

DEKALB COUNTY CHARTER REVIEW MEETING

MALOOF AUDITORIUM

OCTOBER 5, 2023

I. CALL TO ORDER: 6:00 p.m.

II. ROLL CALL

Steve Henson, Chairman

Clara DeLay

Dwight Thomas

Claudette Leak

Jim Grubiak

Lance Hammonds

Mary Hinkel

Susan Neugent

Bobbie Sanford

John Turner

Vickie Turner

Robert Wittenstein

STAFF:

Zachary Williams, Chief Operating Officer

Viviane Ernstes, County Attorney

Barbara Sanders-Norwood, County Clerk

Lori Brill, Carl Vinson

III. MINUTES

MOTION was made by and seconded to accept the minutes as submitted for the August 10, 2023 meeting. The minutes were approved as submitted.

MOTION was made and seconded to accept the minutes as submitted for the August 24, 2023 meeting. The minutes were approved as submitted.

IV. INVITED GUESTS AND ELECTED OFFICIALS: None

V. UNFINISHED AND NEW BUSINESS:

Chairman Henson - I'll tell you that in your folder you have the meeting agenda, the minutes and September public comments from our Dekalb County website. You have information from Ms. Leak and John Turner's comments from the September 14th meeting. We also included a red line version of the Charter that we will go over. As you all know we were directed to try to accomplish this task by December of this year and it has been a year and a half of hard work going over the Charter. Several members of the Commission have told me that they would like to see this process wrapped up by

December so that we can move on and therefore I've been going over the last few weeks your comments, suggestions, minutes of the meetings and the recommendations from different people and amendments trying to put together something that could be a consensus document to us. I will present it here tonight. Hopefully, I will spend 3 minutes on each section and some sections will be longer but if we just did three on all, that's an hour and a half so it's going to be really challenging as we go over each section. If you see something that's very important that you think we need to address, we'll stop and address it. If we don't get through the whole thing tonight, we'll do it on the 12th. If we don't get to where I want to be on the 12th, we'll schedule another meeting in October for Carl Vinson to be able to get a report together before the end of the year including recommendations that include appendices, which will be some information we've gotten from other counties and information we've used through the course of this process. It will include hopefully a section to include comments from each of you after we finish tonight and the 12th. Between now and November 15th I'm hoping each of you will reflect on this process and do a page or so of your thoughts about the process. Perhaps you will write some things that you didn't like, such as the 10-vote requirement. Maybe you thought I should have engaged the Commissioners and CEO more. I felt that we had a broad number of things to go over such as focusing on certain areas, so hopefully you all will have comments at our next meeting that are changes or you may still have reservations and you may want to immortalize that in your comments. One thing I think each of us has to remember is what we're trying to do, and that is move the ball and get another first down, while trying to present something for the consideration of the Commissioners, the CEO, and the Georgia General Assembly.

What we're doing is not a final action. For instance, there was a subcommittee and it voted 3-2 to pass out 5-7 Commissioners. Moving from five district commissioners to seven is a very dicey thing. You know it is something that needs to be considered probably down the line so if we were to pass going from five to seven and we may not have 10 votes for that but if we do that, we'll just move that process. I think they will probably debate it more down the line. There are certain Sections that have been added that are brand new. If we can get ten votes and move them on, again it will allow the Commissioners and CEO and the legislature a chance to review those things. I think that some of the input that we may have desired from Commissioners was very hard for them to bring forward because we were over such a broad swath of subjects; they didn't know which ones we were focusing on, and which ones were catching our attention. I think we presented something and moved it forward.

There will probably be more discussion and more input from different elements, not only the Commissioners, but probably more public input. I think we've done some important things. You know in the old charter for instance, Section 16 was never codified. If we can get a Charter together that we can get pass the legislature and get a referendum, then it will be codified. The Charter says it takes five years to live in a County before you can run for CEO. Well, State law is different, and we need to reflect the State law, so somebody doesn't read this and is ill informed or mistaken. I would like to actually go through these sections tonight. If there's something major you can get my attention and we'll discuss it; if there's minor things as you look at it, take it home with you and reflect on what you want to discuss later. I suspect that after we get things together, we'll put that up as a friendly amendment at the end or someone may have their own thoughts instead of where we have the changed budget dates here instead of starting October 1st somebody might want to go to September 15th and bring a friendly amendment.

I'm hoping that we can wrap this thing up, work on the final draft, have a public hearing in October to discuss what we presented and have the final draft early in December and then have another public hearing in December with our final report basically and then we'll be finished. That is my plan.

Next week we can pretty much have a vote on our recommendations on the Charter changes and then in early December or as soon as possible with Carl Vinson putting together their report, a final vote on that whole report which will include appendices like our "considerations" so we can look at what they've included there and other things.

On the report from the Sub Committee on Commission Districts, the two recommendations were:

1. One MOTION to continue the two super districts. There was some good discussion on that and the MOTION was to approve continuing the two super districts going forward and that passed. I don't have the number, but I think it was unanimous.
2. The second issue that came up was on the number of district members for the Board of Commissioners going forward and there was a MOTION to go from five to seven. There was a split vote on that. I believe it was three in favor of going to seven Commissioners and two to remain at five. They also brought up an At-large Commissioner and decided that would probably not gain consensus at this time. The recommendation was to go to seven District Commissioners and keep the two at-large super districts. I think it would be helpful to all of us to understand where we are. I'm going to ask for a straw vote. If you're totally undecided you're not forced to vote but I would like to know where people are and if there's any questions or needed discussion we can do a little bit today, but I don't want to do too much. We'll do more next week on this one issue because then we're going to be voting. How many of you present think that going from five single district commissioners to seven single districts, slightly decreasing the population of each Commission district, would be beneficial by a raise of your hands. How many at this time believe that and not raising your hand you can be uncertain you don't have to be against. Just to be clear, there's still two super districts.

OK they'll be another actual vote, but everybody knows where we stand on that if you want to talk to other members, it'll be another vote next week. If it doesn't get 10 votes, it will stay five. Are there any comments or thoughts on that before we move on?

There are currently five district commissioners serving about 150,000 residents. There are about 750,000 DeKalb residents. Not all of them are registered voters; not all of them are adults, but that means each commissioner has about 150,000 constituents. If we go to seven, they would each have about 107,000. It would be just 750,000 divided by 7 so it would be a large reduction. Well today I received an email from former Commissioner Kathie Gannon, and we'll share this with each of you, talking about going from five to seven. She kind of liked it but said that with the municipalization efforts, some commissioners have less to do so there are a lot of different things to look at. So, I think that whatever we do and if we stay five or seven, that is something that the legislature will probably look at.

Commissioner Leak - I just have a question: What did the committee take into consideration in coming to its recommendation to change it from 5 to 7?

Chair Henson - They considered having less constituents as a positive factor. Then they thought the fact that some people want cities and stuff is because they maybe don't get the service that they would like

and maybe less commissioners might allow them to engage more. They did have several meetings around this issue. There was not the kind of public engagement that I think they would have liked. That's one reason why I think that you know whether you're for or against it, once the legislature starts talking about it I think there'll be more engagement. Then I think that's going to be important and whatever the final outcome will be on that issue will occur.

Commissioner Leak - I know that you just said you received some information from former commissioner Kathy Gannon. Were any of the former or current commissioners invited or did they participate in any of your hearings?

Chair Henson - I don't recall that any of them ever participated in the meetings. They were always just generally invited; they weren't specifically invited, but we continue to welcome any input. I'll tell you that once we finally vote on a final thing we'll probably get more input than we got the whole time, which is a mixed blessing.

Commissioner Thomas - I was just going to ask in the committee discussions was there a consideration on the demographics of the county and how changing numbers will impact that and you know there's a need to make sure that we don't dilute any voting strength of people of color in this county.

Chair Henson - Mr. Wittenstein did mention that having more Commission districts would possibly allow us to present districts that represented unserved minorities whether it be Hispanic or other groups that may not be easily contained in a big 150,000 member districts so that that did come up. There was not a real analysis on how many districts would be black or white or that sort of thing. That's something the state would do. Even though the Voting Rights Act has been very much changed by both judicial decisions and legal and legislative action you know they will be bound to try to make sure there is fair representation of minorities. If they were to redraw districts and I'm confident that you know the legislative leaders in this county that that would be done.

Commissioner Wittenstein - There are not enough Asian residents or Hispanic residents to ever get a seat on the county Commission today and even if we go from five to seven you couldn't draw a district that would be a safe district for Hispanic or Asian Americans - there just aren't enough, but there are areas of the county where they could potentially have a little more impact on who represents them and you know, again, for all the time I've lived in DeKalb County, which is since the 1950s, the county has been white and black. As more and more immigrants move in it seems to me that we sort of consider the opportunity for them to have a greater voice than they have.

Commissioner Thomas – My concern is that if we get to the point of taking race conscious affirmative action, I think we're going to invite a lot of litigation. I don't see a problem why Hispanic groups, Asian groups, Jewish, African American groups can't consolidate with each other to elect somebody that has their interest regardless of if they're the same ethnicity but represent that particular interest. I'm concerned also about the fact that you you're going to be inviting some litigation because the country is going in a whole different direction from you. The Supreme Court's last decision on affirmative active race conscious decisions and the comments that we're making, you're laying the groundwork for it.

Chair Henson - I appreciate that and I'll just make one last comment about the difference between 5 and 7 as I see it, which is that it will be harder for the legislative team to get consensus, harder to make decisions, There will be more factions. Several people on the Commission want commissioners to be more empowered but by making them 1 of 9 instead of 1 of 7 that weaken them and makes it less likely they get their super majority. Those are the considerations I think you need to come up with before next week and I think most of you have your own thoughts. So if there's no further comments I suggest we are finished with the report and can go to the new business of reviewing the drafted changes.

In your folder you will see what I call a red line version. It will say draft in red at the top. I want to make sure everybody finds it and we will try to follow the pages. At times I may ask Mr. Grubiak to weigh in. He has been invaluable in our meetings with his comments and has researched legal issues to make sure we were conforming to state law. He has been a tremendous help in trying to get something that we could all look at.

Section 1 is simply the governing authority. Each charter in the state has a governing authority; ours includes the CEO and the commissioners. In front of you it's still 5 commissioners. We will vote on the number of commissioners at the next meeting.

Next, you will see some changes, as we updated the dates and referenced the new reapportionment plan. Presently the way the charter is written includes all the precincts that were in effect at the time of the charter's last revision. We've updated that with just a reference to the reapportionment plan so there won't be the need to list the precincts.

In section 2e there is a change, so if you go to page 9 you will see three red lines at the top that refers to no person shall be a member of the Board of Commissioners if that person is ineligible for such office pursuant to a state code section. And it mentions each commissioner can be 21 instead of being 25 years of age and the CEO can be 21 instead of 25. This is complying with state law. If somebody read the current charter, they would think they had to be 25, so these changes just conform with state law. It's a correction like many that we need to do and another reason I think we need to pass something. On page 10 we change the start of term instead of the first day of January to the first meeting of January because that's the time that they're sworn in and there are other counties that do it in that fashion so I think that makes sense.

In Section 4, we're just making this section conform to state law so this again is a section that is somewhat antiquated in the way it's referenced and now it will conform to state law.

Section 5: We're making it conform to state law.

Commissioner Grubiak - Section 6: There was a lot of discussion about vacancies and it was complicated by the fact that there are not just vacancies, but something called temporary vacancies that occur when there's a suspension and that kind of confused a lot of the discussion we had, and part of that comes from the fact that a temporary suspension is not really a true vacancy it's something with that's a temporary vacancy. The position still exists for that person to come back to if their litigation situation is resolved. So, anyway, we tried to clarify all of that the best that we could.

Chair Henson - Section 7: Oath and bond is unchanged

Chair Henson - Section 8: Compensation - what we've done here is simply take from state law what is the case and the case is the legislature or the county Commission set salaries. Twenty years ago the Commission could not set their own salaries, it had to be the General Assembly, but a general law was passed that allows commissioners to set their own salaries or the legislature can set the salaries, so we just make that clear. In the appendix we will have the actual language in the state law which states the formula based on the salary of Superior Court judges. This section won't have to be amended in the future.

The General Assembly can direct the Commission to be paid a certain amount, but it's still only county funds, not state funds. What I'm saying is if that if the general assembly sets the salary, that does not exclude the r county Commission from supplementing the salary. If they want to vote some additional changes in reimbursement of expenses or something, that's legal. They can also change the salary to a higher or different amount, but it is only effective after the following election cycle so there is the opportunity for them to answer to the voters before any increased salary takes effect.

Section 9 - Powers and duties of the Commission - we've made some changes here in section A where we reaffirmed their legislative position and added on the next line "necessary to compel enforcement" and instead of oversight we suggested going to implementation so that that possibly gives Commissioners a little more leeway and making sure that not only are they can oversee what's going on but they can look at the implementations of things that's adopted in resolutions.

We also clarified the "ward courtesy" power in zoning and there was a lot of discussion on this. We looked at the court cases on the issue to clarify the language. This language keeps the basic same "ward courtesy" standard that exists now.

Commissioner Grubiak – Using the case that addressed the County Commission's ability to affect the zoning, we didn't take away that power but we clarified it.

Chair Henson - We also have simplified what is presently in the charter where it goes through a long list of taxation methods of the county Commission, some of which are obsolete and state law basically permits county commissioners to do a certain amount of taxation and offers them their latitude of what they can do and we referenced the state law language and took out that long list. They still will be able to do what they're doing now. It just clarifies this.

We added some additional powers: The Commission may establish one or more citizen engagement programs, including Community Councils, neighborhood planning units or other initiatives. This addition may show Commissioners that they can use that form to move forward but we thought more study on NPU's in DeKalb was needed so we didn't want to "order" them to do it because we we all felt a little more work needed to be done.

Commissioner Hammond do you have any comments on that?

Commissioner Hammond: I was going say should we use the word "shall" versus "may" and that hall kind of puts them in a "got do it."

Chair Henson - If that one word can get us a consensus to keep it in the Charter, then I could do that, but when the legislature meets they're going have a public hearing and committee meetings on this charter so having "may" here I think will be enough to bring it up for discussion. You can talk to them at that time about the words, but I think this allows leeway. Several members felt like we need to look at it a little more. We don't want to mandate something and we don't know the exact cost. We don't know everything about it so I think that opens the door. It can be opened further following the adoption of the authorizing resolution of the board of Commission.

We also added that the Commission may make inquiries and investigation into the affairs of the county and conduct of any department, office, agency, and for this purpose may subpoena witnesses, administer oaths, takes testimony, and require the production of evidence any sense subpoena may be enforced through the court system. I think that this CEO has always been forthcoming and open and allowed the Commission to get information when they wanted from people they needed to, but in the model county charter that the county commissioners association puts forward they have this kind of language and if sometime in the future a commissioner thought the CEO was not allowing them to talk to employees to get information that they needed to do their legislative function this would be a tool that they could use.

There are two sections in here - the Independent Internal Auditor and the Board of Ethics – where these groups both have living custodians that can go to the legislature and bring information to them. That's one reason the legislature has been more active with these sections, so there's no major things to change here and only a couple of minor things on the next page 16. We just mentioned "as hereafter amended" which we have done on many of the state code references and then on page 17 we just wanted to make sure that that within a reasonable amount of time the DeKalb County legislative delegation would receive the audit report and that within 30 days of being issued and communicated to the oversight committee the report shall be posted on the county website. We're just making sure that public disclosures are made in a reasonable time period. Also, we say the audited agency shall respond to requests for status reports within 45 days of the request being submitted to the audited agency. When we had the independent auditor here, he did mention that they send periodic requests for status reports to the audited departments. This won't require them to have a complete report but they can provide a status update. He said that sometimes a long time passes before they get back to him to tell him whether they're taking action on the recommendations or not. So, this should put a timeline on their expected responses.

On page 20 the presiding officer section a when we were discussing this and the powers of the presiding officer, we all commented that this probably was an improper place for this language because it dealt with the CEO voting to break a Board of Commission tie. Subsequently I think Miss Leak actually brought up that there's a legislative branch and an executive branch and the executive branch shouldn't vote to break a tie vote of the legislative branch. There was pretty much consensus on this and I thought that that that made sense so this section will be stricken and it won't be added anywhere else. So the CEO will have veto power, but he or she won't vote to make or break a tie. Mr. Williams said that's been a rarely used thing.

Section 14 powers and duties of chief executive – we moved the functional description of the CEO to the beginning of this section.

Commissioner Grubiak - Basically this is an effort to lay out what's important for a CEO and if you think about it what the chief executive needs to be doing is managing the relationships between DeKalb County and external relationships like Congress and other county governments and municipal governments within the county and in in the region. This lays out a baseline for a CEO and I think this is probably what the current CEO and previous CEOs have been doing but it's not really spelled out anywhere and I think this is probably to look at the responsibilities of other urban county chairs you would find almost the same thing. They spend a lot of their time dealing with relationships and leave administration to the administrators in the the government so it just expresses that.

Section 15 - You'll notice that we're changing the title. Right now, the charter refers to the executive assistant so we're changing that. In practice he is also called chief operating officer so we're going with the title chief operating officer throughout. The function of chief operating officer - in this case Mr. Williams - wouldn't be changed, but it would be referred to in the charter and I think that kind of ties into what Jim's done here to outline the importance of the CEO and his external affairs duties.

I sincerely believe that this CEO and previous CEO's have relied on the executive assistant or COO to be a manager of the county administration, but this highlights the expectation that they have a large role in the management of the county. Also, I think it says nothing herein shall be construed to preclude any commissioner from seeking information necessary to the establishment of policy and we wanted to add here "or legislative action" so nothing precludes the commissioner now from getting information you know with the policy and I don't I think this really changed anything but it makes it clear that when they're passing ordinances or have a need for information regarding legislative policy from any person, including an employee of DeKalb county such a request shall be responded to by the chief executive or chief operating officer or another person who's designated by the chief executive in a timely fashion. We're just giving a little bit more gravitas to this so if a commissioner is asking for something they should get that information.

Also, a minor change in b but I think an important one: it says "subject to approval of the Commission the chief executive shall have the power to change or consolidate or abolish departments" this requires a resolution. Right now if the chief executive wanted to change or consolidate or abolish a department I think the Commission would probably do a resolution about it, but there may just do budget actions that reflect that, or the CEO might say yeah they acquiesced because they didn't say anything, so we are just making it clear that they take informative action by resolution if you're going abolish a department or agency. Those are major actions the commissioners should be on the hook for by a resolution that they voted for or against.

Next section d: subject to confirmation by the Commission the chief executive shall appoint the chief operating officer. Here again we changed the name of the position so that's clear.

Section h: We took much of what is struck out in blue and put it as a new section at the very beginning because we wanted to put prominence to it. On appointments to public office we tried address the nomination process and timetable so both the CEO and the commissioners take action in a timely manner so vacancies don't go unfilled.

Commissioner Wittenstein - Mr. Chairman, where we reference days, can we say business days in there can we add in that we're talking about 15 business days rather than 15 calendar days is that worth is that what throughout wherever we have that sort of thing just to make sure that we don't put them in a in a

bind if it happens to be over Christmas holidays or Thanksgiving or whatever? I don't have any objection to it if that isn't you know described as state law.

Chair Henson – I will get back to you if there's any problem with that. Sounds good. We have the chief operating officer coordinate and supervise the process of making appointments. Again, we asked Mr. Williams earlier is he keeps a list and can he keep a list and is it possible to keep the CEO and the commissioners apprised of what's coming up. He said he could do that so the chief operating officer shall coordinate or supervise a process for making appointments and maintain a roster of all appointments required by this act and otherwise by law identifying vacancies and the timing of vacancies and reporting same to the chief executive and the Commission on a timely basis and posting on the county website the roster of appointments and public notices as to the existence and status of vacancies including the schedule for making appointments so that would be put on Mr. Williams broad shoulders. I'm sure handle it.

In the new Section 16 chief operating officer - again we just basically changed the title to chief operating officer. The CEO may delegate to the chief operating officer matters concerning the operation, supervision, and administration of one or more of the departments or agencies within the scope of the chief executive's authority including but not limited to appointment of compensation and removal of all department directors and other employees of the county. What that does is not change what's presently there. The person you elect as CEO will ultimately be responsible for setting the salaries and et cetera over the staff but if they want to, if a candidate was running for CEO and wanted to say he's going to do an executive order delegating some powers to the CEO he could do that. Presently this is the case but this makes it clear that it's the case and this could be helpful to somebody who is a new CEO - realizing that they can count on the CEO for this type of help.

The CEO still has the power to appoint or remove from office and within the budget's limitations makes compensation. We only took out the word "exclusive" because to may it clear if he wanted to delegate some temporary or other work to his CEO or others he can do so.

On the comprehensive development plan Section 18 - we met with the department. There's state law they have to follow on the comprehensive plan and there are public meetings required. to arrive We did want to just clarify that they have to consider the "present and planned physical" so we added that to the economic and social aspects of the county. I just thought that was clarifying and inclusive.

Then on the last section b that we added that the county should at all times exceed the minimum requirements of state law for public input regarding preparing and revising the comprehensive development plan. This is just reflecting what we were told that they always exceed the state law. The state requires two public meetings, but they do more so we just wanted to reflect that into our charter.

Commissioner Wittenstein - My concern there is if state law requires that you have three reviews and you have three reviews , shouldn't we allow them "to match state requirements or exceed them"?

Chair Henson - I will reflect on that and look into it between now and the next meeting. My understanding when we went over it with them is that they are exceeding requirements for public input. They don't have to exceed every element of the state mandates. I will have to look at look at it and see. I will have that looked at by my attorney, who can't act as attorney, Ms. Brill, and my attorney who is not being paid and takes no liability for it, Mr. Grubiak, and see if that's necessary.

Section 19 Budgeting control expenditures - State law requires that each county have a budget officer section so this change simply tells us that the chief executive will be said budget officer. B is a substitute change. We heard about and I talked with a couple of commissioners that had concerns about and several of you had concerns that we're three months into the budget cycle before the budget is approved. I think it can be managed and it has been managed for years, but when we looked at other counties most of them don't have that kind of delay between when the budget year starts and when it's approved. Three months is significant. A couple of counties we looked at there was a week delay. Maybe it was the first meeting in January or second meeting in January and the budget year started in January. It didn't seem appropriate so we have changed it. Instead of having December 15th as when the budget is presented it should be October 1st and the Commission may specify the manner in which the budget report to the Commission is to be prepared and presented and supported with documentation to take care of any commissioners that said they didn't have enough info in the past.

The budget officer shall give notice to the public regarding the availability of the budget report and the schedule of any public hearings. That's very similar to the section below that you know again we added the word putting it on the website.

This will change it where the commissioners will approve the budget by the last meeting in December or by December 31st and that if the budget is not approved by that time it makes it so that the budget recommended by the CEO will be the acting budget until such time that the commissioners act on it.

If somehow in December they don't get an agreement, you start acting on the CEO's recommendation and then in January if they wanted to amend it or change it they can.

Commissioner Wittenstein - you indicated that state law requires that you have a budget officer. We have a budget director, so how do we rectify that the state law that says that every county will have a budget officer for purposes of reporting but does not refer to the budget director.

Chair Henson - Every county also has a budget director or a finance director in most cases so it doesn't mean that the budget director won't be the budget director in his present job but the county's chief officer or governing authority, usually a chairman or whatever, is the chief budget officer. Now we can in here that if he wants to designate the finance director or the budget director as the county's budget officer he can, but it's really just to fill a spot state law requires. It really doesn't take away the powers of the budget director to prepare the budget. We'll talk to Miss Brill and try to get you some additional information and you know weigh in with the staff there. You might after this meeting talk to Zach a little bit about it.

You'll see on the top of page 26 that we've added probate judge to the list of officers and that occurs in a couple places.

Section 20 Purchasing and Contracts - I think is another one that if we pass this document and the legislature approves it and gets a referendum it'd be good to have this in law because right now there's a question of whether or not this is actual law because it was never a referendum on much of this language.

Section a: Mr. Grubiak was trying to make sure that the intent of including the commissioners in addressing the procurement process.

Commissioner Grubiak - Basically what this is trying to do is reflect the fact that the Board of Commissioners is the legislative branch and they adopt laws, meaning ordinances. So what this would say is that the CEO who now oversees purchasing and develops rules and regulations would prepare a draft ordinance. The draft ordinance would then go to the Board of Commissioners so they would exercise their legislative function to review it and if there are changes that are needed, they can make changes and there's a time frame in there so that something actually happens in a reasonable amount of time. The CEO drafts the initial ordinance and I'm assuming it would be based pretty much on whatever the current practices are, or it could be different, but the CEO shall submit the proposed ordinance subject to the approval of the Commission. So, we are just making it clear that the commissioners have a right to look at whatever this purchasing ordinance is and approve it. These changes make it clear and I think a little more concise.

Commissioner Wittenstein - The only concern that I have here is that the CEO continues to be the exclusive person who puts together the rules and regulations. In other words the ordinance is going to provide a framework, but under that framework are the actual processes and procedures that will be followed and there isn't an opportunity in here for the county Commission to have any input on those rules and regulations and processes and procedures as long as they don't conflict with the ordinance and I think that that gives the CEO an awful lot between the hedges.

Commissioner Henson - I understand. The reason we have this change is because it says "subject to approval of the Commission" and the Commission may amend the CEO's recommendations, so if they want to take ownership of the purchasing proposal that he's made through amendments and changes that they adopt they can impact it under this language. So, I disagree. You must remember the CEO has control of the staff and he would have the people who would be the staff and everybody else who would be better prepared to present the proposal for the ordinance and get it together, but he's presenting it to the Commission. The Commission will review it and they can amend it and what they finally adopt is what will be the ordinance.

Commissioner Grubiak - If you think about how government works generally, especially if you have branches like we have here about federal government and state government it's the legislative branch that writes the law and then it's the administrative branch/executive branch that administers it and prepares rules and regulations to administer. If the regulations don't match up or if they violate what the ordinance says then they could be challenged and they would have to be perhaps rewritten to conform with whatever the ordinance says. So that's kind of an ongoing process like any other any other government where you have branches like we have in DeKalb.

Chair Henson - We've tried to make it where the CEO, who has the staff who can prepare the ordinance, can present it, yet the Commission gets to act on that, has to act on that, and they can amend and change that ordinance.

Commissioner Grubiak – If it goes into effect like it's described here we would have a functioning county government that reflects the arrangement that we have with executive and legislative branches and it would carry forward in the same fashion as any other county or city or state or state government that ordinances could be amended and the rules would have to be revised to meet any changes made by the amendments to the ordinance.

Commissioner Wittenstein - I hear you, but I think there's a difference between the ordinance which sets you know presumably broad guidelines and the actual processes and procedures and I think one of the things that we've heard from commissioners is that for the CEO to both be able to decide what those rules and regs are going to be and then not have to get anybody else's approval on how that purchasing is going to be done might be a little bit of a problem because the CEO might have a vested interest in doing things in a way that might not suit everybody and there's no opportunity for the county Commission to weigh in on the rules and regulations and the processes and procedures because that's the exclusive of power of the CEO whose people are then doing it and I just I recognize that there's a distinction there and I ad maybe this is just the compromise that gets us where we're going but it doesn't strike me as being quite as giving quite as much power to the county Commission as I would want them to have.

Chair Henson - I understand that and we will talk about it between now and the 12th. Certainly we can take it out and work on that section separately if we need to but I think it's a good compromise and it does include the commissioners more than they are now. The timing listed here has to be reviewed by legislative counsel and will be revised as appropriate for any legislative package, but what we're doing here is saying that a new purchasing ordinance has to be adopted by the county and we want to make sure that once the approval of a new charter is done that that happens after giving the CEO time to prepare an ordinance.

Commissioner Neugent - What if the CEO does not prepare and present within 120 days? What is the remedy to that?

Commissioner Henson - There would be a bunch of lawsuits. But I think the CEO will do it - this would be firm direction that he/she has to do this and there would be litigious problems if that doesn't happen. Again, legislative counsel will look at this.

Commissioner Leak - I wonder if we even need the 120 days?

Chair Henson - Yes, you do because after the referendum then you need a certain gap before this ordinance goes into effect. The referendum is one thing - that's when this is passed by the public and then it goes in effect, but there needs to be a gap for actions to be taken.

Chair Henson - The legislators will know how fast this is moving through the General Assembly. I will direct Mr. Grubiak to put the general primary date of 2024 in there and then 120 days after that for the CEO presentation.

Mr. Wittenstein - I was just going to suggest that rather than setting a specific date for passage why not just be a little more specific and say that "within 120 days of this section becoming effective" and then whenever it becomes effective they've got 120 days from that date.

Chair Henson - That's what we have here. We have that it's 120 days after approval of the referendum. By state law the approval referendum is what is in effect after the approval of the referendum.

Commissioner Wittenstein - one could ask what referendum? or which referendum?

Chair Henson - I think there's no doubt in my mind that's referring to the referendum of this charter. You can trust me. We'll make sure that's right.

Chair Henson - OK on b of that section we added to post the ordinance on the county website.

Section 21 - Department of Finance: There was a concern by a couple of members that in section c in this section it says "except as herein provided the provision of this section are advisory only" so that it basically goes through that whole section that says these are advisory. Well, this section includes general accounting principles and those are recognized by state law. But, if they should change or need revision, we thought we should allow the commissioners to be able to amend this section without a referendum. So what we've done is on section a we say "except as otherwise provided by resolution of the governing authority the department of financial will perform the following tasks." So it's staying consistent with the present document. If there are changes in these tasks that are done then the Commission will vote a referendum well we'll pass a resolution saying what's different so the public will know what's different but again that's a pretty minor change. Right now this is considered as to what is right, but if the CPA says hey we've gotta do number 11 to records on this or that they can add it to the list. If they say this is not exactly right they can fix it without having to have a legislative action and a referendum.

Section 22 Records and minutes - We we just put in there that copies of contracts, maps or similar material or documents related to actions taken by the government authority may be included in the minutes or incorporated by reference to the alternative location. Where incorporated by reference such documents shall be stored in a central location or locations identified by ordinance or resolution of the governing authority as provided by state law.

Commissioner Leak - On that section it says where such documents shall be , but it doesn't talk or address the issue of the length of retention and you know maybe inserting something to say to coincide with state law regarding records retention

Chair Henson – Well, again, state law supersedes this so they would already be doing that and secondly there are some things that aren't state law that may be general accounting practices or other that they keep some things because may not be in state law but it may be general accounting practices. I didn't see it as necessary

Commissioner Leak - But there's a whole section of state law that addresses retention and it is so specific that it breaks it down by if it's an IT issue or whatever finance or whatever the issue is. I'm just requesting that we insert the word and or words "and retention."

Chair Henson - We will look at that.

Commissioner Leak - OK , the retention phrase is the key component because you can store anywhere but it doesn't say you're meeting state law in the amount of time that you keep the record.

Chair Henson – OK, so we're going to move on but I'll get back to you on that. Next section – Section 23 - agreement of candidates - there was no changes there. Section 24 officials not to have financial interest in county contracts - we just changed the title and we refer to the correct state law here or as future amended. Section 25 code of ethics - there were a lot of issues going on with the Board of Ethics and we're letting them come with future recommendations to the legislature on that. On the last page we struck current section 28 on the use of voting machines. State law controls voting machines. This was originally put in in 1947 when that was a new thing. It's unnecessary now.

Section 27 – Open Records Officer - The DeKalb Municipal Association had three recommendations. One was that we have somebody designated for open records requests. Gwinnett County and some others do have that. We looked around and we felt the proper person to designate such an officer is the chief executive. The open records officer would be the one person really required to track open record requests and that way they won't be getting the information, but they'll be following up. Right now, if you have an open record request you go to this department and that department, but you don't have one person responsible. This is to make sure there is ultimately somebody to hold accountable for the process.

Commissioner Thomas - Does that provision include the board of ethics?

Chair Henson - Where present open requests are now appropriate. Ethics and HR and other departments have things that are not going to be open to open record requests, but I believe that where that is appropriate that you presently file with the county an open record request this now would designate an individual for that responsibility, so the answer would be yes where appropriate. If it's presently appropriate for an open records request from the Board of Ethics and in many cases, it wouldn't be because of their confidentiality nature; same thing with the HR department. This is just making one person in charge.

Section 28 – Organizational Act Review Commissions - Section 28 base actually creates that the commissioners or the governing authority will create a Commission like ours or different that will start in 2029, which is only six years away, to look at the Charter. They may tell them to focus on this section, focus on the county manager, or focus on the seven commissioners. But to engage the public in the Charter on a regular basis and then after 2029 every eight years thereafter. Now, again, if somebody wants to make a friendly amendment that it's ten years or something like that at the next meeting, we'll take that, but I think most people agree that at some point it's good that there be an organizational review of our organizational act so that just puts it in the Charter that it will be done.

Section 29- Pending matters and Section 31 – Specific repealer – are in every new charter so that it won't interrupt any court action and have conflicts.

So, if you all would review and look over this draft between now and the 12th. Mr. Weinstein had a few things we'll look at. Ms. Leak had a few things. We'll talk to them between now and then. All of you may find some things that you want to call me about or you know address, but I tell you if we could have 10 votes on something like this and our changes and updates improve it and can move it on to the legislature it won't be the end of the process - it will really be the beginning of process and we'll have a lot more engagement I think from both the public and the elected officials you know to look at this in the future. I would like all our work to amount to something and not come away with the eight votes. If we somehow did not get 10 votes, I would say that our work has been beneficial in that we all understand the charter much better and a few other people do too. There is also a record of our discussion and our work in the minutes and public input other people can look at in the future and I think that'll be helpful.

Commissioner Wittenstein - Mr. Chairman I just want to set the commission's expectations. I recognize there are not nearly enough votes to change the form of government but at the next meeting I'm going to make a motion that we do that so that we at least have that. We had the vote and I won't belabor it. I won't spend a lot of time on it but we ought to have an up and down vote just so everybody you know for those people who've been asking us and almost every meeting somebody has asked us to change the

form of government at least they will see that we made a motion. Maybe it'll die without a second or maybe there'll be a second and it'll die for lack of 10 votes. I won't consume too much time but I think it's important for us to at least go on the record and I'll be doing that at the next meeting.

Chairman Henson - I encourage that and thank you for that. If there's any other major issues that somebody just wants to bring forth you know, possibly just for educating the public or what have you, go ahead and bring it forth again before we do the final thing. In December we'll have a report that will have all those considerations that came up and you'll all be encouraged to look over that and make sure we included everything. We will also have a separate vote on the five and seven commissioners at the next meeting too and we'll have two versions ready to go.

Commissioner Hammond - Is there anything in our bylaws that says if we're trying to get a certain number of votes, that if a Commission member can't make it to the meeting there is another way for them to cast their vote?

Chair Henson - There is not. Now my intent is for instance if one of you cannot attend and feel you have a good understanding, if you would try to call in or something I might accept it over the phone, but Dwight had talked about a proxy or something like that and I don't think we can do that. We're going to try to get more than 10 people here and we're going to try to get 10 votes and I would prefer you're all here.

Commissioner Leak – Re Section 28 where we were proposing the time frame going forward for continuation and review of the Org Act. I'd just like clarity. Under each section of the Org Act there are chapters and I just want to make sure I know that those are mostly ordinances but when of you start talking about operational issues that's where you're going to find them in the chapter sand not the sections, so I just want to be clear are those chapters considered part of the Org Act or not.

Chair Henson – The ordinances are underneath the Charter. The Charter is the charter and that is the primary focus, but in our recommendation we had added that if requested by either the chief executive or by resolution of the Board of Commissioners future Organizational Act review commissions could review specific chapters of the DeKalb county code and ordinances and you brought that up and that's why we had that they can review ordinances or make recommendations on revision of said chapters. So if the Commission has a group of citizens like yourself together and they want to say: Hey look at county manager look at that one thing that's most important look at the whole thing but look at that and also look at these three ordinances because we think that we need public comment or we need to you know thoughts, they could do that so they could be given that direction by the commissioners.

Commissioner Leak - OK I I just want to know if it is or is not a part and the reason I bring that up is that when I do research on state law and they have various chapters underneath it's still considered part of state law, so my question is: Is this part of org act or does it need to be looked at separately and then as an independent section that we just include under the Org Act

Chair Henson - Remember the Org Act acts like the US Constitution. Everyday Congress passes laws underneath that which are not part of the US Constitution. The Org Act is separate. The Org Act empowers the commissioners to get together and legislate or create ordinances. Those ordinances are not part of the Organizational Act but the Commission can direct this Commission that's looking at the Organizational Act to look at certain of those laws or ordinances.

Madam Secretary after this meeting you're going to try to get this online, how would Mr. Benny or other people get a copy of this.

Commissioner Hinkel –I will communicate it to IT tomorrow or I will communicate it as soon as Miss Brill sends me a PDF of this draft that we've looked at and I will alert the IT department and they will probably put it on over the weekend. If you get it to me tomorrow, I'm hoping it will be there on Monday. For those of you who have sat through this meeting either in person or on DC TV you could use my e-mail address: maryhinkel@comcast.net that's HINKEL and e-mail me that you want a PDF copy and I will send it to you as soon as I have it.

Chairman Henson - Thank you and if I don't think we will have twenty people at our next meeting which we mentioned will be October 12th. I think we all know that there won't be much time for that discussion, public comments will be 3 minutes in length or less we will ask you to be a resident of DeKalb County before you speak and tell us where you live.

REMARKS OF INTERESTED CITIZENS/PUBLIC COMMENTS

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

Chairman Henson - Thank you. We'll forward that to members before our next meeting.

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

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

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

I am of the belief that after a certain length of time politicians become creatures of the process and start to look at problems from the inside out instead of from the outside in. How will this problem affect me instead of how does this problem affect my constituents? This is not always the case but I believe that a

steady infusion of new ideas into our county's governing process in this day and age of rapidly changing ideas and systems is a positive solution and one that needs to be put into our Charter.

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

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

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

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

Thank you for your time and consideration

ADJOURNMENT

Chairman Henson - Thank you very much. We had great attendance today. I think we'll do well next week but keep an eye out for emails from our secretary and we're going to stand adjourned.

Steve Henson, Chairman

Barbara Sanders-Norwood, County Clerk