

DEKALB COUNTY CHARTER REVIEW

MALOOF AUDITORIUM

FEBRUARY 9, 2023

I. **CALL TO ORDER:** 6:10 p.m.

II. ROLL CALL

Steve Henson, Chairman
Virginia Harris, Vice Chairwoman
Mary Hinkel
Claudette Leak
Lance Hammonds
Robert Wittenstein
Susan Neugent
Jim Grubiak
Clara DeLay
Dwight Thomas
Vickie Turner
John Turner
Bobbie Sanford

ABSENT:

Dr. Gerald Austin Sr.
Karen Bennett
Ex-Officio Representative Karla Drenner
Ex-Officio Senator Emanuel Jones

STAFF AND CONSULTANTS

Zachary Williams, Chief Operating Officer
Viviane Ernstes, County Attorney
Lori Brill, Carl Vinson Institute
Barbara Sanders-Norwood, Clerk to the Board of Commissioners

III. MINUTES

Chairman Henson reported that Commissioner Bobbie Sanford was present at the December 1, 2022 Zoom meeting and that a motion was needed to correct the minutes from that meeting. MOTION was made by Commissioner Hammonds, seconded by Commissioner Leak, and approved unanimously to amend the December 1, 2022 minutes to reflect that correction.

MOTION to accept the January 2023 meeting minutes was made by Commissioner Wittenstein, seconded by Commissioner Harris, and approved unanimously.

IV. INTRODUCTION AND PRESENTATION OF INVITED GUEST

Lori Brill of the Carl Vinson Institute presented information on the forms of government currently established in several metro Atlanta counties (Fulton, Gwinnett, Cobb, Cherokee, Clayton, Forsyth and Fayette) and in three counties in the U.S. with a CEO form of government (Wayne County, MI (Detroit), Prince George's County, MD, and Jefferson Parish, LA).

The presentation is attached to these minutes and will be posted on the Commission's website.

COMMISSIONER WITTENSTEIN: Do other metro counties have someone with the power of line item veto of the budget?

Ms. Brill will research but does not think this is a common practice.

COMMISSIONER THOMAS: Who has the power to set the agenda? Prior to 2008, the CEO in DeKalb set the agenda and sat on the Board of Commissioners. After that, the Board sets its own agenda.

Ms. Brill: Generally the Chair of the Board of Commissioners sets the agenda in other counties.

COMMISSIONER LEAK: Who prepares the budget in these counties? What is the timeline of the approval process. In DeKalb, the budget timeline starts with the CEO.

Ms. Brill: In practice, power and duties "ebb and flow" with whoever is on the Board of Commissioners.

COMMISSIONER THOMAS: In talking about checks and balances, should the County Manager position be an elected position?

COMMISSIONER WITTENSTEIN: No matter what, the quality of the people in these positions controls more of what happens than their job descriptions. It's about the people serving in these positions.

COMMISSIONER DELAY: Can we also get the demographics of the counties you have reviewed?

Ms. Brill: We have provided district sizes in an earlier presentation. We will need to get population demographics for you, if that's what you're asking for. If any of you have any additional questions, please direct them to Chair Henson and he will send them to me to respond.

V. REPORT FROM THE CHAIR

Chairman Henson stated that the Charter Review Commission has a goal of submitting a report and recommendations prior to the legislative session next year. He is hoping that the Commission can drive some kind of consensus on any proposed changes between now and October.

Commission members have spent a lot of time reviewing information and that has been a great help. One reason the Commission was created was to not only look at the charter and make it better, but to also educate us as leaders and educate other citizens who hopefully will tune in as we go through the summer months. There will be a town hall meeting on February 23, 2023, sponsored by the Super District Commissioners. Some of us will be there to help spread the word of what the Charter is, and why it is Important. Whether or not we change anything, we will create an atmosphere where there's some knowledge of what the Charter is about and hopefully create a cycle where it can be looked at and approved on a regular basis.

COMMISSIONER THOMAS:

Mr. Chairman, why do you think so many people don't know already that we were discussing the charter and the county's form of government?

COMMISSIONER HENSON:

I believe and I might be wrong, if we just said we are looking at the number of Commission districts, we probably would have a lot of people here. If we said we are just looking at whether or not DeKalb has a CEO or a County chairman, we might have a lot of people here. But when you're talking about examining the full charter, which we are looking at, a lot of people don't want to hear about, for example, how the succession of Lee May to CEO left his constituents without district representation due to the way the Charter was written. Another item is the salary of the CEO. That's not clear in the current Charter; it refers to a 1991 salary reference. So, there are so many things to be reviewed that citizens don't know where to start. I also think the Pandemic makes it harder too to get the word out. Hopefully this summer we will get more interest. We are doing the work that I think needs to be done.

You know there have been comments that the charter has not been looked at before. That is not true. In fact, it's looked at frequently. As a member of the legislature for almost 30 years, I can say we looked at it down there frequently.

There are studies that looked at it more comprehensively. In 1996, the House prepared a big study. In 2008 we had five town hall meetings and subsequently removed the CEO from the Board of Commissioners where as Chairman he presided at the meetings and set the agenda. He was removed for a more separate role. There have been other changes such as the ethics board and independent auditor. I think our CEO wanted this to be an open process to educate people and wanted to give us the resources and some money for some help because it is an important process.

COMMISSIONER WITTENSEIN:

I'm sure there must be some sort of research about the pros and cons of the CEO form of government versus the county manager form of government versus the county administrative form of government.

CHAIR HENSON: We are inviting the former county managers of Fulton and Gwinnett to discuss this issue and their roles in a panel discussion. I know Gwinnett County had to deal with the issue of emergency powers when they had a big hurricane. Ms. Nash, the former Gwinnett manager felt that what they had developed then helped to address some issues during the Pandemic. I will send that information to the County Attorney.

Moving on, the secretary reminded me that Article 9 of our by-laws does call for have a work plan to be developed and I am going to try at our next meeting to outline some of the major issues we've identified here or the public has brought up.

Issues we have identified so far are:

Chairman versus CEO

The Budget – how long the Commissioners and the public get to look at it and whether the line-item veto is an issue

Vacancies on Boards and how to address the issue that it takes a long time to fill vacancies

The County Attorney has a few administrative changes that may be necessary.

I am now going around to each of you to ask if you have any specific issues you want to address.

VI. COMMISSION DISCUSSION ON CHARTER ISSUES

Commissioner Harris – I think as we continue to assess or evaluate all of the presentations that have been made, we can determine where we need to focus and identify the issues we need to look at. One of the issues the subcommittee on commission districts is looking at is the number of districts we should have to serve our population.

Commissioner Hinkel – My top priorities for the Charter Review Commission are: 1) dealing with the checks and balance of power between the CEO and the board of Commissioners especially with regard to purchasing and contracting, budgeting, accountability of department heads and the ability to get timely and accurate information from the administration. What is the balance that ensures sufficient oversight and accountability? 2) what should be the COO's role and duties? If the COO provides the professional expertise, shouldn't his role be strengthened? Where does his position fit with the balance of powers? 3) a Charter Review every ten years. 4) Add into the charter, as appropriate, additional requirements for public reporting.

Commissioner DeLay: I think we're going in an excellent direction. I would like to see more outreach from us. Going back to what the CEO said at the beginning of these meetings, none of us wants this group to decide. We want to see more public input, more public involvement. It's usually the same three or four people making public comments. Our county has some 900,000 citizens. We need to hear from a lot more of them, so whatever we can do as a commission to get that public involvement, I'm all for that.

Commissioner Wittenstein – The balance of power between the CEO and the Board of Commissioners is an issue. I'm also a big believer in having large organizations with big budgets be professionally managed by people who have the experience to manage them. I worry about having political appointees in charge of running large organizations with big budgets who may or may not come to the job with the experience to do that. We can help ensure a professional management of a very complex large organization. The third thing I'm worried about is having somebody in charge of the day-to-day operation of the County having to raise money to run for re-election. There's no fire wall; there may be conflict of interest. I also think the Board of Commissioners is too small.

Commissioner Hammonds – I think this is a good process. I think we should not lose focus on who are the customers that we are trying to serve by providing a better form of government. A better form of government provides better services. We have had some presentations and some of these departments need improvement as far as delivering services. If that is a function of the organization, then that's one thing we can address. We need to ensure that deficiencies we have in the delivery of services to the constituents is not a result of the government. We also need more public engagement in our government. Look at the NPU system in the City of Atlanta. They seem to encourage and accomplish greater citizen engagement. Can we look at our Community Council system and see if that could be doing more. They look out for the neighborhood in terms of planning and development, but maybe they could be doing more to engage with departments that serve our neighborhoods, regardless of who's in political office or heading the departments.

Commissioner Leak – We need a work plan; we need to take a look at the October date and push forward with everything that needs to be accomplished, all the issues that we need to address, the pandemic and everything else. We need to consider if we need subcommittees. I will volunteer to send you some suggestions about these committees. What are the tools and resources we have to support a greater outreach to the community? Can the Commissioners and the CEO's office help with their lists and contacts to spread the word? Also, what are the recommendations that have come out of the previous studies you referenced? What was implemented from any of those studies?

Commissioner Sanford – I feel we are not getting enough input from the citizens. They don't understand what this commission is about and how we could put measures into place to provide better oversight of finances and development for the citizens. I would also like to see a comparison of the types of government.

Commissioner V. Turner – We know some things were put in place with the committees in the past. What have we done – is there a vein or a thread of continuity that we can pull back from the past, bring it into the present and be effective or do we just check the box. Mr. Chair, I hope that our observations can be unbiased and without political undercurrents.

Commissioner Neugent - I think we are going in an excellent direction, but I would like to see some kind of outreach from us. I'd like to see more public input and more public involvement. Further, the County Attorney has pointed out a number of administrative things that need to be addressed. We've had some questions raised about the appointing process and other things in the charter where there are processes but there's nothing about consequences if the process isn't followed. I'm also concerned about purchasing and contracting and community engagement. I live in the city of Atlanta in DeKalb County and am in an NPU. It is an effective way to engage people in more than just a one-off project. People become engaged in how things are working or not working in the neighborhoods. I will also send an email to the Chair explaining more fully the issues and concerns I have.

Commissioner Thomas – I plan to just keep an open mind towards an understanding of what's really, really broken with the stability of the DeKalb County government. Once I am convinced that something is broken, then I would see how that can be fixed without destabilizing and having what I call demographic destabilization of DeKalb County. I think we are going in the right direction to have good discussions, healthy debate about everything.

Commissioner Grubiak – I would just like to emphasize one aspect of some of the other comments and that is about the management structure of DeKalb County. I'm interested in seeing if we can ensure that DeKalb's structure, its form of government, is such that it provides services in the most efficient way and most productive way. This does not mean that you have to eliminate the CEO. It may be that we need to look at the COO's position to see if there are things that the CEO and COO could be doing from a management perspective in a way that would be enhanced by perhaps providing more authority to the COO.

I don't want to give examples now, but there are things I bet we could suggest to improve the management of DeKalb County. There are many hybrids that we could look at where you get the benefits of a CEO form of government.

Commissioner J. Turner – I was looking through the organizational charts of the various counties. Several of them had at the very top above the board of commissioners the words "Citizens of ...County." I think we need to have the same commitment here in DeKalb County. We are here to do a better job for the citizens of this county. Civic engagement is important, not just with our work, but also ongoing citizen engagement with the County. When I was volunteering with the DeKalb Citizens Advocacy Council, we did a deep dive on all the citizen advisory boards in the county. There were over 40 of them listed but the information was out-of-date and there appeared to be many vacancies. There was a lack of

patterns ... of structures... so a question arose: How can citizens really be a part of this government. These board are part of the civic engagement fabric of our community and part of the checks and balances citizens can be engaged with, and yet they are not being well managed. I agree that the NPU structure seems to be a way of engaging citizens, but I'm also curious if the Carl Vinson Institute can look at any case studies or best practices relating to ongoing citizen engagement.

Commissioner Leak – I have one item I failed to mention. How well is the County run? How do we determine that? Each department has a strategic plan. That would be the starting point. I think perhaps the better thing is to get the county's strategic plan.

Chairman Henson – That's a good point. I will talk with the COO and see how we can maybe look at some of those strategic plans.

Commissioner DeLay - As Commissioner Wittenstein said, a lot has to do with the people who deliver the services. Service delivery is important. A lot of that has very little to do with the structure of the government. If somebody's not doing their job, you can't just get rid of them. You've got to go through the Merit System. I'm not saying anything bad about the Merit System. I love the Merit System; we need the Merit System. But we need to go to the beginning: it comes down to hiring the right person, specifying the qualifications for the job, hiring to those requirements, and not veering from that just because someone's friend or family member needs a job. We need to get what we're seeking and stop getting just "somebody." That's where the delivery of services falls flat – in the people.

Chairman Henson – Mr. COO do you have any comments?

COO Williams – I've been listening to issues regarding the form/structure of government and concern about service delivery. You also need to look at how services compare and at what cost. You are also talking about benchmarking. I think in the past the Maxwell School at Syracuse University was one of the entities that did a lot of benchmarking.

Commissioner Sanford – I just wanted to ask if all of the Commissioners have Eblast or newspapers could we send them copies or lists of our meetings and ask them to please invite their constituents to participate in some manner with our meetings?

Chairman Henson – The secretary has done that and we will continue to do that.

Commissioner Hinkel – I am sending meeting announcements out a week ahead of time to the County's communications department for release to the media, but those announcements are not regularly even making it into the DeKalb Relay. I hope the COO can help us get the word out through the county's regular communication channels. I also think each of you can help in terms of your churches, synagogues, your civic associations, your homeowners' associations.

Chairman Henson – Again, as far as the bylaws, we’re supposed to have our schedule out as best we can six months in advance. The general schedule is that we’ll meet the second Thursday of the month for the next six months. We are also looking at the 30th of March which is the the last Thursday in March to have a panel discussion about the role of county managers. We have talked to Charlotte Nash and John Eaves, former managers of two neighboring counties on either side of us. I certainly would like Mr. Williams with his vast experience having been a county manager in both Fulton and DeKalb to weigh in either during or after the presentation. This is important from an education standpoint.

One thing we also have as a tool is the educational process of the minutes and record that we leave. We also have whatever finished report we produce, where even if we don’t reach a ten-vote conclusion on changes we may reach a ten-vote conclusion saying something needs to be looked at further. Some of these items might need to be studied independently.

VII. UNFINISHED BUSINESS

VIII. NEW BUSINESS

Chairman Henson – County Attorney – Do you have anything for us today?

County Attorney – On the back wall, you have notebooks which have legislative history each year of the Organizational Act since 1956. These are for you. In addition, as you know, the CEO promised that he was going to extend this commission until the end of the year. The Executive Order is also at the back for you to pick up.

IX. DISCUSSION OF MARCH MEETINGS

Chairman Henson – We will have to double-check with Charlotte Nash and John Eaves about the 30th being a good date for them to come and talk about the roles of the County Chairman and County Manager primarily.

Commissioner V. Turner – the general meeting is the 9th of March?

Chairman Henson – Yes and hopefully the independent auditor, someone from the budget office and someone talking about procurement would be here.

Commissioner Hinkel – It will be lived streamed and recorded and all the meeting videos get posted to our website.

Chairman Henson – And, of course, the minutes – I’ve never seen minutes as good as our minutes. I’ve been in tons of meetings and I have been secretary of senate committees that have signed minutes. I have never seen such detailed minutes – Barbara has done a fantastic job on those minutes. I can’t believe they are as detailed as they are.

X. PUBLIC COMMENTS:

Davis Fox, Ridgewood Drive, Decatur, GA. 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 – Densley Drive, Decatur Georgia, 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.

XI. NEXT MEETING DISCUSSION & ADJOURNMENT

The next meeting will be on Thursday, March 9, in person at the Maloof Auditorium beginning at 6:00 p.m.

MOTION was made and seconded to adjourn the meeting.

Steve Henson

Barbara Sanders-Norwood, Clerk