

DEKALB COUNTY CHARTER REVIEW

December 6, 2023, 6:00 p.m.

Dunwoody City Hall Auditorium

PUBLIC HEARING DISTRICT 1

I. CALL TO ORDER

II. ROLL CALL

Steve Henson, Chairman

Mary Hinkel, Secretary

Claudette Leak

Lance Hammonds

Jim Grubiak

Vickie Turner

Claudette Leak

John Turner

STAFF:

Zachary Williams, COO

Barbara Sanders-Norwood, County Clerk

Lori Brill, Carl Vinson Institute

Ms. Johnson, County Attorney's Office

III. INTRODUCTIONS

Chairman Henson - Hello my name is Steve Henson and this is the DeKalb County Charter Review Commission working on the Organizational Act for the CEO and the County Commissioners and for the citizens of Dekalb County. I would like to have my secretary first introduce herself to you and then the members of the Commission.

Mary Hinkel - appointed by the DeKalb County State House delegation.

Jim Grubiak - initially appointed by Kathy Gannon, former Commissioner, and reconfirmed by Commissioner Ted Terry.

Vickie Turner - appointed by CEO Michael Thurman.

Lance Hammonds - appointed by the Senate Delegation.

Claudette Leak - appointed by the House Delegation.

Robert Wittenstein - appointed by Commissioner Robert Patrick.

John Turner - an alternate commissioner appointed by the DeKalb House Delegation.

I believe we also have Mr. Zack Williams who's the appointed county representative to assist us and the county attorney's office may have a representative. We have Lori Brill and Ms. Hadley Rawlins from the Carl Vinson Institute. I appreciate very much the City of Dunwoody for allowing us to be here and I'd like Robert Weinstein to thank the appropriate people and to discuss briefly why and how we're here.

Commissioner Wittenstein – This facility was created 15 years ago and actually last week we celebrated that anniversary. This Commission was required to hold a public hearing in each of the county Commission districts and so this is district one which is the northernmost part of the county. I thank all of you who had to trek a long way up here. Please note I've had to trek a long way down there for meetings. I do want to thank the city for making this arrangement; we had court today and they had to rush things along a little bit to get it all cleared out for us. I thank Jay Vinicki, City Manager for his assistance.

Chairman Henson - We were told we had to have five Commission public hearings separate from the work meetings that we do. Today we will be hearing from the public and have comments up to 3 minutes in length. The speakers will be asked to state their names and where they live.

As a brief summary of where we are, we have been working since the CEO called me in April of last year. We had our first organizational meeting in June and we've been working going over the existing charter. You can't change anything until you understand it. We worked going over sections of the charter and we did a lot of things that were just important housekeeping measures. It's making sure the charter conforms to state law. For instance, residency requirements for people running for commissioners and CEO - the age of those officers where it's in the charter conflicted with state law so we made a lot of changes like that. Then we made some other changes, more substantive, like the budget outline. Right now the budget is presented by the CEO in December. We made a recommendation that they change that to October 1st so there isn't a large gap between when the budgets approved and when the budget year starts. We also worked on issues like what the terminology for calling this COO or the present executive assistant. The charter recommending some changes there to signify the importance of the position. We worked on many things like vacancies. A few years ago, when we had some issues with the CEO and there was a temporary vacancy, there was some confusion whether the 5th district Commission would be filled and we tried to work on issues concerning vacancies like that to see that problem didn't arise. Also, on appointments to state boards created by this state we put in some language so those vacancies if they're not filled by the CEO in a reasonable amount of time there's some way to address that. We worked on numerous issues on procurement and others in those kinds of regards. We also added some things important I think to the commissioners' powers. Most important was the subpoena power. So, we've done some important things I think will strengthen the county. We did talk about major issues and did not request a change at this time, like the numbers of commissioners or whether or not to do away with super districts. We also talked about whether to change to the county's form of government from a CEO form of government and we did not elect to do any changes at this time. Two sections of the charter that we added: one an open records officer which was recommended by some members of the Commission but also by the county municipal association and another section which recommended a Charter Review Commission be formed every eight years to look at this whole process again and see if changes need to be made or to make sure the system is always working for the citizens of DeKalb County. So those are some things we've done just so you would know. I don't want to belabor those points or the other minor things we've done. I did want to say that we've been working hard and

made some positive impacts I think in this charter. OK, we would welcome public comments at this time again up to 3 minutes and we're reasonable with that.

IV. PUBLIC COMMENTS

Stephen 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.

Commissioner Wittenstein - I want to thank Stephen Binney for being here. He has been at every single one of our meetings. He is the absolute epitome of an engaged civilian and I love the fact that he's here, that he speaks at every meeting and I thank you Stephen for making the effort.

V. ANNOUNCEMENTS

Chairman Henson - I've got just a couple of announcements: one, we're still double checking but we're planning on the meeting on the 14th at the Maloof Center. This should be our final meeting with some slight clarifications of other things. Otherwise, we'll have a report or display of a report that the Carl Vincent Institute has been working on for us that will include all of our work and the appendix with letters from some of the commissioners, public comments and input we've received. I think you'll be proud of the work this commission has done and the knowledge and information that we will present to the DeKalb Legislative Delegation and DeKalb County Commissioners. I think one of the commissioners has already introduced some information about changing the budget process timetable which we had discussed - maybe to September 15th from October 1st. I think your work has done a lot so I want to thank each of you for your service here today and we'll look forward to seeing you on the 14th.

Commissioner Leak - In our last meeting will we be as a body voting on the report, so I mean will we have it in advance of that meeting?

Chairman Henson -Where we are right now is we don't have the report. The Carl Vincent Institute is finishing up. I'm hoping that I can maybe look at a PDF on Friday and then on Monday I'm going to meet with them and see what the report is. Hopefully it will be ready and hopefully we'll get you all a PDF before the meeting in an e-mail before the meeting and you all get to look at it. If there are any objections or concerns, we could even have another meeting to address it.

Commissioner Leak -

Brill, I want you to just briefly comment mainly that I am right and the final report will include some commentary of the process on how we got there and then it will also include for instance the appendix which is probably more than half of it which is all the public comments we received online and in person, five or so members have sent in letters - 2 page comments- we added and what else is in the appendix? Some of the research presentations we received from staff. And I assume all of the reports that you know that the department heads gave us.

Ms. Brill - I just want to make sure about what you said. There won't be a final report until we get all the edits back from the CEO's office and from Zach and from y'all. That's when the final report will be done and given to the legislature, but until that time it's technically a draft.

Chairman Henson - The edits should be minor. For instance, when you say edits from the CEO. Our report will be our report. They won't be vetted by Zach or the CEO or the commissioners. We are giving them a copy to look at. That's fine, and if they want to comment on something else we could change; otherwise your report is going to be your report. The PDF file will be what we present to the legislature and if the

CEO or anybody else has any major changes they want to make they'll come to us and we would vote on changing it. Otherwise, I'm expecting most of it to just be memorialized statements of the report of things we've done and all the changes to the charter will be what we have now plus anything we do on the 14th. There will be you know the minutes from the meeting on the 14th. I'm expecting approval of them will be by the secretary and myself. If there's any need, we can come back next year and do some more. We might lose Carl Vincent, but hopefully, I think there will be a comfort level when we meet on the 14th.

Commissioner Leak – I concur with you that the commission's report is the commission's report. I wanted to make sure in asking that previous question about taking a formal vote to that say this is our final work product and we all agree that this is what's going forward under this commission's name.

Ms. Brill - I have no control over that. The only thing is I just wanted to let you know that it's not the final because you have a chance to edit it; that's the only thing.

Chair Henson - And to Claudette's point I'm thinking everybody you know as far as the agenda set by the chairman we'll hopefully be finished with our recommended changes of the charter once we do the whatever we put on the agenda next time, which are all minor, so that'll be done; and if you or anyone else have any problems with the other report material they're going to present, which I have not looked at either, I'm not counting on it, but if there are any problems and we don't want to release the whole report or we think that some public comments are you know offensive and we don't want to include that, we can take it up and we cannot move forward with that public report until you all are comfortable. But I'm expecting it to be pretty cut and dry when we come in. Next week we'll have a PDF or they're going to keep it on the display monitor so we can go over everything. It's really the report - it's just facts and research they've done, public comments, the process that we did and our 32 page or whatever you know recommended revisions to the charter.

Commissioner Turner - The PDF that we'll be getting at next Thursday's meeting certainly we won't have enough time to go through all the agenda and everything like that. When will we be getting a PDF to review for all of that at our leisure. Will that be before or after the Thursday meeting?

Chair Henson - I'm hoping to do it before but not a whole lot of time before because I won't see it maybe hopefully Friday. Then I'm meeting with them on Monday and in full disclosure I'm hoping my vice chair and secretary can maybe be there to look it over so I hope you can get it a couple of days before Thursday.

Ms. Brill - It will generally discuss the issues that you brought up, what was behind the discussion, what you ultimately decided on - the big issues, complications you ran into – things like that is what's in the report so that they're aware of it and also there is a copy of the edited charter actually in the body of the report.

Chair Henson - I think you'll be happy. I think it'll show the kind of work that we undertook and provide significant information to people trying to figure out what we did, and certainly the minutes of the meetings etcetera. There'll be an addendum. Please include the minutes somewhere in the back. As I say, if there's any unreadiness on the 14th we'll come back in January to another meeting. There's no problem with that. Our salaries will not be increased at all, but I'm hoping that it's pretty well cut and dry

and one reason too is we're hoping that we've got something to give the legislature early since they go into regular session the second Monday in January - once they exhaust the special session.

Commissioner Hammond - Just for clarity - so on the 14th we're going to have the draft document and the only purpose is to approve the draft - not to go back through each one of the votes that we've taken.

Chair Henson - The only thing on the agenda should be to get a report from Carl Vinson on the entire draft document, make some minor corrections in sections 11,14 and 27, and approve the minutes from before and then turn the light off.

Commissioner Hammond - After we approve our recommendation where does it go?

Chair Henson – If it's OK and we all have comfort with it, then we would send that to both Mr. Williams and the CEO, the commissioners, and the legislative delegation. If you're not ready on the 14th we'll vote and have another meeting in December. And they could make comments back to us, but it's not their purview to change our Commission report. The only people that can do that would be the Commission. Now that is for the context of the information we present. The legislature itself could go in and put a draft of our recommendations before it as a bill and change any or all at any time; same thing with the commissioners. We've already seen that our recommendation in the charter was on October 1st the CEO would present a budget - we've seen one of the commissioners bring forth that he'd like to see it on September 15th, so they may take a look at our recommendations and they may recommend it as part of their legislative package. The legislature too may meet and say they don't like any of it and they may recommend they not do anything we put forth out of the Commission. Most likely, what they'll do is pick certain areas that they think are important for change to make recommendations and look at the county's legislative package. Some of it they may change – like change October 1st to September 15th on their own. They may not make any recommendations on that when the legislature takes it up and I suspect a member of legislature to at least put parts of what we've had in as a bill. Then I'm pretty sure that there will be additional feedback and input from commissioners and the CEO, maybe even more than we've received as they have committee hearings in the House and Senate. I suspect just from past experience being a senator that even if somebody does put a bill in this is very complex legislative year and the legislators are inundated with so many things when they are in session, but if the bill would be put in, there would probably be a meeting or two during session, but at very most it might pass one House of the General Assembly and then over the summer it would be worked on with a couple of public hearings and the other chamber or even the starting chamber would continue to work on it and then in all probability it would be the '25 General Assembly that would do a final passage of any major charter changes. Now there are some minor things that we've done that might put in a separate bill like changing things that directly conflict with state law. For instance, we have in the charter right now that there has to be a five-year residency requirement to run for CEO but state law says a year. It says they must be 30 years old but state law says 21 They may take ones that are no brainers and put in a quick bill to fix that right now and then do something else later.

There will be time for public commentary. And of course, the CEO and his executive order were impassioned to make sure that we did as much public input as we could, so there will be public comments. I don't want to take all day but you know I'm willing to have them before and after our meeting. We haven't been overpowered so we might do that but definitely some time for public comments at the next meeting.

Commissioner Hinkel - I just I think for those of us who have worked on this so long - if you want to continue to work on this to advocate for it through the legislature and to be available to comment to the legislature, please let me know and the Chair. And to any citizen watching this I think you should use the revised Organizational Act and ask questions of the candidates who are running for office in this next election cycle when we will be electing a new CEO. Ask them how they feel about the revised Organizational Act and what their thoughts are about the changes that are being recommended. I think this needs to be a document that we continue to keep to the fore and not let it die.

Chairman Henson - So we will be meeting in the Maloof auditorium 6:00 PM on the 14th in the last meeting or possibly not, but we're we've certainly achieved amazing things getting this done and I know the CEO's happy that we've worked so hard and tried to do the right things.

Commissioner Vickie Turner - I've just been listening and trying to make sure I have a good feel for the process. Starting next week, I understand there will be a meeting and unfortunately I won't be able to be there but we will be only reviewing the draft of the final document that still will have to be submitted and once it's submitted to the respective places that you said for review only - no recommendations for changes because that has to take place in this body. Am I correct?

Chair Henson - Let me recap - the Charter Commission acts under the executive order of the CEO so our product will be from us – what we've created. So, hopefully on the 14th what we'll have is the main thing of our recommendations: the charter and what changes are amendments to organizational act if we make some slight adjustments to what we've done in the past we will have our recommendations finished. Nobody's going to say they're perfect, but nobody would say that if we spent another year. We could be tweaking it some more but this process is concluding. So, what we have will be the final draft of our charter or organizational act revisions (about a 32 part page document) and that will be concluded hopefully then. And while we won't have an entire report being brought from the Carl Vinson center to go along with that, we will have an informational background package at the time of our next meeting on the 14th. Hopefully there'll be a chance that we go over what they present. If we have any major issues with that, like they didn't include minutes and we decided to ask them too, we'll make those requests and we'll decide at the end of that meeting whether we feel comfortable with the entire informational backing in the report or if we want to see something else and have another meeting. If we're comfortable with all the information on background that we want to send out to the Commission and CEO we will send it out at that time. If we want them to tweak it and we want to come back and look at it again, we'll do that but nobody's going to change the Commission report or the materials we attach with the report but that doesn't mean that the CEO or commissioners can't send their own commentary and their own thoughts and make their own recommendations totally contrary or in some minor parts contrary to what we have, nor does it mean the legislature can't make different recommendations or take different legislative actions, but I'm hoping we'll have the informational background to go with the report that y'all can feel like it's helpful and probably more than has been ever done in the past to support our work and that we'll be able to finish up the 14th of next meeting, but that's up to you all.

Commissioner Grubiak - Once we have a final report it will go to the Board of Commissioners and to the CEO and it goes directly to the delegation. It doesn't go through the CEO and the Board of Commissioners to the delegation, is that correct?

Chair Henson – Yes, the executive order said that we report to the delegation as well as the others.

I'm confident and certain that the House and Senate members will want and ask for and be very interested in any input they can get from the commissioners or CEO or Mr. Williams or others including Ms. Ernst on our product so I expect all of them to weigh in on that.

Commissioner Grubiak – But we can take this opportunity to meet with our legislative delegation members whether there are several of us together or each of us one-on-one and not assume that they will sit on it for a year and a half or two years. I hope they don't do that. We've put a lot of effort into this and a lot of really good things are in there. There's nothing that's earth shaking that should cause any delegation member, CEO, or the Board of Commissioners any member to say well this is this is really not good, we have to hold off and think about it, so I think it's all very positive we have we're going to have a supermajority presumably but we'll have the votes so we reflect a pretty good consensus and I think it's a pretty good product so I would hope we can as individuals or as groups or whatever however we want to do it they will work to get it taken up by the delegation and passed.

Chair Henson – Well, that's why we want to finish up on the 14th

Commissioner Leak - With this report going to the General Assembly there are some very specific powers that for changing the charter in the process which belongs to the General Assembly and I just can't remember so I'm going to rely on your experience. There are circumstances under which the Board of Commissioners has the authority to do ordinances, so is it feasible that some of those things that we've covered in the Org Act and our changes could be considered at the local level with the Board of Commissioners through ordinances.

Chair Henson – There is certainly an opportunity if the legislature fails to act that the commissioners could address some of the issues through an ordinance. It wouldn't have the same legal standing as our organizational act changes. For example, they could try to create an open records officer; they could do some things but most of the change that we tried to focus on are changes that were more most appropriate for the organizational act, so most of the changes that we did I think would be better served through the Org Act, but you're right that out there it's not all or nothing that has to be decided by the General Assembly. Those commissioners that represent us that they do have the authority and the ability to promote through ordinances some of the changes without the General Assembly approval.

Commissioner Hammonds - As we get to the point where we're putting the recommendation out and it goes through the various bodies, is there a place in this process where we communicate to the community what their role is going forward? Some of the others are saying now we've got the report you should talk to your elected officials because this is the process, so maybe there's a place where we could say now's the time you can get involved in this process. We've done this part, you've done your part as far as making public comments; now at this stage how do citizens participate in this process?

Chairman Henson - I think it's talking to their legislators, and I think that's important and that you are all here because you're community leaders and active in the community and respected the order that we were to come together and work on changes to the Org Act. It didn't describe a process where we lobby afterwards or such, so our work will be done and when we talk about advocating for passage of the Org Act, that will be an individual decision. After this is all over, you all will decide what to do. It would not be untoward if someone on the commission, as an individual, went and told the legislature “I voted against the section, I wish he did it differently...” You can do that and so we all can communicate in any way we want after this Commission ends. And certainly I think all the members of the General Assembly or most

of them know the people in this room and respect the people in this room, so they will all look for your input and thoughts and appreciate it. So, that will be for each and every one of you individually to do not as a Commission or a Commission member.

This meeting is adjourned and I appreciate the time of everyone here today.

Steve Henson, Chairman

Barbara Sanders-Norwood