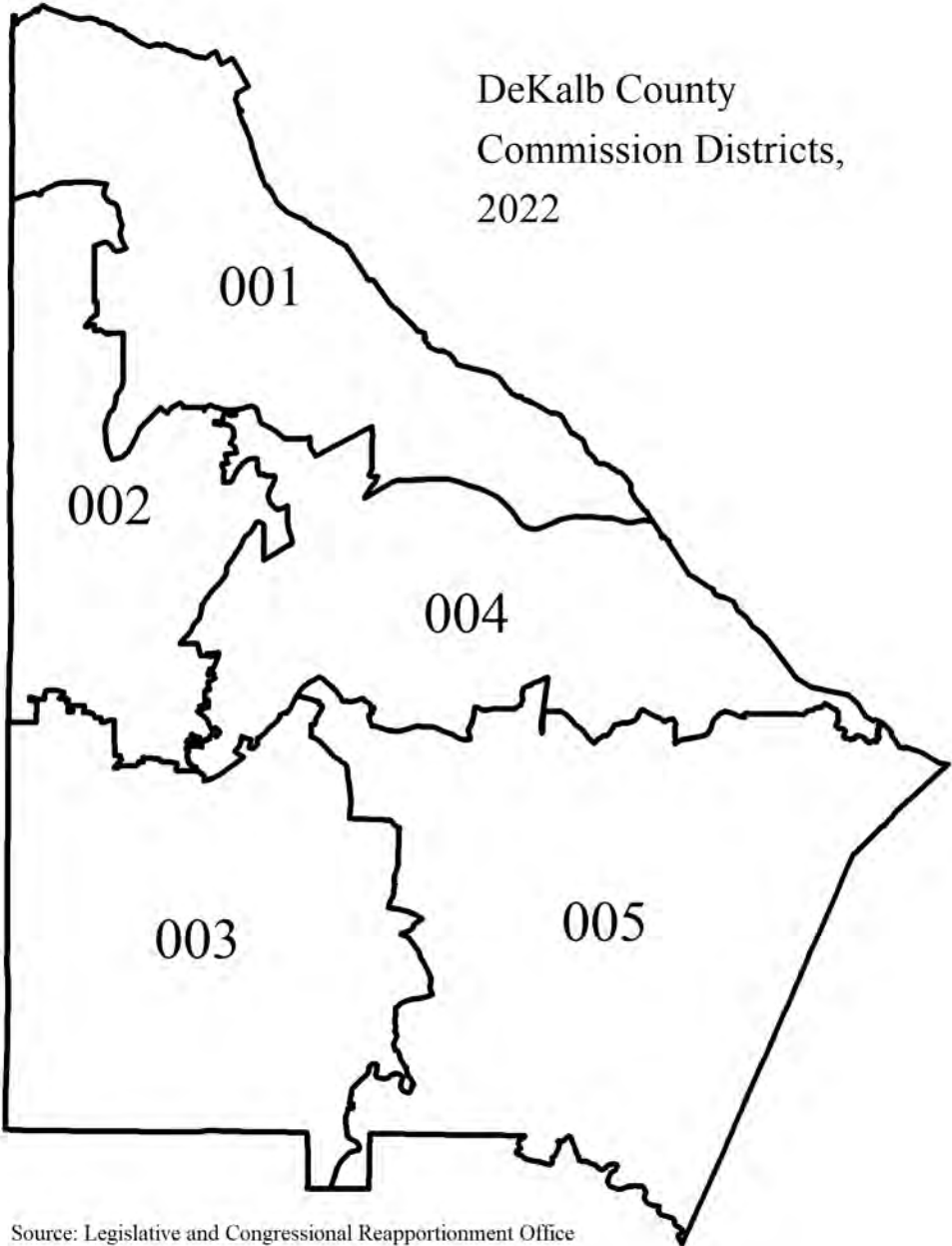
Appendix D: DeKalb County Commission District Demographics

DeKalb County Commission District Demographics

District Maps

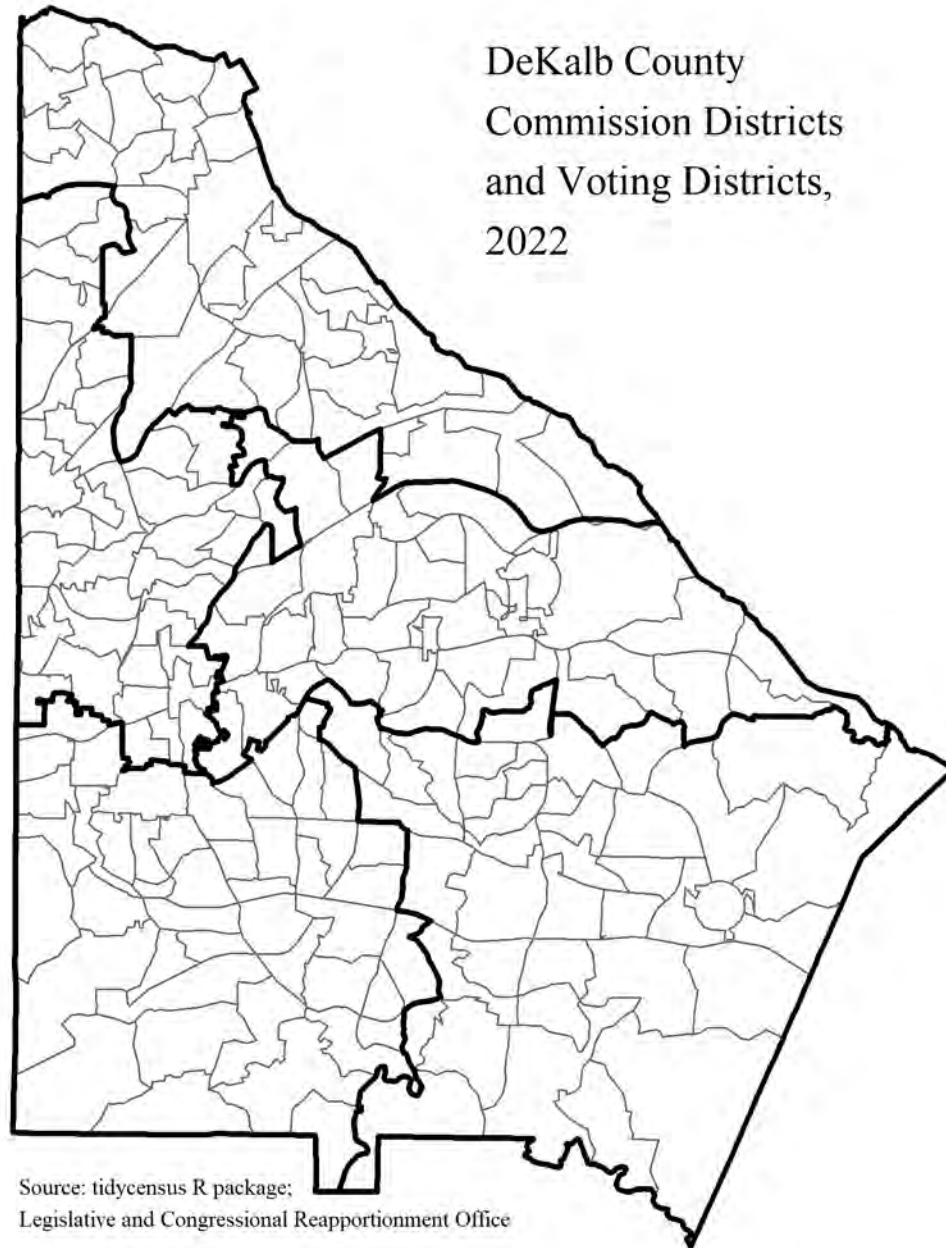


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Source: Legislative and Congressional Reapportionment Office

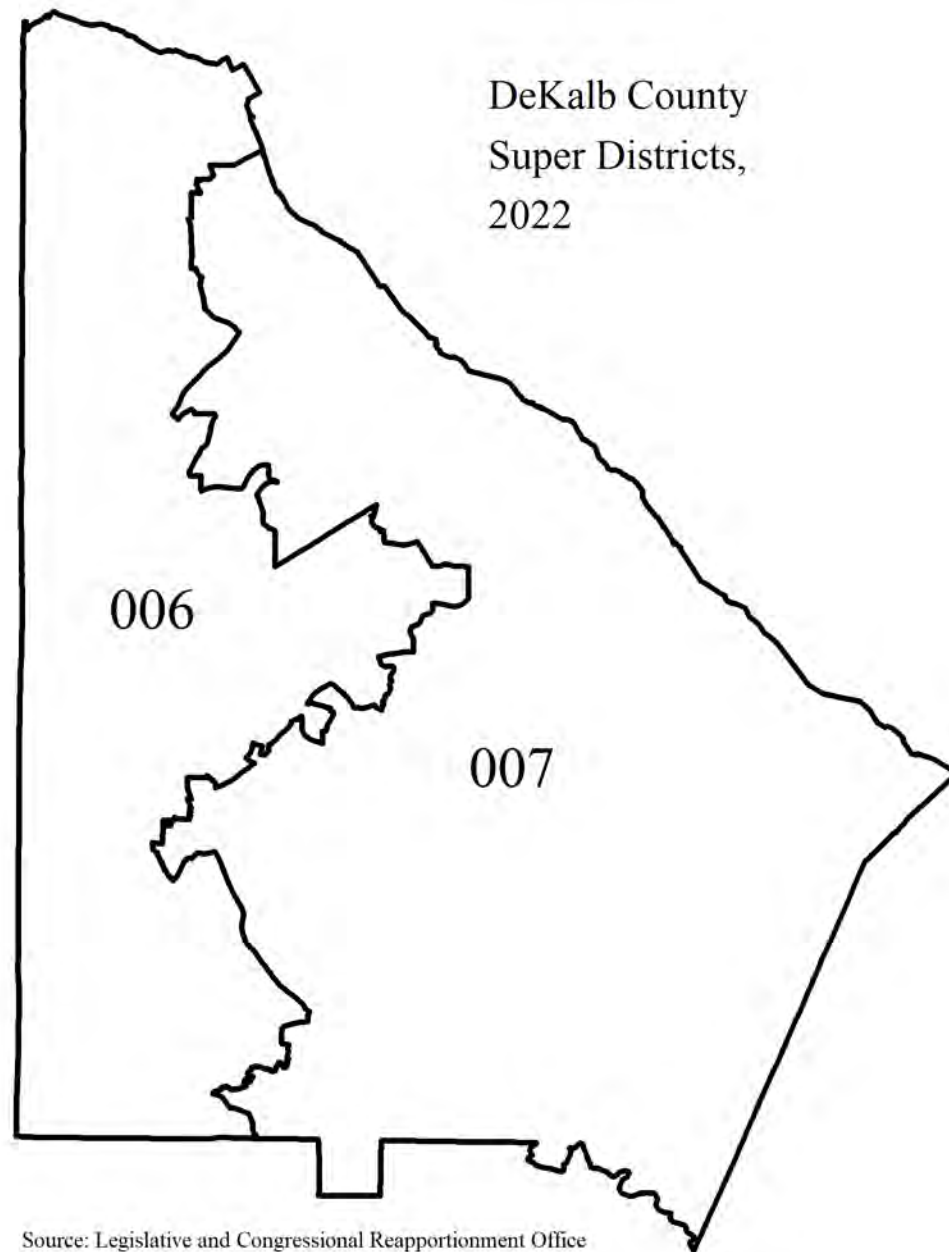
DeKalb County
Commission Districts
and Voting Districts,
2022



Source: tidycensus R package;
Legislative and Congressional Reapportionment Office

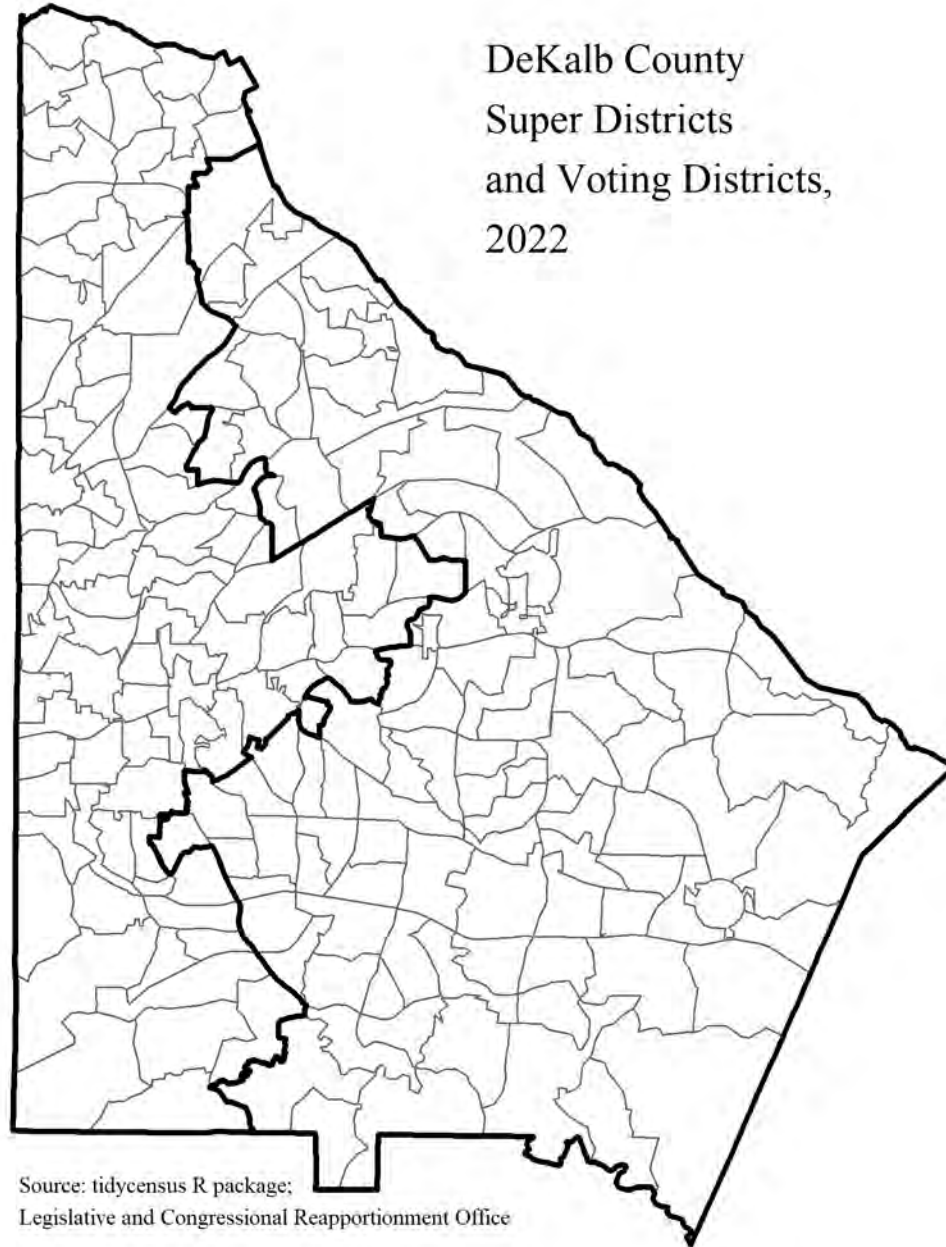


DeKalb County
Super Districts,
2022



Source: Legislative and Congressional Reapportionment Office

DeKalb County
Super Districts
and Voting Districts,
2022

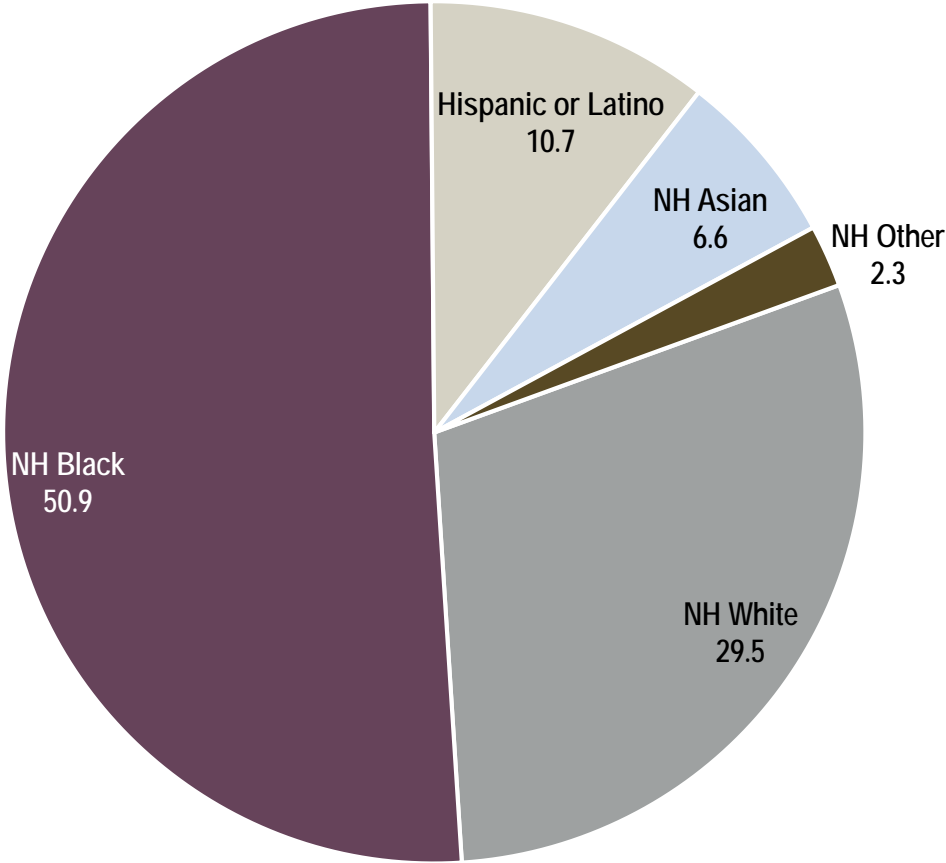


Source: tidycensus R package;
Legislative and Congressional Reapportionment Office

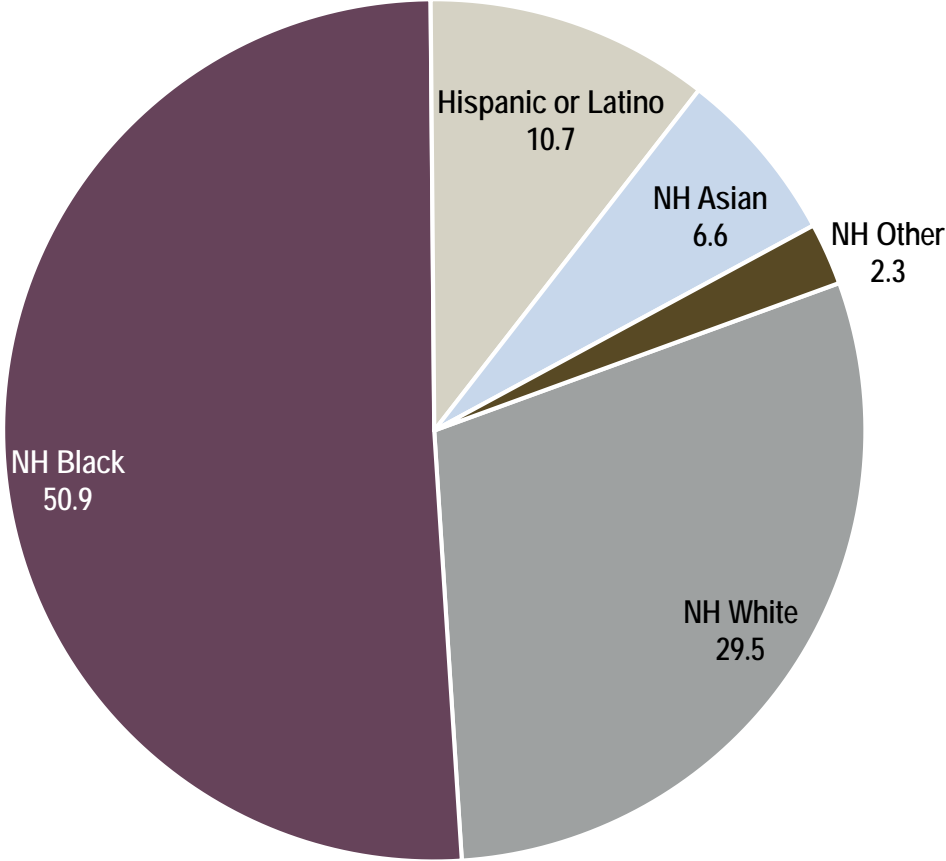


DeKalb County Total Population by Racial and Ethnic Group

Note: **NH Other** includes individuals identifying as: *Non-Hispanic American Indian or Alaska Native, Non-Hispanic Pacific Islander, Non-Hispanic Other, and Non-Hispanic Two or More Races*



DeKalb County Total Population by Racial and Ethnic Group

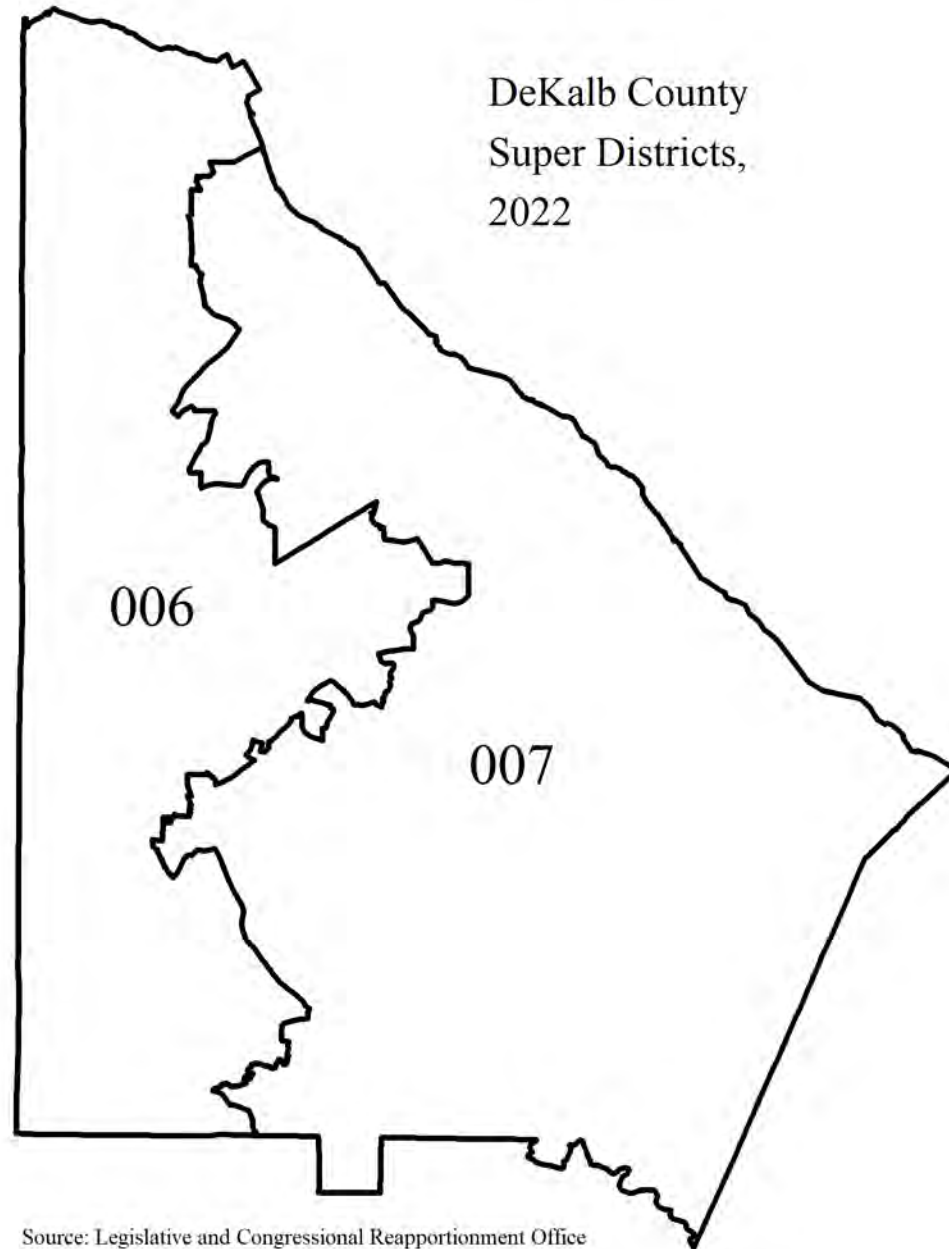


Super Districts

Population Age 18 and Older by Racial and Ethnic Group



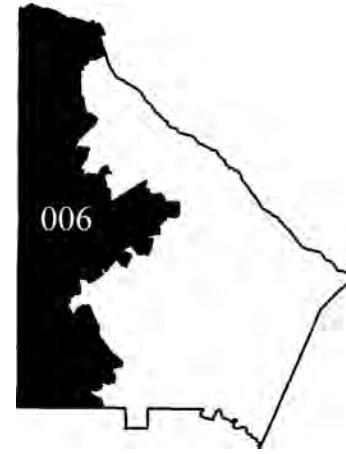
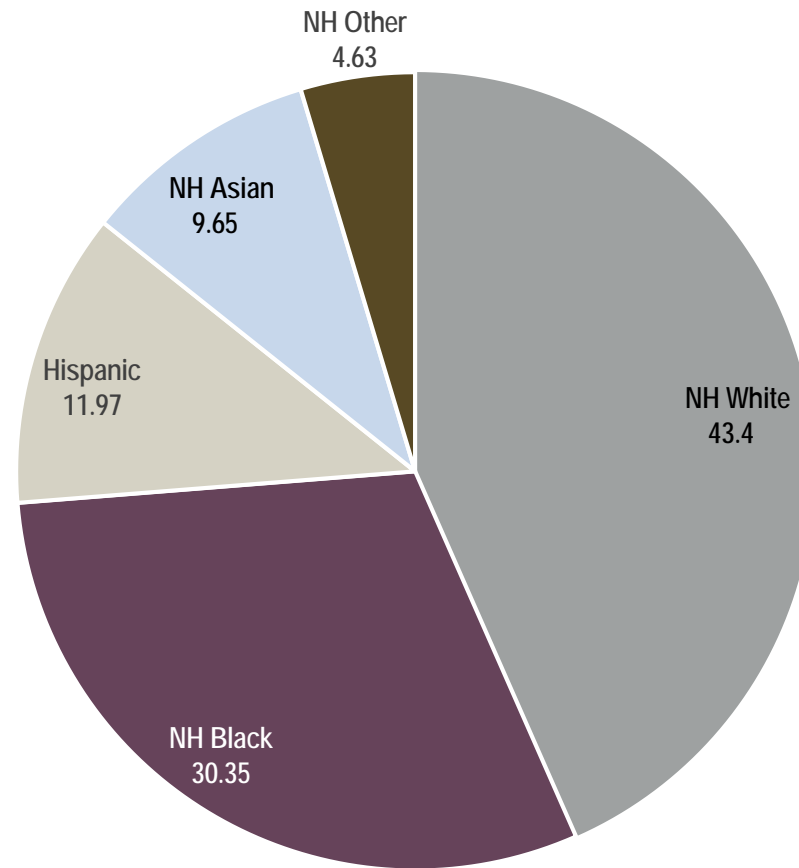
DeKalb County
Super Districts,
2022



Source: Legislative and Congressional Reapportionment Office

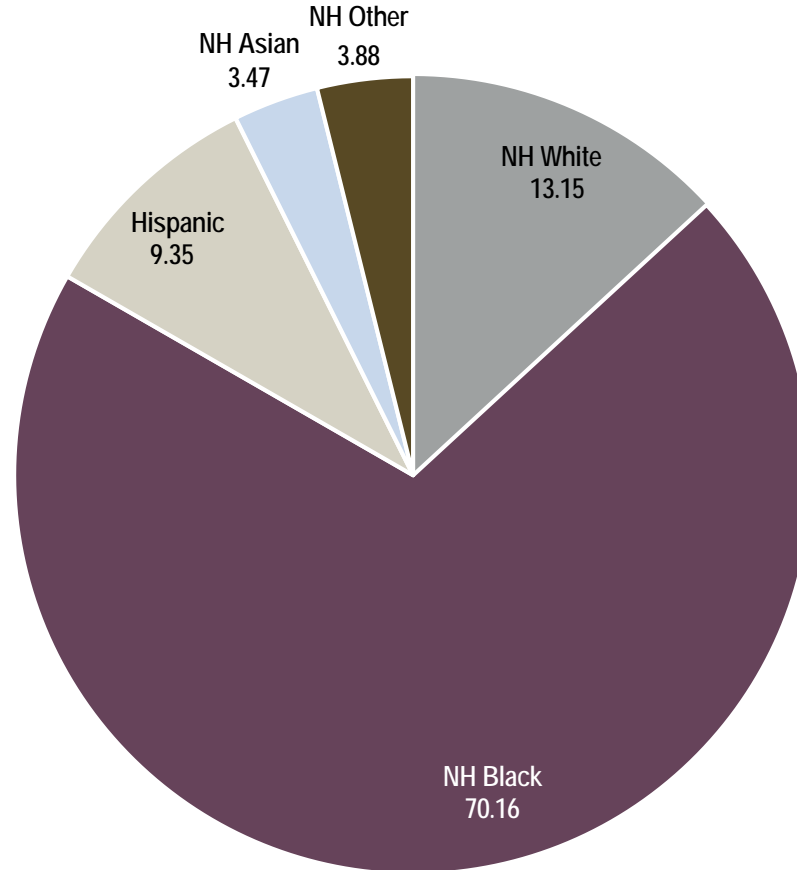
District 6

Percent of Population Age 18 and Older by Racial and Ethnic Group



District 7

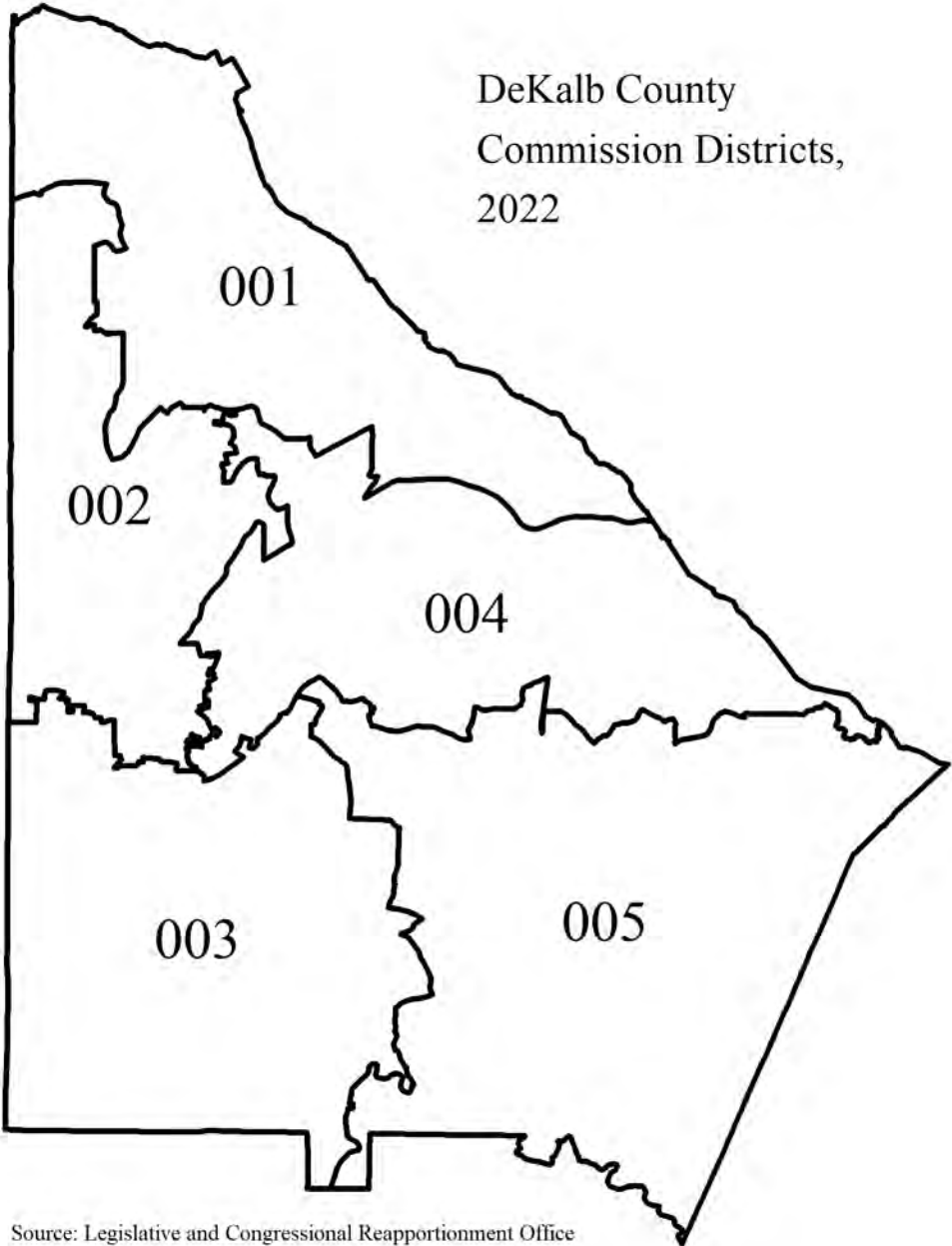
Percent of Population Age 18 and Older by Racial and Ethnic Group



Commission Districts

Population Age 18 and Older by Racial and Ethnic Group



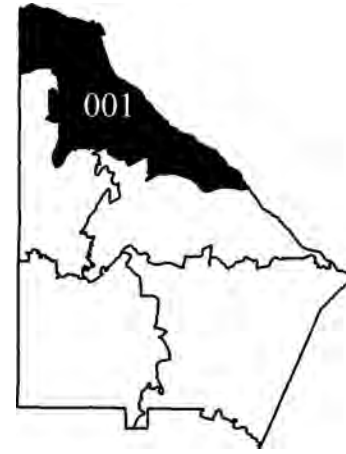
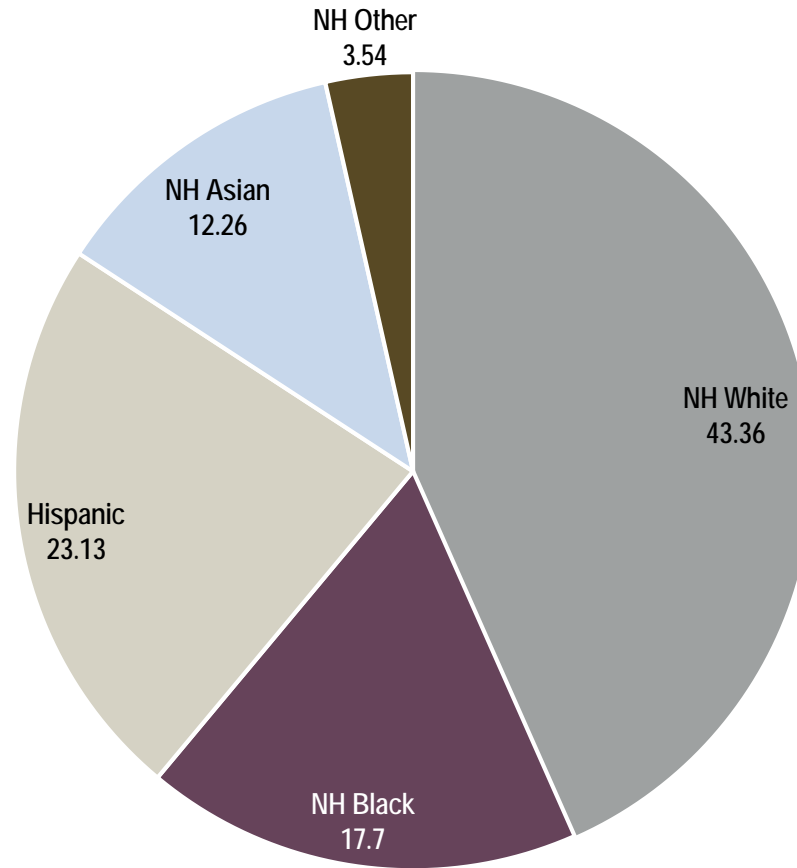


DeKalb County
Commission Districts,
2022

Source: Legislative and Congressional Reapportionment Office

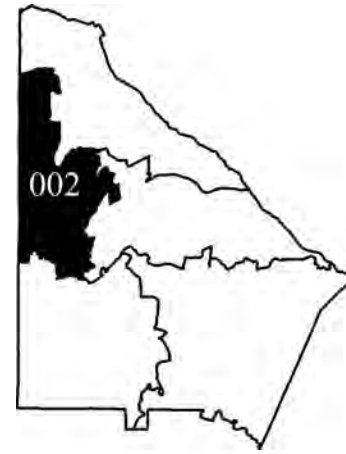
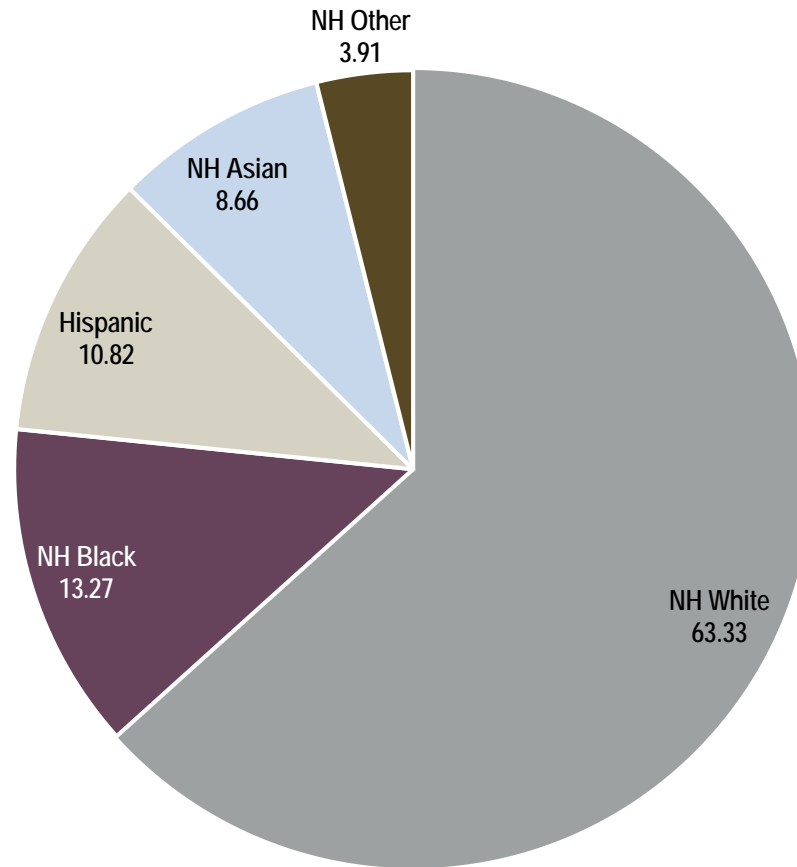
District 1

Percent of Population Age 18 and Older by Racial and Ethnic Group



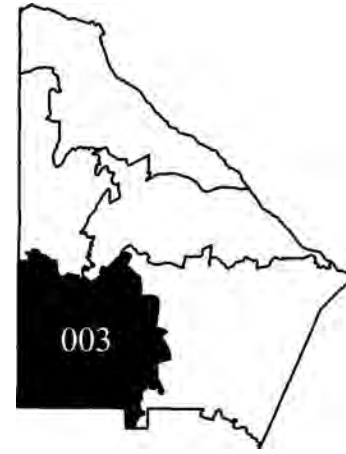
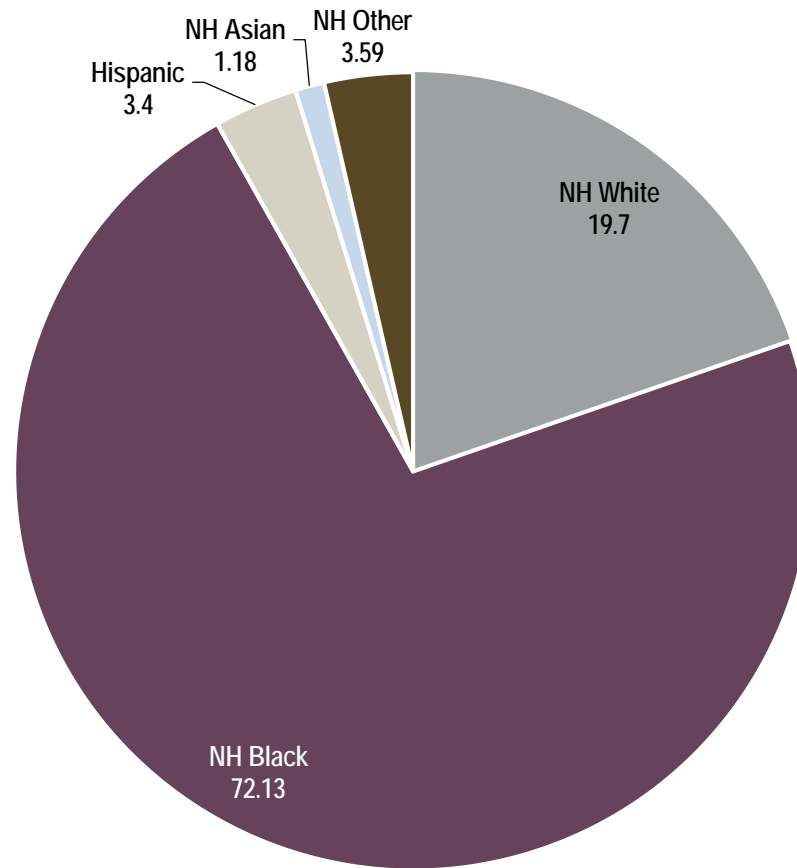
District 2

Percent of Population Age 18 and Older by Racial and Ethnic Group



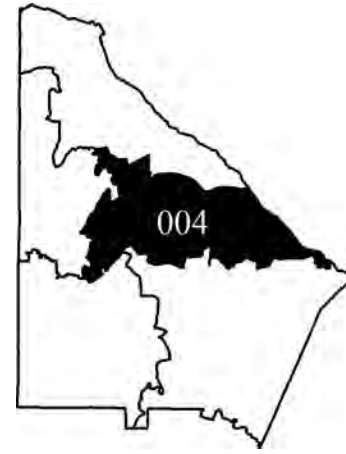
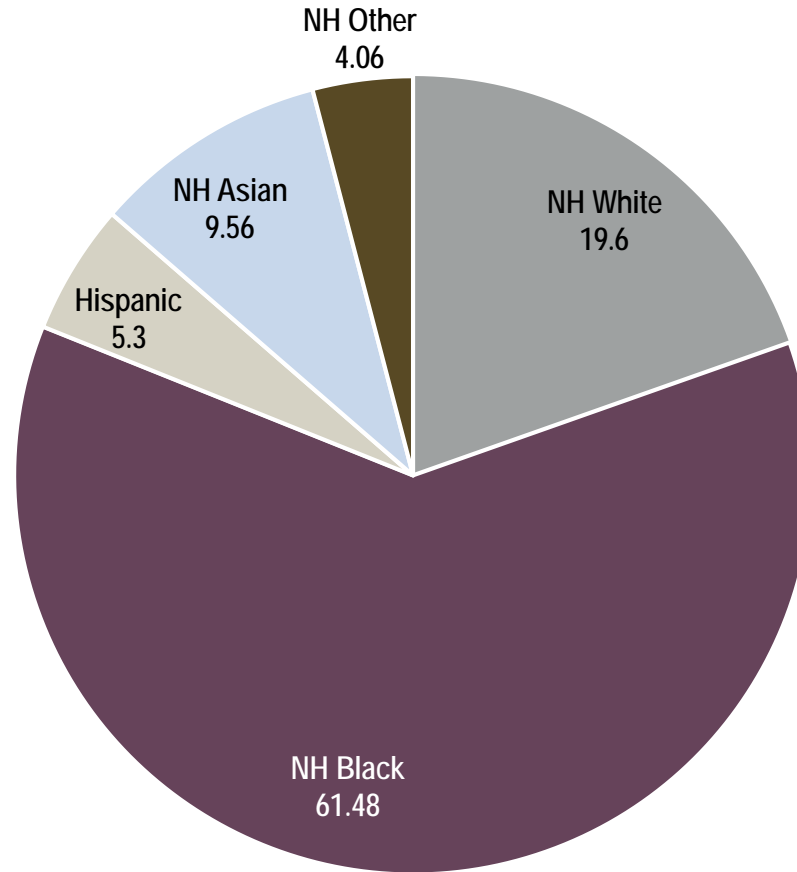
District 3

Percent of Population Age 18 and Older by Racial and Ethnic Group



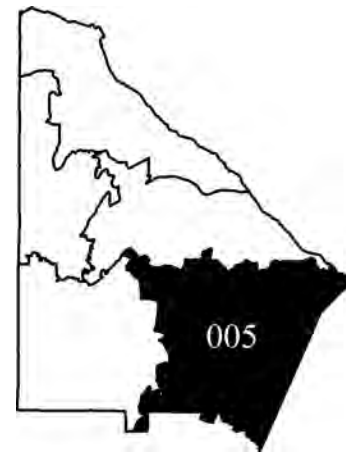
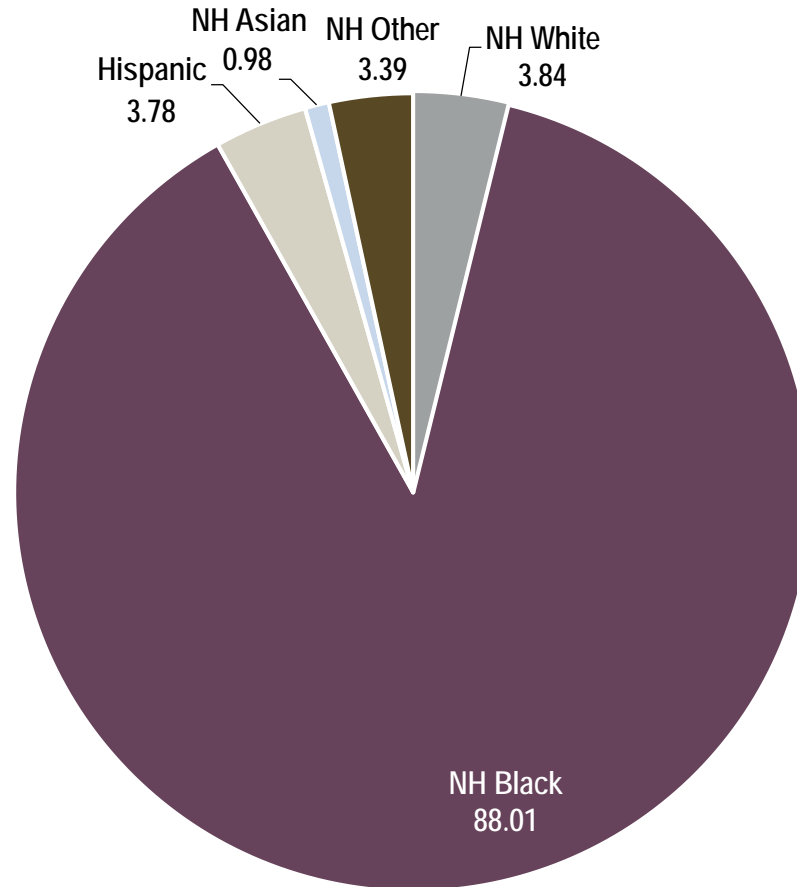
District 4

Percent of Population Age 18 and Older by Racial and Ethnic Group



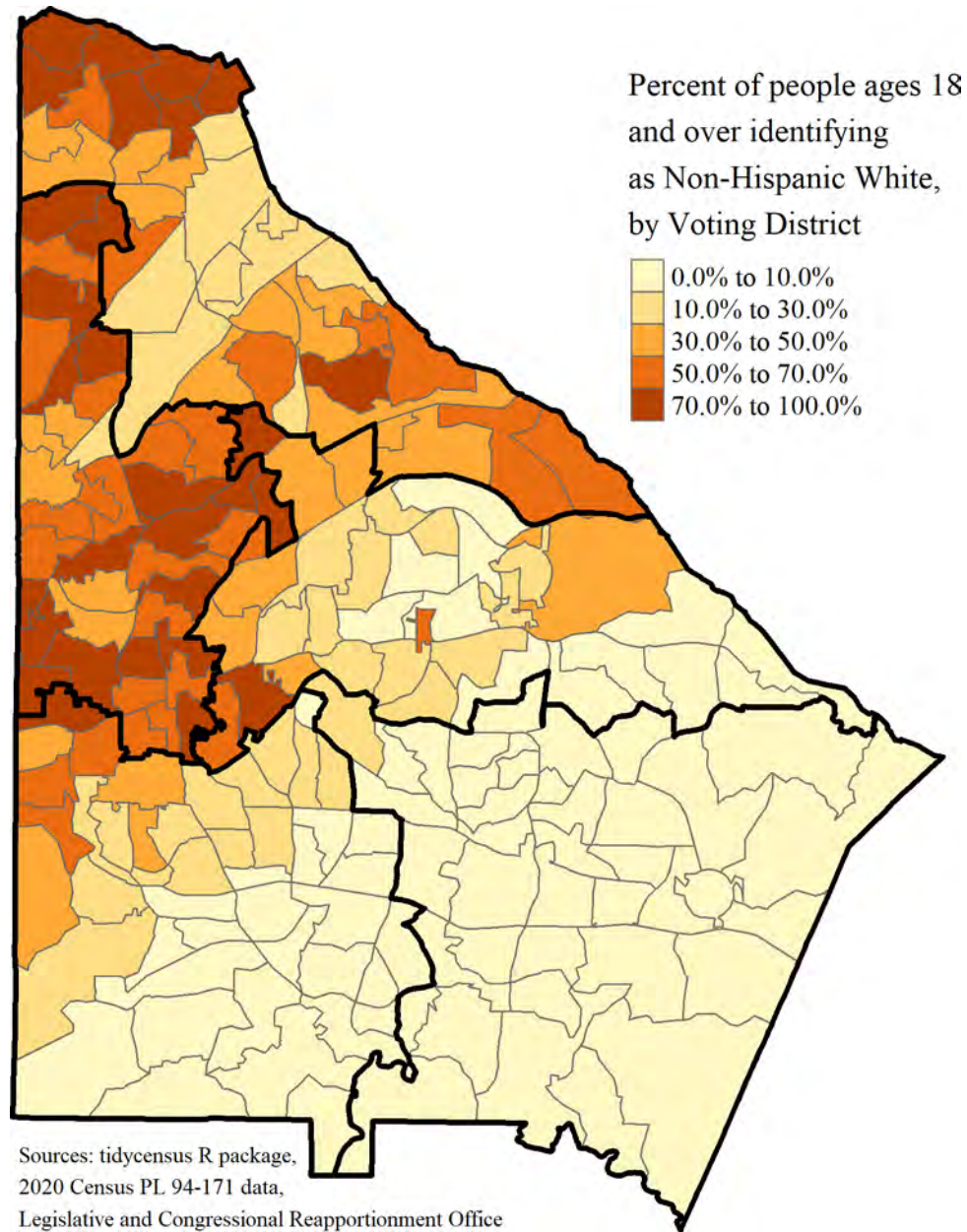
District 5

Percent of Population Age 18 and Older by Racial and Ethnic Group



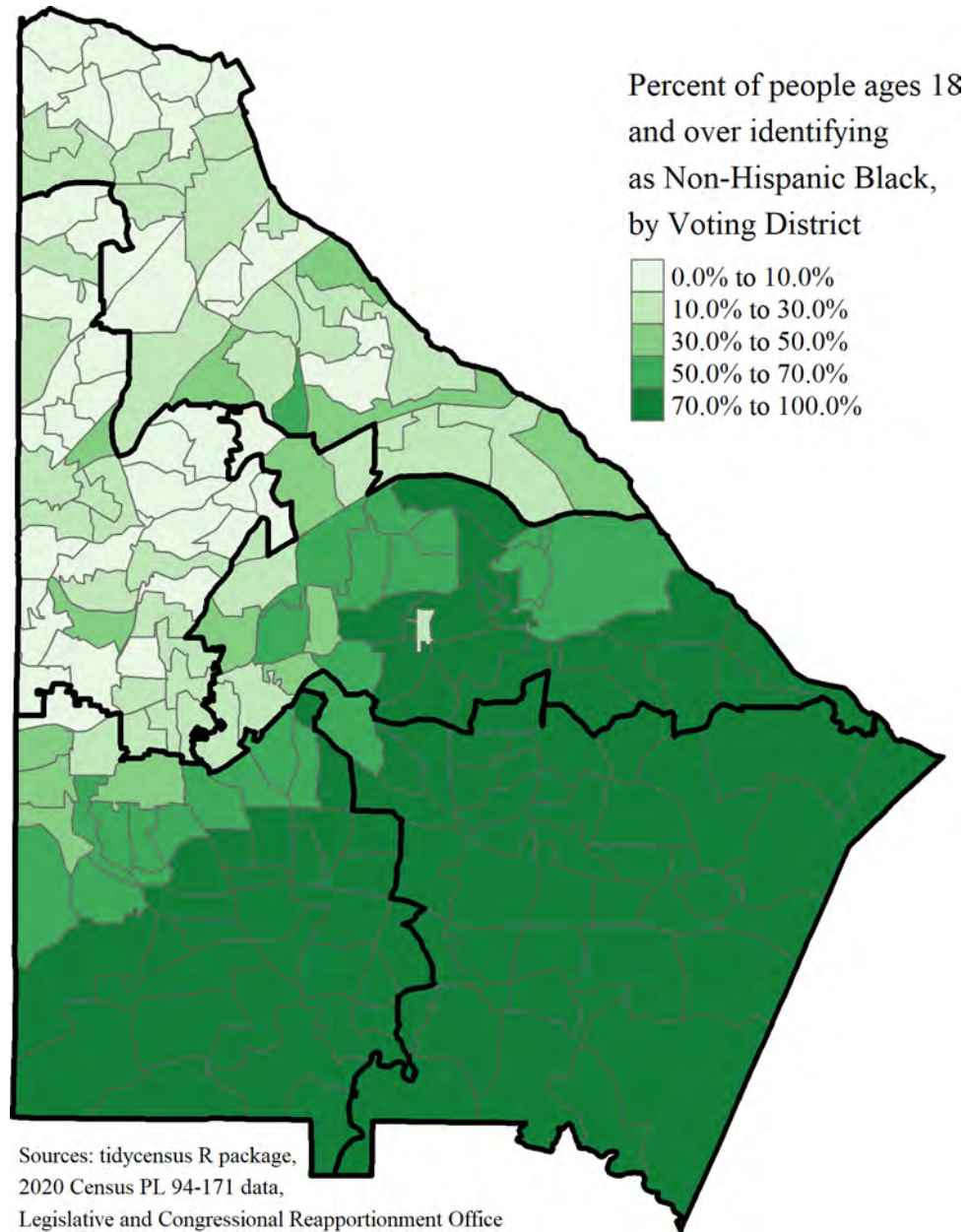
Percent Race and Ethnicity by Voting District





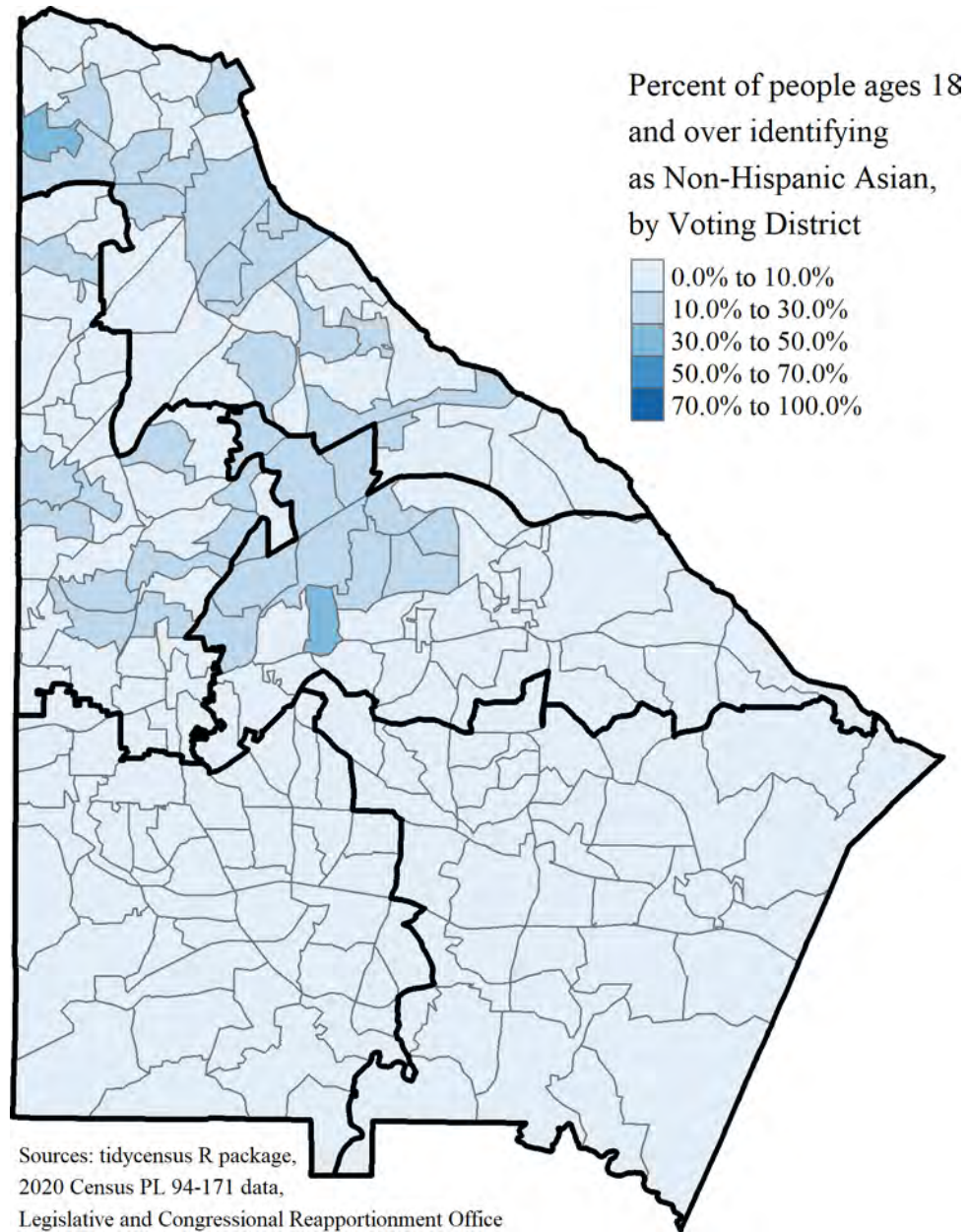
Sources: tidycensus R package,
 2020 Census PL 94-171 data,
 Legislative and Congressional Reapportionment Office





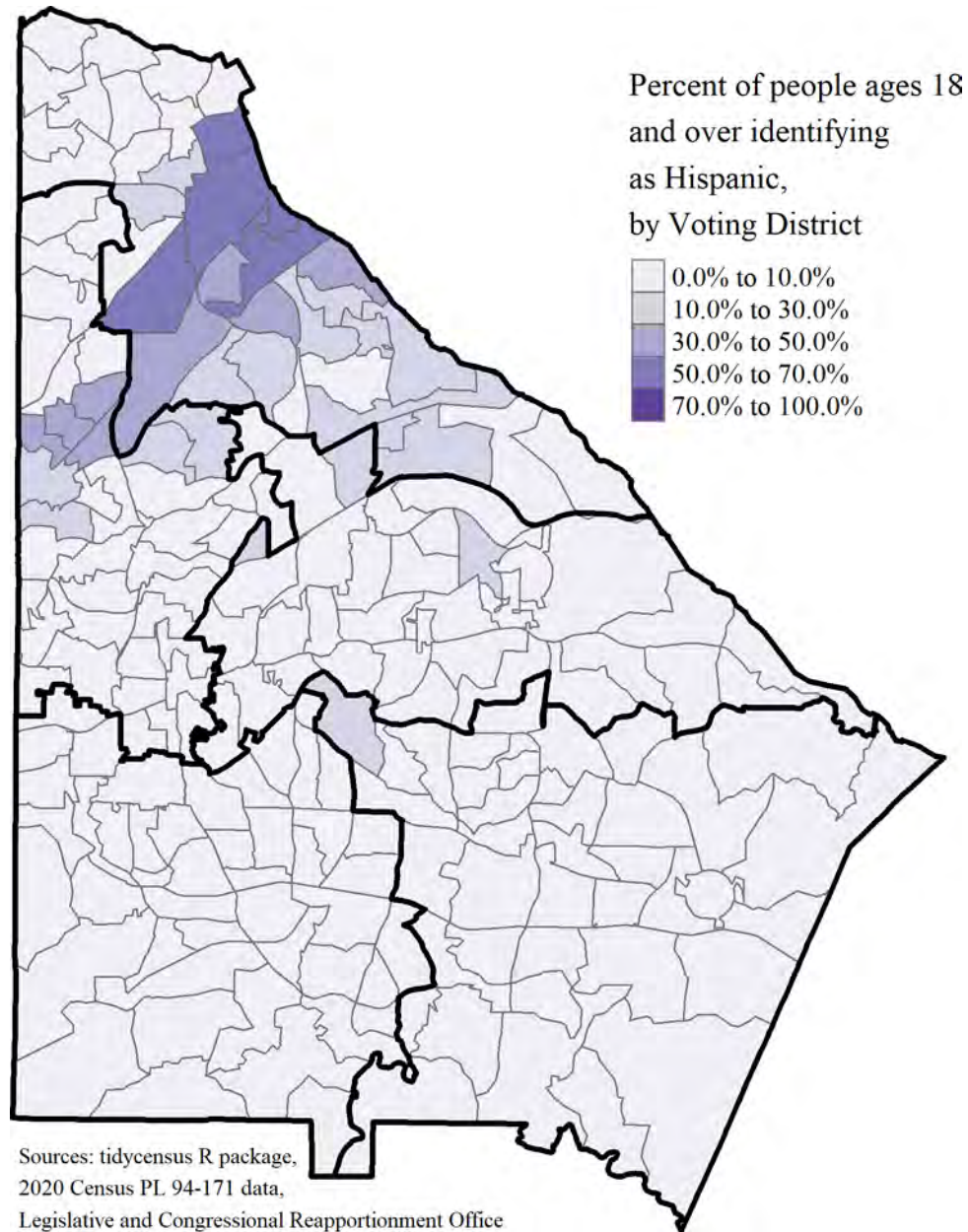
Sources: tidycensus R package,
 2020 Census PL 94-171 data,
 Legislative and Congressional Reapportionment Office





Sources: tidycensus R package,
 2020 Census PL 94-171 data,
 Legislative and Congressional Reapportionment Office





Sources: tidycensus R package,
 2020 Census PL 94-171 data,
 Legislative and Congressional Reapportionment Office



Appendix E: Metropolitan Atlanta Counties: Structure & Demographics



**UNIVERSITY OF
GEORGIA**

**Carl Vinson
Institute of Government**

**COMMITTED TO EXCELLENCE IN
GOVERNMENT**



Carl Vinson
Institute of Government
UNIVERSITY OF GEORGIA

DeKalb Charter Review Committee Presentation

Metropolitan Atlanta Counties: Structure & Demographics



County Forms of Government

County Forms of Government



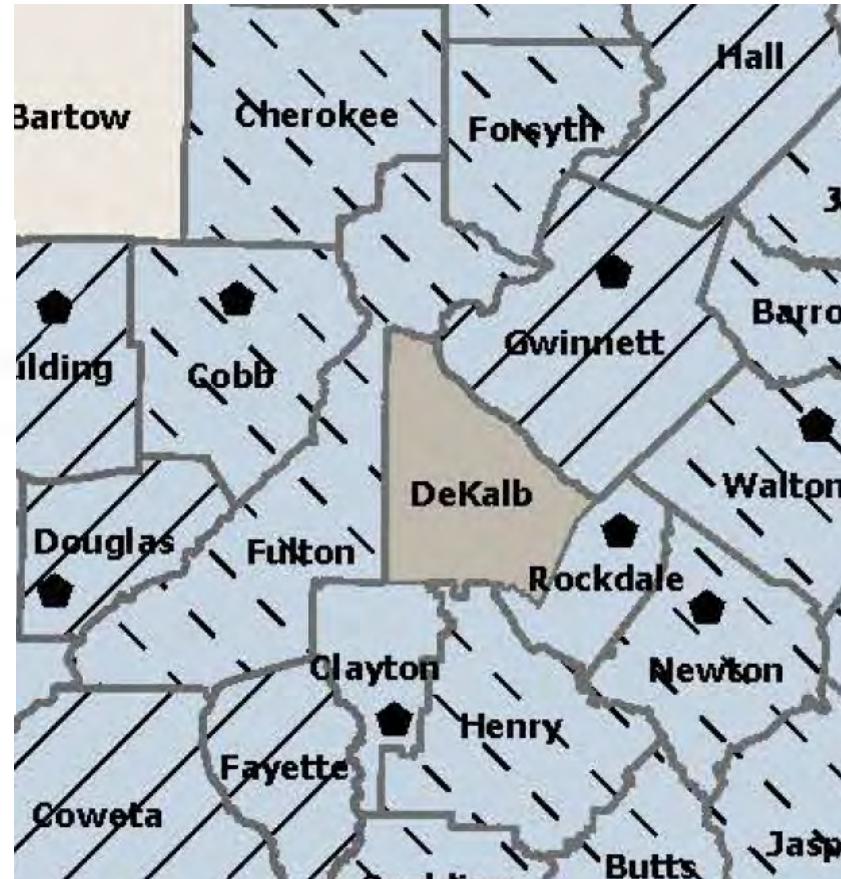
Updated: November 2020

★ = These Counties have a Sole Commissioner as well as an administrator/manager.



County Government Breakdown

-  Board of Commissioners
-  Sole Commissioner
-  Elected Chief of Executive Office
-  Consolidated Government
-  Administrator
-  Manager
-  Full-time Chair



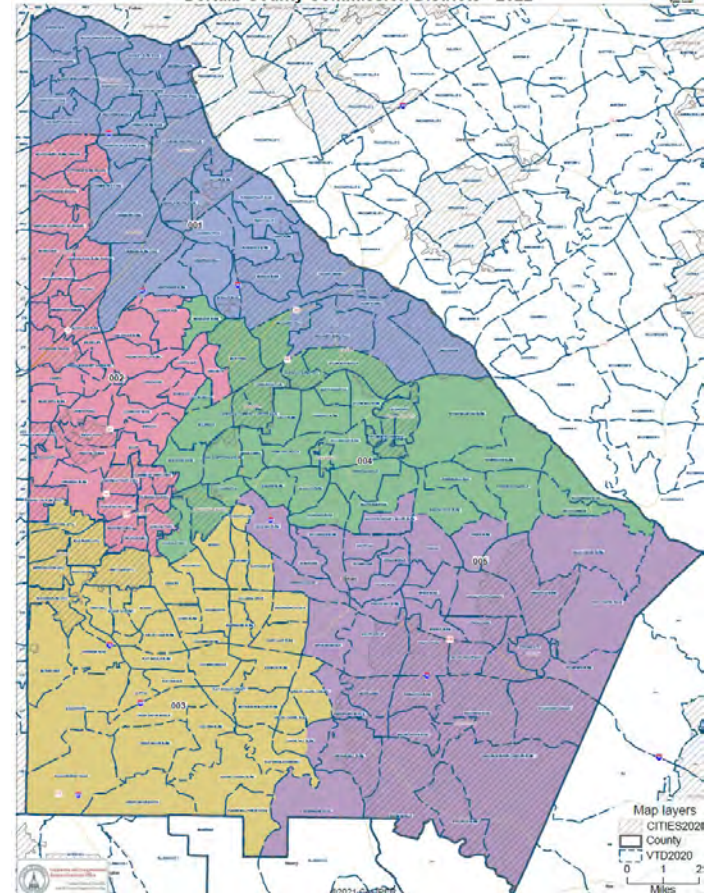
DeKalb County

2020 Population: 764,382

Ideal District Size: 152,876

Structure:

- 5 Districts
 - District 1: 154,029
 - District 2: 153,095
 - District 3: 152,555
 - District 4: 152,597
 - District 5: 152,106



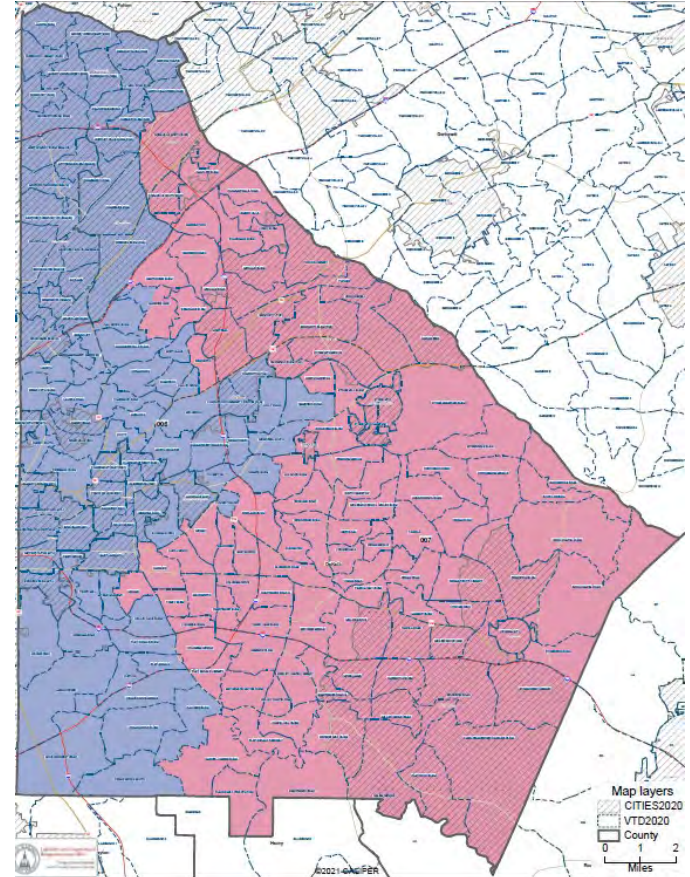
DeKalb County Super Districts

2020 Population: 764,382

Ideal District Size: 382,191

Structure:

- 2 Districts
 - District 1: 381,445
 - District 2: 382,937



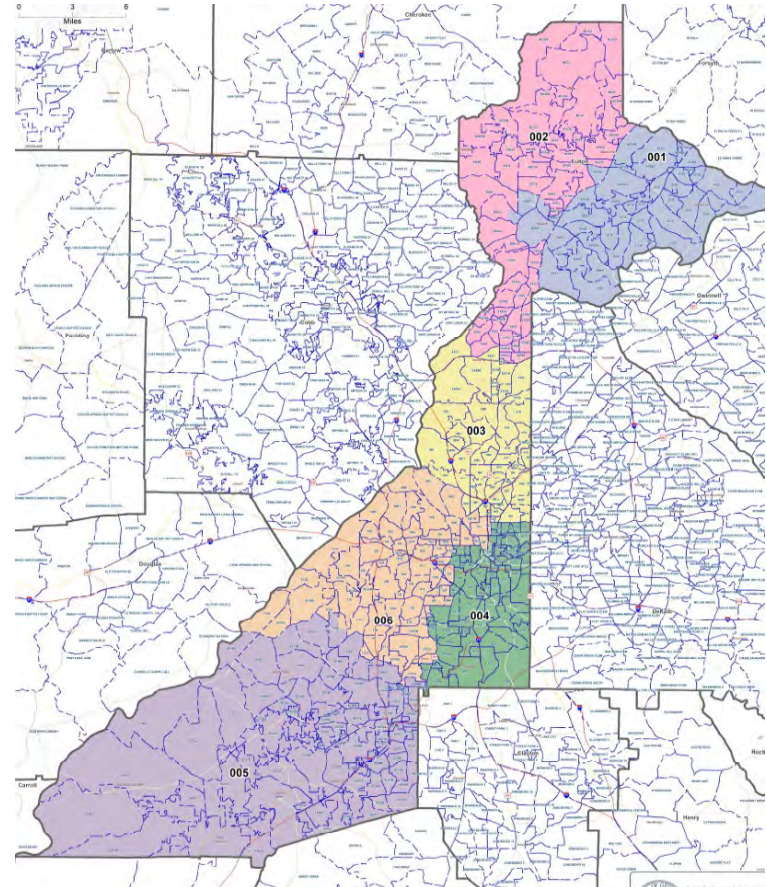
Fulton County

2020 Population: 1,066,710

Ideal District Size: 177,785

Structure:

- Chairperson
- County Manager
- 6 Districts
 - District 1 & Vice Chair: 178,147
 - District 2: 177,553
 - District 3: 177,358
 - District 4: 177,742
 - District 5: 177,577
 - District 6: 178,333



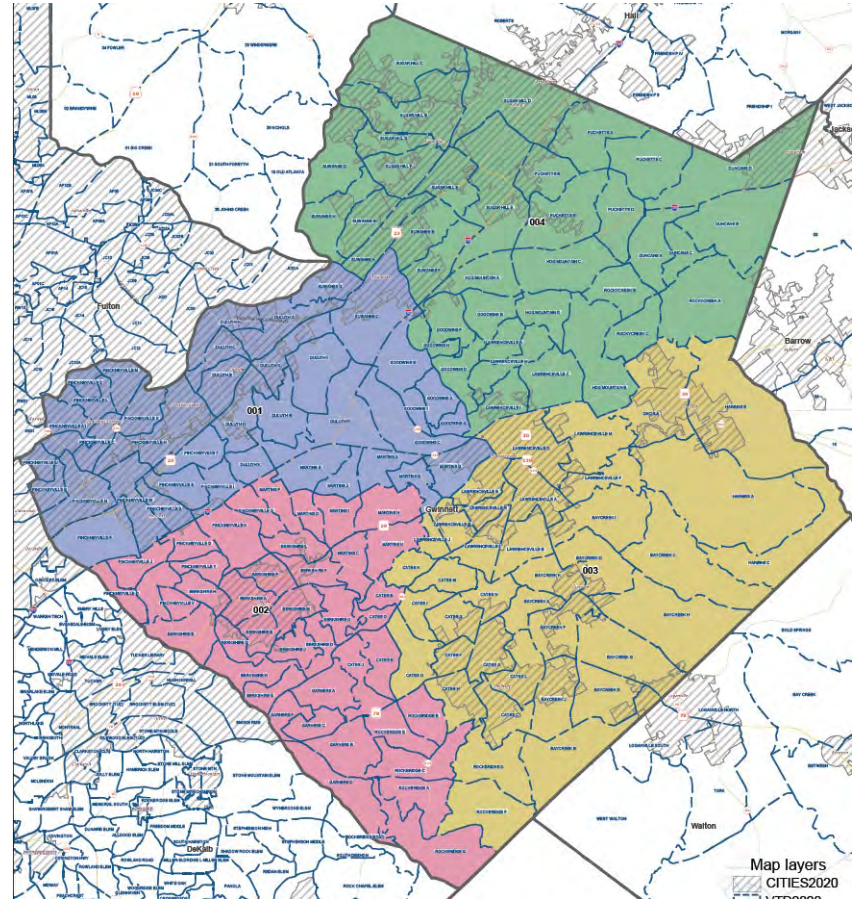
Gwinnett County

2020 Population: 957,062

Ideal District Size: 239,266

Structure:

- Chairperson
- County Administrator
- 4 Districts
 - District 1: 240,808
 - District 2: 237,772
 - District 3: 238,642
 - District 4: 239,840



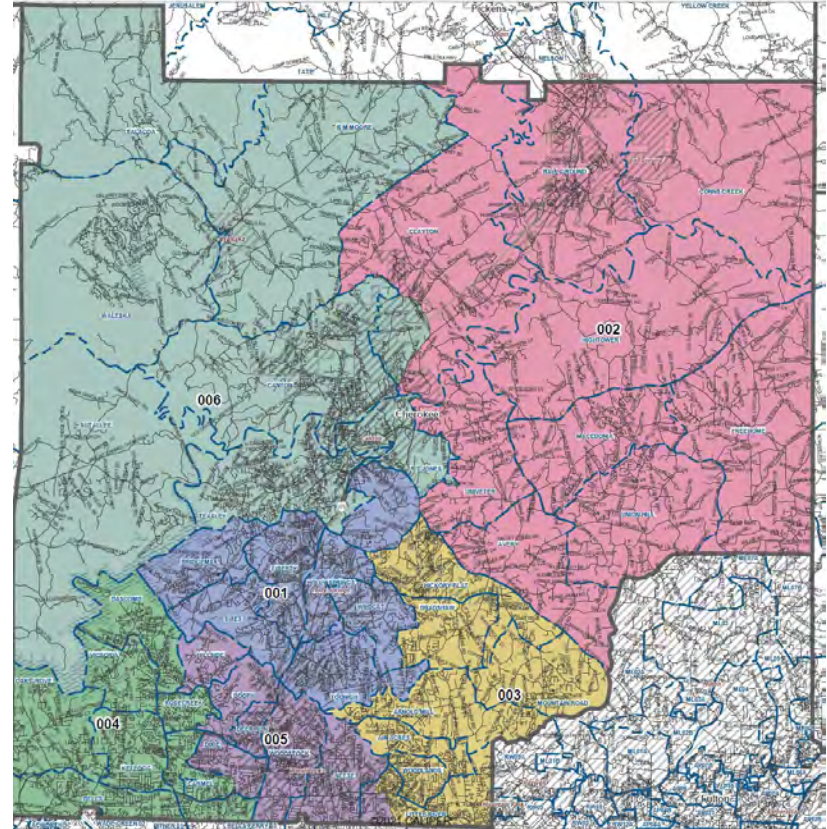
Cherokee County

2020 Population: 266,620

Ideal District Size: 44,437

Structure:

- Chairperson
- County Manager
- 6 Districts
 - District 1: 44,616
 - District 2: 44,880
 - District 3: 44,060
 - District 4: 44,568
 - District 5: 44,045
 - District 6: 44,451
- At-Large Commissioner



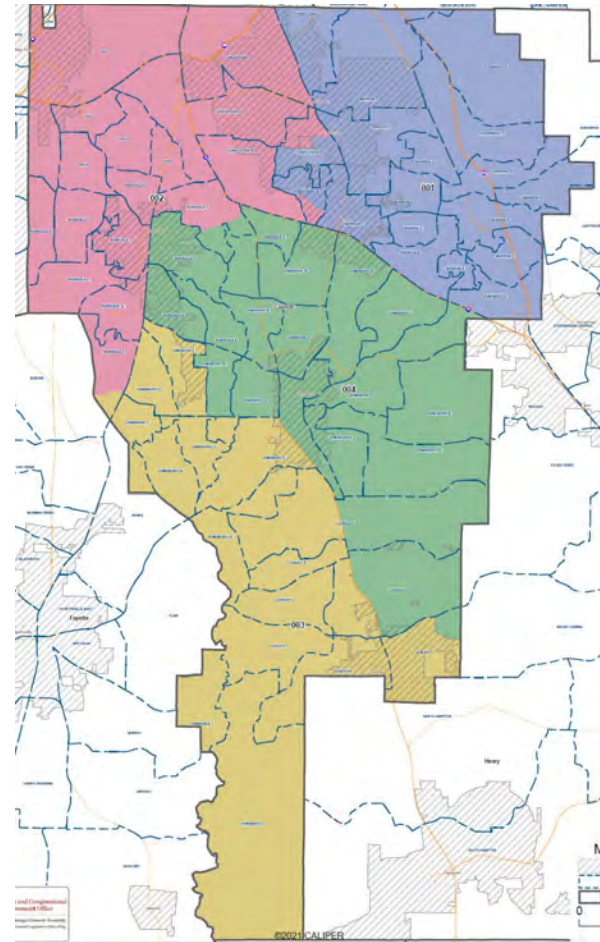
Clayton County

2020 Population: 297,595

Ideal District Size: 74,399

Structure:

- Chairperson
- 4 Districts
 - District 1: 74,409
 - District 2: 74,470
 - District 3: 74,359
 - District 4: 74,357



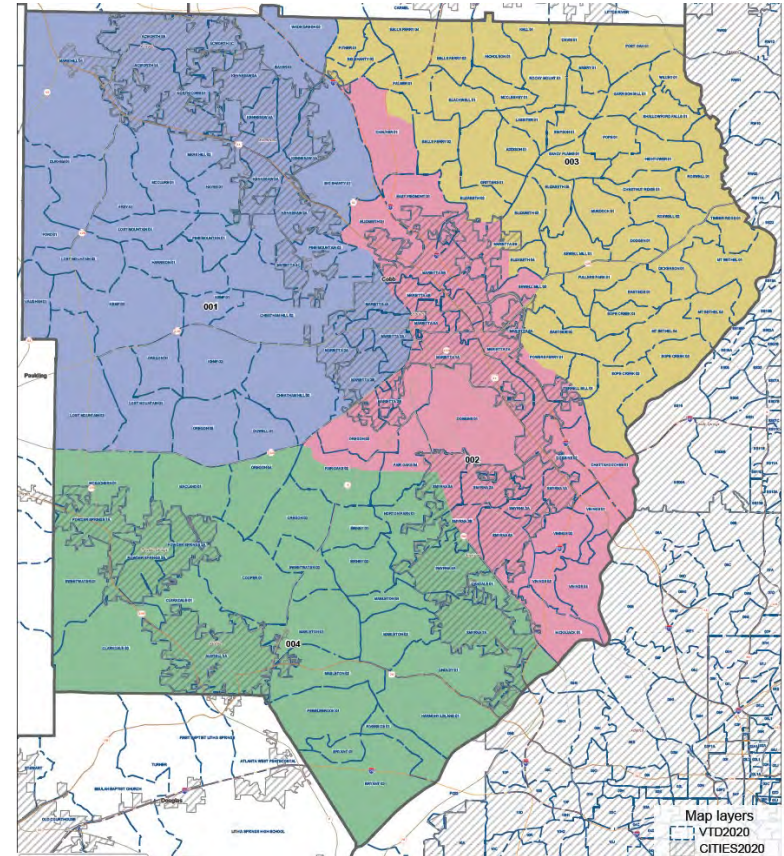
Cobb County

2020 Population: 766,149

Ideal District Size: 191,537

Structure:

- Chairperson
- County Manager
- 4 Districts
 - District 1: 191,455
 - District 2: 191,106
 - District 3: 191,809
 - District 4: 191,779



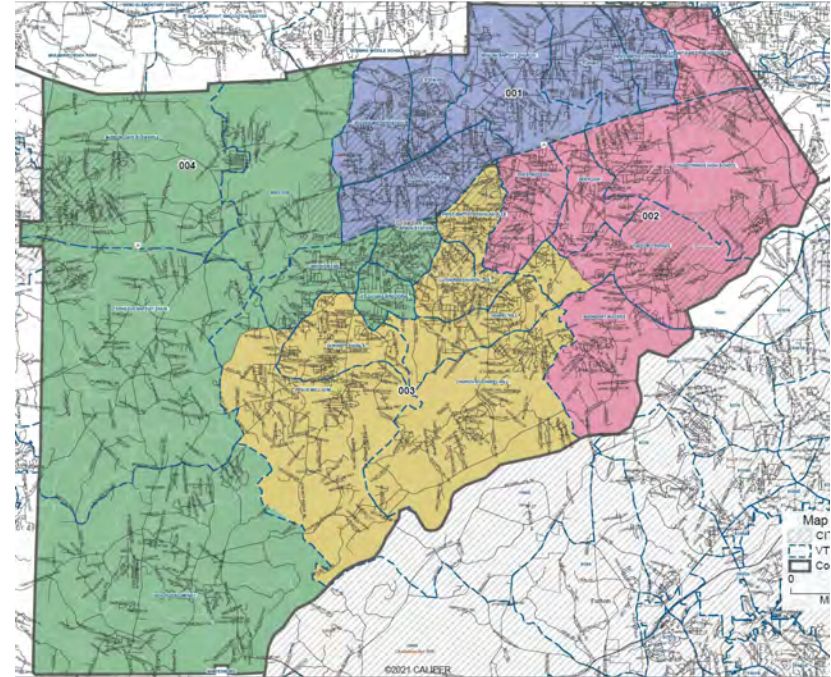
Douglas County

2020 Population: 144,237

Ideal District Size: 36,059

Structure:

- Chairperson
- County Administrator
- 4 Districts
 - District 1: 36,106
 - District 2: 36,191
 - District 3: 36,032
 - District 4: 35,908



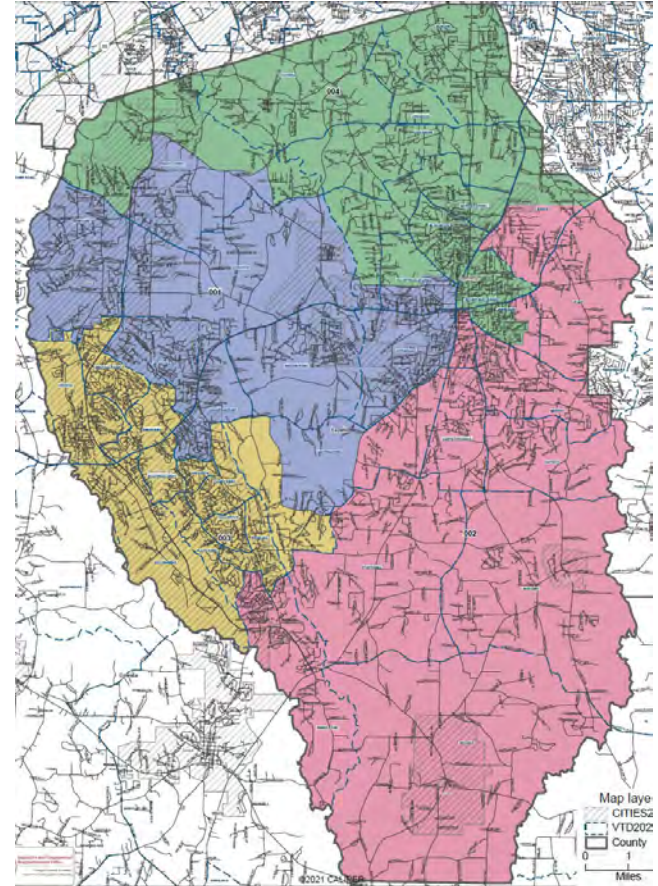
Fayette County

2020 Population: 119,194

Ideal District Size: 29,799

Structure:

- Chairperson
- County Manager
- 4 Districts
 - District 1: 29,084
 - District 2: 30,234
 - District 3: 30,827
 - District 4: 29,049
- At-Large Commissioner



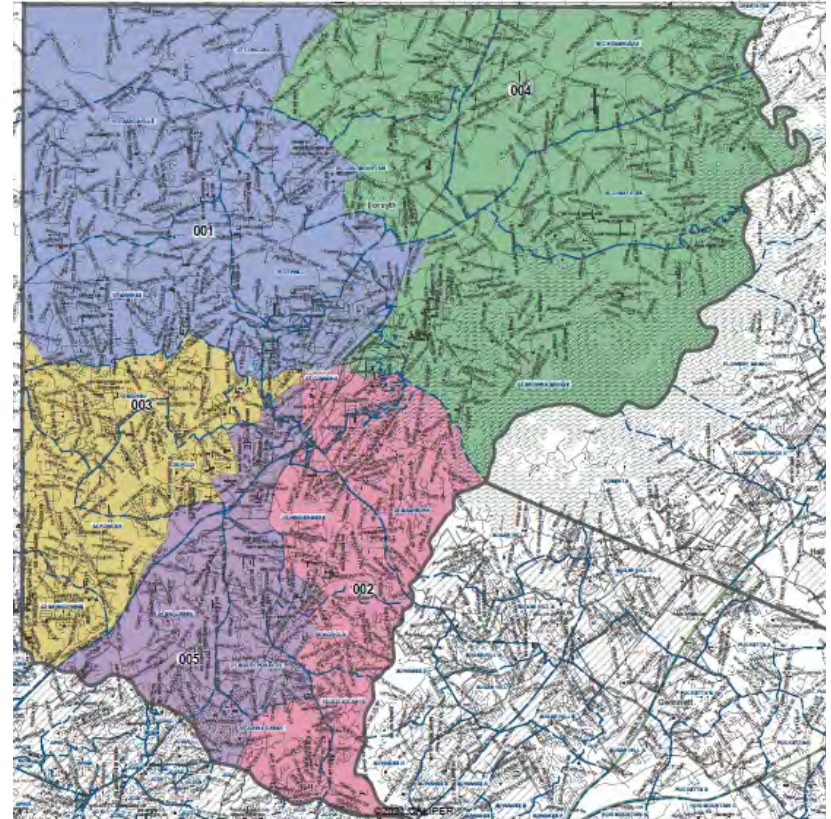
Forsyth County

2020 Population: 251,283

Ideal District Size: 50,256

Structure:

- Chairperson
- County Manager
- 5 Districts
 - District 1: 50,750
 - District 2: 49,966
 - District 3: 50,557
 - District 4: 49,861
 - District 5: 50,149



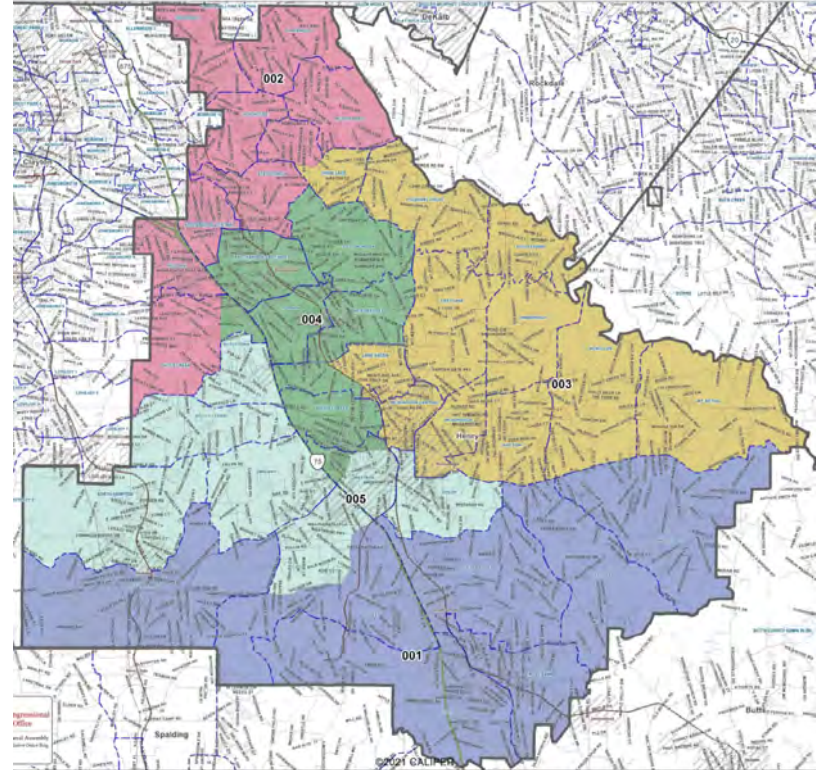
Henry County

2020 Population: 240,712

Ideal District Size: 48,142

Structure:

- Chairperson
- County Manager
- 5 Districts
 - District 1: 47,610
 - District 2: 48,644
 - District 3: 48,508
 - District 4: 48,309
 - District 5: 47,641



Appendix F: HB 694 (2023)

DRAFT SEC. 8. COMPENSATION BASED ON LANGUAGE OF HB 694 (2023)

Sec. 8 Compensation

- (1) The chief executive officer shall be compensated annually in an amount equal to 100% percent of the gross salary of a superior court judge as set forth in 2023 Ga. Laws p. _____, or as hereafter amended, payable in equal monthly installments.
- (2) Each member of the commission shall be compensated annually in an amount equal to 31.984326641319% percent of the base state salary of a superior court judge as set forth in 2023 Ga. Laws p. _____, or as hereafter amended, payable in equal monthly installments
- (3) In addition to the annual salary provided for by paragraph (2) of this section, each member of the commission shall receive an expense allowance of three hundred dollars (\$300.00) per month.

House Bill 694 (AS PASSED HOUSE AND SENATE)

By: Representatives Mitchell of the 88th, Moore of the 91st, Crawford of the 84th, Kendrick of the 95th, Bennett of the 94th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act providing for the compensation of certain county officers and officials of
2 DeKalb County, approved March 31, 1976 (Ga. L. 1976, p. 3986), as amended, so as to
3 revise the compensation of certain judges, judicial officers, and county officers; to provide
4 for an effective date; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 SECTION 1.

7 An Act providing for the compensation of certain county officers and officials of DeKalb
8 County, approved March 31, 1976 (Ga. L. 1976, p. 3986), as amended, is amended by
9 revising Sections 2, 2.1, and 2.2 and adding a new subsection to read as follows:

10 "SECTION 1.1A

11 In addition to any compensation provided for in an Act providing a supplement to the
12 compensation, expenses, and allowances of the judges of the superior court of the Stone
13 Mountain Judicial Circuit, approved March 21, 1974 (Ga. L. 1974, p. 391), as amended,
14 beginning July 1, 2023, the salary supplement provided by DeKalb County to the superior

15 court judges of the Stone Mountain Judicial Circuit shall be increased in the amount of
16 \$21,489.00.

17 SECTION 2.

18 Notwithstanding any other provisions of law to the contrary, the annual salary of each of
19 the officials of DeKalb County listed below shall be the following percentages of the gross
20 salary as defined in Section 1:

- 21 (1) Judge of the Probate Court.....90%
- 22 (2) Clerk of the Superior Court.....75%
- 23 (3) Tax Commissioner.....75%
- 24 (4) Judge of the Juvenile Court.....90%

25 SECTION 2.1.

26 Notwithstanding any other provisions of law to the contrary, the annual salary of each of
27 the officials of DeKalb County listed below shall be the following percentages of the gross
28 salary as defined in Section 1:

- 29 (1) Chief Executive Officer.....100%
- 30 (2) Members of the Board of Commissioners.....31.984326641319%

31 SECTION 2.2.

32 The sheriff of DeKalb County shall receive an annual salary equal to 100 percent of the
33 gross salary as defined in Section 1."

34 SECTION 2.

35 Said Act is further amended by revising Section 3 as follows:

36 "SECTION 3.

37 Notwithstanding any other provisions of law to the contrary, the annual salary of each of
38 the officials of DeKalb County listed below shall be the following percentages of the gross
39 salary as defined in Section 1:

- 40 (1) State Court Judge, Jury and Traffic Division.....90%
- 41 (2) State Court Solicitor.....90%
- 42 (3) Chief Magistrate.....90%
- 43 (4) Associate Magistrate.....67.5%
- 44 (5) District Attorney.....100%"

45 **SECTION 3.**

46 This Act shall become effective on July 1, 2023.

47 **SECTION 4.**

48 All laws and parts of laws in conflict with this Act are repealed.

Appendix G: Charter Review Sub-Committee Report

Charter Review Sub-Committee Report

The formation of this subcommittee within the DeKalb County Charter Review Commission was driven by the need to assess and deliberate on the arrangement of the Commissioner's districts and super districts. This discussion has been ongoing and is particularly pertinent given the recent 4.6% growth in DeKalb County's population since the 2020 Census, resulting in an increase from 20,078 to 21,003 residents. Notably, the current population of DeKalb County stands at 764,382.

For approximately the past two decades, the DeKalb County Board of Commissioners has comprised seven members: five district commissioners, each representing roughly one-fifth of the county, and two "super district" commissioners, each covering approximately half of the county. These super districts overlap with the regular districts, ensuring multiple representatives for each area within the county. However, there is an ongoing debate between retaining the super district structure or exploring the possibility of creating smaller districts, with each representing around 100,000 county residents.

The Sub-Committee's discussions included the following:

1. The potential elimination of super districts in favor of redrawing existing boundaries to create a total of seven smaller districts.
2. The proposal to increase the number of Board of Commissioners members from 7 to 9, incorporating a County Commission Cahir elected County-wide, and adding one additional district to reduce the size of each district from 151,000 to 126,300.
3. The committee's intention was to engage with the public to gather input on whether changes to district commissioners and super districts were desired.

This process was intended to raise awareness, facilitate discussion, and gather input on voting, representation, and the interests of various minority populations, including African Americans.

During the September meeting, the subcommittee made the following decisions:

1. The subcommittee voted not to eliminate the Super Districts.
2. The subcommittee voted against an increase in the size of the commission.

Members of the Subcommittee:

Virginia W. Harris, Chair

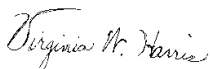
James Grubiak, Co-Chair

Clara DeLay

Dwight Thomas

Robert Wittenstein

Respectfully Submitted



Appendix H: Subpoena Research

Subpoena Inquiry

Do other Georgia counties have enabling legislation which permits commissioners to compel testimony with or without a subpoena? Can a department head be subpoenaed and compelled to give testimony before the commission, and can certain areas of questioning be precluded?

Summary

There were several counties that implied some kinds of limited subpoena-like powers to boards of commissioners. These subpoena-like powers appear to be limited to the production of report-style documents. There are also several counties which explicitly give subpoena powers to **other** governmental bodies such as a county manager, a merit systems board, a code enforcement board, a license review board, or a board of ethics. However, there was no county located in Georgia which gives its board of commissioners an enumerated subpoena power to compel testimony. Below is a list of the metro county powers.

- **ACCG Model Charter**
 - Sec. 3.6 - Following the adoption of an authorizing resolution, the board of commissioners may make inquiries and investigations into the affairs of the county and conduct of any department, office, or agency thereof and for this purpose may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. Any such subpoena may be enforced through the superior court of the county.
- **Fulton**
 - Sec. 38-36 - “The county manager may issue subpoenas to compel access to or the production of such materials or the appearance of such persons and may issue interrogatories to a respondent to the same extent and subject to the same limitations as would apply if a subpoena or interrogatories were issued or served in aid of a civil action in a superior court in which an investigation was taking place. The county manager may administer oaths.”
 - Sec. 38-36 - “In case of refusal to obey a subpoena, the county manager or other person at whose request it was issued may petition for its enforcement in the superior court of the county in which the person to whom the subpoena was addressed resides or transacts business.”
- **Clayton**
 - Art. III Sec. 2-86.6 - Grants the Code Enforcement Board broad subpoena power of individuals and of evidence with court approval
 - Art. III Sec. 2-90.6 - Grants the License Review Board broad subpoena power over individuals and evidence with court approval.
- **Cobb**
 - Sec. 2-76 - The ethics board has the power “to cause subpoenas to be served upon any person or persons, whether resident or nonresident of the county, requiring the attendance of such person or persons before the ethics board to offer testimony, documentary or other evidence for an investigation, investigatory

review, or hearing. The board shall have the power to require the production of such evidence as may be necessary to enable the board to carry out its duties. The board shall also have the right to provide for discovery in the same manner as courts of record of this state have the right to require discovery. When a subpoena is issued and served, such subpoena may be enforced pursuant to the Georgia Administrative Procedure Act, O.C.G.A. § 50-13-13, as amended. Such subpoena power shall be limited to the board and its legal counsel and is not subject to the request of any party.”

- Sec. 134-93 - The Chairman of the Board of Appeals, appointed by the commissioners, “may administer oaths and compel the attendance of witnesses by subpoena.”

- **Gwinnett**

- 1988 Ga. Laws pg. 4658 - Gwinnett abolished the prior board of commissioners and established a new one in 1988. There is no express subpoena power for the board of commissioners.
- Part I Art. II Div. 5 Sec. 6 - However, the Merit Systems Board has broad subpoena powers, and the code states that “the board, each member of the board, and the executive secretary each shall have the power to administer oaths, subpoena witnesses, and compel the production of documents, including, but not limited to, documents and correspondence, audio/visual tapes, and computer generated information relevant to any investigation or hearing.”

- **Cherokee**

- Art. II Sec. 9(f)(1) - The Board of Ethics has broad authority to “hold and conduct hearings, issue subpoenas, examine witnesses, and administer oaths. The board of ethics shall apply to the Superior Court of Cherokee County for the enforcement of any subpoena issued by the board.”

- **Forsyth**

- 1964 Ga. Laws pg. 2225 (Section 12) - Forsyth does not give subpoena power to the board of commissioners, but it does specifically say that the commission “may require from all [county officers who handle county money] such reports as may be necessary to keep said board fully informed at all times of the financial condition of the county.”

- **Douglas**

- Ch. 2 Art. I Sec 2-6(b) - All department heads are required to “submit reports quarterly or as otherwise required by the board of commissioners of the activities of their respective departments to the board of commissioners.”

Appendix I: DeKalb Municipal Association Recommendations

DeKalb Municipal Association

Recommendations to the DeKalb County Charter Commission

July 13, 2023

Introduction

DeKalb County Chief Executive Officer Michael Thurmond issued Executive Order 2019-001 *Creation of a Charter Review Commission to Examine the DeKalb County Form of Government* on March 25, 2019. In the introductory language of the order, the CEO expressed a desire “for a comprehensive review of the Organizational Act of DeKalb County (Org. Act) to ensure that the government of DeKalb County is representative of all citizens of DeKalb County and responsive to the needs and demands of the citizens of DeKalb County” and indicated a hope for “recommend changes in order to achieve the best delivery of services to the citizens of DeKalb County.”

By way of background, the organizational acts of a county government are akin to a city charter in that they establish the form of government, establish electoral districts, and provide other details on how the government is organized and operates. They are local Acts of the Georgia General Assembly that may be amended by the legislature (so long as they do not deprive the county of Constitutional and general statutory home rule powers) and to a lesser extent by the County government itself (within parameters that do not change the form of government or conflict with state law). After delays caused in large part by the global COVID-19 pandemic, the commission has begun meeting. The Chair of the Commission, former State Senator Steve Henson, invited the DeKalb Municipal Association to submit recommendations for consideration.

Recommendations

The following recommendations are being presented here after discussions with Mayors on the DMA Executive Committee. Some of the issues raised by some cities concerning the specific county-wide services of ambulance transport and water/sewer service would require legal changes outside of the purview of the Charter Commission. Thus, the following suggestions for amending the County’s organizational act are

respectfully offered with the hope and intention of creating avenues for achieving greater accountability from county government.

Recommendation 1: Change the form of County Government from the CEO/Commission form to a Board of Commissioner/County Manager Form of Government.

DeKalb County's CEO form of government is notably unique in Georgia and particularly among its peer county governments in the metro Atlanta area. Each of the other metro counties with populations exceeding 300,000 have a county commission, with a county-wide elected commission chair serving as the presiding officer and either a county manager or county administrator that is answerable to the commission as a governing body.¹ By stark contrast, the CEO of DeKalb County is elected countywide as the head of the executive branch of county government and is vested with sweeping executive powers. The closest equivalent to a county manager in DeKalb's form of government is the Chief Operating Officer (called the Executive Assistant in the County Organizational Act). DeKalb's COO, unlike the county managers in neighboring counties, can be dismissed at any time by either the CEO or by a majority vote of the county commission. Removal of the county manager in counties with a more traditional commission structure requires a majority vote of the commission.

The division of DeKalb County's government into an executive branch run by the CEO and a legislative branch run by the Commission creates a significant bifurcation of responsibility and places Commissioners in a limited role. Although a majority of them can dismiss the COO, in practical terms, they have very little power to hold county departments and their operations accountable because the COO is accountable directly to the CEO over whom the Commission has almost no authority. Decisions regarding interpretation of policy, code enforcement, and personnel decisions are ultimately made by the CEO, one elected official for a county of over 760,000 people.

¹ For Cobb County, see Article II of Section II of State Enabling Legislation, for Fulton County, see Divisions 1 and 4 of Article II of Chapter 1 of the County Code, for Gwinnett County, see 1988 Ga. Laws, p. 4658 and Article III of Chapter 2 of the County Code.

Most municipal officials, generally able to develop working relationships with their local district county commissioners, are often able to find common ground with them concerning service delivery or governmental coordination issues as they tend to be “closer” to the city constituents that they represent on the county level than the CEO. Concerns raised by municipal officials to their sympathetic local county commissioner, however, often produce little more than a grudging mutual acknowledgement of the limited ability of a commissioner to effect any change regardless of the validity of the operational concern. City managers attempting to resolve operational and cooperation issues with their staff peer at county government encounter a similar challenge. Because the COO’s ability to make management decisions on behalf of the county is subordinate to the daily level of autonomy granted by the CEO, their hands are often tied or must wait until such concerns become significant enough to warrant the attention of that sole county-wide elected county official.

Although it would require a thorough re-write of the County Organizational Acts, the time is long overdue for DeKalb County’s form of government to be changed to a Commission-Manager form of government similar to those of its peer neighbors. Doing so would enable consensus making decisions at the county governing authority level as well as accountability through a county manager to be far more direct. It would also elevate concerns raised by individual commissioners and thus indirectly those of their constituents, including city officials and city residents.

Recommendation 2: Designate a County Open Records Officer.

The Georgia Open Records Act provides as follows:

The General Assembly finds and declares that the strong public policy of this state is in favor of open government; that open government is essential to a free, open, and democratic society; and that public access to public records should be encouraged to foster confidence in government and so that the public can evaluate the expenditure of public funds and the efficient and proper functioning of its institutions. The General Assembly further finds and declares that there is a strong presumption that public records should be made available for public inspection without delay. This article shall be broadly construed to allow the inspection of governmental records.

O.C.G.A. § 50-18-70(a). To that end, the Act provides that local governments may “. . . but shall not be obligated to, require that all written requests be made upon the

responder's choice of one of the following: the agency's director, chairperson, or chief executive officer, however denominated; the senior official at any satellite office of an agency; a clerk specifically designated by an agency as the custodian of agency records; or a duly designated open records officer of an agency . . ."²

DeKalb County's current approach to open records requests, as indicated by its website, is to encourage those seeking records to send the request by email to the "appropriate department" On one of the county web pages a list of thirty-six different department titles, each associated with a different name, email address, and a phone number is given, but nothing on this page indicates the types of records maintained by these different departments.³ Additionally, individual department pages also list names and email addresses of individuals that may be sent open records requests.⁴ However, there does not appear to be a designated open records officer for the county or one portal through which to make a request. By contrast, every other large metro Atlanta area County government has established an online open records portal through which records may be requested regardless of which department houses them, and some of the governments have assigned the duty to respond to their county attorney's office to facilitate ease of access to government records.⁵

DeKalb's organizational act could easily be amended to provide that the county create and maintain an online open records portal and a specified office or officer responsible for processing open records requests so that the public can with greater ease exercise its right to review county records. In 2015, the Georgia General Assembly legislatively created the office of internal audit that is empowered to act independently and have access to all records in each county department.⁶ It makes sense therefore, to amend the powers and duties of the internal auditor to include the function of serving as

² O.C.G.A. § 50-18-71(b)(1)(B).

³ See: <https://www.dekalbcountyga.gov/openrecords>; last accessed June 13, 2023.

⁴ See e.g. Sanitation Services at: <https://www.dekalbcountyga.gov/sanitation/open-records-request>; last accessed June 13, 2023.

⁵ See: [https://claytoncountyga.govqa.us/WEBAPP/rs/\(S\(fuwog3gosaytqolpxn1zrqz1\)\)/support/home.aspx](https://claytoncountyga.govqa.us/WEBAPP/rs/(S(fuwog3gosaytqolpxn1zrqz1))/support/home.aspx), <https://www.fultoncountyga.gov/inside-fulton-county/fulton-county-departments/office-of-the-county-attorney/open-records-request>, <https://www.cobbcounty.org/board/county-attorney/open-records-requests>, <https://www.gwinnettcounty.com/web/gwinnett/departments/communications/mediarelations/openrecords>.

⁶ See Georgia Laws 2015, p. 3826.

the open records officer of the county and to be responsible for managing a county open records portal.

Suggested language:

Section 10A – Independent Internal Audit

Adding a new subsection (p):

The auditor shall be the designated open records officer of the County. The office of internal audit shall create and maintain an online portal to facilitate receipt, monitoring, and response to records requests. The office of internal audit shall work in consultation with the County Attorney and the heads of the various departments to ensure compliance with state law regarding such requests. In addition, the office of internal audit shall conduct an annual audit, presented to the Board of Commissioners, of departments to ensure that they are operating according to the provisions of state law.

Recommendation 3: Add Service Benchmarking Requirements to Performance Audits.

One of the best ways to track efficiency in the provision of government services is to compare key metrics associated with individual service provision to those of other similarly situated governments providing similar services under similar circumstances. The International City County Management Association, numerous public and private Universities and consulting firms across the country provide service benchmarking assistance and studies. The proximity and similarity of nearby Cobb County and Gwinnett County in terms of service responsibility, size, and population characteristics makes them both excellent peers to use for comparison. Publishing benchmarking reports allows opportunities for both sharing knowledge with peers and holding departments accountable for efficiently delivering their mission.

For example, what are response times for ambulances, police, and fire in the areas served by these governments? How many road miles has each government repaved in the last year? What are the comparative records for managing sewage spills? Having the office of independent audit commission and publish benchmarking data is another way to hold the county accountable for service provision and to shed light on any unique challenges that require attention as well as highlighting successes.

Suggested language:

Section 10A – Independent Internal Audit

Adding a new subsection (q):

The auditor shall cause to be published annually a benchmarking report that compares key metrics of service performance for the various services offered by the county. Such reports may be commissioned from outside entities with experience in performing such studies pursuant to criteria established by the auditor in consultation with the audit oversight committee. Such studies shall be publicly presented to the audit oversight committee and the Board of Commissioners and shall be published on the office of internal audit website.

Appendix J: Letter from the Office of Independent Internal Audit



OFFICE OF INDEPENDENT INTERNAL AUDIT Audit Oversight Committee

2023 October 26

Mr. Steve Henson, Chairman
DeKalb County Charter Review Commission
1300 Commerce Drive
Decatur, GA 30030

Dear Chairman Henson,

This is written on behalf of the DeKalb County Audit Oversight Committee (AOC). We are in receipt of a copy of changes proposed by the DeKalb County Charter Review Commission (Commission) to the Organizational Act of DeKalb County. We understand that these will be offered for public comment on November 9. We acknowledge and appreciate the hard work of the Commission, and the attention given to Section 10A, the framework for the Office of Independent Internal Audit. Please be advised that the AOC will be compelled to oppose amendments to Section 10A as part of the work of a County Commission.

The AOC is ever aware of, and sensitive to, the circumstances for which the Office of Independent Internal Audit was created. Section 10A was originally enacted as House Bill 599 by the Georgia General Assembly in 2015 (modified in 2018). The policy states the following:

(c) The office of internal audit shall be completely independent and shall not be subject to control or supervision by the chief executive, the commission, or any other official, employee, department or agency of the county government.

This policy is foundational and fundamental to our work as we make decisions which are frequently difficult and controversial. However, such decisions are necessary and appropriate to carry out our mission in determining whether County funds and public programs have been properly administered and utilized in compliance with laws and regulations.

On behalf of the AOC, I ask that the Commission remove the amendments proposed for Section 10A. This is not to say that we do not agree with some of the proposed technical amendments – rather we request the opportunity to independently assess and appropriately incorporate those into our own proposal to the General Assembly.

The AOC remains steadfast to our commitment to the General Assembly's direction and expectation that we operate in complete independence. In our efforts to be fully responsive to that directive, we must insist that we communicate directly with the legislature.

Thank you in advance for your cooperation in support of our fellow citizens.

Sincerely,

Lisa Earls

Lisa Earls
Chair

Sent via email

Appendix K: Public Comments

PUBLIC COMMENTS FROM REGULAR MEETINGS

Public comments are pulled from the minutes of the regular DRCC meetings. Addresses have been removed from the comments to protect citizen's privacy.

June 22, 2022 Public Comments

Steve Binney: spoke regarding the CEO process and the Commission.

Charles Hankla: spoke regarding the majority voting and ranked choice voting.

July 20, 2022 Public Comments

Steve Binney: Mr. Binney expressed his views on the history of the Organization Act.

Ed Williams: Mr. Williams expressed his concern that the public have input into the drafting of the Organization Act.

August 4, 2022 Public Comments

No public comments.

October 6, 2022 Public Comments

Steve Binney: I would like to point out or suggest that you take a very close look at the appointment process as this committee itself was affected by it. I believe you were out of service for nearly a year or maybe a little over a year because the CEO was not making his appointments. And, in fact, the only reason that the appointments were made was because, I believe, Commissioner Terry introduced an ordinance that if the CEO didn't make an appointment after 90 days, that the commission would be allowed to make it. So, I believe that needs to be looked at.

Now over the last 40 years, the DeKalb County Charter has told us how county government is to be organized and what it is to do. And now you have an opportunity to make changes to the Charter and I hope that you do it. Do we want to remain the only county in Georgia with a very powerful CEO or do we want to have a more equitable distribution of power in DeKalb? We are the only county in the state that has an elected Chief Executive Officer who manages daily operations, leaving the county commission to approve CEO decisions. Such limited authority of the commission undermines any political balance between the CEO and the commission in this type of government structure. Why elect and pay commissioners at all if in the end they have very little or no power over the actual decisions made that affect their constituents?

This unequal power balance shows itself each year in the budget process also. I propose that the CEO form of government should be changed to allow for a great distribution of power throughout DeKalb County.

December 1, 2022 Public Comments

Lynn Ganim: *I just have an administrative question. My understanding is that this group was authorized to stay in existence until the end of this month, and that the CEO was supposed to publicly commit to extending the legality of his existence. Since you're now making plans for meetings into 2023, I'm assuming that means you've gotten some official authorization to stay in operation. Just curious about what you stand with that and what the CEO is doing to honor his commitment to continue your existence. Thank you.*

Steve Binney: *Good Evening Charter Review Members, you have been going over the Organizational Act section by section during these meetings and I would like to make some observations and suggestions on these sections.*

In Section 13 (i) the CEO is allowed 120 days, at the end of the fiscal year, to produce a final financial report for the preceding year. This has not always happened in the past and there is no listed penalty if it is late in being produced. This report is also to be published in the official organ of DeKalb County, which is currently "The Champion", which is not easily available in all parts of Dekalb County. Perhaps including the AJC and or other local Dekalb County information outlets will increase the visibility of this and other official announcements made by the county, allowing an opportunity for more public input into county decisions.

Paragraph (k) says the CEO shall devote full-time to the duties of the office and have no other source of employment. Perhaps we should consider applying these same standards to our county commissioners. An urban growing county needs full-time commissioners and they should be paid as such.

Section 13A regarding appointments to public office needs to be tightened up, especially paragraphs (B) through (E) and (2A) because as currently written they are open to abuse and when followed result in a slow moving process which needs to be updated to fill the needs of today's Dekalb County.

The process often is not even followed or forgotten about as evidenced recently by reappointment of Affordable Housing council members who served 4 or 5 years without being legally reappointed.

With the county's current problems with producing a midyear budget 4 months late I believe that Section 17 needs drastic updating. The CEO's submit date of December 15th is too late a date for county commissioners to give a close and careful evaluation to a 1.3-billion-dollar proposal and have to vote on it in February, given the holiday season. I would like to suggest that the future fiscal year budgets be provided to commissioners at the start or middle of October so that it can be properly evaluated and voted on by the commissioners by the end of the year or early in January. Any adjustments needed or if the CEO is not reelected and the new one wants to make changes they can be made during the mid-year budget renewal process. Under the current system the CEO is authorized to make expenditures as they see fit from January 1st until the budget is voted on and approved. The current budgeting process is a definition of how to use bullying to get what a CEO wants and needs to be revised. More Public Hearings

should be required throughout the county outside of the commission meetings. Perhaps during evening hours when more citizens will be able to participate.

All Charter Review members are working hard to help create a better Dekalb County for the future and I appreciate your efforts. Thank you for your time and consideration.

Joe Arrington: I want to thank all for doing what you have done. You had to go through a long spell before you got your feet on the ground and started working. I think you've done a good job of processing the Org Act. My number one concern is public participation in what you're doing. Now you have had public hearings, exactly two. The attendance has been embarrassingly low. There's a lot of reasons for that. There is Covid and the list goes on and on. I think you are going to have to take a serious look at reaching more people to be involved. The biggest problem I have experienced with these meetings has been the audio. I am hard of hearing, and I can hardly hear anything that is being spoken. There are a great deal of people who are hearing impaired. I would appreciate serious consideration from those of you that will be working on this, and I will be looking forward to some improvements.

January 12, 2023 Public Comments

Steve Binney Public Comments: Good evening, Charter Review Members, How much transparency and communication should Dekalb County provide to its citizens? Hopefully more than it currently does. The Charter Review process is where decisions affecting this transparency can and must be made. Transparency and communication are two-way streets. The citizens have a responsibility to search out the information and provide feedback to the county. On the flip side, it is the County's responsibility and job to provide easy access to this information. Today finding the information you need or even the right forms to fill out in Dekalb County can be more like a mountain trek than a walk on the beach. Currently the official newspaper of record for DeKalb County is "The Champion". It is published once a week, I believe, and has a little over 40,000 subscribers. This in a county of nearly 800,000. "The Champion" is a fine newspaper but it's reach is limited. When commissioners posted the legal notices that they were going to raise their pay by over 60% but nowhere else, they were able to walk it on and pass it without public input because the public was not aware of the pay raise.

I do not believe it is against the law to have more than one official newspaper of record for Dekalb County and if there is there is no reason the county could not post these legal notices in other local newspapers and sites also, if instructed in the new charter.

I am a big proponent of local and neighborhood news organizations and publishing these notices with papers and web sites in Tucker, Dunwoody, Stonecrest, or even organizations like Decaturish will not only allow Dekalb County's legal notices to be seen more easily by more people but will also end up getting more public input on proposed county changes. As a bonus, the increased revenue to these other news organizations could help in expanding their own local news coverage and encourage them to take a deeper interest in what is going on throughout Dekalb County.

Information is power and currently not enough information is being provided by the county to enable the public to exercise their power to form opinions or to effect change. Governmental authorities sometimes fail to realize the full benefits of public engagement when they do it on a piecemeal or occasional basis. Public engagement will be more effective and efficient if it is treated as a part of the normal governing process.

Effective public engagement requires specific types of expertise such as outreach and facilitation. A specific position such as an engagement coordinator can ensure that engagement is well executed.

County Commissioners and CEOs have important roles to play in public engagement. City administrators have the additional duty of helping staff to suppose and coordinate public engagement efforts. Public engagement can bridge two divides in these days where compromise and understanding are becoming a lost art. Most conventional engagement processes seem to encourage tensions and division among community members and between community members and their government. In this day and age civic health matters. Transparency and public communication needs to be monitored and improved in the interest of the health, prosperity, justice, safety, and general well being of DeKalb County. Thank you for your time and consideration.

February 9, 2023 Public Comments

Davis Fox: I wanted to comment about the different forms of government. One of the things that I saw tonight and perhaps you did is that when you look at the elected county executive versus the typical board of commissioners in Georgia, there are some stark differences. In the elected county executive role, you have a very centralized power, whereas in the county commission form of government, it's a more shared, cooperative power. You have a Chair and five-member commission and the chair is one of those members. He or she votes as one of those members and it takes three votes to do something. The governing authority works together more. There's more consensus building. Whereas, in DeKalb, in our form of government, it's very separate and it's walled off. The strong line authority is in contrast to other governments. For example, in Cobb County the department heads are hired by the Commission Chair from a list of names selected by the County Manager. In DeKalb, the CEO could hire his brother-in-law and there's nothing anyone could do about it.

Veto power – I don't think you will find any County Commission in Georgia except DeKalb where there is somebody who has a veto authority. The CEO hires and fires and directs all work. In the org act it states that "Subject to budgetary limitations the chief executive shall have exclusive authority to appoint, remove and fix the compensation of all employees. That is different in a County Manager government structure. It's not the Chairman that hires and fires and sets the compensation for everyone. Another example of the very centralized power in DeKalb, it's the first thing that's said in the Org Act about the CEO power. "The Chief Executive shall have the exclusive power to supervise, direct and control the

administration of the county government. "Members of the commission shall deal solely through the Chief Executive or the executive assistant."

Jim Smith: I am a member of the Community Council 2. I was a member of NPU-F for five or six years prior to moving to DeKalb. The NPUs have teeth; the Community councils do not. Community Council is purely recommendation. Commissioner Cochran-Johnson will have a town hall meeting to discuss Charter Review. This is a great idea. Charter Review is an abstract idea – people need to understand these issues impact your daily life. For example, in my neighborhood we don't have confidence that code enforcement can do anything to solve a problem we have with a site on Scott Boulevard where the business owner is storing hundreds of cars on the property and on the street. Code compliance doesn't seem to be able to do anything about it.

March 9, 2023 Public Comments

Jocelyn O'Neal: Looking at the presentation, I'm curious. Dealing with the purchasing, who are the internal and external stakeholders? I'm not sure who that is. And how many subcommittees does this board have and how are you all divided up to take on certain projects. I don't want to start a public fight. I think you're a little bit too big for me. I understand that. From experience of a recent situation with a contractor in DeKalb. Who does the investigation on the contractors. Because a lot of that depends on when a project is going to start. Is it the federal government that does the background checks? Because we just had an experience with a contractor who had some illegal things going on in DeKalb County. Folks that are in the department know exactly what I'm talking about.

Joel Edwards: I am a 36-year resident of DeKalb County. I am the former President of Restore DeKalb. I'm glad that you all are at the table to review this charter review. My concern is the lack of accountability here in this county. Now we have commissioners that are in the pocket of the CEO. So how are you going to hold the CEO accountable? That's a question. That has to change because it affects the stakeholders. We are taxpayers. When it comes to technology DeKalb County is years behind when it comes to technology. Case in point, code enforcement, okay. We have code compliance, not code enforcement. But there is supposed to be technology to enhance that department. It's not happening. Another thing: contractors that have contracts with DeKalb County as far as the SPLOST. 85 percent of the tax money is supposed to go for roads and 15 percent is supposed to go for capital improvement. There are some contractors that have already bailed out because the county has not paid them. There is no cost overrun payment to these contractors. Our streets are not being resurfaced. Dunwoody, Brookhaven, Tucker, they're taking care of their own. They're cities. Stonecrest also. I am not pointing fingers. The COO, Zack Williams, is doing his best as far as I know because when I call him, we get things done. But overall, in this county, accountability is nil to none.

Steve Binney: Last month I heard one or two members remark that they were tired of the same people giving public comments at each meeting, and they felt they were having an undue influence on the

charter review process. As a DeKalb County citizen who cares enough to show up to as many of these meetings as I can to express my thoughts and ideas about what a better, more responsive and transparent DeKalb County might look like, it is not an undue influence. It is love. At a recent town hall meeting, a couple of residents suggested term limits for county commissioners just like we currently do for our CEO. This is a great idea and should be incorporated into any new charter. During 2016, a citizens committee was formed to put together a spending list of projects for SPLOST funds before the referendum was to be voted on in November of 2017. It is now March 2023. Eight months before the vote on extending the one penny SPLOST tax. I just want to add that with today's presentations on purchasing and on the budget, you have seen a number of examples of why it is bad to let the CEO have too much power. Thank you very much for your time.

March 29, 2023 Public Comments

Steven Binney: Good Evening, Charter Review Members, I want to thank everyone for coming tonight. Our last meeting was very informative and provided examples of some of the problems inherent in a CEO-centric form of governance. Commissioners lack of access to information during the procurement process or even after the contractor has been chosen limits their input into the process and opens up the use of the bullying and last-minute proposals that the CEO office currently uses to force projects to be approved. Commissioners should have the ability to look into and investigate those projects or proposals that they wish to obtain more information on.

Are you satisfied with Dekalb County's current Contract and Procurement process? A process that has been audited and criticized for many years but which the county has refused to change. Would you like to make some adjustments to the process. Now, during the charter review process is the time to make these desired changes happen.

The March 1st deadline to have the county's budget completed and voted on is so out of touch with all the other counties and cities within the Atlanta metropolitan area that it must be revised and corrected. The best solution I believe would be to target a fiscal year budget deadline but in Dekalb County's current situation that may be a very hard goal to reach. At the very least I would suggest an end of year deadline with an approval date of December 31st or the middle of January. This would require the CEO's office to submit a budget to the County Commission by October 1st or the 15th to allow the commission the time needed to conduct a proper review of the proposed budget.

I believe Commissioner Larry Johnson is concerned that the idea being floated of installing terms limits is a way to get him out of office and is taking it personally. While I do not think that is the intention, it does bring to mind the options to grandfather in certain aspects of the new organization act or to consider effective start dates as needed.

During this process I have heard some chatter about how much change should we put into this new charter. Will asking for too much change increase the chances of rejection by the Dekalb Legislative Delegation? Increase the amount of objection and opposition from Dekalb County Government? Increase the odds of being disapproved by the voters when and if the new charter reaches that point? Any journey starts with a single step but here in Dekalb County we have been motionless for over 40 years and we have a lot of ground to travel. What may not be a problem now might be a problem in the future if proper changes are not made to Dekalb County's charter in this review process. It is the Charter Review Commission's responsibility to put in all the recommendations and changes you deem necessary to help Dekalb County become a better place to live for all of us. The responsibility for the final form of the Charter will lie with the politicians when you submit your recommendations to Mike Thurmond, the county commission, and the Dekalb Legislative Delegation. The final product will most likely turn out to be a compromise of some sort and I suggest that backing down from ideals or ideas before negotiations begin is not a strong bargaining position. Fight for what you believe in. The future of Dekalb County and all of us that live here are counting on you. Thank you for your time and consideration.

Mr. John Frieze: are very interested in better availability to our government. We are really concerned about delivery of services. It does matter whether we have a County Manager or a CEO-styled government person because we're concerned about the quickest contact to those who represent us in getting things done. We've had quite a problem with a lot of areas where there's not a connectivity between one part of the government and another part of the government. It's like, oh that's not our job. You have to go here. Part of that is because there's not really a performance accountability structure for a lot of these places that needs to be to know if these things are getting done for the community. Also, we'll be connecting with other communities near us because this makes a very big difference and it does matter what kind of structure you have. That decision is important and it is also important that the right people be placed in those positions. I would like to say something about the super district commissioners. That has been a good idea, especially in regard to the one that has been responsive to us. We are very interested in the results and responsiveness to citizens and accountability for the people who serve us.

Mr. Andrew Bell – Restore DeKalb: I'm coming up to discuss the fact that Dr. Eaves mentioned 150 people attend meetings at 2 minutes a piece. That doesn't happen here. If you want to know why there's not a lot of public participation, because myself and some other individuals were here the other day. And we spent three hours here. And the people who spoke didn't speak up on any issue. It was more like a campaign rally, which I have no problem with. The problem I have is they infringed on other people's right to voice their concerns in a public meeting. The way it is structured now, people are being prohibited from voicing their concerns and opinions. That should not be happening. A Commissioner should not stack the deck to prevent other people from speaking. I think we need something in the charter to prevent that from happening again in the future. If you have eight people saying you are the greatest ever, then you need to have it in the charter that people who sit here for over three hours to speak and have to run out and feed the meter have a chance to speak too. What is a public hearing if the public can't speak.

Willie Pringle: *I've been a resident of DeKalb for over 50 years. First of all, I want to say I give honor to God who is the head of my life and my name is Willie Pringle. One of the problems I look at and see right now to see how our county is going down, when I look at and see all the service that we're paying for and that we have people that's supposed to be caring for and looking out for but when you make out paperwork, when you do phone calls, you don't get no response. I can truly say I don't mind calling out my representative. If you come and ask for my vote I tell you my vote is sacred. Too many of my ancestors have paid the price for me to have that voice to speak of and speak up for what I see is going wrong. My Commissioner, Larry Johnson, yes, I would say to the board, here please take into consideration now about term limits. Why is that? Because when we got elected people getting in position, they get complacent. And that's one of the things from the local level all the way to our federal level. Because everything starts locally. I want to see term limits. Because it's sad to say now, my Commissioner Larry Johnson, he's just there for his own interest. And I'll tell him face to face. I love him with the love of Jesus. But the bottom line of it is brother, it's time now for you to step aside and let somebody else take the helm. Because when you do not answer when your constituents calling you – for over five years, our community association has been trying o meet with Larry Johnson. And like I tell his liaison people, we didn't vote for you. We voted for Larry Johnson. Now, if Larry Johnson don't want to meet with us, I said, I don't need you to be a message carrier. There's a first Sunday in every month. You're going to end up, hey, I have to look at us at ballot box. Because why? You have to remember, the same way we vote you in, we can vote you out. I don't care who you are there's nothing wrong picking up the phone and giving that person a call. The one person on that commission I got to give credit for is Ms. Lorraine Cochran-Johnson. I have to say my hat is off to her. She is one of the only commissioners that I got to say out of all the years since I've been in this County and reaching out to our commission she will get back. Even if she's in a meeting, she'll let you know, I will get back with you. I appreciate it but this won't be the last time you'll be seeing Mr. Pringle's face because I'm involved. Our school system – that's one of the problems that I look at that needs to be addressed.*

Former Commissioner Kathie Gannon: *I used to serve on the Board of Commissioners, one piece of that structure. I hope you will have a panel of commissioners, perhaps to look at the same issues from their perspective. It might be interesting. I'm really thrilled to see so many people here unlike those budget meetings that they refer to where you get five folks to some, but that's it. But anyway, I just wanted to comment on a couple of things. I really was a strict advocate of the CEO-form of government and the structure that we have in DeKalb County. I thought it was – I guess I thought it was pretty cool that we were the only one in Georgia that had it. In serving at NACO and going around the country, I really was convinced that it was the best way to form. But then I have also had the privilege of serving under four CEOs. And I have seen problems come forward that are the same problems sort of over and over again. And it didn't matter who was in the office. It was more, I think, a function of the structure. So I think that idea of tweaking is a good thing. And I'm really thrilled that you are spending the time and your due diligence to look at these issues. I'm very impressed with the questions and the kind of attention that you're showing to this detail. A couple of things that came out tonight that I think were of interest was*

the idea that we have a need. The function is a different kind of skill totally. And as we have seen, all of our CEO's were not trained in the administrative functions of the day-to-day under the Organization Act. Yes, they can delegate. There is no written contract, no legislation form to clarify those roles and who the department heads are reporting to. here is a no direct report line. They go to the CEO. I think looking at the budget process would also be a very helpful area to tweak and improve on. Gerald Edwards, member of Restore Dekalb, citizen of DeKalb County for 38 years: Through the transition, it has gone down to the point that I want to move the hell out of here. When it comes to county services, that needs to be improved. The commissioners have the responsibility to hold the CEO accountable. When you have a so-called clique within the commissioners' circle that leans toward the CEO and give the CEO anything he wants by a 4-3 vote, okay, it's a problem. It's disrespectful for the citizens of DeKalb County. It's not part of the integrity. We have some issues here that need to be addressed: Code enforcement, one of the biggest problems in DeKalb County. DeKalb County is a dumping ground. I ride and leave my house and drive down to Dunwoody or Brookhaven; it's like a different world. Something needs to be done. The charter review committee needs to make some changes to make these commissioners accountable and not in their own self-interest of doing things for themselves. It's about we, the people.

Angela Patrick: I've been in DeKalb County all my adult life since I was 19 years old. I have worked with every CEO we have had all the way back to Manuel Maloof. I loved him. I learned a lot from him. As a matter of fact, he's the author of our form of government. I'm here primarily and because of time when I hear discussion about term limits, I want everybody to think about that. There is a mechanism to limit a person's service and it's called the vote. You don't do a good job, then it's time to vote them out. Very simple. But when you put term limits into the commission position, you may really be limiting the county's access to some really good resources, really good leadership, experience. We need new people coming in to work with the people that are already here. So, limiting a commissioner to just two terms is really something you need to think about very hard before making changes to the charter. I served on the charter review twice. I was appointed twice by elected officials, so I know what you guys are going through. It's not easy. But I didn't find any discrepancies to the point that we should throw it out and get rid of it. We have a hybrid CEO-form of government. And they both work. My primary concern is term limits. The term limit is at the ballot box. If you get elected and don't do a good job, I am going to vote you out. If you have new commissioners every four years you have inexperienced commissioners making decisions about our county. So, think long and hard about term limits for our commissioners.

Sandra Holmes: I live in DeKalb County. I am a member of Restore DeKalb. I have lived in the Ellenwood area for the last 20 plus years. I've seen it go down and I have had a need to call the code enforcement office and beg them to come out and clean up the areas. We need term limits because we've got people that do what they want to do when they want to do it and it shouldn't be. I shouldn't have to call and beg for my community to be clean. If you see something, say something.

April 13, 2023 Public Comments

Andrew Bell: resident of DeKalb County. *Obviously in 1979, they didn't have it right because when you create smaller districts, it's not equitable. The larger the district, the more equitable it is. That means the person on this side of the district is getting the same thing as the person on the other side of the district. When you start having these little quaint districts, then that disenfranchises people. Maybe they were coming up with that in 1979. So, I don't think the district should get anymore smaller. It looks like a trick bag and coming in, okay. Because that's going to negatively impact my community. I don't know who's paying attention, but I am. That's not right. We must make things as equitable as possible. Good governance. I'm not totally against term limits either. But I was a candidate in the District 3 county commissioner race. From January 1st to May 30th, my opponent spent over \$725,000. I put up my own money because I just believe in the cause. So, if we're not doing any type of campaign – see I'm for fair elections. So if we're not doing any type of campaign finance reform or anything of that nature, it's hard for a person that wants to get in public office to compete against \$715,000 in local election. We don't want to be hypocrites either. Because I know people that fought and died for that flag. So, I just read the law and it does allow for the commission to have people run for county commission to have people run for county commission at 18. Now, realistically, I doubt if that happens. But since we want to be patriotic and let the voters decide and everything, We don't want to take their vote and not let them run for office. So, if we're not doing – if we're not going to support term limits, let's at least make it so that somebody 18 could run for office. We don't want to be hypocrites.*

John Frieze – President of Kings Road Community Association: *I just have a few comments. I have been listening for and what my community is interested in responsiveness and accountability. So right now we don't feel like we are getting that. What we would like is to make a change because what's happening now is not working. So, if you change to a new management style, that would not be a problem for us if we could be responsive. Part of it is because there are other variables such as the way you deal with employees, the way that you do evaluations, the way you make people accountable, and we don't see that being done right now. I wanted to comment on the term limits issue is that Mr. Wittenstein mentioned John Lewis. Well, I worked in the city for 30 years. And I ran into John Lewis all the time. Mr. John Lewis was such a rare person that it's hard to compare him with other people considering all that you read in the news considering all the history we've had here and other areas of Atlanta. John Lewis was just really those rare. What I would say to that is that's where the dilemma is. Sometimes you do get extraordinary folks. If you look at what has recently occurred in Nashville and Memphis, you know that there are plenty of new and very vibrant young people who can come in and do extraordinary jobs representing the citizenry. I heard a lot of comments tonight about compliance with the State. I'm very concerned about what's happened. When I was in Atlanta, somebody was always trying to get that airport as they were with Nashville's – people trying to get Nashville's airport and all this going on. But I would say to you some of the threats that were made, like, to the local governments in order – because they don't have to worry in Tennessee legislature about the will of the voters anymore. I don't want to see that happen to us. When you all decide how you're going to do that, I want to be sure constituents vote on as many things that they possible can. Voters are intelligent. We need to make them more intelligent*

because they don't vote in their interest. If you think they do then you have to look at the statistics on gun violence for children, women's issues. There's a whole bunch of stuff you better look at. People voted for these folks.

Davis Fox: I am a resident of DeKalb County. I would like to speak with you about a tweak in the Org Act that I believe furthers the intent of the Org Act and is typical practice in other counties. In DeKalb County, the Planning and Zoning function primarily belongs to the board of commissioners. One of the listed powers and duties of the BOC is to, "regulate land use by the adoption of the comprehensive plan and by the adoption of the planning and zoning ordinances. The CEO has no vote in planning and zoning matters. He doesn't approve, deny or even veto planning matters. In fact, he doesn't even veto planning matters. He doesn't approve, deny or even veto planning matters. In fact, he doesn't even sign the ordinances as they relate to planning and zoning as he does in all other ordinances. The intent of the Org. Act is to give the BOC primacy over planning and zoning matters. The zoning ordinance further consolidates the power of the BOC. Eight out of nine planning commission members are appointed by the board of commissioners. Seven out of the seven board of zoning appeals members are appointed by the board of commissioners. That is in contrary to other typical appointments that the CEO makes the appointment, and the BOC approves. From a practical perspective, it only makes sense for the board of commissioners to be responsible for planning and zoning matters. There were approximately 150 cases last year. There's no way the CEO could give that kind of attention to 150 cases. The board of Commissioners are swamped by meetings with neighborhoods, applicants, their attorneys, their engineers, the planning staff, and occasionally the law department. It's a huge workload for them. Last month there were 17 cases alone on their agenda. It's very logical for planning and zoning to be under the purview of the board of commissioners. Citizens are comfortable with that structure. However, citizens are asking for more input. That is one reason why you're hearing public concerns about neighborhood planning units. People want to hold the planning function a little bit closer to them. They want a greater voice and a little bit more accountable.

Currently, the CEO nominates and the board of commissioners confirms the planning director. Why not just flip that? Have the board of commissioners nominate the planning director and have the CEO confirm it. Have the Board of Commissioners, with the assistance of the County manager and human resources director, nominate this person. As they work so much in planning and zoning issues, they ought to have a little bit more say in who and how that department functions. To further accountability, I would suggest using the Gwinnett County model and having the planning director hired using an employment contract so that it can be renewed, revised, extended, or canceled. In Cobb County and in Gwinnett County, the board of commissioners is – does the hiring of the planning director with the input from the county manager. I think that's an acceptable method for DeKalb as well.

Joel Edwards: I am a member of Restore DeKalb. I have lived in King Ridge subdivision here in DeKalb County for past 38 years. This charter review committee comprised of citizens of DeKalb County and two elected officials. Now the thing is that when you want to change the Org. Act and it comes to elected

officials on term limits, we have some elected officials on this committee. So how do you think they're going to vote? They're not going to vote for themselves to have term limits so they can relinquish their seats.

I think that the committee should be natural voters in this county other than elected officials. We have some elected officials in this county that do nothing, but they get elected year, by year. We do need term limits. We need it. It's imperative that we have it. We have some congressmen that were supposed to represent us. I know one that can hardly move, okay. He's been in Congress for the past 12 –14 years. In my opinion, he's done nothing. So, we need to look at that. When you have an 18-year-old that can go in the service and fight in Afghanistan, fight in Iraq, when he comes back home if he's qualified, he should be able to vote. He should be able to run for public office. He's a natural born citizen, fought for the country and if he wants to run for office, he should. I am hoping for you all to get it right and think about the interest of the citizens of DeKalb County because this is the most important thing is the citizens of DeKalb County. I moved in DeKalb County because of the fact it was green and clean. But things have changed. It's not like it used to be. I know things change, but things are supposed to change for the better. That is why I am a community activist. It's not that I am against politicians. I'm about accountability, integrity ethics and the rights of the people. And we the people. So, I hope that you all can come together and get this Org. Act right in the interest of the citizens of DeKalb County.

Steve Binney: Mr. Binney is a resident of DeKalb County. Good Evening Charter Review Members, Section 1 part A is truly the crux of Dekalb County's biscuit. "And Chief Executive Officer, who shall not be a member of the commission". A county is not a country or a state and should not be ruled like one. A county is a series of local communities and should be ruled as such. Whether with a CEO with reduced powers or a county manager the commissioners need more influence with the day to day operations of Dekalb County government because they are closer and more respondent to their constituents. Your two guests last meeting spoke to the importance of and sometimes the difficulty to get their commissioners working together on the same page but both emphasized the quality of the end results when they did. There are various ways to do this, Countywide elected Presiding Officer, appointed County Manager, or others. The final decision is yours but the concentration and uneven distribution of power must be corrected. It has both a history of and a future potential for abuse. Not to mention that the amount of transparency in a CEO form of government is negligible. In section 2, I believe the number of current commissioners (7) is too few for the current number of residents in Dekalb County. Representing over 150,000 residents is quite a job. The City of Atlanta has too many commissioners and most counties in our area have too few. I suggest the number of commissioners be set at nine. Seven individual and two super-commissioner districts. The seven individual districts would represent a little over a hundred thousand residents each, which is still a large number but would prevent the commission itself from becoming too large to function effectively. The two super-districts are needed to help bring a county-wide perspective to issues that need one. Individual commissioners have the potential to think only about their district and lose sight of how things might affect the entire county. If that happens, it is the job of super-district commissioners to help expand and maintain that vision. In parts 3 through 6 I believe that the

line "decennial census of 1990" should be changed to "latest decennial census" to keep out districts up to date. In section 3, I support the concept of keeping commissioner elections during even years to allow a greater number of voters to elect them. What is missing from section 3 is any discussion of term limits.

Throughout the country, states, and especially local communities the percentage of incumbents losing when running for re-election is very small. In these times of rapid change, new blood is needed in governing systems. I would like to set up two terms of four years as a maximum for 22 commissioners but I have heard talk about three terms and that is a satisfactory compromise. The interesting part of this will be how it will put into effect. Will current commissioners be grandfathered in and the new rules will not affect them? Will their term limits start when the new organizational is passed or will they not be allowed to run at all in the next election? I like the concept of resigning from current office to run for another in section 4 and hopefully we can delete section 5 entirely. I appreciate each of you for the job you have accepted to try to improve Dekalb County government. Few men and women are willing to brave the disapproval of their fellows, the censure of their colleagues, the wrath of their society. Moral courage is a rarer commodity than bravery in battle or great intelligence. Yet it is the one essential, vital quality for those who seek to change a world which yields most painfully to change. You have the moral courage to make Dekalb County a better place to live. Please use it. Thank you for your time and consideration.

May 11, 2023 Public Comment

Jocelyn O'Neal: She commented about redistricting and stated that in the past election it finished up December 31st when the governor signed off on the papers. It took her six trips to the voter registration office just to get a 82 page list of her precincts. She didn't receive her voter registration card until June because she was redistricted out of her area.

"We are going to have three vacancies coming up and I am hoping that you are ready for that. Corporations come into the district to do business. I still find that some of the companies that have been around forever AT&T and some of the cable companies are disrespectful to our communities. Grand-fathering in what does it mean when we have violations. I still am not clear on that."

Steve Binney: Once upon a time there was a CEO of DeKalb County named Burrell Ellis who ran into some legal problems and was forced to resign. Under Section 6 of the Org Act, the presiding Officer, Lee May was then named CEO. However, no one was appointed to or elected to fill the position. District 5 ended up without representation for two years. Section 6 needs to be rewritten or revised to ensure that the past does not repeat itself. Under paragraph D, the commission is given the power to appoint a person to fill a vacant commission seat if there are less than 180 days left in the seat's term. Commission seats should be elected by voters in the affected district, not by commission members who do not live in the district. Second, the appointed commissioner will have an unfair advantage in the upcoming election unless it is stated that the appointed person cannot be someone who is on the ballot for the upcoming election.

Mr. Binney asked the following questions:

Under Section 8 should commissioner positions be classified as a part time or full-time job?

If full- time, what kind of outside income will be allowable?

Should commissioners be allowed to set their own salaries?

Should potential pay increases be tied to judge's salaries?

Why not just tie it to the inflation rate?

Should commissioners be required to publicly vote on pay increases for themselves or the CEO?

Were you shocked the last time they increased their pay?

Section 9, line 10 gives one commissioner from the affected district or super district the power to stop any zoning changes they do not personally approve of. There are positive and negative aspects of this that need to be discussed and resolved.

Line 14 gives the commission the power to determine the priority of capital improvements. Does this apply to SPLOST expenditures?

Section 11, line D gives the commission the power to appoint an internal auditor whose function shall be to audit the various department offices and agencies on a continuing basis.

Section 12 – I would like to recommend that all DeKalb County commission meetings be public now and allow time for public comment. I also believe the total public comment time should be expanded beyond the 30-minute limit.

Davis Fox: I think we are here to see if we can find a better way for DeKalb County to work. However, where do we go to find out how well DeKalb County is working? Where do I go to find out how many miles of sewer line had been laid or how many roads has been paved or any number of things? How well is the Sanitation department? How many major arrests have been made by the Police Department? Where do I find this out? We live in an informative age and there is plenty of data available but we need to make it available to our citizens so that they understand how well our government is working and if not to adjust it. The citizenry cannot hold the government accountable. In Howard County, Maryland between Baltimore and Washington, they have something called Howard County Dash. You can google it and see their dashboard of what their goals are and how they are tracking what they are doing. The Org. Act. References certain tools. It references the budget, it represents – it presents the audit, it has the comprehensive plan. These are various tools the government uses.

Andrew Bell: He asked a question regarding the role of the Presiding Officer other than conducting a meeting.

Mr. Bell: *I am coming up to speak on the \$2.1 million that I heard is in the budget that nobody knows where the money goes. I mean what's going on with that. You know \$300,000 per commissioner. I live off Glenwood and 285. We really could use the money over there for afterschool programs and things of that nature. I don't know what type of government we're running where we give public money to the politicians and the public doesn't know what's going on with the money. We definitely could use \$2.1*

million in my community. As far as the Commissioners. I think it's possible that some of the commissioners may be running for office. At least according to what the Sheriff said, only one won't have to resign from their seat. So, I think that is more of a problem when you don't have the CEO. It just seems to be that its not really a big deal. I think it is definitely a problem if you have two or three commissioners that have to resign or so forth or for whatever reason. We have to bring some integrity back to this thing.

Joel Edwards: I am a member of Restore DeKalb and I am happy to see you here tonight. I've been a community activist for the past 15 to 20 years. My interest is to ensure that these politicians are held accountable in representing "we the people" here in DeKalb County. We have some issues here that need to be addressed holistically. I think you folks can make a change. Lack of accountability is one problem. Lack of transparency is another problem and how elected officials are doing their jobs in the interest of the people. When it comes to term limits, I don't know how you all will vote. I don't know if your position is to represent the elected officials rather than we the people. We need term limits here because we have folks that sit in these offices and do little or nothing. They have been in office 15 to 20 years. It needs to be a change. That is one reason why Dunwoody is the City of Dunwoody. Brookhaven is the City of Brookhaven and Tucker is the City of Tucker. It needs to be addressed. We have folks that are sitting here on this committee that's doing the work of the CEO and certain commissioners. DeKalb County and these commissioners' seat, there is a clique here in DeKalb County Government. There are certain commissioners that lean more toward the CEO. I'm just being frank with you. It's real and we can't get anything done.

May 17, 2023 Public Comments

Davis Fox: I am a resident of DeKalb County and apologize for the outburst. Mr. Wittenstein is correct, a zoning case cannot be approved if both district commissioners are opposed to it. That is so five other commissioners could not dictate what goes on in a particular district. The Planning and Zoning function does include other functions besides just planning and zoning. It has the safety permits and the building permits and development code. Business License is now a part of it. The principal part of the Planning and Sustainability department is to provide guidance for long range planning and short-term planning. The CEO is still going to direct this person. They still report to the CEO. All that is being proposed is that the Board of Commissioners has some input into the hiring of the director. That seems like a very reasonable request to me, given the workload and given also the fact that the CEO doesn't have a dog in this fight. The Board of Commissioners is held accountable for planning and zoning decisions, not the CEO. Our government framework is based on a governing authority that is divided into two pieces, a legislative and executive branch. These are two different teams. We need one team.

Steven Binney: Many of the points discussed last week are secondary until you decide if you want to maintain a CEO style government or not. Why discuss Section 13. Powers and Duties of the Chief Executive until you determine as a board if you believe that a CEO form of government is the best for DeKalb County and its citizens. Why discuss Section 9, Powers and Duties of the Commission until you

have determined what the division of power will be between the executive and legislative branches of DeKalb County government Section 13(a), 14, 15 and 17, among others cannot be intelligently discussed until a decision on the type of governmental system that we will be in effect in DeKalb County has been determined. You must lay a strong foundation before you start building. You must also have a floor plan before you start building. Determining the form of government, you desire into DeKalb County is the foundation for all you will discuss in the future, as well as the beginning of the floor plan from which you will build out government. I believe that the CEO form of government is less effective than a county manager, too much power concentrated in one person and an unbalanced and unfair division of power between the executive and legislative. The budget process discussion is basically set in stone by the administration before it is presented to the county commissioners, who over the nine years that I have watched the budget process, only have power to nibble around the edge to make minor changes or get a pet project added. This is not due to the lack of effort by the commissioners but is instead embedded in our CEO form of government that does not encourage cooperation or communication between branches of government. The new SPLOST to be voted on in November is another example of the unbalance of power in DeKalb County. I hope they will see the need for change we so desperately need in DeKalb County. Please have the courage to make the changes needed to make DeKalb County a better place for all of us. Also, as you are raise the Commissioners salaries you are raising the qualifying fee so that more and more poor people or middle-class people cannot even qualify for the office.

June 8, 2023 Public Comments

Jocelyn O'Neill: When we're dealing with code enforcement, the data that was presented by Mr. Hardy, they are not as proactive as we would like to see them as residents and constituents of DeKalb County. I would like to say that when they get to court that's where the ball starts rolling down the hill backwards; that's exactly where it goes. I've been dealing with them on the Advisory Council for about 15 years back during the day Doctor Gill, the chairman and my husband and Johnny Cole would sit down and start the ball rolling. That's been many years ago. We cannot get a judge to have a conversation with us now, by invitation or otherwise. I've sent two invitations. And the problems we have is with the solicitor's office – they will present for the county what the violation is and then once it goes to the judge it just rolls down the hill backwards. If you got a bad child and you never discipline him they're not going to respect you and keep doing the same things and they finally come up and kick you on the leg and that's what's happening right now with us. I want to say this, I don't know what you all can do with it as far as the organization act, we have a lot of utility companies that are very disrespectful to our county and I'll say I've been doing broken poles hanging wires, trees for many years. Georgia Power will come out and replace the pole or do whatever ticket the other companies to come and take their stuff off and put it on the new polls that may take a year 2 years 3 years it's just simply ridiculous and then their wires hang on the ground with that little black tube thing it's just simply ridiculous. I don't know what could happen as far as the county relationship with these companies but something needs to happen really bad. And to get the County to come in and clean up not just the limbs across the sidewalks, but the trees that are hanging at 9:00 o'clock and 10:00 o'clock. Something needs to happen other than me. Also, the metal plates that go

over the streets are horrible. People say it's because of the speed of the vehicles but it's poorly put on the streets and they're tearing up vehicles.

Charles Pigler: My name is Charles Pigler. I've been working on code enforcement for an extensive amount of time. When I first started with code enforcement they only had 8 people in the whole county so that always has been an issue. Code enforcement used to be up under the Police Department. With sustainability nothing ever happened we've also done court watches on code enforcement and your problem is not code enforcement, it's those 7 that sit up there and the solicitors and the judges that creates the fines. Now I'm just going to say that about code enforcement but one thing I want to say about this reorganization. I came down in order to hear that you are going to make my service better. The CEO don't pick up any trash, Board of Commissioners don't write any citations, now I understand that you all want to change, but the change comes from the people and it is up to the people whether they want a CEO or they want seven commissioners. Now you can sit there and you can create this but the bottom line is if you're not going to deliver my services any better if you got a county manager. One county has one and it's terrible; they have all kinds of problems with the county manager because you don't have to answer to the people. Only way we get any kind of traction at the top of this is that they are elected officials and guess what, you know if you don't like them you can vote them out, so let's not spend a whole lot of time on the CEO. Let's spend time on what kind of services you're going to deliver me for sanitation. My water bill went from 2 months to a month those are the kind of services that make me want to live in DeKalb County. I've been here for 37 years and all this you're talking about now we've seen it before. It used to be a time the county Commission could go to a department head, but Vernon Jones stopped that. We used to get 3 trash pickups in this county per week, you get one now; used to be that the county would come out and pick up your limbs and trees for free, there is a fee now; this is what I want you all to talk about. The CEO doesn't pick up any of that. So, when you tell me to take a straw poll let's not waste the time with that, let's make your time constructive on city services delivering the best city service that you can deliver to the citizens of the Dekalb County.

Pedra Stokes: I am Pedra Stokes I'm a resident of DeKalb County I'm also the chair for the DeKalb Code Compliance Advisory Council and I could probably go longer than 3 minutes, but I I'm just going to pass my question since the presenters were allowed to leave I can't ask any questions. I talked to Mr. Hardy often and we have lots of conversations, so my primary concern is similar to what everybody else is saying: a lot of us are paying a whole lot of money to get a whole lot of nothing. It's unfortunate and a lot of it is code compliance for me specifically we have really good meetings and we talk about just everyday issues that people deal with things like Airbnb. This is why I got started in this situation wanting to be in a place where I could know what's going on and have a voice and I'm also learning about why it's so difficult to get things done in DeKalb County. It seems as soon as you feel like you've taken two steps forward you realize you've taken ten back and that makes people want to give up or just not be involved or just not be included. If you guys never have anything to do with presenting something that's going to make the situation better all this conversation about voting I get it to some degree but as the gentleman said: can we proactively do something. Mister Hardy talked about proactively going through about the

county to look at certain things. That is not how that situation is run - it's run like that on paper, but I know everybody here has driven by a gas station or a house that literally looks like the same month to month. I see a lot of the code people when I go to the post office that posted up in the parking lot and I know that that's not what they're getting paid to do, so I just hope that you guys make an effort to get some things put in place where we're not paying for nothing, because right now it's a lot of people who are paying a lot of money and a lot of taxes for very poor services and I know I'm not the only one who feels that way.

Sandra Holmes: *I've been in DeKalb County over 30 years I would like to encourage you to make some recommendations for the judges to meet with code compliance because without them being involved in understanding what needs to be done or our feelings it falls on deaf ears. Also, I'd like for you to just ride in our communities in the South DeKalb area see what we're complaining about and understand how we feel, understand how my phone starts for the most part ringing at 9:30 in the in the morning with the complaint from the residents of the South DeKalb area and not only that but the school so we need your help but give us help where we need it.*

Representative Viola Davis: *I represent House District 87 primarily in Tucker, Stone Mountain and Pine Lake and I came here today mainly because I wanted to take a chance to just listen and observe. One thing that really caught my attention is the fact that we have deficiencies in the issues of enforcement. I need more information in that area because if we form an audit and external audit department that identified deficiencies and the most they're going to do is sit on a piece of paper, it's not really any movement to have a corrective action plan so that we are moving forward that's something that we should concern us all. I wanted to remind everyone just how difficult it is to pass some of this legislation, even when it's just local. If you recall how many times we had to draft the Board of Ethics the first time it went through and it was voted down by the people, then we did it for a second time. The second time I was in charge of drafting that legislation and believe me when I say being a community activist coming up here standing right here on this podium advocating for the people. I'm with the number of people here if you can get some legislation or some type of report that you can send to us that you honestly believe can move that is good. But to focus on the more controversial issues, it is a problem to get it through the process. That's not to say that we won't work hard to do it, but we're talking about the Capitol. If any of you have any questions or if you need me to do anything further do not hesitate to ask because remember the taxpayers and voters are the employers and I am an elected official, the employee.*

Commissioner Ted Terry: *Thanks again for all your time this evening. I'm glad that we've kept y'all hydrated. Here's a couple of ideas: Number one the executive order in Atlanta there's a provision in their charter when the mayor does an executive order, after a certain amount of time the City Council has to adopt it or approve it and, in our Charter, an executive order can just basically go on and on and on. I would suggest y'all look at what Mr. Turner pointed out. There are currently three vacancies on the Commission, and I didn't actually know that. I thought that it was fully appointed so I don't know if there's anything we can do to encourage just getting those 3 slots filled but I think it would be important*

to have a full board. To his point about the 10 votes needed for an actual recommendation. There was this suggestion about the CEO coming to Commission meetings. I would like to recount when I was younger watching on C-span Prime Minister questions in the British parliament anyone ever seen that on c-span. Once a week or once a month one hour, the Prime Minister just has to answer questions from the backbenchers and the front benchers so that might be an interesting opportunity just so if there's ever an issue where commissioners can't get a meeting with the CEO 's. When you only see the CEO at ribbon cuttings or proclamation days which really aren't the best time to ask things and bring things up.

The 13A appointments I think are really important. It's clear that there's a lot of vacancies or expired terms that exist amongst the various boards. We have two vacancies on the development authority. I was there today for a vote and they kind of looked at me and said can we get the CEO to fill our two seats and I said oh sure I'll ask and so I think this actually came up several times in the last two years that we're actually to senator Henson 's point about just proposing amendments to the charter regardless of y'all 's recommendation and the idea there was just if the 13A appointments don't get filled, I think it was like 60 or 90 days the Board of Commission could have some recommendation or something to make sure we're not filling seats that are obviously there for a reason or that someone might be there on an expired term and I guess in a technical sense that they're not renominated by the commissioners and they never have a chance really to weigh in on one way or the other.

Steven Benny: As I look out this evening, I see good people who are devoting their time and energy to a worthwhile project. However, in this imperfect world of ours good people can end up making poor decisions. I see a majority of the members with positive ideas, working to make DeKalb County a better place for all of us to live. I see a smaller group of members who seem to be satisfied with the status quo. Being satisfied with the status quo leads to stagnation, stagnation leads to decay, decay leads to chaos and eventually death. Unfortunately, you will need 10 out of 14 votes to change anything. How often can you get 70% of 14 people you agree on anything? I see one person who responds to each suggestion for change by asking COO Williams," Can't the Commissioners already do that? Or doesn't the CEO's office already do that? "This person seems to have taken it upon themselves the job of defense attorney for the current form of DeKalb County government. I wish to remind this board that the current DeKalb County Organizational Act has its origins in racism and the desire to keep blacks out of the decision making process. It doesn't matter who is in charge now because the end result is the current Act is simply a system that allows those in power to diminish the input of its citizens no matter what their color or heritage may be. The balance between freedom and power is the foundation of a democracy. The current organization act emphasizes power over freedom and Dekalb County is worse off for it. Unfortunately, I see only cosmetic changes and minor tweaks in the future of this Commission. I'm still hoping for an increase in the number of county Commission seats to nine, including retention of the two super districts but that will have to wait until Monday night's discussion. Speaking of meetings, in reading through section 12 it appears the county is falling short of its notification parameters but public transparency has never been a strong point of DeKalb County government. I also notice that that no mention of public comment length is in section 12. Constituents have tried to change this over the years but have been

thought it by the commissioners at every turn. If the intention of this board is to make the county commissioner position a full time one then perhaps you could add a line expanding required public comment time up to 60 minutes at the very least. Is one hour of 80 hours of work every 2 weeks really too much to ask? Under CEO appointment (13A) the time lengths are often ignored by the CEO 's office and the commissioners should be given the power to make those appointments if the CEO refuses to do so. On the other hand, the CEO made 3 appointments to this board and look where it has gotten us. Thank you very much for your time and consideration.

Commissioner Ted Terry: Quickly I have just a couple of other points I would like to make. In the org act, we have the CEO and then the executive assistant. The way I read those roles is that they really seem to be sort of 2 separate positions. I love Zach but I think the spirit of that provision is that they should be 2 different people and I don't know if that is a charter change but to me it seems like those are 2 different roles. Something maybe just for discussion also is this idea of whether you're talking about county manager or deputy COO I think that type of structure would allow for a little bit more opportunity. Speaking as myself for commissioners to engage on things before sort of bringing it up on the final level for a decision we were talking earlier about sort of how controversial you want to get and I understand that the board here doesn't want to do something too controversial and I think Representative Davis also pointed out that out and so I might offer the opportunity as some of the new newer cities have done where there is sort of a mandated reconvening of the charter review Commission I think every 5 years or 10 years. I'm not really sure how it works for those other cities but it seems to me that that would be sort of an ongoing check in. I think y'all have been created for by executive order but if this was just sort of a thing that we did regularly, folks would have confidence that things that didn't get addressed in one meeting would be addressed in another. Just a side note on some of the code compliance issues and sort of the court backlog, the Magistrate Court of course can just hire more judges but we can't create more Superior Court judges unless the legislation does it and I don't know if that's an organic thing but we had a presentation from the public defender a week or 2 ago and she reported that already this year they had cleared about 3000 cases but they received 5000 cases and so that trend is a little concerning because I know a lot of those cases are in the Superior Court so something maybe for all of us to consider going to the legislature and asking for additional judges to increase that capacity. Finally, just like y'all are a citizen resident Advisory Board I believe there's 30 plus of those boards, but there's one called the technical advisory committee that is far as I know has never met. There's the appointments to it and so some of the things I heard earlier about whether it's code compliance are kind of the nitty gritty of how government works. I'm a big believer in small democratic operations to allow residents to kind of just close the gap and understanding on how the government works.

June 22, 2023 Public Comments

PJ Lemuel: I come before you this evening to say as a taxpaying citizen of DeKalb County it is time for accountability, transparency, and communication from whatever type of government we operate under. I

came to Georgia in 1972. I settled in DeKalb County in the 70s. DeKalb had a county manager with a Commission chairman form of government. Manual Maloof and Leanna Levitan were the first commissioners. Then came a county manager hired by the board who reports to your chair and the Commission chair was elected county wide. Then DeKalb's state delegation passed a measure to put the new form of government on the ballot going to a County Executive form of government and we moved to the CEO and the commissioners. I remember when Vernon Jones was elected and how the population shifted from majority white to black. I have attended several of these meetings of this Commission to learn more about how our officials that we elect can better serve its citizenry. I've learned a lot and from where I stand, I have a problem with reorganizing county government back to a county manager form of government that did not work then even when it was operating. I feel any plan that promotes majority votes rules by commissioners only will not work due to the close relationship to each other. Perhaps term limits are an option for complacency. If the Org Act does not address accountability, communication, and transparency, then what is the point? Thank you for your time.

Steve Binney: Good Evening Charter Review Members, I have hear talking from constituents and board members concerning Code Enforcement, which is not specifically part of the Dekalb County Organizational Act, but since you have had a departmental presentation your board may what to make some recommendations on your final presentation to the CEO and County Commissioners. CEO Michael Thurmond said he was surprised to find out that Dekalb County does not have a Code Enforcement department. Do you think we need one or are you fine just leaving things as they are. If you think Dekalb County needs stronger language in its organizational act to allow Dekalb County more options in code enforcement now is the time to make you opinions known.

A stronger form of Code Enforcement may be established through the Charter Review process but you must take part in it and make your case for what road you want our county to take when it comes to Code Compliance and/or Enforcement. I think it might be worth considering putting into Section 12 a requirement of at least three nighttime COW meetings a year in the months of February, June, and October. This is currently part of the Commission's rules but it is not being currently followed. There was no such meeting in February and the June one was just held at 10AM on Tuesday. The purpose was to create more citizen participation from those who work during the day. This does not appear to be happening. Putting it into the Act will ensure that the current guidelines will be followed in the future.

Section 13's first sentence is, "The chief executive shall have the EXCLUSIVE power to supervise, direct, and control the administration of the county government". Does that leave any question about who has the power in Dekalb County Government? It later says that "Members of the commission shall deal SOLELY through the CEO or COO in all matters concerning the operation, supervision, and administration of the various departments of the county government. The commission can communicate with departments about forming future policy but have to go through the CEO's office if they want any

current or past information. I believe this is too restrictive on County Commissioners and could use a little adjusting.

Paragraph (g) states that "The chief executive shall have the power to investigate the affairs, records, and expenditures of the various authorities and report thereon to the commission". A previous internal audit done by the CEO on the county's contract and procurement processes was not disclosed to the commission or the public until it was leaked out to the press. Should some kind of enforcement or penalty clause be put in here to ensure this is done in the future?

In paragraph (2) under appointments the CEO, if given notice of at least 60 days is expected to complete the process to fill the post or vacancy. In other cases the CEO is expected to fill the post or vacancy as soon as possible after learning of the need. There is no mention of 90 days or any other time period. This is an area where the board could specify time periods on CEO appointments in an effort to speed up the appointment process in this modern age. Also, who has the power to dissolve old boards that are no longer needed or inactive. Perhaps this could be addressed also. Under Veto, section 15, if the number of commissioners is increased from 7 to 9 the number of votes needed to override a veto will increase from 5 to 6 but the percentage will decrease from 71% to 67% which is right at the 2/3rds stated in the Charter. Thank you for your time and consideration.

July 13, 2023 Public Comments

Mrs. Jocelyn O'Neill: I was just totally amazed about some of the reporting from the I call them "made-up names." I never heard of them clusters how we got so far away from what's already in the organization act as far as the flow chart of an employees and I want to know too if we don't have those people in those positions where is the salary where's the money who's holding those positions? Mr. Williams did say something about even though they don't use those titles that someone is doing the job. County Arborist wants to go back, and this goes back into some of the stuff that we dealt with code enforcement and all that type of stuff. County Arborist I talked with a few years ago alright he says he has no car he has no staff, and he only protects the county. If you don't have a car for staff, what could you be doing for the county? so, he may know a few things about the law I'd like to be corrected on what he does because now you know they should talk about the Georgia pine. how great they are but they're not great anymore they're killing people and if the County Arborist is not moving around the county to see what's going on in the right of ways it's a serious situation. We have problems right now with property owners who are being allowed to operate after 2 or 3 violations, criminal activities, sanitation problems and they just continue to operate. I even have a homeless little building in Glenwood and Dandridge, and it has a no trespassing sign on it yes just amazes me how do you have a makeshift room with a no trespassing sign on it. So, with commercial properties my suggestion is for some of these commercial properties that continue with criminal activities and the filth we've gone from nasty to filthy situations that the local license or those Lotto tickets be restricted from that store. I don't know if there would be the police or if it'd be code enforcement that should take those machines or those things that they gain a lot of money for

go back into their neighborhoods and look like they're the most outstanding people I'm sure that lawns are cut. I'm sure that the areas where their commercial properties are nice and clean but on the South side it's a big star and I know they go to some nice places. car repairs and neighborhoods are just becoming no matter what's done we still have cars piled that need repairs. One other thing I want to say is we need to consider having term limits for our commissioner's term limits and salaries. Are we just doing contracts, are we having a merit system? does the county use merit systems for hiring people is that only for the average people or is that for the executive positions?

Andrew Bell: I was looking online at the meeting and a couple things struck me. The most prevalent I guess we kind of ended on that, is that it doesn't seem like the public is being put first. It doesn't seem that way there was another discussion I believe about master's degrees. Society is changing you know. You will eliminate talent. You know let's say if you wanted Jeff Bezos, he didn't have a master's degree, Mark Zuckerberg people of that caliber. Even though they're probably not going to work for the county, but I'm just making an example that things move different now. People get certifications whatever now if it's a specialty or whatever like somebody mentioned finance so yeah if it's finance you would want somebody to have a masters or PhD in finance that makes sense. But if it's like a leadership role where you want to be a visionary and move the country forward, then you want the best qualified person whatever degree they have or don't have. They may be doing you know astronomical things and then they don't get the job because of some you know criteria. I mean we have Chick-fil-A you know Truett Cathy. You got a lot of presidents in the United States who did not go to college. So along with that we need to have some criteria on or making it the CEO and the COO whether their duties that there needs to be clear. If the CEO appoints the COO that's on the surface that's fine but then when the COO starts appointing people then we're not being accountable to the public again. So, whoever these positions are they need to go through the regular hiring process like all the other county employees, because we didn't elect to see y'all and it seems to me you know I come to these meetings the public only has 30 minutes. That's ridiculous. So, what are we doing about that? Are we getting some more time for the public, the people that's paying for everything, are we making that part of this article? We have got to have some clear duties and responsibilities for the CEO and the COO. What are they? We need that in the charter so that we can hold people accountable so that the government can be transparent, thank you.

Steve Benny: I would like to reiterate that under 13g the CEO has the power to investigate the affairs, records, and expenditures of the various entities of the county but is also given the responsibility to report gathered information to the commission. This process has not been followed in the past and was violated by the current administration recently. Perhaps a stronger word, like "mandatory" instead of "responsibility" needs to be used here. Under appointments, I would suggest the establishment of a yearly review of all appointed boards and committees so that memberships can be keep up to date as well as an evaluation of the current need and function of said boards, seeing as there appears to be a overabundance of them at this time. Section 14a states that the COO shall be responsible to the CEO and the commission which sounds like they work for both sides. However, 14b states that when directed to do so by

the CEO, the COO may exercise any of the administrative duties and powers vested in the CEO by law. This makes it sound like they work for the Chief Executive. Further and fuller clarification may be needed in establishing who the COO works for and is responsible to. 14f allows the Chief Executive to have the exclusive power to appoint two administrators to assist the COO in such manner as the CEO shall direct. Should these two appointments be subject to commission confirmation like the COO position is? Section 15b establishes a veto override by a two-thirds vote of the commission's total membership. Currently it takes five votes out of seven (or 71%) to override a veto. If two additional commission districts are added then the total commission membership will be nine. It would then take six votes out of nine to override a veto or exactly two-thirds. The Organization Act was written with the idea of a nine-member county commission. What can I say, it is there in black and white. 15c allows the CEO to veto any item or items of any ordinance or resolution making or not making appropriations without vetoing the entire ordinance or resolution. Itemized veto power is an interesting concept, potentially having both positive and negative impacts. I bring this up as a potential way to further equalize and encourage communication between the CEO and the county commission. Removing the itemized veto power will help facilitate negotiations between the chief executive and the county commission over budget items in the future I believe. The final decision is yours. Next meeting let's talk about how to get the county's budget back on a fiscal year schedule or at least approved before March 1st. Thank you for your time and consideration.

Joanne Proctor: This is my first time coming to a meeting, so I didn't understand everything correctly, but one of the things I did notice we talked about was 13 A about appointments. I was concerned about that with boards with the community and with you know the difference now because we have a different community board also but there have been situations where people are on all the boards, and I think that's a conflict of interest. It was addressed before by Cochran she was the only one address that when I boarded up at a meeting. the other thing I wanted to inquire about was the board for the commissioners when no one is running against the commissioner what is the status, so you keep them on the board just for that reason are they doing anything for that community have they improved something have complaints been resolved with that commissioner? Why are they still there and not doing nothing for the areas that residents have complained over and over about me Redan and Harrison? Tried to make meetings everything nothing is resolved any of you go to Redan and Harrison. look at chevron and the Boston market, you tell me if you want that in your neighborhood. I have brought it up and brought it up nothing is being done. Do I need to go to the media go look at Harrison and redan and Boston market the Chevron and BP. They look like 3rd world countries to me these people have bought furniture out. I have called code enforcement, police, commissioner what else is there left to do. You are the people who make these rules so when does this stop. What is being done that's what I want to know. Mr. Zach, I didn't know that was you I had issues before in my area, I didn't get help from my commissioner and I'm being honest this is the man who helped me so he's stepping in for commissioners who's not doing their jobs. So, what are you going to do for the commissioners that are not doing their jobs? If you really talk to the community a little bit more, you will hear the complaints thank you.

Martha Puccini: *I'm here because I am really interested in strengthening the internal audit function. It is my understanding that the county Commission has adopted a policy where contracts over a certain amount are automatically reviewed by the internal auditor. That has resulted in some good savings for the country and I would like to see that substantially expanded and in writing for this reason. My neighborhood is currently dealing with a \$300,000.00 allotment to PATH to build a path in the City of Atlanta on private land from the VA to Wesley Woods that runs right through my neighborhood 's backyard and through some old growth forest. No amount of trying to bring any kind of sanity to that situation has resulted in anything. The County and Emory University and the PATH are perfectly content to do this work despite all the ecological damage. I think an auditor would have been able to look at that and probably think differently about it and that \$300,000.00 could have gone to a park somewhere or fixing a pothole or something. It wasn't needed to be spent that way, so I think expanding the internal audit function to really take a close look at all contracts would be a real benefit to the county. Thank You.*

August 10, 2023 Public Comments

Steve Binney: *Good Evening, Charter Review Members, Section 17 states that the Chief Executive shall submit a proposed budget to the County Commission not later than December 15th. In certain circumstances the last meeting of the commission for the month of December could be the 15th, the first commission meeting after the presentation of the budget could be as late as first or second week of January. If the submittal date could be changed to the second Tuesday of December we can be assured that at least one commission public meeting on the budget will be held before the beginning of each new year. During the years in which a new CEO is coming into office the submittal date is pushed back until January 15th, which allows the commission less than 6 weeks to evaluate and finalize the budget process before March 1st by which date it must be approved.*

In addition, between January 1st and March 1st expenditures shall not include disbursements for new personnel, new services, or new equipment. Why should we limit potential new personnel, services, or equipment to ten months a year instead of 12 months like other government entities? All this points to the advantages of moving our county's budget approval date to earlier in the year. We could move it to October 1st, to be in line with the start of the federal fiscal year or to July 1st, to be in line with the state of Georgia's fiscal year. The Organization Act could state the process to accomplish this.

Moving up the budget approval date a month at a time till the desired date is reached or otherwise. Submittal by December 15th, during the holiday season is inefficient and approval by March 1st is ineffective. Section 18 (a) states that formal sealed bids must be obtained on all purchases exceeding fifty thousand dollars.

Subsection (b) states that the commission shall authorize all contracts in excess of one hundred thousand dollars. What category do the contracts between fifty and a hundred thousand dollars fall into?

Subsection (c) allows the commission to increase the dollar amounts but not to decrease them, so be careful if you are considering setting new levels in Section 18. While neither the CEO or the Commission can abolish the department of Finance or the office of the Director of Finance, please take note that at the end of Section 19 the CEO, with the approval of the Commission, may provide for the reorganization of the department of Finance and may specify and provide for the powers and duties of the Director of Finance and other personnel of the department as they see fit. Does subsection (c) need more specifics, a stated reason, or is leaving it open to the interpretation of the CEO and Commission sufficient in this case? Section 22 forbids officials from having interests in contracts but at the end it states "Provided, however, that the provisions of this section shall not be applicable to any contract which has been approved, prior to execution, performance and payment thereon, by a majority of the commission by a proper entry on the minutes of the commission". What exactly does that mean? Next time let's talk ethics. Thank you for your time and consideration.

August 24, 2023 Public Comments

Steve Binney: Good Evening Charter Review Members, In section 20, talking about records and minutes I wish to note that it is sometimes taking the commission over two months to approve meeting minutes. There is currently no time limit for the process to be completed in section 20. Perhaps the board could consider putting a two- or four-week limit or approval of minutes so that the public can gain access to this type of information in a more timely manner.

Is the Dekalb County Ethics Board effective? The largest single section in our current charter is about ethics. Does the county need change in its ethics process or stiffer penalties? Now is the time to speak your minds on things like this. Now is the time when you and all of us together can make a big difference.

Contracts entered into under circumstances which constitute an emergency situation need to be submitted to the ethics board, with an explanation by the CEO, at its next regular meeting. I do not believe this is currently being done and suggest that some kind of enforcement regulation be inserted in part 5 of paragraph "f". Paragraph "g" puts a 12-month limit before a member of the governing authority can do business with Dekalb County. Is this an adequate length of time? Do we want a longer length of time before an old employee can do business with the county or even shorter? What about whistle blowers? Are they champions of the people or tattletales? When someone goes to Dekalb County government with reports of graft or poorly run departments the County's response in the past has been to fire the person and then pay them off in court. This has even happened quite recently in the Ethics Department itself. There is no mention of protections for whistle blowers in the current ethics portion of the organizational act. Do we need a provision in our county charter to protect whistle blowers from retaliation by the county while the accusations are investigated? I believe we do and hope that you will believe so also and add some employee whistle blower protections into the new organizational act.

There is also a need to speed up the enforcement process. Last February the ethics board found a developer guilty and as punishment suggested a lifetime ban on that developer doing business with Dekalb County. The next step in this process is having the county commission vote on whether to enforce this punishment or not. After six months, this decision has not appeared on the agenda for the commission to rule on. There is some question as to where the problem or fault lies in this situation but the answer could be in establishing a time limit by which the commissioners must take action on a decision by the ethics board along with a time limit on how long the ethics board has to submit its request.

Mr. Hammond's ideas surrounding NPU's are very positive and should be acted upon. Town halls while nice are inadequate because they are not held on a regular schedule and usually involve larger areas. NPU's meeting on a regular scheduled basis in Dekalb neighborhoods could both increase citizen interest in the county and allow our commissioners to know their constituents better. A win win situation. Please give NPU's very serious consideration.

Finally in section 23 it states...No power or combination of powers vested in the commission may be exercised in any manner to amend, change, supersede, or repeal, directly or indirectly, any power vested in the chief executive by this act. Can we just delete this part of the organizational act?

October 5, 2023 Public Comments

Davis Fox: I'm Davis Fox and in the interests of your time I have submitted some written comments late this afternoon and to the e-mail address so I will ask you if you would read those. Thank you very much for your time.

Steve Binney: Over the last 40 years Dekalb County has told us what to do and how to do it. Now we have the opportunity to suggest changes to Dekalb County in how things will be done in the future. Do we want more districts? Do we want to keep Super Districts? I believe the number of current commissioners (7) is too few for the current number of residents in Dekalb County. Representing over 150,000 residents is quite a job. Nine Commissioners will lower the number of residents represented by an individual commissioner to around 110,000 residents. Eleven Commissioners will lower the number of residents to a little over 80,000 residents. This is an enticing number as Dekalb County continues to grow in the future. However, I suggest the number of commissioners be set at nine. Seven individual and two super-commissioner districts. The seven individual districts would represent a little over a hundred thousand residents each, which is still a large number but would prevent the commission itself from becoming too large to function effectively.

The two super-districts are needed to help bring a county-wide perspective to issues that need one. Individual commissioners have the potential to think only about their district and lose sight of how things might affect the entire county. If that happens, it is the job of super-district commissioners to help expand and maintain that vision.

What about term limits? In these times of rapid change, new blood is needed in our governing systems. Our CEO has a term limit set at eight years. I would like to set up two terms of four years as a maximum for commissioners but would be willing to work with three terms of four years if that is your preference.

I am of the belief that after a certain length of time politicians become creatures of the process and start to look at problems from the inside out instead of from the outside in. How will this problem affect me instead of how does this problem affect my constituents? This is not always the case but I believe that a steady infusion of new ideas into our county's governing process in this day and age of rapidly changing ideas and systems is a positive solution and one that needs to be put into our Charter.

Once upon a time there was a CEO of Dekalb County named Burrell Ellis who ran into some legal problems and was forced to resign until those problems were resolved. Under section 6 of the organization act the Presiding Officer, Lee May, was then named CEO.

However, for some reason, nobody was appointed or elected to fill the then open Commission District seat that had been held by Mr May and Dekalb County District 5 voters ended up without representation for 2 years. This should not be allowed to happen in a democracy. Section 6 needs to be rewritten or revised to ensure that the past does not repeat itself.

Finally, the CEO is a full-time employee and has no other source of employment. Perhaps we should consider applying these same standards to our county commissioners. An urban growing county needs full-time commissioners and they should be paid as such.

On the other hand, why elect and pay Commissioners at all if under our current Organizational Act they have very little to no power over the actual decisions made that affect their constituents.

Thank you for your time and consideration

October 12, 2023 Public Comments

Former CEO Burrell Ellis: I would just like to read into the record very quickly if I could. I just want to thank the Commission for your fine work and your hard work. I don't want to take up a lot of your time so obviously I'm Burrell Ellis, former Dekalb County CEO.

Let me begin by thanking you for your service and the opportunity to speak today. I understand you've been working together for several months now and your hard work, dedication, and commitment to volunteering your time to make our County better is commendable.

Yesterday, I received the draft document of the proposed changes to the County Organizational Act. I have not yet had an opportunity to read it in detail, but a quick scan revealed some revisions I am happy to see. For example, it is appropriate that we re-title the Executive Assistant as Chief Operating Officer, an unofficial change we implemented at the beginning of my tenure as CEO. Given the professional qualifications required to carry out their job, this is a good change. I also appreciate some of the provisions clarifying the roles and functions of the branches of county government

I am concerned, however, that neither I nor any former elected CEO (to my understanding) has been invited to share his or her perspective on County Government. These are unique perspectives from a small group of individuals who have each campaigned across the entire County, hearing from a diverse spectrum of constituents, and were then called to govern. I assume that each of us has some thoughts, gleaned from practical application and having the luxury of time after leaving office to reflect back on how the Organizational Act could be improved to better serve the people. These are perspectives grounded in actual experience, that should be considered.

For example, I noticed during my scant review that the Commission would no longer be designated as a part-time job. I'm concerned that there are a number of potential good candidates for office in their prime earning years who will be rendered unable to serve because they have other, full-time, employment that they cannot afford to relinquish. I know, from my personal experience, that I was one of three Commissioners who was first elected in 2000 and had full-time employment elsewhere. Even noting that the commissioners now, appropriately so, have higher salaries, those salaries alone remain insufficient in today's economy to support a family. If we remove the part-time designation, I'm concerned that we raise the full-time expectation.

And while the CEO would appropriately retain the exclusive power to supervise, direct, and control the administration of county government, the commission's powers would be expanded to investigate departments and agencies, along with subpoena power in order to do so. This, I believe, is a clash of control and a train wreck waiting to happen. It will no doubt result in more conflict, more confusion, and very likely litigation. I would advise against making that change.

Finally, I understand that there is consideration of moving to a County Manager form of government. I didn't see it in this document, but I've heard some chatter. Other than to create disproportionate representation and wrestle political power away from the majority, there is no reason to make such a change. Our current elected executive form of government is representative of the people who live in the county and modeled after our federal government, our state government, and the most modern and efficient large urban governments in our nation. An elected executive, unlike a County Manager, is directly accountable to the people who elect him or her. Separation of powers among branches, as opposed to consolidation into a single branch, is good government, builds trust and, while imperfect, is the best form of representative government known to humankind.

In closing I would like to suggest that more time be given to the people of this county to review these proposed changes before any further action is taken by the Charter Review Commission to move things along. I recommend that each of the former elected CEOs be invited and given an opportunity to share their views before this Commission, and that there be widely advertised live and virtual meetings held throughout the county for public weigh in. I am aware that you all have been holding public meetings but I'm talking about really deep engagement and education in every Commission district and throughout the neighborhoods in this county. I respectfully submit these comments and ask that they be included in the Record. I appreciate your time and unless you have any questions for me, I won't take up any more of it tonight.

Steve Binney: *A point of order I would like to point out -that Mr. Burrell Ellis is a citizen of DeKalb County, I am a citizen of DeKalb County and had to wait two hours beyond him in order to give my comments.*

Good Evening, Charter Review Members, Thank you for your votes tonight. Whether I agreed with your decisions or not I do appreciate each of you for the job you are doing to try to improve Dekalb County government.

Moral courage is a rarer commodity than bravery in battle or great intelligence. Yet it is the one essential, vital quality for those who seek to change a world which yields most grudgingly to change. Your efforts are appreciated.

Thank you for your votes on tightening up the appointment process. Appointments often are taking too long to be made or not made at all. Some boards are out of date or non-functional. Guidelines do need to be included in our Charter to correct this process.

Thank you also for your consideration in changing the budget submittal date. The CEO's current budget submittal date of December 15th is too late a date for county commissioners to give a close and careful evaluation of the proposal and have to vote on it in February after the budget year has started, given the holiday season.

It will be an improvement to ask that future fiscal year budgets be provided to commissioners at the start or middle of October so that it can be properly evaluated and voted on by the commissioners by the end of the year or early in January.

An additional bonus to increasing the number of commissioners from 7 to 9 is in Section 15 if the number of commissioners is increased to 9 the number of votes needed to override a veto will increase from 5 to 6 but the percentage will decrease from 71% to 67% which is right at the 2/3rds stated in the Charter.

I had hoped to see more dynamic movement on the issues of transparency and communication which need to be improved. The official organ of Dekalb County is currently "The Champion", which is not easily available in all parts of Dekalb County. Perhaps including or even allowing the county to use the AJC and or other local Dekalb County information outlets in the Charter will increase the visibility of announcements made by the county, allowing an opportunity for more public input into county decisions.

The board has shied away from the ethics portion of the Charter but I believe there is a need that must be addressed in this section. There are no provisions in our county charter to protect whistle blowers from retaliation by the county while accusations are being investigated. Persons who make such accusations have been routinely fired or forced to resign after bringing ethical issues to light. Just this year the Deputy Ethics Officer was suspended for making accusations of racial harassment in the Ethics Office.

Brave individuals who are willing to shine a light on the underbelly of Dekalb County government deserve our protection and I hope that you will believe so and add some employee whistle blower protections into the new Organizational Act.

Thank you for taking a vote on the form of government we want in Dekalb County. Was not expecting any great changes in this matter but it is good to know where all of us stand.

I believe that the CEO form of government is less effective than a County Manager or other type. Too much power concentrated in one person and an unbalanced and unfair division of power between the executive and legislative branches. It doesn't matter who is in charge because the end result is that the current Act is simply a system that allows those in power to diminish the input of its citizens in decision making.

I want those on the board who have introduced language, tried to adjust, or change language to allow County Commissioners a little more oversight and say so in how Dekalb County progresses into the future to know I am grateful for your efforts on behalf of the citizens of our county.

Thank you for your time and consideration.

Andrew Bell: I guess you guys already decided about these extra 2 commissioners when we already have more than everybody else. We have more than Fulton; we have more than Cobb, Gwinnett, Clayton and Gwinnett Cobb and Fulton more population and our bigger, but since I've been sitting here, I think there are going to be some lawsuits coming and mainly because it's you guys say Oh well this person they get a chance to review it and that person didn't get a chance to review it. How about the public? How about the public? All of these meetings I never heard you guys weren't say correcting this thing I was just at just the board meeting you know people can barely speak. It's you got three minutes to talk and if you don't take off work and you're not one of the people selected where then you could come back to next meeting which you probably not going to be able to do so it seems like it's an effort to keep people from their First Amendment rights, and so we might have to let the courts decide that. Even in this meeting it seems like the public should speak first, so that's why nobody's here because nobody has time to sit around. This is the public county the public dollars and so if people have a concern it seems like they would be able to voice their concerns first, and then you guys could talk about it. I mean it might then that makes sense. So we've gotten backwards in this county some kind of way, where it's kind of like an authoritarian totality. It's like it looks like China. The people should speak first. The people should bring their concerns first, not the commissioners, not the CEO, because they didn't get a chance to review it. How about letting the public review it first? How about you hurry up and get over. It's getting out of hand and I'm telling you we got to fix this these meetings where people are not allowed to speak or you are definitely going to get a lawsuit from me.

December 14, 2023 Public Comments

Steve Binney: Good Evening Charter Review Members, First off I hope that you all have taken the time to read and digest Dr. Ed Williams' public comments from last week. He is a person

with a deep knowledge of both Dekalb County and State of Georgia law and regulations. His questions are worth listening to and his suggestions are worth considering before putting this final version of a Charter on the next stage towards a referendum. Especially the parts about whether this Charter is in danger of allowing the CEO to be a king. We all know that the current and potential future form of Dekalb County will not allow an equal distribution of power between the CEO and the County Commission but one of the goals of this process is to bring the distribution of county power a step or two closer towards being equal.

As we come to the end of the first leg of our journey towards an improved Dekalb County government I want to say that I have applied to be appointed to many Boards and Commissions in this county and have never been appointed to one. Only twice have I been truly disappointed. When I applied to be on the Ethics Board and when I applied through numerous channels to be appointed to this Charter Review Commission. Even though I was not appointed to either one I have tried my best to attend each one's meetings on a continuing basis.

However, I must admit that, unlike the Ethics Board, all the Charter Review Members here tonight have done as good of, if not a better, of a job as I could have done and your efforts are greatly appreciated.

I had many ideals and hopes for the final version of a new Dekalb Charter, most of which are not in this final product. However, I do realize that the road to heaven, hell, or home starts with a single step and I am grateful that the journey has started and am hopeful that in a decade or two we will reach our final destination.

This is not the end but the beginning as these and many other things can be changed during the upcoming processes as our County Charter continues to be rewritten to be approved by the Dekalb County Legislative Delegation and finally voted on by the citizens of Dekalb County.

I encourage and invite all Dekalb County residents, regardless of your views, whether you want more changes or like things as they are, to bring your ideas and suggestions to the CEO's office, the County Commission, and the Dekalb Legislative Delegation.

Your input during the ongoing and upcoming Charter Review process will be one of the most important things you can do for yourself, your children and loved ones, your friends and neighbors, and all of us in Dekalb County.

Finally, I want to wish everyone here, regardless of your race, color, creed, or religious belief system, the happiest of holiday seasons. Take some time off. You deserve it. Thank you for your time and consideration.

Appendix K: Public Comments

PUBLIC COMMENTS FROM PUBLIC HEARINGS

Public comments are pulled from the minutes of DRCC public hearings. Addresses have been removed from the comments to protect citizen's privacy.

September 1, 2022 Public Comments

David Fox: Thanked the Commission for this important job. The functions that DeKalb County is providing are vitally important to every one of us, our health and our life. Without these services, we don't exist. We want cost efficient, effective services. It's not about politics. It's just about getting the best services that we can get. Mr. Davis stated that he hopes the Commission will look for ways for our government to collaborate and stay away from conflict. We need people and government, elected officials, citizens, cities and counties to collaborate and work together, not set up systems of conflict.

Muhammad Jihad: He stated that he had two concerns. (1) He is an entrepreneur and runs a business at 566 Fayetteville Road by the name of Spring Greens at Community Cafe. There is a public road named Alexander Road which begins as asphalt and then it transitions to a dirt road. DeKalb County Sanitation picks up the restaurant trash in the back on Alexander Road.

Unfortunately, since the road is run down, when it rains, it becomes really muddy, and the trucks tend to get stuck. He was told that they can't pick up the trash. To facilitate this, he personally paid to have gravel placed on the road so that the trucks could travel back there. (2) He also has property and can't seem to get the trees and bushes in the public right-of-way removed. He's talked with Roads & Drainage and the Planning Department, and been passed to other departments, but no one can tell him the process for getting the road repaired and the right of way cleared. No one seems to know the process.

Jocelyn O'Neal: She expressed concerns about Section 8 housing properties. Prior to someone moving into the properties someone comes out to make sure that everything is in place for the occupants to come in. After that there are no more inspections. She has gone to the Atlanta Housing meetings and they won't tell you, but at one time they only had one inspector for DeKalb County. Now they are supposed to have hired outside contractors. There should be some type of inspection done so that these properties are kept up to code. Also, outside contractors are used by utility companies on projects so we have broken poles and hanging wires left and large metal plates left on the roads. This impacts the look of our county. Also, these plates stay on the road's way too long and the gravel they place around them comes loose and the plates move. She thinks they could use orange transition strips instead that are easier on cars. We pay these companies, and they should be helping to protect our vehicles. And why

isn't more done with businesses that are repeat offenders cited by Code Enforcement? She gave an example on Covington Highway that she has reported to the County. The business is nasty and there is continual crime there. In other counties, they wouldn't get away with this stuff, but they do in DeKalb County. Repeat offenders should be shut down and banished from doing business in the County. Also, what about the Arborists' role with trees? She thinks the arborist goes out to new developments to review trees, but what do we do to identify dangerous trees? Recently, a tree fell and killed a child. She thought we should have summits again where people can talk directly with department staff.

Honorable Kathie Gannon: She is appreciative of having a Charter Review Commission. She expressed her desire to have more public education about the Organizational Act. She stated that when she was doing work with the Blueprint Process to review the Charter, it became an educational experience regarding the different forms of government. Citizens don't know how county government works and the legislators don't know because it is very different. There are a lot of different powers and duties and roles and responsibilities. It is important to educate citizens, so they have an Informed opinion. One other thing that she wants the Commission to look at in that regard is the accountability and responsibilities of the different departments that deliver services to our citizens because they aren't accountable to citizens. They only work for the CEO. If citizens don't know how to get something done, they call their elected officials and expect them to get it done. However, that is not their role or responsibility under the Organizational Act, even though she had a full-time person in her office devoted to providing constituent services. I would like you to look at other counties to identify any effective means and methods they are using to provide services. She also stated she will be sending a list of recommendations to the Charter Review Commission.

Faye Lyons-Gary: She stated that a commission that has no effect and puts nothing into place is just another waste of time, and we don't need that now. We've seen the effectiveness of things when they're done based on data and have a process with a timetable of action, milestones, measurable results and citizen education. I'm with the League of Women Voters but I'm here as a private citizen. I had an issue with Watershed when they kept telling me I had a \$1,000 bill for only two people in my house. I had to call my county commissioner to get it straightened out. We don't need that. We need effective, efficient government and whatever form of government it takes to do that.

Steve Binney: Mr. Binney thanked County Attorney Viviane Ernstes for her line-by-line explanation of the Org Act. He also expressed concerns about the Audit Board and its lack of a Chief Audit Officer for almost a year. At the audit oversight meeting last week, it was shown that a number of audits done in 2018 had not been satisfactorily settled after four years. He suggested some changes in Section 10 to put a time limit on when audit recommendations must be implemented by departments. Section 22 of the Act discusses ethics and is the single longest

section of the Org Act. It has taken over nine months to hire a new chief ethics officer. The setting of the Board of Commissioner's agenda process needs to be looked at very closely. Currently, the CEO appears to have control over what gets put on the agenda. Commission walk-ons are a process that needs to be addressed. It has been abused in the past. Your By-Laws seem to be influenced by CEO Thurmond. Also, I noticed that the Chair and Vice Chair of the Board are CEO Thurmond's appointees. Over the meetings I have watched, a regular item has been a presentation from a County department head, senior services, IT, and tonight fire. Nowhere in the Org Act are rules for these departments discussed. Your job is to propose changes as to how DeKalb County government might function in the future. You might want to consider dropping these presentations in the future so that you have more time to spend on the job that the Board has been assigned.

November 3, 2022 Public Comments

David Fox: *I want to bring to your attention tonight a small, but important flaw that is in our Organizational Act. It deals with the appointment of citizens to boards, commissioners, and various authorities.*

The Org. Act in general says that the CEO nominates, and the board of commissioners has 20 days to confirm. Not all boards are like that, but most of them are set up that way. However, the Org. Act has a flaw that was glaringly evident last week. The CEO renominated all five members of the DeKalb County Housing Authority, and the board of commissioners approved them all last week. Surprisingly, the terms of all five members had expired between 7 and 14 years ago. Ms. Cumberbatch's term expired December 12, 2020; Dr. Coleman's term expired December 2015; Mr. Yi's expired in April of 2008; Ms. Hudson's term expired at the end of 2012; and Mr. Ross's term expired at the end of 2013.

Section 13A of the Organizational Act establishes the process for appointing citizens to various boards. And Section 2 says and if you will indulge me for a second. "When the need to fill a post or vacancy is known by the Chief Executive at least 60 days in advance of the date on which the post or vacancy shall be filled, the Chief Executive shall initiate the procedures provided by in paragraph 21 of this subsection far enough in advance to permit such post or vacancy to be filled at the proper time. In all other cases, the Chief Executive shall initiate the procedures as soon as practical after learning of the need to fill the post or vacancy.

So, it's the intention of this section for the CEO to act proactively to reappoint board members or replace them in a manner that the board can continue to function without a vacancy being created. So if a vacancy is going to occur at the end of the year, the CEO has 60 day in advance of the end of that term to start the process. And if somebody quits in the middle of the term, he must act as quickly as possible.

But what happens if the CEO doesn't act? 13A in the Organizational Act is silent. Either a vacancy is created, or a board member continues to serve until a replacement is nominated. If they're willing to do that. Fortunately, all the members of the Housing Authority continued to serve despite their terms

having expired. And one might say there's no harm done. The board kept functioning. But these are not lifetime appointments. It's not the Supreme Court. Sometimes we need fresh faces with new ideas to keep a board functioning or energetic. Sometimes board members get a little power hungry, and you know it is time to rotate off. You have been there too long you're a little too familiar with what's going on.

And one last story. A few years ago, there was a former CEO that refused to nominate members to replace their positions on the Historic Preservation Commission. And without a quorum, a board can't do business. If you couldn't do business, then that meant that any application that was coming before that board, according to the law, was automatically approved within 45 days of the application being filed. So essentially, if you didn't have a quorum they didn't act. The Law could not be followed. So please take a look at 13A and the appointment process. Thank you.

Steve Binney: We must find the happy medium. When the charter was changed back in the 1980's, the problem was that the County Commission had too much power and the CEO's office had too little power to negotiate or mitigate questionable decisions and by a commission that was mostly interested in themselves. The solution back then was to elect a strong CEO to counter the power that the commissioners at that time was misusing. In either case, the most important thing is to give neither side too much power, to get both sides working with each other, along with citizens to come up with the best solutions, mandating transparency on upcoming projects and ordinances so that the public can inquire about and give input to upcoming laws before they are passed instead of finding out after the deed has been done.

How many commission districts should DeKalb have? Seven, nine, or more? Should we maintain super districts or not? I personally like nine districts. Should we maintain super districts or not? Seven individual and two super districts, so super district commissioner with their larger districts and wider interest could be encouraged to act as the calmer voice in the room when division of opinion occur between the individual district commissioners and the county manager.

Will we need more commissioners? Or perhaps the formation of something like the NPU units currently being used in the City of Atlanta could be a good way to bring people closer to the government as well as bringing the government closer to its neighborhoods and citizens. I realize there are potential problems with too many levels of government process. But I do know that under our current governmental processes, that communication and transparency with the people of DeKalb County are sorely lacking and the power to change or reverse a decision by the CEO is nonexistent.

Chairman Henson reported that the Charter Review Commission is an unpaid group of citizens of DeKalb County just working in our county to make it better and stronger at the request of our CEO and other elected officials. He then the Commissioners to introduce themselves and announce who appointed them.

November 9, 2023 Public Comments

Former CEO Ellis: Thank you I didn't necessarily want to be the first person to speak tonight, but I first of all wanted to say thank you to the members of the Commission for your hard work and your effort. I

had a little bit more time to look through some of the changes and it's obvious that you put a lot of time and effort into this and I want you to know it's appreciated. I also want to let you know that you gave me a courtesy allowing me to go before the public comment when I came to the meeting last time. I appreciate that. I was with my son who's a freshman in college. He was home for his first time on fall break and I wanted to make sure that I was able to spend some time with him during the couple of days he was here. So, I wasn't able to stay for the entire meeting. It sounds like maybe it won't be a lengthy meeting today and I'm going to try to stay for the entire thing. Listen, that's most of my comments because I wanted to make sure that I thanked you for everything you do for our county, and I wanted to make sure I thanked you for the time and courtesy that you extended to me last time.

I do want to reiterate a couple points though that I made last time. First, I think it is critical that this committee and I heard Mr. Chairman say you're about to wrap up, but I do think it is critical that you hear from all the former elected CEO's before making a recommendation and I emphasize the words "former and elected" for a couple of reasons: "elected" because if you run for this office, you run county wide and as you know this is a very diverse county and people hold a variety of different opinions from different backgrounds. Someone who's run county wide in the unique kind of campaign you must do to get elected to become CEO has some perspective - a unique one, I think, and then you must go out and govern behind that. And so, I think that talking to each of us, I don't know that we would all say the same thing. I kind of doubt that we would - we're very different and independent individuals, but I do think it is a perspective that should be valued. I also say "former" because when you're in the office sometimes you're just trying to keep your head above water, but after you've left the office you have an opportunity to look back and to reflect, and you think about some things that are, quite frankly, I think good for the county, that other people may not necessarily see who haven't sat in that seat. So, I want to encourage that and offer that again. And the other thing I want to say is that I hope you'll take seriously my comment about the provision that would give the Commission investigatory subpoena powers. Think about what's already in the Org Act. We already have an independent auditor, we already have the District Attorney who can do reports on civil matters, and we already have audit power under the executive branch. I am concerned and I think one of your key functions here is to make sure that we get this thing so it operates better and so the government can be smoother, and I'm concerned that you'll have so many people investigating things that can already be investigated now that it could possibly cause conflict and shut down the government, and we don't want to see that happen. If I were invited to share my thoughts in a more detailed manner, I'd like to talk about that a little bit more and some other things but let me close by just saying thank you. Once again, I appreciate my time to speak tonight. Thank you.

Jocelyn O'Neil: There are several things that I have brought before you and I'm not sure about just all you can do, but my major concern is that the major companies that we have working - our DeKalb County government contractors - are much more respectful to what we need done in our communities. I've had to walk in on a few contractors that were working in my community and I was seeing some not so good things happening. I reported it to our local commissioners but didn't get any results, so I just went into their office anyway, but they're very disrespectful. Some of the things that they come in and are

supposed to be repairing and doing. I'm not sure just what all you can all can do about it but if these things go to our local commissioners for them to make policies and rules - they really should consider that when the constituents are complaining about things not being done or that need to be done that these complaints are actually looked into. You know we have roads that are poorly repaired. We have companies coming in to fix things that the people we pay for those who might be state might be local, but that they take really a good hard look since they are our policymakers that they look at what's going on in the communities. Thank you.

Hannah Hawkins: My name is Hannah Hawkins and I'm just a regular person. I've been living in DeKalb most of my life and I think of myself as a relatively informed person and I try to do a lot of research for local elections. However, I've still ended up voting for a lot of people in DeKalb including DeKalb CEO's who have turned out to be corrupt and even in the case of Vernon Jones who end up being thieves and rapists. So, this is very shocking for me, and I am tired of doing this. I think that something is kind of rotten with the system and the way that this system is run seems to encourage this kind of abuse of power that has been going on over decades. I strongly support increasing the power of the commissioners and especially so that the people in South Dekalb can be better represented. I think the situation in South Dekalb, which is where I live, is sad and we have almost no representation in terms of power and in terms of the current CEO. The best thing I can say that he has been better than past CEO's but that's with a very low bar and the leadership especially in cop's city has been incredibly bad. I would have liked to see more conflict. I would have liked to see somebody pushing back and saying why do we need to bulldoze all of this green space in South DeKalb to put up the playground for military style home invasions. I mean if the Atlanta PD wants to do that, why don't they do it at a golf course in Buckhead? Why do they have to come to South Dekalb and why are we in South Dekalb not giving any input on these choices? Perhaps if we had had a CEO or any kind of structure who would push back more strongly against this then a young person would not have been murdered there by and then a cover up attempted by the GBI. So that is my opinion on this: I am for any change that would give more representation to the people of South DeKalb and less representation to the monied and corporate interests who are very well represented in the past and in the present, but hopefully not so well in the future. Thank you very much.

Steve Binney: I would like to comment on Mr. Ellis' comment. You're free to talk to previous CEO's, but I would like to caution you that they come with a vested interest and to take what they say perhaps with a grain of salt. I agree with the previous speaker. I don't want Vernon Jones anywhere near anything we have to do with the new Charter. I am encouraged though by some of the organizational changes you are proposing to the County Commission and the DeKalb Legislative delegation. Moving the budget process dates up to have the yearly budget ready to go by the start of the year, along with granting subpoena powers to the Commission, are more positive steps towards equalizing the power structure in our county but fall short from of the reforms and changes that are needed to help DeKalb County be the best it can be for all citizens in the future. However, a 70% bar of approval for any change to be recommended is a high level and I am pleasantly surprised that any significant recommendations came out of this process, and I thank all of you for your efforts and participation.

There is one last area that would encourage this board to investigate involving the designation of the "official newspaper of record." That is one that needs to be looked at. How much transparency and communication should DeKalb County provide to its citizens? Hopefully more than it currently does. The charter review process is where decisions affecting this transparency can and must be made. Transparency and communication are two-way streets. The citizens have a responsibility to search out the information and provide feedback to the county. On the flip side, it is the County's responsibility and job to provide easy access to this information. Currently the official newspaper of record for DeKalb County is The Champion. It is published once a week I believe and has a little over 40,000 subscribers in a county of nearly 800,000 residents. The Champion is a fine newspaper, but its reach is limited. When commissioners posted the legal notices that they were going to raise their pay by over 60% in The Champion but nowhere else, they were able to walk it on and pass it without public input because the public was not aware of the pay raise. I do not believe it is against the law to have more than one official newspaper of record for DeKalb, so there's no reason the county could not post these legal notices in other local newspapers and sites if instructed in the new Charter. I am a big proponent of local and neighborhood news organizations and publishing these notices with papers and websites in Tucker, Dunwoody, Stonecrest, or even in organizations like Decaturish will not only DeKalb County's legal notices to be seen more easily by more people but will also end up getting more public input on proposed county changes.

As a bonus the increased revenue to these other news organizations could help to expand their own local news coverage and encourage them to take a deeper interest in what is going on throughout our Dekalb county government. Information is power and currently not enough information is being provided by the county to enable the public to exercise their power to form opinions or to effect change. Governmental authorities sometimes fail to realize the full benefits of public engagement when they do it on a piece meal or occasional basis. Public engagement will be more effective and efficient if it is treated as a part of the normal governing process.

Thank you very much.

December 6, 2023 Public Comments

Steve Binney: Good Evening, Charter Review Members, You are coming up to the end of the first leg of your triathlon and I congratulate all of you. However this task and goal we are attempting is far from over. For a governmental system to work you must first lay a strong foundation before you start building. You must also have a floor plan before you start building.

Determining the form of government in Dekalb County is the foundation for all you have discussed over the last year and a half as well as renovating the floor plan from which our county government will be run. I believe that the balance between freedom and power is the foundation of a democracy. The current Organizational Act emphasizes power over freedom and Dekalb County is worse off for it. These recommendations that you are making will maintain the CEO office and perpetuate our current imbalance of power between the County Commission and the Executive Office.

I had hoped for a more even distribution of power under a new Organization Act but with a 70% agreement level needed to make any changes I must admit that I am not surprised. However, I am encouraged by some of the smaller steps this board is recommending in their efforts to bring Dekalb County government a little closer to their citizens.

Allowing county commissioners the power to subpoena departments directly for information instead of having to wait on the whim of the CEO or COO to disperse it will be of great benefit. Just the potential of this will likely allow commissioners to obtain the information they need ahead of the time they will be called upon to vote on an ordinance, contract, or budget.

Moving the budget start date to September 15th will give commissioners much needed time to study this long and complicated document, enabling them to supply more input into the final product. Not to mention that we will have an actual budget when our fiscal year starts.

Putting limits within which the CEO must make his appointments or nominations to the commission is also a positive step. This very board was over a year in the making because of delays in the appointment process by the CEO. This is an area where the board has specified time periods on CEO appointments in an effort to speed up the appointment process in this modern age. Also, you have addressed who has the power to dissolve old boards that are no longer needed or inactive.

These are all positive steps and I thank you for taking them. Even Mr Hammond's suggestions about NPU type neighborhood organizations can help bring the government closer to those they govern and that is the ultimate goal I hope.

I do not look upon the decisions made by this board as the end result but rather as the beginning of a long road towards a more equal and democratic form of government for Dekalb County in the future.

I want to tell all of Dekalb residents that regardless of your views, whether you want changes or like things as they are, your input during the Charter Review process will be one of the most important things you can do for yourself, your children and loved ones, your friends and neighbors, and all of us in Dekalb County.

I thank all the board members for your time, commitment, and consideration.

Appendix K: Public Comments

PUBLIC COMMENTS FROM THE WEBSITE

The following are submissions to the DeKalb County Charter Review Commission Website during the review process.

Kevin Polite

District 4

I would like to express my thoughts on the number of Commissioners and the fact that we, the constituents, have 2 representatives. Usually one will not contact you and I believe this allows for this type of behavior to continually occur. Atlanta has 17-21 Representatives for 500,000+/- citizens. We have 7 for 800,000+/- citizens. It would get representatives closer to citizens and allow for more accountability as well as negating one of the arguments of City of DeKalb. Even cities of DeKalb which, none have more than 80,000, have more City Commissioner than we have as a County.

Karen Davenport

District 3

The Dekalb Cityhood Movement is led by people who no nothing about running local government to help their citizens. They don't volunteer on County Committees. I think they are funded by organizations that are about destroying our county.

Daniel Walker

District 4

The DeKalb Organizational Act needs to help organize DeKalb County into better-defined geographic units, especially the unincorporated areas. Residents will be more likely to identify their area if their area has been properly defined like a Census-designated Place.

Ted Daniel

District 2

Members of the Charter Review Commission;

Thank you for your time and efforts to begin the process to improve the DeKalb Organizational Act! One idea that has been tossed around for years is the idea of making the county Board of Commissioners races non-partisan (like the Board of Education). The advantage is that everyone on both sides could then vote in the primary. We won't have the situation where a few thousand party primary votes determines who the county commissioner will be for all the district. Most of these races don't have opposition beyond the primary. I understand that your group is still wading through the history of the current Organizational Act and addressing the problems that need editing and correcting. I request that this be an agenda item for future discussion.

Thanks again!

Ed Williams

District 3

Charter Review Commission Recommendations Feb 9, 2023 -- Dr. Ed Williams

1. *In the Veto provision section 15, if the CEO does not sign any resolutions or ordinances adopted by the commission within 8 days then the act is not adopted until the veto period has elapsed. This must happen before any candidate's qualifying period begins.*
2. *The DeKalb County Board of Commission cannot walk on any ordinances or resolutions with a relevant subcommittee review, and public notice to the meeting and prior to any commission vote, unless there is an affidavit declaring the reason and that it was an emergency supported by evidence.*
3. *DeKalb County must fund its pension fund equally amongst all its residents, regardless if they live in a municipality or unincorporated DeKalb*
4. *A county-wide SPLOST must equally share its SPLOST funding and spend it funding between municipalities and unincorporated DeKalb under the special district provision of the Ga Constitution.*
5. *DeKalb County cannot redact audit reports and other public reports for any reason without an independent citizen review and judge court order*
6. *DeKalb County cannot claim that email correspondence is privileged communications between legal staff and government employees where there are no pending litigations or the email is sent to multiple individuals where the county is not represented the employee or elected official in a pending lawsuit*
7. *DeKalb County Charter commission members cannot be judges or other elected officials or hold public office, political party official, or have any conflict of interests that is inconsistent or conflicts with the duties of the charter review commission*
8. *DeKalb County CEO cannot serve on any other board while serving as Chief Executive Officer of DeKalb County*
9. *DeKalb County CEO position should be eliminated and changed to a chairperson form of government similar to Fulton, Cobb, Clayton, Gwinnett, Rockdale, and the other 158 counties.*
10. *DeKalb County law department mission primary mission is to protect the citizens and taxpayers of DeKalb County, and not the protecting the elected officials*
11. *DeKalb County Charter provision outlined in LCA 1978 p 2370 and section 23 of the 1981 DeKalb Organizational Act should be codified as it was in 1981 p 4304 and was changed unlawfully change in 2015*
12. *DeKalb county governing authority must post on the county website and publish its meeting agendas prior to meetings and post minutes immediately after the next business meeting.*
13. *DeKalb County must provide resources and departments to enforce land use restrictions and building permits for residential HOA and condominiums.*
14. *DeKalb County must facilitate legal notification registration and send legal notices via email or text to any resident or citizen who registers to receive notices along with placing legal notices in a legal organ.*

15. *DeKalb County facilitates legal documents upon an open record request to citizens and residents of DeKalb County for free where the volume of records requested is not burdensome; is in electronic form, and/or is a matter of public record, and may be provided over a period of time in lieu of any fee.*
16. *DeKalb's governing authority cannot extend or reimpose a sales tax without a referendum, or in the same form, the original tax was authorized.*
17. *DeKalb County Police and Fire taxes, franchise fees, and other department expenditures should be equal in assessment and expenditures among municipalities and unincorporated DeKalb County residents.*
18. *DeKalb County should have a designated person whose sole and primary job is to represent and protect the interests of the residents of unincorporated DeKalb County and provide annual reports.*
19. *Any DeKalb Ethics Board members can be removed by a majority vote of its board for cause.*
20. *DeKalb County governing authority shall not choose the ethics board chair, the chair shall be chosen by its members and the chair shall rotate by seniority unless a member does not choose to serve as chair.*
21. *DeKalb County is required to fund the ethics board operation, and its email, computer, and phone communication should be separate and distinct from the county email and phone system.*

Ed Williams

District 3

Charter Review Commission Recommendations Feb 9, 2023 -- Dr. Ed Williams (revised)

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21. *DeKalb County is required to fund the ethics board operation, and its email, computer, and phone communication should be separate and distinct from the county email and phone system.*
22. *The Chairperson or CEO cannot remove a department head without the majority vote of commission*
23. *DeKalb County governing authority or General Assembly cannot change the number of commission districts or super districts without a referendum*
24. *Chairperson/CEO is the executive of the county government.*

25. *Chairperson/CEO does not have emergency authority that the commission or General Assembly did not grant. Any emergency authority shall not continue more than 6 months without approval of the commission or the General Assembly*
26. *Chairperson/CEO shall enforce all county ordinances and local laws*
27. *Vacancy of the Chairperson/CEO, the presiding officer or vice chair of the commission shall act as the chairperson/CEO but shall not be the chair/CEO. If the vacancy is caused by indictment or suspension, then the people shall have an election to determine who shall be the CEO. No person shall hold 2 elected positions at one time.*
28. *Commission shall have the authority to remove and store monuments and statutes for purposes of safety, restoration, or preservation.*
29. *DeKalb County governing authority shall not have the power to set their salary which is prohibited by Ga Constitution Article 9, Section 2, Paragraph 1(c)(2)*
30. *Commission members shall be part-time and CEO/Chairperson shall be full-time.*
31. *The Chairperson/CEO shall be elected by the people.*

Carolyn Gorman

District 2

I may be interested in participating in this commission. I would like to learn more about it. How do I go about that? When is the next meeting? My county commissioner is now Michelle Long Spears.

Kenneth Taylor

District 5

Ladies and Gentlemen of the CRC: First, thank you for taking on this task of reviewing the Organizational Act of DeKalb County and trying to determine what is the best governance structure for its citizens. I have thoughts on several issues related to what you are considering and will send them in a separate document to the email address you have specified within the next week.

Again, thank you for the work you are doing for the citizens and residents of DeKalb County.

Sincerely,

Ken Taylor

William Toliver

District 3

With the recently implemented monthly collection timetable, the collection of DeKalb County water residential water consumption usage fees should be structured and administered in an effective and efficient manner not designed to maximize revenue generated with excessive late fees and electronic collection fees. Comparable utilities such as Georgia Power and natural gas service companies provide reasonable grace periods which especially lessens the impact on retired senior citizens who typically

receive pension benefits on the first day of each month. Please examine this issue. Your response will be appreciated.

Tevin Campbell

District 4

Please increase the number of districts and remove the super district. We should have 15 districts, a chairman and a Manager. DeKalb is 800k pop. And City of Atlanta is barely 500k yet they have 15 Council people.

William Toliver

District 3

Hello Claudette,

During the presentation by the DeKalb County Code Enforcement Representative on the agenda this evening, the long term issue of the Eastgate Shopping Center located at the I-20 East - Columbia Drive Interchange continually constituting a severe public health and safety hazard in our community is requested to be raised as an ineffective code enforcement community concern.

The question is what DeKalb County Charter modifications can serve to enable the DeKalb County Code Enforcement process to become an effective and efficient service delivery function including the DeKalb County Magistrate Court mechanism?

As a part of the Columbia Drive corridor from the I-20 Interchange to Memorial Drive, the enhancement of the image of the commercial properties is a priority of our community given commercial vacancy properties, convenience store - gas stations litter maintenance, etc.

Ms. Joscelyn Oneill stated, "you do have a way with words...expressing the needs, and needed improvements that have been stated to our Commissioners, CEO, etc. How can a community have 3, poorly kept "junkyards" out of code bowling alleys, and expect better investment in our community? Why?

Your response will be appreciated."

Marvin Toliver

Joscelyn O'Neil

District 3

Utility companies, AT&T, Comcast, GA Power, etc....services our communities, but they leave cables, tubes, and broken poles all over, forever.

Lynn Ganim

District 2

I have two comments. First, DeKalb should move to a city manager form of government; it's more efficient and follows best practices of most other counties in GA. Considering the north-south divide in

the county it's vital that we keep the super districts, which provide a form of glue between those two parts of the county. Finally, it wouldn't hurt to add another commissioner or two. Thanks.

Kathie Gannon

District 2

I am confident that the CRC would like the people of DeK .Co. to learn more about our form of government, some of the issues you are tackling and some of your observations - not to mention the minutes of your meetings. It is exceeding hard to find this information. I have been searching for 30 min. now and can't find a thing. Under Boards and Commissions a search for the CRC comes up with "no information found". Thank you for the Notice of meetings and where to livestream but the Minutes and previous livestreams are not attached or linked. Information needs to be accessible. You should have your own staff that makes this happen! You need staff and support outside of the branch of government that you are reviewing! Ask the BOC for the funds to become independent! Thank you. I will keep looking.

Ed Williams

District 3

Dear Charter Review Commission:

- 1. How are budget amendments handled after the budget is approved*
- 2. Is the budget that the CEO submits in December his final submission? Can the BOC submit its own budget, or determine that the CEO budget is dead on arrival and amend the budget after Jan 1, and before March 1?*
- 3. What happens if the CEO does not submit a budget as required, and What happens if the BOC does not approve a budget by Mar 1? There are no penalties for failure to follow the law, beyond going to court. BOARD OF COMMISSIONERS et al. v. LEVETAN et al., 270 Ga. 544, 512 S.E.2d 627 (1999)*
- 4. How are expenditures of funds received during the year outside the budget approval process handled? i.e. federal funds, grants, and other awards*
- 5. Does the budget or BOC mandate that the CEO spend funds after the funds are authorized if the CEO does not fill a position or complete a project?*
- 6. What is the CEO's limit or discretion to move funds around from one budget account to another? I.e. In many instances, the police positions are not filled, and the funds allocated are moved to other accounts to pay for other things.*
- 7. How are the funds accounted for expenditures not expended in the prior budget, rolled over, or accounted for in the new budget? At what point are the funds from the prior year budget funds frozen until a new budget is approved? Is it January 1?*
- 8. The County cannot adopt a retroactive law regarding the expenditure of funds,. i.e. to approve expenditures retroactively. See. Savage v. City of Atlanta 242 Ga. 671 (1978)*

Yolanda Smith

District Unknown

Good afternoon, I'm a resident of Hearthstone Subdivision. I'm very concerned about the excessive parking of the patrons of the Taweed Masjid at the entrance and neighboring areas of our subdivision. Should an emergency occur, that may require an emergency vehicle to enter, there's going to cause a delay in arriving due to the double parking. I've contacted the police department an hour ago and still no response. However, it's unfair to us private residents to have to suffer and inconvenienced due to this created parking lot in which we pay taxes. This is affects the mail truck from being able to deliver mail as well. I'm asking in advance for signage to be placed addressing this matter in our lovely neighborhood. Thanks in advance. I'm trying not to contact the media and hopefully bring about some resolution.

Cheryl Burnett

District 3

Services needed in unincorporated DeKalb. Example - routine curb sweeping, routine cleaning of storm basins, median maintenance should include pruning, edging. After reviewing a service request, an expected time frame should be given as to when service should be completed.

Ronalda Ford

District Unknown

More Small Business Funding and grants for start up businesses for Natives of Dekalb County

Annette M Wade

District 2

The position of CEO should NEVER have been created in the first place and should be abolished and return to a Manager to oversee the various functions that the Board of Commissioners fund and legislate. CEO has LONG been a source of friction going back to the very first one. Also think that the districts should be realigned to better function in the current structure of DeKalb, especially with the "new" towns. Good luck getting anything done in today's political environment on any level!

Stacey McDermott

District 2

Hello. I don't think we need a CEO for Dekalb County. I think we could use a few more commissioners for adequate representation of the constituents.

Victoria Webb

District 4

I appreciate having 2 commissioners representing the Super Districts. I do agree that more county funding should be provided to a neighborhood-based citizen participation structure. Our current CEO responded well to the recent pandemic in keeping mask mandates in place. I suggest possible 6-8 yr. term limits on boards like the ZBOA and the Planning Commission, to ensure participation from a broad range of qualified citizens.

Joe Peery

District 3

The current system of organization in Dekalb County is ineffective and leaves our Commissioners powerless to respond to the needs of our community. The CEO is, in effect, a king who rules unopposed. Give the power back to the citizens of Dekalb.

Debra Miller

District 4

I want to abolish the CEO form of government. I want a formally educated, properly trained and seasoned professional County Manager who reports to our elected County Commissioners to run the day-to-day operations of our county. DeKalb is dysfunctional and corrupt. We must change our form of government or we will continue to suffer and fall further behind.

Resident Reuven

District 3

Please inform the Residents the age for the State to be State/County/City Commissioner and/or Representative, given the age changes in the Charter.

Ed Williams

District 3

I have reviewed the October 6, 2023 draft DeKalb County charter and made my comments highlighted in blue for sections identified below. If I didn't list a section below then I did not have any comments, however it does not mean I agreed with the proposed changes. – Please forgive any grammatical errors

Dr. Ed Williams November 29, 2023

Sec. 2. - The commission. and 1Sec. 3. - Establishment of commission.

It should be made clear that the any new district map does not go into effect until the end of the current commissioner term have ended for those commissioners affect be redistricting. I am not sure how this would work with the staggering outlined in section 3. This would likely not be an issue if the current commission resides in the changed map footprint for his/her district. However, if a commissioners is no longer a resident of the new district foot print the new footprint can go into affect until the end of the current term.

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, and temporary vacancies created by suspension of a chief executive or a commissioner pursuant to O.C.G.A. §45-5-6 as now or hereafter amended, shall be filled as provided in this section.

What is meant by qualified person under section 6?

The Chief Judge should not make appointments for a commission seat by themselves it should be done by Grand Jury or by all the Superior Court Judges by from a list of citizens who have submitted an application of interest for the vacant position.

The vacancy provision should not allow a commission seat to remain vacant more than 180 days when a commission is acting as CEO or become CEO. The person should not be allowed to hold two positions at the same time, even they do not vote as a commissioner. As happened when Lee May served as

acting CEO for over a year or more, his commission district was unrepresented with a vote on the commission.

Sec. 8. - Compensation.

Compensation of the chief executive and commissioners including salary, compensation, expenses and expenses in the nature of compensation, may be fixed by an act of the General Assembly or by the governing authority in accordance with O.C.G.A. §36-5-24 and §§36-5-27 through 29, as now or hereafter amended.

Note that the GA Constitution prohibits county governing authorities from setting their own salaries.

There is case pending before the courts Williams v. DeKalb County, 308 GA 265 (2020); and Williams v. DeKalb County, 364 Ga. App 710 (2022)

GA Constitution Article 9, Section II, Paragraph 1(c)(1) and (2)

(2) Action affecting the composition, form, procedure for election or appointment, compensation, and expenses and allowances in the nature of compensation of the county governing authority.

Sec. 9. - Powers and duties of the commission.

(a) The commission shall have the power and authority to fix and establish, by appropriate resolution or ordinance entered on its minutes, policies, rules and regulations governing all matters reserved to its jurisdiction by this Actact. The commission shall exercise only those powers which are necessarily and properly incident to its function as a legislative, policy-making, or rule-making body or which are necessary to compel enforcement, and oversight, and implementation of its adopted resolutions or ordinances, and any power or combination of powers vested in the commission by this Actact shall be subject to the limitations provided in section 2623 of this Actact. The following powers are hereby vested in the commission:

(10) To regulate land use by the adoption of a comprehensive development plan and by the adoption of other planning and zoning ordinances which relate reasonably to the public health, safety, morality, and general welfare of the county and its citizens; provided, however, that no planning or zoning ordinances

shall become effective without an affirmative vote from either the district or super district commissioner in whose district the subject property is located. unless

approved, prior to consideration and adoption by the governing authority, by the member or members of th

Clarification of the planning and zoning affecting unincorporated DeKalb and those in municipalities. Will this provision only affect unincorporated DeKalb County residents regarding planning and Zoning matters.

Sec. 1614. - Executive assistant; Chief Operating Officer; administrators.

The CEO can Direct, Supervise, and Control, The COO cannot do what the law provide for the CEO to do by law. He/She can act on the direction of the CEO but cannot act as the CEO or without his/her authorization pertaining those duties

defined and assigned to the CEO. The duties cannot be delegated. The people did not elect the COO to make the decision for the CEO. See 36-5-22.1. Powers and duties; delegation and Gray v. Dixon, 289 SE 2d 237 - Ga: Supreme Court 1982

Krieger v. WALTON COUNTY BD. OF COM'RS, 269 Ga. 678 (1998); Crumpler v. Henry County, 571 SE 2d 822 (2002); Krieger v. WALTON COUNTY BD. OF COM'RS, 524 SE 2d 461 (1999)

OCGA 36-5-22.1 Powers, and Duties, Delegation Authority

(a) The governing authority of each county has original and exclusive jurisdiction over the following subject matters:

(1) The directing and controlling of all the property of the county, according to law, as the governing authority deems expedient;

(2) The levying of a general tax for general county purposes and a special tax for particular county purposes;

(3) The establishing, altering, or abolishing of all roads, bridges, and ferries in conformity to law;

(4) Reserved;

(5) The filling of all vacancies in county offices unless some other body or official is empowered by law to so fill such vacancy;

(6) The examining, settling, and allowing of all claims against the county;

(7) *The examining and auditing of the accounts of all officers having the care, management, keeping, collection, or disbursement of money belonging to the county or appropriated for its use and benefit and the settling of the same;*

(8) *The making of such rules and regulations for the support of the poor of the county, for the county police and patrol, for the promotion of health, and for quarantine as are authorized by law or not inconsistent therewith; and*

(9) *The regulating of peddling and fixing of the cost of licenses therefor.*

(b) *Nothing in this Code section shall be construed to prohibit a local law from delegating to a chairman or chief executive officer of a county governing authority jurisdiction over any subject matter provided for in subsection (a) of this Code section.*

The CEO nor Commission can delegate its decision making powers or duties which changes the form of government. The duties of the COO has to be specifically administrative and defined under the law. It cannot be executive or change the form of government. See OCGA 36-5-22 and 36-5-22.1 Note that the General Assembly did not authorize counties to create a position of COO form of government. A county structure is different from a municipality.

OCGA 36-5-22 (a) The governing authority of any county of this state or the General Assembly may create in and for those counties in which it deems necessary or advisable the office of county manager and may vest in such office powers, duties, and responsibilities of an administrative nature. The qualifications, method of selection, appointment, compensation, tenure, and such other related matters pertaining to the office of county manager shall be provided for by the governing authority of the county.

GA Constitution Article 9, Section II, Paragraph 1(c)(1) and (2)

(1) *Action affecting any elective county office, the salaries thereof, or the personnel thereof, except the personnel subject to the jurisdiction of the county governing authority.*

(2) *Action affecting the composition, form, procedure for election or appointment, compensation, and expenses and allowances in the nature of compensation of the county governing authority.*

:

Sec. 1413. - Powers and duties of the chief executive.

(a) The chief executive shall manage all external relationships for the county including, but not limited to, relationships with the United States Congress, the Georgia General Assembly, and federal, state, regional, and local government agencies and organizations including DeKalb municipalities and other county governments. The chief executive shall represent the county in all such intergovernmental matters. The chief executive shall also manage all internal relationships including, but not limited to, relationships with the board of commissioners, other elected county officers and officials, and the judiciary, as well as all appointed boards, commissions, authorities and similar organizations of the county. The chief executive shall seek to promote and improve the government of the county and encourage the growth of the county and promote and develop the prosperity and well-being of the citizens of the county.

(b)(a)The chief executive shall have the exclusive power to supervise, direct and control the administration of the county government. The chief executive shall carry out, execute and enforce all ordinances, policies, rules and regulations of the commission when such ordinances, policies, rules and regulations become effective. Members of the commission shall deal solely through the chief executive or his executive assistance [assistant] the chief operating officer in all matters concerning the operation, supervision, and administration of the various departments, offices, and agencies of the county government. No member of the commission shall directly or indirectly order, instruct, or otherwise attempt to control the actions of county personnel subject to the administrative and supervisory control of the chief executive. Nothing herein shall be construed to preclude any commissioner from seeking information necessary to the establishment of policy or legislative action from any person, including any employee of DeKalb County. Such request shall be responded to by the chief executive, or the chief operating officer, or another person designated by the chief executive, in a timely fashion.

(c)(b)Subject to the approval

Note that the CEO is not a KING. The addition of subsection (a) is overlay broad that makes the commission speechless and powerless.

Note that the CEO and Commission duties cannot overlap in a manner which creates uncertainty..

Define what is meant by manage relationship.

Sec. 1513A. - Appointments to public office.

Clarification on power to remove any appointments to the public office after they have been made by either the CEO or Commission.

Sec. 1816. - Comprehensive development plan.

(a) The chief executive shall from time to time present to the commission a comprehensive development plan which shall:

(1) Consider the present and planned physical, the economic, and social aspects of the county;

Under Comprehensive Development Plan Section (16) to be rename 18 (a)(1)

I believe the word physical should be fiscal. Need clarification as to what this phrase means.

(a) The chief executive shall from time to time present to the commission a comprehensive development plan which shall:

(1) Consider the present and planned physical, the economic, and social aspects of the county;

Sec. 1917. - Budgeting; control of expenditures.

I do not think that the CEO should serve as the county budget officer. It should be a separate qualified financial person that know what CAFE standards. I don't want a Trump organization style situation where the CEO signs off on the budget and then denies any knowledge of the financial policies and practices. Does this mean he can delegate this duties to the COO. There needs to a division of duties concerning execution, approving and accountable of the budget and the books. This is a serious error if this is allowed. There is an inherent conflict of interest, and there needs to be more accountability of the budget and the expenditures to the commission

See (c)(6) and (e)

December 31, prior to the year of the year to which it pertains. In the event the commission fails to approve the budget by December 31, the budget presented by the chief executive shall serve as the budget document for the county until a final budget is approved by the commission. The final budget shall constitute the commission's appropriations of all funds for such year.

The CEO's proposed budget cannot be automatic. It is the commission job to approve the budget. The recommended amendment is not sound practice and is not the way governments approve budgets at the municipal, county, state or federal level. If there is no agreement then a shutdown occurs, or a continuing resolution is adopted based on the previous year's budget. The CEO cannot appropriate or levy taxes without the authority of the commission. The CEO is not a KING

Sec. 2018. - Purchases; contracts.

The CEO is not a King; the commission should legislate the purchasing and contract department guidelines. Note that the GA Constitution in 9, section 1, paragraph 3 defines the county elected officers and The District Attorney and Courts are under Article 6 of the GA Constitution. The CEO cannot regulate their offices. Also note, that the Executive Assistant or COO is an administrative position and cannot act as the CEO or be delegated his powers under the constitutional representative for of government,

Paragraph III. County officers; election; term; compensation. (a) The clerk of the superior court, judge of the probate court, sheriff, tax receiver, tax collector, and tax commissioner, where such office has replaced the tax receiver and tax collector, shall be elected by the qualified voters of their respective counties for terms of four years and shall have such qualifications, powers, and duties as provided by general law.

(a) No later than one hundred twenty (120) days after the approval of the referendum, the chief executive, subject to the approval of the commission, shall establish rules to regulate purchasing shall shall submit to the commission a proposed ordinance, subject to approval by the commission, for the purpose of regulating procurement and purchasing for all county departments, offices, and agencies of the county

government, with the exception of the tax commissioner, clerk of the superior court, district attorney, probate judge, and sheriff. The ordinance, with any commission amendments, shall be approved by the

commission within sixty (60) days of receiving the draft from the chief executive. If the commission fails to approve or reject the ordinance within the time specified herein, the initial ordinance as proposed by the chief executive shall stand approved. Following approval of the initial ordinance, the chief executive may promulgate rules, regulations and/or guidelines to administer the ordinance.

Subsequent amendments to the ordinance may be proposed for commission approval by the chief executive or the commission

Sec. 2522A. - Code of ethics.

I have observed that the numbering of the section is being proposed . The Ethics law actually refers to the section of the charter as 22A. I also observe that there was a grammatical change that have been made in the ethics section. It should be noted that the Ethics section is a separate and independent law so any changes have to made in the Ethics law. There is a different in a repeal and amended of a local act of the General Assembly. The DeKalb County charter is a local act and the Ethics Bill is a local act. I believe that you have to amend the Ethics Bill itself you cannot do it through the charter,

Sec. 27. – Open Records Officer.

The chief executive shall designate an open records officer to be responsible for coordinating and ensuring that all open records requests are handled in a timely and efficient manner. The open records officer shall be responsible for coordinating with other departments and agencies to ensure that such requests are responded to and such responses fully comply with applicable state law. The open records officer shall have the exclusive authority to receive open records requests for all county departments, offices, and agencies, with the exception of the tax commissioner, clerk of the superior court, district attorney, probate judge, and sheriff. Upon designating an open records officer, the legal organ for DeKalb County shall be notified by the chief operating officer and such designation shall be prominently posted on the county website.

What about the records of the clerk of BOC and CEO ; the clerk maintains the ordinances, minutes, and other document and the clerk of probate court who maintaines the oaths of office and other county documents.

c. 3028 - Existing ordinances, resolutions, rules & regulations.

All ordinances, resolutions, rules, and regulations now in force in the county not inconsistent with this Act are declared valid and of full effect and force until amended or repealed by the board of commissioners.

Sec. 31. - Specific repealer.

An Act to create establishing the form of government of DeKalb County, approved April 9, 1981 (Ga. L.1981, p. 4304), is hereby repealed in its entirety and all amendatory acts thereto are likewise repealed in their entirety. All other laws and parts of laws in conflict with this Act are hereby repealed,.

Sec. 3229. - Conflicting laws repealed. General repealer.

All laws and parts of laws in conflict with this act, and all provisions of the act approved August 21, 1906 (Ga. L. 1906, p. 405) creating the office of commissioner of roads and revenues of DeKalb County which are in conflict with this act, are hereby repealed.

All laws and parts of laws in conflict with this Act are repealed.

The repeal provisions below do not mention Ga Law 1978 p 2370 the local constitutional amendment which authorize the 1981 charter; or the fact that the DeKalb County charter was made part of the GA Constitution and if amended it loses it local constitutional amendment status. See Article XI The Ga 1987 p 4817. DeKalb County -- Form Of Government; Local Constitutional Amendment Continued. Section 1. That constitutional amendment authorizing the General Assembly to provide by law for the form of government of DeKalb County and to provide for the various officers, bodies, branches, departments, or agencies by and through which the county's governmental powers shall be exercised and to require that certain legislation adopted pursuant to such authority shall be conditioned for its effectiveness on approval of the voters of DeKalb County (Res. Act No. 125; S.R. 323; Ga. L. 1978, p. 2370) shall not be repealed or deleted on July 1, 1987, as a part of the Constitution of the State of Georgia but is specifically continued in force and effect on and after that date as a part of the Constitution of the State of Georgia. This law had a referendum included.

After July 1, 1987 the DeKalb Organization Act which was an amendment to the 1976 Ga Constitution and was protected as a constitutional amendment under Article XI, Section I, Paragraph IV. which states that it cannot be amended only repealed with the approval of a referendum. The Ga L 1987 p 4817 continued the constitutional amendment status of the DeKalb Organization Act under the 1983 Ga Constitution.

Changes to the DeKalb Organizational Act after July 1, 1987 can only be done through repeal of the Amendment or based on section 23 The Ga 1986 p 4107 as passed prior to July 1, 1987. The DeKalb Organization Act which is a single amendment to the 1983 Ga Constitution can only be repealed.

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The Powers of all public officers are defined by law and all persons must take notice thereof. The public may not be estopped by the acts of any officer done in the exercise of an unconferrred power. O.C.G.A § 45-6-5.

