

DEKALB COUNTY CHARTER REVIEW

MALOOF AUDITORIUM

MARCH 9, 2023

I. **CALL TO ORDER:** 6:09 P.M.

II. **ROLL CALL**

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

ABSENT:

Dr. Gerald Austin
Dwight Thomas
Ex-Officio Senator Emmanuel Jones
Ex-Officio Representative Karla Drenner

STAFF:

Zachary Williams, Chief Operating Officer
Barbara Sanders-Norwood, County Clerk
Viviane Ernstes, County Attorney
Lori Brill, JD, Carl Vinson Institute

III. **MINUTES**

Motion to approve the Minutes of February 9, 2023, with amended changes made and passed unanimously.

IV. **INTRODUCTION AND PRESENTATIONS OF INVITED GUESTS**

Michell Butler, Assistant Director of Purchasing and Contracting

COO Williams introduced Michell Butler, Assistant Director of Purchasing and Contracting. He stated that she had been with the County for a few years and worked on the Capital

Improvement Program (CIP) team assisting with ensuring that the County is meeting the objectives of the consent decree.

She is an attorney, although she doesn't practice in that capacity as the lead in purchasing. She is now the Assistant Director – the chief knowledge person. But in the absence of a Director of Purchasing – as the COO does, we “fill in the void.” So, while there are ultimate chief purchasing officer decisions, like personnel and the final determination of whether a bid is responsive, that I will make in my capacity as the Chief Operating Officer, Ms Butler has the daily operational oversight of the division. We stay very close. We have weekly meetings with the entire management team.

We are not currently conducting a search for a Director of Purchasing and Contracting. We are pleased with how things are running. We will continue to evaluate and determine if and when a search is needed or how we would like to move forward. Currently Ms. Butler is doing an outstanding job.

Q&A Following the Presentation (document included with these minutes)

Chairman Henson – I would like to ask a question of the County Attorney. Earlier when we went over the Charter there was talk of a bill that passed in 2016 that was not put forth as a referendum. Since HB 598 reflected a change in the powers and duties of the CEO and BOC it should have been on the ballot. I thought it didn't go into effect. The language is in the Charter, so I just want to make sure we understand as we look at that section to remodel it what's needed, if anything.

County Attorney Ernstes –I will answer that question. I will need to tell you a little bit about state law as well. So, in addition to a purchasing ordinance or purchasing policies, there is an entire body of state law that is the Public Works Construction Building Law. This is just the copy of the statutes that govern a number of the rules and regulations that Ms. Butler has to follow. So this law already exists and its definitions and regulations are applicable to every county. It has a lot to do with when you're building high dollar items like water treatment facilities and jails and government centers; they're all governed by this state law.

In response to your actual question, in 1981, the original charter, the Organizational Act, put the authority to regulate purchasing and adopt purchasing policies in the hands of the Chief Executive Officer. That was in the original charter in 1981. It remained in place until 2015.

In 2015, the provision that you are reading that is codified that is Section 18, was adopted by the general assembly. But what happened was as you read the first paragraph under A, it says the Chief Executive, subject to the approval of the commission, shall establish rules. As we talked about the 1978 constitutional amendment requires a referendum if you change the powers of the CEO or the board of commissioners. For whatever reason, and I cannot answer for you, the legislature did not include approval by referendum in that bill in 2015 or when they made some minor amendments to it in 2016. So, it is not in effect.

The reason that it is in Muni code is because it was actually passed by the general assembly, but it is not in effect.

Chairman Henson – So when we go through section by section and decide what we like and what we don't like and we get to Section 18 you would say that Section 18 should or should not be here? Does it need to be here? Right now it's not applicable. Do you have any recommendations and would we reference the state law that is enforced?

County Attorney Ernstes – I'd have to think about that.

Chairman Henson Does the State Law apply to the same thing or would we just skip this?

County Attorney – Let me think about that. I don't know if I have any recommendations right now. I don't think that you need to reference the State Law. You certainly don't want to replicate the State Law. If you just allow me to think about it, I'll take it back and try to think about what that recommendation would be.

Chairman Henson – If we did something more restrictive here, but it was not contingent to the state general law, could we make things stronger?

County Attorney Ernstes – You could not vary. I don't believe you can vary this, as to the Public Works construction contracts, and those are defined, I don't believe that you could make things stricter.

County Attorney Ernstes – This is going to sound a little bit more legal that I would like it to. I believe that the fee – this law pre-empts any local change. And that means that the general assembly has acted in this particular field and does not give that power to change that for a particular county. Not everything arises under this state law. But as to the big ticket , - big items of construction, they are governed by this law. I don't believe that you could change that law.

Chairman Henson – Good. Just one more question and ask of you. If you could – if you went through the charter and for a section like this that has a state law that's very integrated into it, if you would just go through the Charter and say "See code section XX." Maybe we will just sit down and have a meeting in the next month or two to review those areas.

Now I just want to ask one question of Michelle. Could you just describe your relationship with the CEO, the commissioners, and other employees and how you feel – whether you feel insulated, or not,; whether you feel good about the process from your viewpoint and think that DeKalb County citizens are getting the fair and best service they can in this area.

Michelle Butler – So as far as the administration, I do feel like we have good communication. I do not feel currently that we are experiencing any instances where we're being directed to move in a certain way. It's actually more of that collaboration word I keep using so much because it really is that. Zack is infamous for calling us together as a group and just asking our opinions. I actually find that helpful because he has a business mind. My experience with the Commission, I've actually had positive experiences. They are one of our requesting departments, so we do service their requests as well. They are on the list as well for that additional quarterly education to remind them about what it is that we are available to do

for them. They are good, as well as their Chief of Staff, for letting us know. If they have questions, I try to point them to the policy or House Bill, if it applies or any type of rule that applies so they understand this is not something that Purchasing and Contracting just made a rule.

Commissioner Vickie Turner – I just want to tack a little bit on your question. Because when you use the word “feel” you can feel there’s a conflict. But, regardless of how we feel, there should be a policy that drives those decisions. Am I correct in that?

Michelle Butler – Yes.

Commissioner Turner – So my question would be, if you felt that the policy was being compromised and you were expected to make decisions out of a request that you were not comfortable with, what would be do with that?

Michelle Butler – Usually, I bring that up with the individual. I point out what they submitted does not appear to align, and I explain why that is so. Any pushback I received; it hasn’t come directly to me. It may go around me. But I’ve actually had support in my decisions when I do that pushback. We have a policy. We have rules we need to follow. The goal isn’t to give you a hard no, we’re always going to figure out a way to assist you. We are going to follow whatever the policy is or whatever the law is.

Commissioner Harris – Thank you for that very important presentation this evening. I have a couple of questions. Is there a certain dollar amount where you have mandatory pre-bid meetings where the vendors have to attend in order to be eligible to bid on that service or product, and are there any certifications for purchasing professionals?

Michelle Butler – There are no mandatory pre-bid meetings unless the project requires it. You can always hold a formal procurement for anything. But generally, we focus on if it’s \$50,000, you must procure that formally and also we have a House Bill that mentions that as well. So, an informal process can occur within the user department. They can do things for up to \$5,000. It does not have to be advertised. They can get one quote.

There are a multitude of certifications offered by a variety of different organizations, so I can’t name them all. I have a few. Many of our staff members have a few of them.

Commissioner Neugent – So Section 18 is not in effect, but we do have a purchasing policy. Is that correct?

Michelle Butler – Correct.

Commissioner Neugent – You referenced that there are sort of ongoing revisions to that. When you google the DeKalb County purchasing policy, the one that comes up first is the 2014 version. Is that the one that is still in effect?

Michelle Butler – Correct.

Commissioner Neugent – Are there standard operating procedures that emanate from that that are active today with the department?

Michelle Butler – Correct

Commissioner Neugent – Excellent. One final question. You were talking about the myth that the lowest bidder receives the award, but you went on to say that is not accurate. What actually happens, I think you said, is that the vendor that has the highest score in responsiveness and responsibility is awarded the contract?

Michelle Butler – we have two different award languages we mentioned in that particular instance. So, with request for proposals, its not based on price because if your whole focus is on price – not to say you can't consider that in a request for proposals – but if your focus is on price, you usually know what you want done, how you want it done, and so that's usually an invitation to bid or an invitation for bid, depending on what entity it is. So, there, we look at the criteria of lowest in price, responsiveness, and responsibility. For RFR responses we look at the highest score determined by all the factors – the criteria – that have been set up.

Commissioner Neugent – Okay.

Michelle Butler – The evaluation committee is looking at all those things related to responsiveness and responsibility and whatever the evaluation criteria is that was set up when the project was published.

Commissioner Neugent – So the Invitation to Bids have the financial lowest bid criteria, but the request for proposals do not. Is that right?

Michelle Butler – I am not going to say they do not because they can. It may have been a lower score or a lower amount of points that we may consider. We do need to take into consideration what people are charging for what they're offering.

County Attorney Ernstes – I just wanted to make something clear that I think might not have been clear. While the current Section 18 that's in the code is not in effect, the former is still in effect and that allows the CEO to establish purchasing policies. Those purchasing policies emanate from the 2014 purchasing policies. So, I just wanted to make sure that you understood that there was something in effect. There's not a void in which there is no regulation in the organization act governing purchasing.

Chairman Henson – And when someone looks at the Municode version online or that was sent to us.

County Attorney Ernstes – They see the new version.

Chairman Henson – So the old version is a ghost, it's there, but its ---

County Attorney Ernstes – Well, its not ghost, because it is alive.

Chairman Henson – But it's mysterious. Okay. I appreciate that. We'll have to get that when we go through the code.

Commissioner Grubiak – Further clarification – Viviane, so Section 18, which provisions that are here are in effect? For example, one of the provisions that was in Scott Holcomb's bill is

reflected in subsection D here. Subdividing proposed contract, which is for an amount above the threshold specified. So that D was in Scott Holcomb's bill. It was not effective because of the lack of the referendum or was it – can it still become effective because it had nothing to do with the relative powers of the CEO and the board of commissioners, which I was assuming was pretty much in section A.

County Attorney Ernstes – That's a very good question and I need to think about that. I don't have an answer for it. I understand the question. It's a very good question.

Commissioner Grubiak – So the policies that were in effect, do they cover everything that you've been talking about in your presentation? All these procedures and relationships, are all those found somewhere in the policies? Can it be pointed to somewhere that's addressed here or addressed there or there are things that are just sort of done because it's things just need to get done, but it's not in the policy? I don't know if I'm being clear or not. But are the policies comprehensive to cover all of the operations of your department?

Michelle Butler – The policy is not – I think you're asking if the policies also include every action that we do, and they do not. It's not comprehensive in that way.

Commissioner Grubiak – So there's two – there are two sets of documents or two documents. So between the two of those, is everything covered comprehensively pretty much?

Michelle Butler – There are some things that we're working on, but it does cover for the most part all the things that I just discussed today.

Commissioner Grubiak – So if you see change is needed, what's the procedure for making the change in the policy?

Michelle Butler – The policy requires that changes to the policy and procedures have to be approved by the administration.

Commissioner Grubiak – By the administration, that means, basically, the CEO and the COO.

Michelle Butler – We can make suggestions, but we can't just implement things.

Chairman Henson – It would be done by the CEO and COO. Through that process, the commissioner wouldn't approve the policy change.

Michelle Butler – The language that is currently in there just indicates the administration.

Commissioner Grubiak – If you had a proposal you wanted to make to the procedures or to the policies, is there some process whereby the public is informed that "we're thinking about making this change." It may be a great change, and here's why. Is there a way for the public to say we agree or we don't agree with that or we have comments about that?

Michelle Butler – No there is not.

Commissioner Grubiak – So it's pretty much an inside the shop kind of operation, which is not necessarily bad or right or wrong.

Michelle Butler – Correct.

Commissioner Grubiak – What if a future CEO says I have some friends. I would like to take advantage of something that the County needs to buy or build or whatever and he or she is not quite in the mix right now because he doesn't fit certain criteria policies. This is hypothetical.

Michelle Butler – I think there are hypotheticals that anyone can submit. But I would think that we would have some checks and balances in place that would prevent such a thing like that happening.

Commissioner John Turner – Ms. Butler, my question – I have two about contract management and performance evaluations. Are the key performances indicators, KPIs, for these performance evaluations built into the contract so that the contractors and the people getting the awards know what the expectations are as part of the contract or does that come as a separate piece following the contract? The second question is: is there a set of consequences, not just the expectations of the performance, but if they 're not fulfilling the contract, say cost overrun, time delays, things like that, are there a set of consequences built into the contract or the policies that everyone knows going into the contract that will be in effect?

Michelle Butler -Question 1 – With each project, the expectations will vary. The expectation is that each solicitation includes scope of work requirements that allow the supplier or the vendor to understand what they are expected to do. So this is where that collaboration with the user department comes into play. It is not a separate document. It's part of the original solicitation. As far as whether or not there are, I guess, KPI's in place, I think that there are hard numbers, but in reviewing those performances evaluations, we don't just take those and file those away, especially when they're five and below. We have conversations about those. We give the vendor the opportunity to review those evaluations and provide their own response. But cost overruns, that can happen not because of the vendor. Even at this moment, we've had insane increases in pricing of everything. That's not the fault of the vendor. Also, now, everyone has staffing issues. We try to make the solicitations clear about what we're looking for – but this is why you need ongoing conversations and collaboration with the requestors and the vendors.

Commissioner John Turner – Are there built into these contracts the time frame of these performance evaluations or is that variable and just goes with the flow of the individual contract, or do you have unified standards on how these different contracts are evaluated?

Michelle Butler – It is not listed in the contract. We do at our NTP meetings advise all the participants that purchasing and contracting has a preference for quarterly evaluations, but at minimum we would like to see yearly evaluations.

Commissioner Lance Hammonds – In the planning process, how far out do you – does procurement engage with the different departments? Say if Dekalb decided that they are going to build a convention center somewhere, they do a feasibility study. How far out do you get involved with them as far as how we're going to do this from a procurement standpoint? The second part is as far as equity inclusion and participation of small minority and female

owned businesses, how does the department ensure that there is inclusion in this process and what percent of your spend is done with those small businesses?

Michelle Butler – First question – that varies per requester. Ideally, if you've decided we would like to do this thing, we would love to be at the table during that process so we can point out some considerations that may make things move a little faster. Question 2 – The county has a local small business ordinance. It has a 20 percent benchmark where it demonstrates good-faith effort to use a certified by DeKalb County Local Small Business Enterprise (LSBE). We do not have a program that is based on gender or race. We do have a LSBE review committee that also will discuss whether or not a particular project would work better with a used benchmark.

Commissioner Hammonds – Do you have an answer as far as to your percent spent with your LSBE firms?

Michelle Butler – I would have to get that information and get back to you. I don't have that information readily available.

Commissioner Bennett – Just briefly. I just wanted to go back and confirm there was some conversation about your policies and your procedures. Your procedures were quite in-depth Policies, am I correct to think that your policies drive your procedures?

Michelle Butler – Correct

Commissioner Bennett – And not the other way around?

Michelle Butler – You're correct

EARLY PUBLIC COMMENT: Due to the lateness of the hour, Chair Henson allowed public comment by members of the public who could not wait until the end of the meeting.

Commissioner Hammond – On the public comment, we do have three minutes, but can we make it clear that we don't respond back to what they say and any comments are not reflected of what our committee does.

Chairman Henson – Yes, but we do want the input and that does not mean that we do not engage.

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

Joel Edwards. I am a 36-year resident of DeKalb County. I am the former President of Restore DeKalb. I'm glad that you all are at the table to review this charter review. My

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

T.J. Sigler, Director of the Office of Management and Budget

Zack Williams, Chief Operating Officer: It is a pleasure to present T.J. Sigler our recently appointed Budget Director. This is his 5th budget.

Q&A Following the Presentation (document included with these minutes)

Commissioner Wittenstein – One of the things that strikes me as a tad broken is the idea that you're starting the fiscal year without a budget, and that you don't get your budget until March. If you have a head count that 's supposed to be approved, you can't post it until March, you can't hire it till May. You are way behind in your ability to meet your goals if you don't know what your budget is when the year starts. Because of this, when Dunwoody was formed we put into our charter that the mayor and the city manager have to produce their budget for the city council by November 1st. And if the city council hasn't passed it by December 1st, it becomes the budget so that department heads had at least one month to know what's their budget for the new year so they can begin to plan and being to execute on that. Is there some reason that DeKalb County can't do that?

T.J. Sigler – I'm not aware of the reason why it is that way in the first place. Let me say that is the way the charter was written back in 1981 and that's just simply the way that it has been since I have been with the County.

Chairman Henson – Have you ever worked with another County – or one that has done it differently?

T.J. Sigler – No. I have been with DeKalb almost my whole career.

Chairman Henson – Let me have Zack respond to your question. You have worked with other counties.

COO Williams – Sure.

Chairman Henson – Is there a deficiency?

COO Williams – My experience is that concept to Mr. Wittenstein is unique to Georgia. In my experience in Georgia, Fulton is similar. So, Fulton’s budget is also implemented or a carryover budget prior to it being passed. So, both Fulton and DeKalb have a similar budget process in that respect. When I was in South Florida in Broward County, it was different. The budget was passed and then executed on, as I recall.

Commissioner Wittenstein – So do you have to do it this way?

COO Williams – Well, it’s a carry-over budget. For accounting purposes, could it be cleaner? Probably. But you know what the framers in 1981 were thinking none of us can speak to that. Do we make it work? We made it work in Fulton and we make it work in DeKalb.

Chairman Henson – Do you think it has something to do with the election process?

COO Williams – I couldn’t speak to it.

Commissioner Hinkel – But since we’re referring to this report from 1979, I will point out that they recommend – it wasn’t in the code - but they recommend that the finance director make a study of the feasibility of using zero-based budgeting for the county.

Upon completion of the study, the CEO, finance director and board should determine it’s value. Has that ever been done?

COO Williams - Well, I can’t speak to 1979, but I do know that zero-based budgeting was a big concept under the Carter administration and a lot of governments undertook those type of things. In my personal opinion, I don’t think it’s practical for local government because a zero-based budget means you start with nothing and try to build the entire \$1.7 billion budget, which is what it would be for DeKalb County. I believe much more in outcome-based budgeting. I think that’s kind of what we do much more here where you look at what you are investing in, what the outcomes you hope to gain from your expenditure. Zero-based budgeting was very popular.

Chairman Henson – We discussed that on the state level.

Chairman Hinkel – But do we ever go into any department on a rotating basis to help establish priorities? Are the Board of Commissioners part of that discussion of establishing priorities?

COO Williams – The budget is the CEO’s budget to present to the board to adopt or amend. So, there are conversations. If you look at the committee structure, that is where we get understandings of what priorities of various commissioners or the various committees are. The process does not involve the commission at the department level. At the department level it is the administration through the CEO and then presented to the legislative branch.

Chairman Henson – I guess the question is not necessarily the commissioners, but as a process to try on a revolving basis to look at different departments and more closely scrutinize certain departments at a time, whether it’s zero-based or not?

COO Willaims – Sure. A lot of that is based on what is going on in the various departments.

Commissioner Hinkel – What strikes me and I've tried to follow the budget process for several years and this is not my area of interest or expertise. Nobody is going to read a 200-page budget. I appreciate that the county meets the state requirements but we are not communicating with other citizens the meaning of these budgets. If you look at other charters and their definition of what's required to be reported to the public and even the model Georgia code that the ACCG has now put out, the model county charter, they talk about more messaging and communication as to what these numbers mean and how they compare from year to year and the staffing of departments.

I just think we need to do much more of expressing citizens' expectations to you that we want clearer communication about the budgeting process in this county. It shouldn't be done at the end of December when everybody is having religious holidays and parties. I don't understand how we think we can really engage our taxpayers in supporting this government if we don't do a better job of communication with clear messages.

Commissioner Hammonds – The real thing I think we should be addressing is when the year starts or whatever the fiscal year is, does it impact the delivery of services to the citizens? I don't want us to miss the point and get hung up on how we do it or whatever. Does it make a difference as far as how services are delivered to the constituents of the citizens of DeKalb County? I think that is kind of our charge of how can we make adjustments to this charter if needed that will deliver better services to the constituents. I want us to stay focused on our delivery of services to the citizens. Zach, does that process impede the delivery of services?

COO Williams – It doesn't. We continue to operate. To be honest with you, besides the elected officials and you know, maybe myself and T.J. and the folks who are really in the sausage making process of putting the budget together, that's who know this. The folks delivering service know that on one day they need to be out picking up trash, doing code enforcement, or what have you. It absolutely does not affect their operation.

Chairman Henson – You don't feel the fact that you can't do new services or new things in any way encumbers you?

COO Williams – No.

Commissioner Neugent – I just wanted to understand more clearly if the oversight or the management of the various SPLOST and LOST and HOPE is under this office or does it fall under finance? If you were looking for details on those programs, where would that be found?

COO Williams – So the financial oversight of SPLOST is more in finance than in budget. I guess that's how we manage our capital - more through the finance department than through the budget office. The projects, we've outsourced that function and they report directly to me. As it relates to EHOST.

Commissioner Neugent – Do all of those have a project – an external consultant project manager?

COO Williams – Right – so the projects are absolutely externally managed. The financing is a joint internal and external management.

Commissioner Leake – In her presentation Ms. Butler mentioned a form that they're trying to work with the departments to produce that would project what their projects might be for the upcoming year. When the budget is submitted by – at the department level, are there measurable or measurements for accountability submitted with that?

T.J. Sigler – There are. I think maybe the sequencing is a little bit different. We deal with that when we are producing the annual budget document, the larger document. We spend more time with it after the budget is adopted, working with departments and incorporating that into the budget document.

Commissioner Leake – There used to be on the County transparency page an application called Open Gov, which allowed the general public to go out there and look at everything related to the finance of the county. That is no longer there. Is there a reason for that?

T.J. Sigler – That decision was made prior to my becoming the budget director.

Commissioner Leake – It was interactive. I think the thing that we're talking a lot of times about is building confidence among the stakeholders with our government. That was one avenue that we could use - where you as John Q Citizen could go out on the website and you could download the information and manipulate it to any way that you wanted it to in a spreadsheet. So it was really good. I was just curious as to why it was no longer available?

T.J. Sigler – I don't know that I can speak to much of that history, but I do know that we are exploring other avenues to make budget information more interactive to the public.

Commissioner Wittenstein – If a department head justifies a new piece of software or if the police department wants new lab techs and they get that stuff built into the new budget and the new budget isn't approved, they can't hire those new lab techs. That affects our ability to deliver services.

Chairman Henson – Is it possible to amend the existing budget without doing the projected budget?

T.J. Sigler – I'm not aware of any time when that has happened. But to my thinking, it would be possible.

Chairman Henson – During the pandemic, there were federal funds that came through quickly. One of the charges the CEO gave us to look at the pandemic. We'll probably get some information. I talked to Zack earlier about that. Is there anything you can comment on concerning the allocation of resources during the pandemic, the flood of the amount of federal dollars which came in and how things turned out.

T.J. Sigler – I was not as centrally involved with those dollars as I am with the annual budget. The capital budget that's still mostly managed through the finance department. Those funds are treated as grants. The hardest part was keeping up the regulations surrounding those

funds. The CARES Act and then the ARP Act sometimes weren't final when they introduced them.

Chairman Henson – I was just wondering if a \$50 million or a \$100 million dollars is needed to buy sanitizing wipes, if that had to go before the commission. I want to know if there were any delays because of the process.

T.J. Sigler – In some sense there's always some friction when budget matters are being discussed. It's a political process. I don't know if that delay was any worse than they would be with any type of item where we were trying to allocate funding aside from the fact that there was that confusion about the regulations.

COO Williams – With the CARES funding, the federal government sent the money out without a lot of rules. The ARP funds went out and they changed the rules. That did make it more difficult. The most difficult part was really the commission allocations, because they had organizations they wanted to get money to. The rules changed and required certain risk assessments from these organizations and a lot more information up front that was not required in the CARES ACT. There were delays until we tried to work through that.

Chairman Henson – Obstacles from the federal government and trying to meet their standards is something we can't fix with the charter. You felt the situation between the Commission and CEO and you was efficient?

COO Williams – I do.

Commissioner Vickie Turner – I paid attention to Commissioners Wittenstein and Hammonds, the way our budget is structured – the timelines in which it's structured, does it impede the ability of departments to make deliverables? That's the real question and if it does not, we should not change just because there is a preference. Zack says it works and it does not prohibit services from being delivered to our stakeholders.

Commissioner Sanford – The Covid funds – Zack mentioned that and I was concerned as to whether all of the Covid funds disbursed to DeKalb County for the citizens have all been disbursed in terms of rental subsidies.

COO Williams – There are still funds that we are distributing for rental assistance. The first pot was CARES and all of those were spent and the time is gone. That was \$75 million and then two additional tranches of \$75 million of ARP funds and we are still spending the first pot of those and we allocated the second pot about a month ago and have until 2025 to spend those funds. We are in the final throes of spending down the ERA.

Commissioner Sanford – How is that information disseminated to the citizens?. I tried helping some citizens and we had a difficult time.

COO Williams – The rental assistance funds are managed internally and we did advertising for that, working with Legal Aid, the Housing Authority, DeKalb Mediators. We also worked with the Urban League, the Partnership for Community Action, and the Commissioners identified a number of other external agencies to provide rental assistance. The point you are raising is that maybe we could have done a better job at getting the word out. While we still

have funds, we can take a look finding a better way to communicate that these funds are available, like a web page that you could click on to make an application.

Chairman Henson – Line Item Veto – I don't believe the CEO has ever done a line item veto. But when you worked for the commissioners was the threat of line-item vetoes ever used as a political tool or do you have any feelings about the CEO having that authority?

T.J. Sigler – I don't think there has been a line-item veto at all since CEO Thurmond has been in office.

Chairman Henson – If something was vetoed, the commissioners could come back and with five votes put it back on?

T. J. Sigler – Correct.

Commissioner Ted Terry then spoke about the professionalism, integrity, and public servant attitude of the COO, County Attorney and those who spoke tonight and stated that he holds them in the highest regards. They are always willing to meet with commissioners and engage with them and their staff – partly because the commissioners are always here. Expectation that the commissioners are full-time and fully engaged.

He also spoke of the budget process and the issues of "time and timing." The budgeting process is not perfect but he thinks it is working. Multiple reviews occur throughout from inception of an idea through budgeting through expenditure review. But, he would like to see some tweaks that would increase public engagement, transparency, and improved timing. He has worked with two different systems – the County and Clarkston (on a state fiscal year).

The Commission gets an outline of the budget in December with little detail and then everyone goes on vacation. In January the Commission selects the presiding officer and it's not until the first of February that the committees get going and they see the detailed "blue sheets" which is the 200-page budget and that's how you know what you're voting on. Between February and March 1 each committee has budget presentations by departments, constitutional officers, and boards and that's when discussions occur. For example, with the Planning budget, the Administration proposed three small areas plans. However, the commissioners pointed out that more neighborhoods are asking for these and requesting more pro-active planning, so the Administration was asked to consider adding three additional SAPs in the mid-year budget.

December 15 to March 1 – it is a short window to get the public engaged on the budget. It's a bit of a frantic process to get out to the public what's in the budget. Also, the public hearings only allow a five-minute window for speaking for or against the budget. It should be more of an open hearing.

Consider tweaking the charter on the approach to time and timing. Match up with the state fiscal year or even consider looking at Cobb County that has a two-year budget cycle or Oakland, CA with a two-year budget cycle and a five-year aspirational budget. Acknowledges

budgeting is a multi-year process and gives departments a sense of what they can plan for. Also mix this with some type of “taxpayer receipt” like the Open Gov application.

Charter recognizes that things can change and budgets can be amended. The CEO can move money within departments without BOC approval, which could be a transparency issue, but he points out that the CEO, COO and BOC always need to be talking with each other.

Some of our boards like the Community Service Board and the Board of Health have fiscal years matching the state fiscal year, so their budget is always in flux, in that they have to work with two budget processes - the County’s and the state’s.

Comm. Terry is not clear about the special revenue funds. Why do some of them exist, especially those with little funds.

As to the pandemic process, he stated that there are provisions in place for responding to emergencies such as natural disasters. With the pandemic, the emergency was a slower, longer running one. Yet, because of the commission committee system, the County was able to respond immediately. Also, there can be special meetings called whenever necessary. So, he thinks through the existing structures and relationships the County can respond effectively. He’s not sure anyone needs more disaster or pandemic powers.

Commissioner Vickie Turner – The way the budget cycle is set, you see that it does work. I’m just trying to be clear. Because I thought what I heard is – you outlined how it works but you have recommendation possibly that the fiscal year match the state. You have worked with a different system. What should our takeaway be? What are you recommending?

Commissioner Terry – Yes. I think maybe I’ll amend my statement about it works to what Zack said – that “we make it work.”

Commissioner Leak– Part of the Executive Order mentioned making improvements. Because something works today that might not be optimal doesn’t mean that we can’t take a look at how to improve it and make it better.

Commissioner Terry – Absolutely.

Due to the lateness of the hour, Chair Henson excused the third presenter, the Chief Audit Executive, and asked him to present at a future meeting.

V. REPORT FROM THE CHAIR

The Chair has extended an invitation to former County Manager Charlotte Nash (Gwinnett) and John Eaves (Fulton) to discuss the County Manager role at a March meeting scheduled for Wednesday, March 29, 2023 at 6:00 p.m. in the Maloof Auditorium

The Chair has asked CVI staff to present at either the March 29 or April 13, 2023 meeting a summary of Charter issues for the Commission to review in terms of developing a future work plan.

VI. UNFINISHED BUSINESS: None

VII. NEW BUSINESS: See Report from the Chair

VIII. REMARKS OF INTERESTED CITIZENS/PUBLIC COMMENT

Chairman Henson – We have one additional person to speak.

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

Motion was made and seconded to adjourn the meeting at 9:00 p.m.

Stephen Henson, Chairman

Barbara Sanders-Norwood

DeKalb County Clerk