

**DEKALB COUNTY CHARTER REVIEW COMMISSION**

**August 24, 2023**

**In Person Meeting**

**Manuel J. Maloof Center**

**SUMMARY**

I. CALL TO ORDER

II. ROLL CALL

Steve Henson, Chairman

Karen Bennett

Lance Hammonds

Claudette Leak

Mary Hinkel

Clara DeLay

Sen. Sally Harrell

Bobbie Sanford

John Turner

ABSENT:

Dr. Gerald Austin Sr.

Virginia Harris

Dwight Thomas

Robert Wittenstein

Susan Neugent

Jim Grubiak

Vickie Turner

STAFF:

Representatives of the Carl Vinson Institute

Zach Williams, COO

Viviane Ernstes, County Attorney

Barbara Sanders-Norwood, Clerk

III. MINUTES: The August 10<sup>th</sup> minutes were not available.

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- IV. INTRODUCTION of INVITED GUESTS and ELECTED OFFICIALS: None
- V. REPORT FROM THE CHAIR
- VI. UNFINISHED BUSINESS: Member Lance Hammonds presented a Power Point explaining the proposed purpose, structure, and membership of neighborhood planning units (NPU) and the type of support expected from the County for such a structure.
- VII. NEW BUSINESS:  
Commission members discussed Sections 21 through to the end of the Organizational Act.
- VIII. REMARKS OF INTERESTED CITIZENS/PUBLIC COMMENT  
Steve Binney
- XI. NEXT MEETING DISCUSSION & ADJOURNMENT:  
The next meeting will be a Public Hearing in District 5 at the Lou Walker Multipurpose Senior Center located at 2538 Panola Road, Stonecrest, GA 30028  
  
The Commission adjourned at about 7:40 p.m.

**AUGUST 24, 2023, 6:07 P.M**

**MALOOF AUDITORIUM**

**I. CALL TO ORDER: 6:05**

**II. ROLL CALL**

Steve Henson, Chairman  
Sally Harrell  
Claudette Leak  
Lance Hammonds  
John Turner  
Bobbie Sanford  
Mary Hinkel  
Clara DaLay  
Karen Bennett

**ABSENT:**

Dr. Gerald Austin, Sr.  
Dwight Thomas  
Virginia Harris, Vice Chair  
Robert Wittenstein  
Susan Neugent  
Jim Grubiak  
Vickie Turner

**STAFF:**

Zachary Williams, Chief Operating Officer  
County Attorney Viviane Ernstes  
Barbara Sanders, County Clerk  
Carl Vinson Institute: Lori Brill and Hadley Rawlins

**III. REPORT FROM CHAIR**

Chairman Henson – We have no minutes from the previous meeting and will probably have two sets at the next meeting. I want to provide an update on the schedule of our next meeting as we discussed last time. It will be a public hearing at the Lou Walker Senior Center on Panola. I think that's September 14th from 6 to 8:00. Carl Vincent staff will work on our report during November and by December we will have something to show the public and maybe have one more meeting.

**IV. UNFINISHED BUSINESS**

Chairman Henson - I will mention Mr. Hammond wanted to talk a little bit about NPUs in Section 16. We discussed a little bit about community involvement either there or in other places. Right now, we have community councils that help engage people. In some jurisdictions, like City of Atlanta, they have planning units or NPUs and so he had gone to the City of Atlanta and talked with them about NPUs and I wanted to go ahead and talk about that in a little more detail before we go on from this section. So, Mr. Hammond, do you have a presentation item?

Commissioner Hammond – Yes, thank you Chair for giving me the opportunity to go back and present this. This kind of goes back to one of our purposes which is to better serve the community and better serve the constituents of DeKalb County. Community engagement is a key to this. How do we get more people engaged? And is there a place to put this into our charter? So I want to go through a few slides and then we'll go through the language that you've all had a chance to take a look at and then we can talk a little bit about where to put it. I think we need to have some discussion about it so if you would go to the next slide, please.

On this slide I was trying to look at how we are communicating currently in DeKalb. I also did a little research. Community engagement involves these various steps. One of the purposes is to **inform** the public. The county has communication officers with the CEO 's office and our Commission, so they send the information out to their constituents and try to inform the public as much as they can. The point I want to make here is this is kind of a “one-way” communication. The next line of engagement is **consulting** with the public. Basically, the question is what happens when we send lots of surveys out and we don't get a good response a lot of times. But they do go out at these various meetings and there's an opportunity for public comment, so again we're asking the public: What do you think? And again, it's still a one-way conversation because there's not a lot of feedback in that or with the surveys. I guess there could be feedback to say this is what we found, but in general you get the survey somebody beats it up and it comes back out to you so again it's important that we have it but it's a one-way conversation. The next part of engagement is to **involve**: This is where you know people are asking: What do you think? How do you think we should solve these problems? I went into our county website and there is this thing called “Engage DeKalb” that I did not know was there, but if you have a thought or something that comes to mind that you want to send in to the county there is a platform where you can say I think we ought to be doing this. It's one way too in that it didn't say much about the feedback you can expect. There are workshops where the county hires consultants on different types of things. When I worked on the transit plan, we all got together. They did charettes and different workshops where there was a two-way discussion on how to solve problems and there was a great discussion about how to get things done. That was two-way. I think we have to keep in mind that all these discussions become two-way when there's feedback from your government officials back to the public. It's one way if we just have a workshop or a charette and the information goes into a place and we're never informed about what is coming out of it or what was behind the decision that actually came from that particular meeting. The next element of engagement is **collaborate**. The question that you're asking here is how can we work together? I think that what we're doing right here is an example of working together. These are appointed positions. You know the county has a parks and rec advisory board, as an example. There is a whole list of different committees that citizens can be appointed to by our commissioners, other groups, and the CEO, so they work together. Look at what we're doing here. The county has provided staff to

work with us. We're collaborating to come up with some ideas to get to an end point so we are engaged in this process. So, this is truly a two-way discussion. The last engagement area is **empowerment**. It's citizen led and I say quasi two-way because it kind of depends on the feedback that we get, but if you think about groups like PRISM, the Rockbridge Coalition, community groups, or HOA's that say we have a problem and they engage, they decide how they're going to attack the problem, and they bring that to their elected officials, but they are the ones driving the bus and the discussion.

So that's the thing that when Susan and I and some others went to the City of Atlanta and we talked about how the NPU 's work over there. We found that, basically, they're not appointed, they are citizen-organized with the support of the city. They put their things together and they come up with different things and they make recommendations to their elected officials, their City Council representative and those type of folks. I think that's where we want to be - to the point where citizens are feeling like they are empowered to get things done and I think the key point in what Atlanta is doing with the NPU is that they're very intentional with their engagement.

You know we do stuff here in DeKalb, but that empowerment part I'm not sure how intentional we are with that; that's kind of debatable, but that's where I want us to be and I just wanted to walk through this to give you some idea of the types of engagements that we do. They're important when you talk about surveys and all the things that that go out through the county and other organizations and you look at the low input you get back, you know, my question sometimes is: "Who are you talking to? You do a survey in a county of 750,000 people and you get 1000 back. Is that a valid number?" I'm not a statistician, but that's the piece that we need to make better. I think we have an opportunity here to look at the NPU system and see if there is a way that we can bring that here to DeKalb to make this thing better.

So, at this point I'll just kind of go through some of the language of the NPU approach. Maybe we could craft some language around an NPU structure and the NPU name. We can call it DeKalb neighborhood planning units or anything else you want to call it, but the concept is the same, so let's look at this first slide. This is part of the information that Mary sent out to everybody. We could make changes to this and we can make edits to it as we go through.

The purpose of the neighborhood planning unit is as follows: The NPUs shall provide an opportunity for the citizens of DeKalb to formally engage with county government for promoting greater transparency, accountability, and communication on the part of county government and ensure a broader diversity of community members participating in DeKalb County government processes. NPUs shall make recommendations to the CEO and the Board of Commissioners on issues relevant to the community in the jurisdiction of DeKalb County. I say that because just as during public comment we can get a lot of stuff that is not related to the Commission's work, we need to push it to the right authorities; if it's better handled by our delegation or whatever, then it needs to be moved forward that way. So that's the purpose of the NPU users.

On the next slide: this is kind of based on what we saw in the City of Atlanta and just thinking through the process, the CEO in conjunction with the planning department shall identify unique neighborhoods in each of the five Commission districts. Each NPU should have an approximate

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number of residents based on the findings of the planning department. There will be no NPU established for the Super districts because that would be an overlap. Atlanta is made up of unique neighborhoods and so they have A through Z neighborhoods and so, somehow, someday, our planning department has to get involved in this process to kind of outline where these neighborhood planning units would be. We're going to leave that to the planners, but there needs to be a structure around that.

The NPU shall establish bylaws appropriate for their NPU. In the City of Atlanta, it's unique: everybody gets to decide how they want to run their neighborhood organizations. They need to meet on a regular basis - not less than quarterly. Most of them meet on a monthly basis. So again you have an intentional group of citizens who are meeting and talking about issues in their own community, which is different from what we're doing. I mean most of our community councils are county led, commissioner led, and some of your HOA 's and some of your communities, but it's not across the board. It's not a total engagement of our community.

Next slide: Each NPU shall elect officers on a biannual basis. All positions are elected by the NPU members; none shall be appointed by government officials. So, citizens are driving the bus here; they get to decide who, what, where, and how. The next point is each NPU can establish the format of their own meetings: they can be a representative form, they could have a town hall form, or any other format that they deem appropriate for their particular neighborhoods or areas. So, they get to decide how they want to work.

Next slide please. We talked about who can be a part of these NPUs. Any person desiring to be elected to an NPU boards must be at least 18 years old, they need to live in the NPU at least a year prior to the election and be a registered voter of DeKalb County residing within that district. If you want to participate you must live there.

I think the empowering part is that the NPUs are supported by the county. In Atlanta, they have an office of neighborhood planning that supports the NPUs in the community. They help with a lot of different things. So, this is the part where you know the county would be intentional about supporting a structure like this in a community. This is where we're talking about the County shall establish a department of neighborhood planning units. In Atlanta this is part of the planning department of their city. They have a director with their own budget that actually supports those groups.

The CEO shall ensure each NPU receives training on NPU structures, duties and responsibilities; assistance in putting a framework together, saying "Hey guys, this is what you're supposed to be doing." Kind of walking them through the process so you don't leave them totally on their own because you want them to be successful. Technical assistance will be provided as far as putting bylaws together. If you've ever tried to put bylaws together and you're not an attorney, it is difficult; but if you provide technical assistance - maybe a format and walk them through the process where they can see it, and help them generate that, then that gets them moving a lot faster. Now the third thing is to help them with notification to meetings and helping them get information out to various groups. They have a website where everybody has their own little spot for their particular NPU, so there's a platform set up and then they communicate with their community. They also help them

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make copies of agendas and do other things, so whatever they really need, they provided for them. They even provide space if some NPUs need that type of support. Some of the NPUs don't need the support; they do their own thing, but the city just makes it easy. You take away the reasons why citizens don't meet.

Last is providing a county planner to provide technical information to the NPU about zoning, land use, and planning proposals that require citizen input. Now this is an area that we have to work on because we do have our community councils, so we do have the option to leave the planning function where it is now or you could bring the community council into the NPU. Atlanta's NPUs deal with all of this stuff at the same time. So we need to craft something that's kind of unique to us, that really makes sense based on what we're doing because I think the community councils and the planning process is pretty established and it works pretty well. So, there is an opportunity for modification here.

That's kind of the framework of what we're working with and how I think that we can even enhance engagement in our process. It's not simple. Here's the last slide – Charter or Ordinance? We were talking a little bit about this prior to the meeting. Where do we do it? We are charged with making a recommendation to our Charter, so I think this body should make a recommendation or something to the effect on what we want to do with it and then let the delegation or other groups that have to make recommendations or act on our recommendations sort that piece out, but like I said we can't say make it an ordinance. We can say we want it to be part of the charter, so with that being said that's kind of all I had on the NPUs. We can take a few questions and move it forward if you guys would like to.

Chairman Henson – Ms. Leak did you have a question?

Commissioner Leak - Thank you so much - just some of the comments in the first slide where you are talking about the purpose. I was putting a question for discussion: should we change “citizens” to “stakeholders” because one of the challenges that we have is that we have businesses in in the county and these folks are paying taxes. Hopefully we get enough businesses to flip the digest in favor of commercial property instead of residential. So, just that word change and if there was a reason or rationale why a business owner in the community could not be a member?

Commissioner Hammond – No, there is no reason why that could not be.

Commissioner Hinkel - There is no reason why we could not include that. In the Atlanta NPUs the commercial businesses that are in that neighborhood can be part of the NPU if they want to be a part of it.

Commissioner Leak - I added a category of “Reports” as a last item because as you were saying a lot of times the communication is one way and a lot of times the reasons that folks don't respond is because they never get feedback or know what happens to what they have been asked to comment on or submit recommendations on. Right now the planning and sustainability department is a kind of liaison between the county and the community councils and they attend all of those meetings because they're only dealing with those types of planning issues, but I was suggesting also that someone from planning be designated as the liaison to get the information to and from the neighborhoods so that what they

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recommend can be presented concisely to the commissioners and the CEO if they need to make decisions about acting upon any recommendations.

Commissioner Hammond - What I understand is the recommendation from the NPU goes to the City Council and the Mayor 's office so again we need to put in there where that goes. I guess Planning would be the appropriate group to route those things to get the feedback and the answers back to the community.

Commissioner Leak - I think that one of the other comments that I had on that was again further down in the document just to consider having business owners within an NPU considered for board membership. Also, it doesn't define what the board membership should be, or the officers, or the positions that would be.

Commissioner Hammond - Yeah, that could be sorted out in their bylaws - whatever the group feels are best for their group then they could put it in there.

Commissioner Leak - How do you think given today that we already have these community council those are by BOC district and they're appointed by the commissioners, so do you see them running in parallel or would this NPU concept replace or incorporate what's being done by community council?

Commissioner Hammond - I think when they get to that point the county would have options, because you could leave the community council structure the way it is and your NPUs would handle everything else as long as you had somebody from that NPU and zoning group that would bring the information to that group and say "Here's what's on the agenda for the community council. What are your recommendations?" and then they could give their comments to the community council like everybody else in their district. So they can work it out. I think it could be managed. The question would be do we keep what we have and then put something else around it to deal with it or do we incorporate it all together? If you've been to the community council meetings they can last a long time, so if you put a regular agenda on top of that you'd be there all night. Again, they have options and that's probably the kind of detail that you would put in an ordinance versus in the charter so you know that's something we have to work through.

Commissioner Leak - In my understanding of the NPU and the difference between NPUs and the community council, I would be in favor of incorporating it into the charter as opposed to an ordinance.

Commissioner Turner - I had a couple questions. I have a little bit different view of the NPU. I've been on the community council for District 2 for eight years and I've been chair for the last two, so I'm well aware of how community council works. It has its pluses and its minuses the way it's currently structured. I like the fact that the NPUs are more granular, that it takes it down to a much smaller decision point unit than the community council. The community council deals with everything within a district, which is a large area. And I like the fact that your view of this is broader connectivity with the government authority on issues other than planning - you know communicating things back and forth. But in my mind the core of the NPU is planning and it I would see it replacing or incorporating all of the community council functions. Within the planning process we work on rezonings, we work on special land use permits, we are involved in the comprehensive plan review and all of its various iterations; when the zoning code is rewritten we weigh in on that as well, so it's very much planning centric. The one piece that we don't get



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involved with that the NPUs do is what's handled in DeKalb by the zoning board of appeals (ZBA). The community council just does zonings and SLUPs, but the ZBA deals with setback adjustments, stream buffer adjustments, and other issues and I think if those two functions were integrated so that all things planning at the community citizen engagement level were handled by the NPU, I think that would be better engagement with the community than the way we have it now where rezoning is done with the community council and variances and stream buffers and other things are dealt with by the ZBA. Both are appointed - you have appointments to the ZBA, you have appointments to community council but if we could integrate those two functions with the NPU, I think that would be better and I agree with Claudette it would be better embedded in the charter.

Commissioner Hammond - I think you make some good points about it, and you being on the council you know what they can handle what they can't handle. I was just thinking about some of the long community council meetings I've been at and then looking at some of the agendas for the NPUs the question is: Could you get through it in an evening meeting, but I guess you just have to refine your agendas to make it work.

Commissioner Turner - The community council meets one evening every two months. It meets according to the zoning cycle – the Planning Commission cycle. I think the community council could meet more frequently and feed things in to meet the other part of the zoning cycle since it would have a broader scope of responsibilities according to your outline.

Commissioner DeLay - I don't know much about NPUs. I have heard about them in Atlanta for years so I would just like clarification on how having businesses be a part of the planning unit is helpful to the community. Because I can envision a situation where the interests of the business owners who don't live in the area (and sometimes are at odds with the community about the way they run their businesses or the things that go on at their businesses,) could literally supersede those of the community. So, how would we square that?

Commissioner Leak - My thought was that we have these businesses in our community who have no community engagement and trying to look at how we bring them in to consider that they're an important part of our community as well. And, perhaps with this interaction and participation, you know, we will be able to engage businesses to be more community friendly about keeping up their properties. They might be more responsive to the things that we ask them to do. So that was what was behind my thought. Plus, they pay taxes so things that are going on might affect them as well. I was thinking that they should not be deprived of the opportunity to participate.

Senator Harrell – Are you proposing the possibility of 5 NPU 's in each of the 5 Commission districts, so 25 NPU'S total? Is that what you had mentioned as a possibility?

Commissioner Hammond - The planning department would have to identify neighborhoods with approximately equal numbers so a district could have units that are all about the same size. The planning department would need to figure out how to draw lines to say this is an NPU or a civic district or however you want to do it and they would come up with that and then those areas would function.

Senator Harrell - I love civic engagement, but what I'm seeing in these separate Commission districts is that some of those Commission districts have no municipalities in them and some are almost completely

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filled with municipalities and they themselves have more community engagement because we have city councils and mayors and they have more voice already, so I'm trying to wrap my head around how the NPUs would function in an area with no municipalities and how they might be different in areas that are almost completely municipalized. Perhaps the community councils have that challenge as well. So that's what I'm wondering. You know they're not all the same and with the municipalities we already have that have increased civic engagement, so I don't know. I don't have a specific question; I just want to point out that that that creates a difference.

Commissioner Hammond - The way I look at it is that that there are county efforts in those cities, so they can be a part of an NPU for their area depending upon how the maps are drawn. Again this goes back to when they create their bylaws and what works best for them, but our cities don't have NPUs, they have council meetings. Like everybody else they have the same type of communication: one-way, two-way, as do other groups but if we design this properly it shouldn't really matter if they're in the city or whatever because we're talking about decisions that are under the jurisdiction of the county government. If it's a city issue then that NPU would say: "This is not what we do. This is a city issue you should take it to your City Council."

Chairman Henson - I think what I'm hearing here is that everybody wants as much involvement from their communities that we can possibly get. We see NPUs as a tool being used by some communities to bring that forward. City of Atlanta is a holistic structure; it doesn't have cities within the city. It is different but they have utilized NPUs to some advantage. I represented at one time a couple of precincts in the City of Atlanta and you know they have pluses and minuses too with their NPUs and not every neighboring county has adopted the same structure for the reason that this is a big issue that needs to be looked at and studied. I hear from this discussion that we'd like some reference in the charter. My initial reaction is that it is a complex issue that really needs a Commission like this. And like City of Atlanta, it's not in the charter. It's created by ordinance from the governing authority. It could be referenced in the charter. So what I'm going to recommend, rather than us create a whole Commission or you know do five meetings on NPUs to try to straighten it out, I'll probably bring it to you all when I bring the sections for approval so there is a recommendation in Section 16 that they look at structures like NPUs/community councils to encourage public involvement. And then this presentation and other information can accompany our recommendations, plus it will be in the minutes as informational background to both the legislators and the commissioners to look at. That's what I'm thinking about doing. Does that sound like that would go far enough to promote what you're doing because I do think that getting 10 votes without studying it pretty thoroughly would be difficult. I mean you wouldn't want to just mandate that they be created within six months in the charter because it needs to be looked at more. Does that sound kind of like the way to go?

Commissioner Hinkel – Were you going to set up a meeting with the planning director for Mr. Hammonds and others to talk with him about this? I hope that's still in the works. Is that correct Mr. Williams?

Mr. Williams - Mr. Hudson or some members of his staff members will meet with you at your convenience.

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Commissioner Hinkel - We learned from the City of Atlanta that when they first established the NPU structure it took over a year for the planning department to map it out and they also had a lot of federal money at the time in the 70s. Plus they had Maynard Jackson as the mayor. He wanted this to happen and believed in it. Now, after so many years, it is the organization that 50% of the Atlanta City Council members have come up through, so it's gained respect, it's gained power - soft power. We're just at the beginning and it definitely needs planning to be done effectively and to answer the kinds of questions that are coming out tonight.

Commissioner Sanford - I don't know that much about them but I do know it was started some time ago. It started with a specific goal in mind. I think that was to help get feedback from the citizens about a community development plan, but everything I've read shows the NPUs have come under intense criticism and I think there are just so many facets to it I'm not familiar with it that I wouldn't be ready to say that we should do this. I think there are a lot of questions. As you say a lot of money is going to be required. I think it's to help bring about transparency but we're having difficulty trying to get people to give us feedback and to participate with our own Charter Review Commission and I don't feel that just coming up with NPUs would help to change any of this, so I would need to have a lot of information and studies. I see the differences that could occur from the different NPUs - some are going to have far more resources than others, but how do you make up for the ones who will not have as many resources? That is one of the benefits of it being an ordinance because it has to have the support of the county Commission to do it, they have to vote to do it, and of course they have to fund any NPU structure that is out there to make sure it functions.

Commissioner Sanford - I understand some of them have had real difficulties with their bylaws. There have been some questionable elections so I think this would be something in my opinion that would require a lot of study. What about possibly just looking to expand the community councils or expand on some of the techniques that you mentioned where we get information out to the citizen?

Commissioner Hammond – Well, if you look at what we have and what we've had for a long time and still we've not gotten the level of engagement that we want. None of this is going to be perfect, but I think what we don't have is the intentionality of we're going to do this and this is how we're going to do it. You know something that's intentional. Now what the final looks like and what the mechanics of it are can be worked through, but I think if we start by saying here's something that's been used to increase community engagement. It's been around for a while. Although it's not perfect it's more than what we have and it's an extra reach that I think that I think this body can do. I mean we can't do an ordinance here. What we can do is to try to make a recommendation to put it in the charter wherever you put it in charter and then you know it's a recommendation then it goes to other bodies to sort through it and so we can craft our recommendation and say we want you know even if it was as general as just stating we want to propose NPUs and then we work out all the details down the road, but I think this is one of those bold courageous moments that we need to just say this is what we want to do. This is the intent. This is the purpose: to have more community engagement and we're going to do something to make that happen and then we can work through it, but I agree that we should not get so specific that we lock our ourselves in but we need to make a strong firm recommendation that NPUs or you call it whatever you want that enhances and then this is intentional to increase community and citizen engagement.

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Commissioner Delay - I just wanted to somewhat agree with Bobby that I would like to have a lot more study and communication. I'm not really sold on this. Someone mentioned earlier about the number of cities that exist and I think we have to remember that many of the cities around here exist because they wanted to secede from the county as much as they could. I'm not seeing a whole lot of coordination and collaboration in those areas.

Commissioner Turner – When we first started meeting all those months ago one of the key things that kept coming up is we need to have a mechanism for enhancing community engagement with county government. I think the NPU proposal that Lance has offered is not THE way to do it but A way to do it. And I think that having the core idea of an NPU function or community engagement function as part of the county's organizational act would force that to happen however the ordinances are written. It is a very complex issue, but I think we owe it to the citizenry to say this is now going to be a part of the county government. It is as an official way for community engagement, rather than just leaving it up to ordinance.

Chairman Henson - I appreciate that. Certainly, at the meetings in late September and October, if we can stay on schedule, I believe we'll probably have a section development that if you want to make a reference to NPUs it could go there. I'll probably have some options for you at that time. I'll talk to you ahead of time to see if they meet yours. We could put it up for a vote right now and if everyone here voted for it, it be nine votes and it wouldn't go in the charter because we need ten. I do think we all must realize that we're going to have a lot of good ideas in this Commission. Not all of them are going to go in our charter recommendations which go to the legislature, but all of them can go forward to the county commissioners and to state legislators. Any legislator could put forward this proposal to the legislature to add it to the charter outside of our Commission recommendations. Of course, there's a reference you know you might be on the Commission at some point, so you know it certainly is not stopping here today. I want to make sure that we finish today at 8:00 and I know that we do have a few sections to go over, so if there's an objection I'll continue to talk about this subject. If not, we'll go ahead and move on. OK, thank you. We'll go ahead now and we really appreciate that information. it's very interesting and the core of what we'd like to see is serving the citizens and we have to understand what they want to serve them.

## **V. NEW BUSINESS**

Chairman Henson - We are starting with section 21. I'm hoping that we can kind of move quickly. We didn't have too many recommendations. For Sally 's benefit I remind you that the Carl Vincent staff made summary recommendation sheets and the last two sheets are recommendations for the next sections to be discussed.

Chair Henson – Commissioner Hinkel recommended moving Section 21 to the end of the county commissioner section and the county CEO section, but since this is for candidates for those said offices and not necessarily commissioners or the CEO it was kept separate. When they did the powers of the commissioner and responsibilities of the Commission, that's for commissioners. Same for the CEO. This section applies to all candidates running for these offices so that is why it is separate.

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Chair Henson - Commissioner Hinkel, on number 22, I believe you had a recommendation too for the title. It says "officials not to be interested in contracts."

Commissioner Hinkel - I suggest it say "officials not to have financial interest in county contracts" because that's what it's about." I just thought that was a clarification of what's in that paragraph if somebody was looking at this. I also had these questions: How does this tie with chapter 2 Administration/ Article 13 Financial disclosure reports requiring county officials to file financial disclosure reports and is that code section being implemented? Are our financial disclosure reports being filed? This article talks about purpose and definitions and it even says all members of county boards, commissions, councils, and authorities created by this code shall not be considered financial reporters under this section but should be required to annually file an ethics pledge with the finance director. Anyway, all of this has to do with financial disclosure interest. I'm just wondering if it's being implemented.

Chairman Henson – County Attorney, are those to your knowledge being filed as pursuant to chapter 2 Article 13 financial disclosure reports?

County Attorney Ernstes - I believe it is. I think there has been some issue there. We have traditionally filed financial disclosure reports. I think with some of the staff turnover in the ethics office and some of the issues with COVID that those are being implemented now, but ,yes, I think generally it has been implemented and they have filed. I don't think it is connected to section 22 because section 22 is sort of a broader interest than the financial disclosure reports. Financial disclosure reports are just reporting that you have an interest in stocks. It's not necessarily required to report interests that involve the county and section 22 really goes to the prohibition of, for example, giving you a generalized example if my husband worked for ATLAS on the SPLOST contract, so I think it's a little bit of a difference. They address different areas. They're on the same topic, but they address different concerns.

Chairman Henson - Let me ask you another question. On her suggestion. So, simply the title, which I think has some legal effect, says officials not to be interested in contracts. The recommendation is to read more like "officials not to have financial interest in county contracts", so do you see any problem with that nuance change?

County Attorney Ernstes - No, I think the section deals with financial interests in contracts so adding the language does not seem to be a problem. That's an easy change.

Chairman Henson - Anybody have any objection to changing it from "to be or to have"? I think that is all for 22 and 22 A. I think we all know about the county ethics board. When the Commission started back in June of last year one thing that a lot of people commented on was that the ethics board was picking up steam and doing things well. You know throughout the course of the year they've had their ups and their downs. They recently got a new chairman just last week.

I want to mention also that the ethics board and the auditor are kind of unique. Some of these sections that we go over have no custodian. Nobody looks at them. But the ethics board and the independent auditor do have a staff; they do have a functioning board - people who help administer and observe their functioning. You do get input as a legislator on these. Senator Harrell can attest to that they've already had more action with the ethics board and the auditor over the last few years. They also have advocates

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for them on their boards. Today I talked to the new chair whose only been there a week and her comments to me was to give them time to reflect. She and I are going to get together soon, but there's probably not a whole lot of recommendations I want to do to the ethics board right now. I want them to get settled. They have a new chair and hopefully they'll come up with any future recommendations.

Chairman Henson - Mr. Grubiak did have a couple of items that he wanted to address, so let's go ahead and address those and we'll move on to section 22 A. Ms. Ernstes, I think you might be able to answer them. Two quick questions: how does DeKalb's conflict-of-interest Ordinance Section 20 relate to the ethics board 's responsibilities. Does the ethics boards authority extend to enforcing the ordinance?

County Attorney Ernstes – Commissioners, as we have looked at section 20 and chapter 20 of the personnel code and as we've talked about in other arenas that is the code that governs the disciplinary process and so that disciplinary process for most of the employees who are covered by chapter 20 (they are called merit protected employees) pretty much emanates from the CEO and Mr. Williams and the department heads who have control over discipline. Ethics violations under the ethics code really deal with a board taking censure, reprimand, and financial penalties so it emanates from a different source of law and from a different authority, so I don't think the ethics board has the authority to hire or fire or discipline employees. The conflict-of-interest ordinance deals with disciplinary action and the ethics board deals with it I would say a broader range of issues and the ethics board has also with it an educational arm of it advisory opinions, the ability to give folks advice before they make decisions, to guide their conduct in the event they have questions.

Commissioner Hinkel - So he said yes or no. So, I am going to say no. He's considering 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 interest that might exist or declaring he or she has no interest to disclose. Such statements shall be filed upon appointment to the position, upon occurrence of an interest, and annually thereafter. His comment is "as presently written subsection D says that all officials and employees that have an interest that might be affected by his or her actions or another official or employee 's action is to disclose that interest to the board of ethics in a sworn affidavit, but it's up to the official or the employee to decide to do that. In contrast many organizations require that board members and officers file a sworn statement annually, an affirmative step in preventing conflicts of interest from occurring. A similar requirement could be very beneficial to employees in the county as a whole in preventing conflicts."

Chairman Henson - Do you have any thoughts on that or not?

County Attorney Ernstes - I do not have any thoughts.

Chairman Henson - OK. I'll leave that. Again, through ordinances the county Commission can require employees to present ethics forms, I don't know if that necessarily needs to be a change in the charter you know. Any questions or input from you except otherwise, I'll get with Jim before we get to that section and probably offer something up for a vote if he if he wants it included.

Commissioner Leak - I just wanted to verify that was already in place, especially for the department heads. I don't know how far down it goes, where they file reports through the CEO 's office, is that correct?

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County Attorney Ernstes – It’s through the finance department and they work in tandem with the ethics officer and are working on that at this juncture, but, yes, it's a separate section of code.

Chairman Henson - I do think they have to do certain financial disclosures so I will work with Jim on that and will bring it back. We'll work with Carl Vincent. We're going to meet with them. So those are the recommendations from the Commission on the ethics session because I think many of them felt like me that we're letting the dust settle and letting them come up with recommendations. I will be meeting with the new chair and Ms. Hinkel recommended I meet with the staff too. Vivian, before you go, we didn't have anything on how sections are amended or any recommendations on section 23. Has anything ever come up at a Commission meeting? I know that there's been angst previously over that law in 2016 that didn't have the referendum, but has there been anything that you would think the Commission and the CEO are in agreement on as to how sections are amended or on section 23?

County Attorney Ernstes – So, commissioners beginning in 1981 and until (and I don't have my book of all my laws) but I would say it's right around I think the 2010 decennial census. Section 23 was very specific. It said section one is amended by XYZ and it had whether it could be done by home rule ordinance, whether it required action by the General Assembly, and/or whether it required action by the General Assembly and voter approval. In the, I believe, the census bill that redistricted the county in 2010, legislative counsel and the General Assembly decided that it was better to simply go back to the original 1978 constitutional amendment. I don't exactly know their concerns, but the report at that time was that perhaps those rules were not accurate and may have not been correct in terms of how things were to be amended, so that is why they went back to just the language out of the 1978 constitutional amendment that created this form of government so that there was no lack of clarity in terms of what the General Assembly had said back in 1978 and which was brought forward.

Chairman Henson – Do you think that would be appropriate to be retained in the updated charter?

County Attorney Ernstes - No comment in that regard.

Chairman Henson – Lori, we talked briefly about that. Do you have any recommendations from Carl Vincent on that?

Chairman Henson - I think that's all. Anybody else have anything on 23? The 28 Carl Vincent on voting machines was there some updated statute or that you wanted to reference or anything?

Miss Brill - it's pretty much the same. I just made it a little more streamlined. She will send this section to the Chair, Secretary and County Attorney.

Chairman Henson – So the intention was not to change anything of substance, just to update with state law. Section 29 re conflicting laws and the separability clause which is a standard thing that if something gets struck down it doesn't strike down the entire charter if some Supreme Court ruling or something says something in here is not in conformity to the state constitution.

So, members of the Commission, we've gone through the whole charter. I'm not saying that we've fixed anything yet. We still have votes to do but hopefully we've come to pretty much a “like mind” on almost all the sections, and I really appreciate it. I know there's a lot that we would probably like to do, but that will not get done this round, but A: we have all learned a tremendous amount and B: I think we will bring

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forth suggested changes from you and Carl Vinson and we'll try to rewrite them so we can bring it to you clear; we're going to bring them to you section by section and in a structure where we cross through lines of something we're striking and put in red the new language so you can easily see it. For example, we'll bring section 12345, go through it, and when we do it you know if we act on a section and you want to come back to that section later we'll be doing that, so that at no time will anybody be shut down from stuff and we'll try to get ready for these next meetings.

Chairman Henson - I'll talk to you last about your new sections. If people have any new language you have to be ready because we are at the timeline where it's fish or cut bait.

Commissioner Hinkel - If any of us have a suggested new section we should send it to Chair Henson, Ms. Brill of CVI and me, the secretary?

Chairman Henson - at some point to discuss that if you all of a sudden between now and that meeting came up and said you want NPU to be mandated in the charter you could bring it up at that time in a sentence: NPUs shall be implemented by the county Commission within the next 24 months. We'll vote on it. We'll take anything anybody asks, but again you know the high threshold we have to get anything in. So, last minute additions are probably challenged.

Commissioner Leak - All we're doing is making recommendations. As part of that I understand that we have to have 10 votes to even make a recommendation. There are outstanding items that we've not discussed and I know that it's looking like September is going to be our public hearing so I will forward to you those things that I have on the list and number one is the policy or the procedures for the pandemic. So, I'll just send you the list tonight after I get home.

Chairman Henson - Yes, do that. I'm glad you brought up the pandemic issue. That's one of the things highlighted in the CEO's executive order for our creation. I asked the CEO, the COO, and I believe you talked to the County Attorney to see if they had any recommendations and they really did not bring anything forth. There are ordinances and underlying governmental structures for pandemics and so I was hoping we would get some input, but if you've got some specific stuff on that that'd be great.

COO Williams: You do have a lot of underlying ordinances and procedures in place for the pandemic. The county has a comprehensive emergency operations plan and that's actually required I believe through the state so all counties have it. In that plan it is comprehensive, so whether it's inclement weather, pandemic, and so on and so forth, it deals with the multitude of issues. Interestingly enough, prior to COVID-19, we focused on inclement weather - storms and such - but we were able to dust off a pandemic component and made a lot of real time modifications in implementation because it had been 100 years since anyone had tested the pandemic plan, but yes we do have one. I think it's actually CEMP - Comprehensive Emergency Management Plan

Chairman Henson - I think a lot of the frustrations when it came to the pandemic was getting federal dollars. You had to turn around fast. The CEO had to make recommendations and had to go to the Commission and had to include the Commission in the procedures. There was some frustration there, but, really, the mechanism in place to address it was there. You just had to include the commissioners in the procedures and so I didn't see anything that needed to be changed. I asked Mr. Williams to check



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with the County Attorney and CEO if there was anything they had for recommendations and I didn't get anything.

COO Williams - Much if not all that document is a confidential document because of what it describes.

Commissioner Leak: Does the health department have a pandemic plan? It used to do pandemic training so should we be looking at them? I'm trying to satisfy the requirement from the executive order.

COO Williams: I'm an old emergency manager; that's where I began my career actually so a couple of things. In the Comprehensive Emergency Management plan, which we have and other counties have and actually throughout the nation. After Hurricane Andrew, to give you a little history lesson, the federal government kind of redesigned how we did emergency operations, emergency formatting. What they created is known as emergency support functions. Law enforcement is a support function; public works is a support function, and the health department is a support function. There's a whole host of others, so depending on the emergency depends on who is the lead agency. In a pandemic it is the health department that is the lead agency in declaring a health emergency and so on and so forth. So, yes is the simple answer. The health department does have a pandemic plan. They have the ability to actually declare the public health emergency and you know dictate certain actions. And, of course, the CEO in the course of CEO has the ability to declare an emergency and dictate certain actions.

Commissioner Leak - I'm not going to belabor the point but I'm unclear. Since this is part of the executive order that we look at the pandemic and the processes and procedures, do we need to even look at that? I'm not sure what we're being asked to do.

Mr. Williams - When the executive order was issued we were in the midst of battle if you will and so I would think in large part what the CEO was requesting was for us to look at what others are doing. In large part others are going to be driven by that structure more or less that I described - the emergency support functions - and things that are really required through the Federal Emergency Management Agency on down to others, but there may be command and control aspects that are done in different governments that you know would be worth looking at.

Chairman Henson - To your point, I consider that it is an important part of the executive order too and was concerned about it. I thought there probably were tools there. I asked for input and asked for the plan they had. Vivian said the plan they had had certain confidentiality so she didn't want to share it with us. I think the actual challenges were things that didn't really need to be addressed in the charter but could be done by ordinance. Again, I asked the COO four months ago or less to go to the CEO, go to the County Attorney and give us some thoughts on what you want to do in this emergency situation with the pandemic because you will know and we cannot know, and if it wasn't there we don't know it wasn't there, but you do because you dealt with it. We got no input so I think they're comfortable that we're doing all we can do.

County Attorney - I think that's a very good question and Mr. Williams and I will double check with the CEO and see if there's anything that we think we need to do at this juncture because we recognize you all have a lot of work to do in other areas and so we will report back at the next meeting.

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Senator Bennett - I support Mrs. Leak. If it is already addressed in a global part of the charter what we do and there's a secret part in it, at least we should address in our report that it was addressed.

Chairman Henson: That is appropriate and it should be done. So we will talk about it a little more at the next meeting. We'll get their report and then we'll address that it had been discussed and we are limited as to what we can do without input.

Ms. Brill – If commission members have any additions or changes to the charter that they send to Senator Henson, please also just include me in on that e-mail. That would be great.

Chairman Henson - Anybody who wants to get together confidentially on certain points that they felt were not appropriately handled in the meetings or discussed fully, I'm available to do that. I would love to do that. I will set up the meeting with Cedric Hudson and invite Mr. Hammonds, Mrs. Hinkel, and Ms. Leak.

Representative Bennett - Ms. Sanford has some additional thoughts, so perhaps that's a meeting that she might be interested in attending.

Chairman Henson – Ok, I'll talk with Ms. Sanford.

## **VI. PUBLIC COMMENT**

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

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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?

**VII. ADJOURNMENT**

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Steve Henson, Chairman

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Barbara Sanders-Norwood  
County Clerk