

DEKALB COUNTY CHARTER REVIEW COMMISSION

May 11, 2023

In Person Meeting

Manuel J. Maloof Center

SUMMARY

I. CALL TO ORDER: 6:01 p.m.

II. ROLL CALL

Steve Henson, Chairman

Virginia Harris, Vice Chairwoman

Claudette Leak

Lance Hammonds

Mary Hinkel

Robert Wittenstein

Susan Neugent

Clara DeLay

Jim Grubiak

Bobbie Sanford

Dwight Thomas

Vickie Turner

John Turner

ABSENT:

Dr. Gerald Austin Sr.

Karen Bennett

Ex-Officio Representative Karla Drenner

Ex-Officio Senator Emanuel Jones

STAFF:

Zachary Williams, Chief Operating Officer

Representatives of the Carl Vinson Institute

Terry Phillips, Deputy County Attorney

Barbara Sanders-Norwood, Clerk

III. MINUTES: Minutes from the March 29, 2023 and April 13, 2023 meeting were approved unanimously.

- IV. INTRODUCTION of INVITED GUESTS:
 - a. Commissioner Ted Terry
 - b. T.J. Sigler, Director of the Office of Management and Budget

- V. REPORT FROM THE CHAIR: Brief review of work timeline and process

- VI. UNFINISHED BUSINESS: Not discussed

- VII. NEW BUSINESS:

The Commission reviewed and discussed possible revisions to Org Act Sections 6-7 with each other and with Lori Brill of the Carl Vinson Institute and Terry Phillips, Deputy County Attorney

- VIII. REMARKS OF INTERESTED CITIZENS/PUBLIC COMMENT
 - Jocelyn O’Neal
 - Steve Binney
 - Davis Fox
 - Andrew Bell
 - Joel Edwards

- XI. NEXT MEETING DISCUSSION & ADJOURNMENT:

The next meeting will be Wednesday, May 17, in person at the Maloof Auditorium beginning at 6:00 p.m.

The Commission adjourned at 8:25 p.m.

MINUTES

DEKALB COUNTY CHARTER REVIEW

MALOOF AUDITORIUM

May 11, 2023

- I. **CALL TO ORDER** – 6:07 P.M.
- II. **ROLL CALL**
 - Steve Henson, Chairman
 - Virginia Harris, Vice Chairwoman
 - Mary Hinkel
 - Claudette Leak
 - Susan Neugent
 - John Turner
 - Clara DeLay

Jim Grubiak
Dwight Thomas
Vickie Turner
Robert Wittenstein
Lance Hammonds

ABSENT:

Dr. Gerald Austin
Karen Bennett
Bobbie Sanford

STAFF:

Zachary Williams, Chief Operating Officer
Barbara Sanders-Norwood, County Clerk
Lori Brill, Carl Vinson Institute
Deputy County Attorney Terry Phillips

Chairman Henson stated that this is the Charter Review Commission, or a Commission designed to review the Organizational Act to see if there are ways to improve it for the citizens of DeKalb County. Madam Secretary, do we have a quorum?

Commissioner Hinkel – Yes we do.

Chairman Henson – In your blue folders are some items. First of all, the agenda for this evening. But the second and third item in there are the minutes from our last two meetings. As you remember, we weren't able to do the March 29th minutes at the last meeting, so we're going to address that as well as the April 13th minutes. Madam Secretary, were there any concerns or issues that you know of or have come to your attention?

Commissioner Hinkel – Yes sir, On the March 29, 2023, minutes. We need to change page 1 under minutes, it should be the minutes from the March 9th meeting and not the February meeting that are not ready. So that change will be made. On page 7, the fourth paragraph from the bottom, the question from you, Chair Henson, to Chairwoman Nash was about staffing and if they could change the personnel dollars. She said they couldn't touch personnel without going through the regular process. We need to make that revision.

Chairman Henson – Are there any questions? hearing none for the March 29th minutes, is there readiness to take a motion?

Commissioner Wittenstein – I move to approve.

Commissioner Harris – second.

Any unreadiness – Hearing none – All in favor – Motion approved.

Chairman Henson - Madam Secretary.

Commissioner Hinkel – On the April 13, 2023, minutes on page 1 under minutes where we would like to have a motion to approve it should be the March 29, 2023 minutes. On page 16, the second paragraph from the bottom, this had to do with Section 5(b). The County Attorney said, “I would not suggest deleting that entire section because it does also contain,” and she goes on to say what it contains. So, I would suggest adding the word “not.”

Chairman Henson – We just approved the March 29th minutes today. I think it might have been the March 9, 2023 meeting.

Commissioner Harris – Yes, we did have a meeting on March 9, 2023.

Chairman Henson – So are there any more changes?

Commissioner Leak – I have one change on page 20. Under the third comment. I think that should be combined with the one before that was made by Mrs. Turner.

Chairman Henson – And so you’ve got – you’re talking about the little brief comments? There’s Henson, Vickie Turner, and Ms. Leak?

Commissioner Leak – Yes that’s made by her and not me.

Chairman Henson – Okay – so the third one, Ms. Leak, was made by Ms. Turner as well?

Chairman Henson – Ms. Turner, you’re here to object to that? We can attribute anything. No, anybody recollect any differently?

Chairman Henson – Hearing not.

Commissioner DeLay – I recall the same thing – hearing yes.

Chairman Henson – Is that any objection to that amendment? Hearing none, I’ll accept that amendment as a friendly amendment, and we’ll just make that change, Madam Secretary. Now a motion for the approval of the minutes.

Commissioner Wittenstein – Move to approve.

Board Member – second.

Chairman Henson – There has been a motion and second to approve the April 13th Minutes. Hearing no objections – The April 13th minutes were approved.

Chairman Henson – We have a special guest and a very important guest with us today. Are there any elected officials? Commissioner, since we are in our last stages, I always reserve three minutes - a little brief time, if you wanted to make a brief statement now. Do you want to wait until the end? But if you want to wait until the end to make your brief statement. So, introductions and a brief statement.

Commissioner Ted Terry – Thank you Mr. Chair. Just here to listen and be in the audience. I appreciate your service. So, nothing more to say other than to just thank you and keep up the good work. Looking forward to hearing the discussions on these sections today.

Chairman Henson – We know that you commissioners and the COO are experts on these issues along with Mr. Williams and others. We want your input whenever you would like to give it. OK. Mr. T.J.

Sigler, the director of the Office of Management and Budget, is here. Mr. Sigler, is there space next to Ms. Brill for you? You can come forward or stand behind there, that would be fine. I don't expect you to kind of refer too much to our State CEO County timeline that you want to tell us about it. But what has transpired is: Some people are concerned have brought up before a concern, and I think it was addressed when you was here before. The budget ends January 1st and the new budget is not approved until after... So, we want to ask about that. Also talking to one commissioner, he brough up that it is a busy time with the holidays in December and kind of thought maybe the last meeting in December would be a more reasonable time to approve. So we would like you to address these issues. So, any statement you have in addressing comments that Mr. Grubiak have on that timeline that you presently have would be appreciated. We will then have commissioners from the Charter Review Commission to address these questions and educate themselves.

T.J. Sigler – In terms of the questions about the timeline, you know, we are certainly open to presenting the budget on a different timeline if that is the will of the Charter Review Commission. I can't speak to the reason why the timeline is what it is in the Org. Act. But that's what it has been since I've been with the County. It has been the practice to follow what was in the Org Act. I do think it's feasible to change that. It just requires moving up some of other timelines that we have throughout the year. The first question that Mr. Grubiak asked about was the budget officer for the county. To my knowledge, there isn't a specific person designated as the budget officer for the county. I fulfill a lot of those roles in terms of helping with the preparation of the budget and then sort of the oversight and administration of the budget. Obviously, it is the CEO's recommendation when we present it to the board of commissioners. So, it is his final recommendation which goes into the budget. I'm not responsible for making those decisions.

Chairman Henson – Mr. Williams, I believe you coordinate or work with the departments and you talk to their budget heads and get recommendations that you put in the budget, correct?

COO Williams – Chairman Henson, you're absolutely correct. Not only do I, but Mr. Sigler and his team on a regular basis work with departments. But then there's formal processes in terms of the formulation of recommendations that go to the CEO, wherein the CEO then creates the final draft budget that's submitted to the board by December 15th.

T.J. Sigler – The second question was about the draft budget preparation process, which I assume means before the budget is presented to the board. The question was - Does the budget officer/CEO consult with the BOC regarding policy implementation or priorities o the BOC? If so, is it formally done? There is no formal processes outlined. That process can look different depending on the year. There is constant consultation through the committee process with the board of commissioners. We are always available to answer questions that they have and listen to any concerns or priorities that they choose to bring to our attention. It is just not formalized where every year, you know, by this date this occurs.

Chairman Henson – They do have a budget committee that talks to you throughout the year, asks questions and develops a budget?

T. J. Sigler – Yes.

Chairman Henson – Is it not further true that in talking to the CEO and commissioners, commissioners can go to the CEO? Often commissioners have things in the budget because there is interplay on issues?

T.J. Sigler – Absolutely.

Chairman Henson – Mr. Grubiak does that answer your question?

Commissioner Grubiak – Pretty much. I think the reason I was asking is because you know the budget is also a policy document in many ways. It reflects the policy of the board of commissioners or can. It might be helpful if it was a more formalized process where sometime, let's say maybe now, for next year that there's some official discussion with the board. What are your priorities for the coming year and can we can start working on it now and build it into the draft as we get into putting that together. So that was just a thought. It might be helpful to do something like that.

Chairman Henson – Let's remind members of the charter commission, we're doing a framework. The Commissioners and CEO can work out different procedures underneath the charter to make sure the process works good. Mr. Terry, do you have any comments that you want to throw in there? I won't ask or throw everything at you? You don't have to answer if you don't want to.

Commissioner Terry – I'll just tell you my experiences – we just go talk to Zach. And so, you know, I mean, Mr. Grubiak make a good point about if there was a more formalized ort of process that just the commissioners knew to follow, you know, in a certain period of days before the deadlines that T.J. represented, that would be very helpful. I think, for me personally, especially someone new coming in that kind of understood the process, just to know, here's what the expectation is. Its got to be In writing. It's gotta have X, Y, Z, in it. But I think that Jim make a good point.

T. J. Sigler: The next question is in a somewhat similar vein. It was – During the draft budget preparation process, does the budget officer or CEO seek input from the public regarding budgeting priorities? The response is very similar as well. There is not a formalized process during the budget preparation period for public input. You know as the budget is being approved, it requires public hearings. With the pandemic, some of the events that we held out in the community typically did not occur. We did this year resume having town halls on the budget once it has been presented. In terms of the public input during its preparation, I do think that occurs informally both through the public speaking with their commissioners and they are relaying that information to the CEO or the COO as well as any constituents talking directly to the COO himself.

Commissioner Terry – I did want to reflect that in our rules – our rules are in the little blue books. It has the rules of the commission. In the public hearing section, it's like, ten minutes for a public hearing. I think that applies to the budget hearing as well. What happens at one of the budget meetings is literally, two people got to say something and then the five minutes was up. It was sort of framed as for or against. My preference would be that for a budget hearing, there is at least a little bit more time. That five minutes didn't really seem like very much time to really get a full comment.

Chairman Henson – Commissioner, why don't you and the commissioners vote to give it more time?

Commissioner Terry – That is a good question. It's in the rules and I think the posture was.

Chairman Henson – How are the rules made? Weren't they made by the commission. Mr. Sigler do you have any idea? Zach? I think the blue book, are the rules approved by and before the commission?

COO Williams – Yes, these are their standing rules.

Chairman Henson – So if the commission wanted to give more time, they could vote to give 20 minutes or

COO Williams – That is correct.

Chairman Henson – OK, so we will look at it Mr. Commissioner. In the meantime, talk to four of your friends. But I'm glad you brought it up because it is something that Mr. Grubiak was interested in.

T. J. Sigler – The next question was just asking what the budgetary level – legal level of control was for the county. The is defined in our fiscal policies, which states the budget will be adopted at the departmental level within each fund, which is the legal level of budgetary control. So, it's department level.

Chairman Henson – Mr. Grubiak – do you have a question?

Commissioner Grubiak – Have you considered a more detailed level of control? Some counties do have it established into their budget or more deeply into the budget where it can't be changed by the department unless the board of commissioners approves it. Has that been given anything kind of consideration over the –

T.J. Sigler – not necessarily about the legal level of control, but there are some other policies within the fiscal policies that speak to that. I have not been involved in any sort of conversation about changing that.

Chairman Henson – When Commissioner Terry brought up the formal budget hearing which is a ten minute preside issue or ten minutes total, I guess, and five minutes to decide, do you also have – do you have any informal meetings? Do you go out to Churches, which is in my neck of the woods, and spend four hours talking about the budget or is that meeting he talked about the only – is that what you are referring to the thing you do?

T.J. Sigler – No, that is not the only thing we do. We do have the town hall meetings we held this year. We have held them in the past. It was just during the pandemic, there wasn't .

Chairman Henson – Describe one of those.

T.J. Sigler – We had four this year, so it starts with me going through a presentation of the budget, which is very similar to what we presented to the board of commissioners when we first unveiled the budget to them. WE usually tailor it a bit more to the public. After that it is open to a Q and A. Normally it would last about two hours.

Chairman Henson – It allows a lot more input from the public.

T.J. Sigler – Its an open forum for the public to ask questions about the budget.

Commissioner Neugent – Are those in-person meetings now post the pandemic?

T.J. Sigler – Yes, those were all in person around the county, I believe all of them this year were. One was in the public library.

Chairman Henson – Were they well attended?

T. J. Sigler – It depended. The first one was not well attended, but there were it seemed to pick up after the first one. I don't know if word just got out more. But, by the end, we had pretty good crowds.

Commissioner Hinkel – We have had some public comments about how the formatting should be handled to encourage more people who are not accounting oriented to better understand the budget. So, I think we would – could potentially send those recommendations to you.

Chairman Henson – We called you back because of concerns about the budget and delay in approving. That concern, you feel, isn't a dramatic problem because staffing is still addressed and issues can still be addressed, is that true?

T.J. Sigler – I think the potential problems that it could create, you know, we've addressed. You know, we understand that that is the way our budget cycle runs, so we try to, you know, do our best to avoid there being any sort of hiccups with that space between January 1st and when the budget is adopted.

Chairman Henson – I know there's communication between the executive assistant or CEO's office and the executive assistant and department heads and making sure they can address concerns. Commission Wittenstein – do you have any comments since you had a concern about this?

Commissioner Wittenstein – Yeah. I mean just my own experience at Dunwoody as a city council member. We started working on the budget months before our fiscal year starts. All of the Department heads rely on the fact that they have this ability to determine what their budgets are going to be for the coming year long before that year starts. So, if they are looking to add staff or start new programs or begin projects, that stuff is teed up far enough in advance so that when the year starts on January 1, they don't have to tread water waiting to find out whether it's been approved. It's approved, and they can begin immediately doing the things that are their objectives for the year. I can imagine our department heads in Dunwoody expecting to do all of the stuff that they're signing up to do during the year. If they can't start until two- or three-months in, that really hamstringing them in accomplishing the things that are the priorities for the year. It doesn't make any sense to me. Am I missing some inherent advantage to this system that isn't immediately apparent?

T.J. Sigler – It is the way that it's been. I don't know that there has been – that I have an explanation for the reason why it was created that way. But it's - you know we follow the Org. Act.

Chairman Henson – Well, we'll look at this issue. Of course, we have 6 to 12 today. We have an expert, Ms. Claudette.

Commissioner Leak – My question was – when do we receive the information from the tax commissioner? Isn't that in July or ----

T.J. Sigler – Well, we will receive it at the end of this month. End of May typically. We are waiting to get some preliminary data from them. But they won't actually adopt the - the board of tax assessors, that is, won't adopt the digest until the third week of this month or somewhere thereabouts.

Commissioner Leak – This is earlier than it normally has been. Is that not true?

T.J. Sigler – No, I believe this is about the typical schedule. You may be thinking of when we actually do adopt the millage rates, though, because that occurs in July.

Commissioner Leak – Mr. Sigler, I am sorry, I sent an email to our Chair that went to email heaven. Part of that included some things that we’re going to discuss. Attached is a list of questions that I had regarding the budget. One of the questions that I had was - What recommendations would you make to improve the budget process? Because in the presentation that you gave us the last time you were here and you compared DeKalb County’s timeline with the other metro counties, we had the longest time from submission of the budget to approval of the budget. I think it was 76 days versus 40 and 60 for other counties. So, from your viewpoint, what would help with that?

T. J. Sigler – I don’t see that is going to help or hinder us in any way whether it’s going to be a longer time period or a shorter time period. We will get the work done. Most of the issues that we deal with are more internal issues and trying to just improve upon what we do in the process of developing the budget. Although, we have run into issues in the last several years where some of the other items, for instance, our mid-year amendment has been pushed out, which has then pushed out the preparation of the annual budget. I think just having some more concrete deadlines on some of those things and making sure that we’re able to meet all of the deadlines could be the main recommendation.

Commissioner Leak – Also you had that the percent going into the tax fund would be – the determination of what percentage goes into the tax fund could be up to 5 percent. So, what drives whether it’s 1 percent or 2 percent that we put into those funds – into that fund?

T.J. Sigler – I’m sorry, I am not recalling that part of the presentation. So, the tax funds or just one fund specifically?

Commissioner Leak – You indicated – I guess we call it the --

Chairman Henson – Reserve Fund.

Commissioner Leak – Yes, the reserve fund.

T. J. Sigler – Well – okay. I think I remember what you are referring to. I think it’s the reserve for contingencies. So, you’re right, I can’t remember now if that’s part of the Org. Act. Or part of our fiscal policies. But in either one of these, it states that the County can have reserve contingencies up to 5 percent. That is just the policy – you know, the question every year. For several years I don’t think we had a designated reserve for contingencies. We had our budgetary reserve, which then would require an act of the governing authority to draw from that. I think lots of times the consideration is whether there is funding available to set aside for that purpose.

Commissioner Leak – Okay – My last question has to do with what is called a discretionary fund?

T. J. Sigler – It is called a reserve for appropriation which was something that we began, Four or five years ago. It requires a vote of the board in order to appropriate any of that funding. We leave a lot of that to their discretion. I think each commissioner gets a designated or equal share of that amount which for the last several years has been 2.1 million dollars, which works out to be \$300,000 per commissioner.

Chairman Henson – By discretionary, you mean that basically you set a fund of approximately 2.1 million dollars that the commissioners know is there. A vote of the entire commission would have to be done, so that could be vetoed – Is that correct?

T.J. Sigler – That is correct.

Chairman Henson – It has to go before the Governing Authority, the rest of the commissioners to be approved and that is general practice. There is a courtesy where you try to let the other guys go. If you see something wrong, certainly another commissioner would speak up and say it is wrong and probably address it before it ever got to a vote; is that correct?

T. J. Sigler – Right. It was something that was first introduced during CEO Thurmond’s term in office.

Chairman Henson – Yes. There was a green space fund set aside. It ended up where each person got a little bit of an allocated amount.

T.J. Sigler - Yes, I think that was when it got started.

Chairman Henson – Federal funds.

T.J. Sigler – bond funding.

T.J. Sigler – There was some set aside for each commission district.

Commissioner Leak – Is there a policy as to what it can be used for or is that discretionary among the commissioners on whatever project they want to fund?

T. J. Sigler – So there’s no formal policy but I think the direction that we have given to commissioners is that it was intended to be more of a one-time type of expenditure. Not a nonrecurring expenditure. We didn’t want it to end up creating an ongoing fund annually out of that reserve.

Chairman Henson – Certainly it would be a list of prohibitive actions that you couldn’t spend money on, or they would all be excluded.

T. J. Sigler – Next question was: The budget is detailed and complex. How do BOC members evaluate the draft budget presented to them? Do they need their own specialized budget analyst in order to understand the implications of the budget or to propose reasonable budget alternatives or can they/do rely on finance department staff to accomplish that?

So, they do have their own Central staff that does analysis of the budget. That was my former role when I worked for them. They usually develop an analysis of the budget and have questions that they submit to us, and we prepare responses. Both submit those in writing and then also during one of the budget committee meetings as well. In the past they have hired outside consultants to help with the budget analysis. I think maybe now part of the scope of work is to provide some budget analysis for the commissioners.

Chairman Henson – Is there another one?

T. J. Sigler – Yes

Commissioner Hinkel – Two more.

Commissioner Grubiak – How do the commissioners access the person you just referred to?

Chairman Henson – He is one of their staff. They have an executive ...

Commissioner Hinkel – Financial.

T.J. Sigler – Right. It's been a while since I've been over there

Commissioner Grubiak – and from the outside?

T.J. Sigler – That I don't know. We can try to find out the answer. That contract was just approved, I think summer of last year.

Chairman Henson – Mr. Williams do you have anything to say?

Zach Williams – PFM who is now our financial advisor to the board and the CEO, they have the ability to contract their principal directly or go through me or when I say "they" it would be the Chief of Staff. Typically, he would be the interface directly with them.

T.J. Sigler – The next question is when the draft budget is submitted to the BOC, is it supported with staff analyses and other documentation from the finance department? Yes, we attempt to provide as much information as we can on the budget. That has taken different forms over the years. We are constantly trying to improve upon what we make available. The last question is How much time does the BOC have to review and pass a budget after it's been presented to the BOC by the budget officer in other metro counties? What about in other counties in the U.S. that have CEO forms of government? The first time I was here I did share with you what the timeline looked like for other metro counties. In DeKalb it's 76 days between the December 15th submission to March 1st, which is the date the budget has to be adopted prior to March 1st. In Cobb, it's roughly 28 days, so that's from June 28th through July 26th. This is the amount of time that the commission has to review the budget. Fulton County is 64 days from November 15th through January 18th. In Gwinnett it is 49 days. So, November 15th through January 3rd. I looked up some other CEO forms of government around the country: Prince George's County, Maryland and their fiscal year starts July 1st and so their submission to the council is March 15th and it must be adopted prior to June 1st. So that's 78 days, which is very similar to our 76. Montgomery County, Maryland has the exact same budget cycle as Prince George's so March 15. June 1st is the deadline to adopt it. The last one that I looked up was King County, Washington. I wasn't able to find as much information about their budget cycle just in the time I had. So, I don't know when their fiscal year starts, but their submission to the council last year was on September 27th. The adoption was on November 15th. So that was 49 days.

Chairman Henson – Do you think the Prince George and other CEO counties mentioned out of state, do you think they have the same timeline as far as the fiscal year and revenue? When Ms. Leak brought up, knowing what your money is and when you're getting it, that's really a pretty important thing when you're doing the budget. Do you think they have the same timeline as far as knowing when their money is coming in as we have?

T.J. Sigler – I have no idea and would have to research that. I don't want to have to guess.

Chairman Henson – See it being problematic when we consider our tax levies coming in May 1st or July, around that May time period? I would think it would be hard for us to do a March 15th to July budget or June like they are because that's when your tax revenue come in. You wouldn't know.

T.J. Sigler – In some senses it would be a lot easier to do the July 1st budget because then we would have the digest information going in. The problem that presents, really, is the fact that kind of changeover in

the fiscal years would create a lot of other issues for us if we were to change that. The way that it is currently when we are working on the annual budget, we're having to make assumptions about the growth in the digest and what we think it's going to be. The issues there though is if we're wrong, then when it comes time to pass the millage rates, we're either going to be forced to increase millage rates or cut back services. I guess if we're wrong in the other direction and we're too conservative, then, you produce some additional revenue or opportunity there.

Chairman Henson – Even now you do a midyear adjustment right?

T. J. Sigler – Correct.

Chairman Henson – Because of the concerns Commissioner Wittenstein mentioned about budget ending before it starts, do you see any trouble as far as revenue coming in if we did consider last meeting in December approval of a budget and going 76 days before that to kind of start the timeline? Do you think what your revenue posture and how prepared would you be able to do a budget 76 days or approximately that time before December?

T. J. Sigler – I don't know that would make much of a difference in terms of our sense of revenues. I mean after that hypothetical, we'd be starting to present the budget probably in October, if my math is right. We have a couple more months of data points to go on when we're coming up with our revenue projections. So much of our revenue comes from the tax digest or is dependent on the tax digest that we don't get very - you know the data points we have that late in the year aren't very instructive in terms of property taxes. The main thing that we could probably gain from having that additional time is looking at sales tax collections is probably the main thing. The other counterpoint to that is that we typically after the budget or after the year is closed so in January look back at our projections and if we feel like there are adjustments that need to be made before the budget is adopted, we'll make an amendment to the budget.

Chairman Henson – Would you consider that some more and think about it? There are always unintended consequences. November is election time, there might have been times where elected officials didn't focus in October like they should because of elections.

Commissioner Wittenstein – Mr. Chairman, in the past several years during those 76 days after it's presented and before it's adopted, how much changes going on? You know how much fiddling the county – does the commission actually do between the time that it's presented and the time that it's passed? There was a budget committee, a subset of the commission who worked to present – to prepare the budget. So, they are already on Board. Is there a lot of money coming out and money going in and priorities changing? Is this an active process or is this the budget that's presented the one that ends up getting passed?

T.J Sigler – That can really vary from year to year. Once everything has gone through those other committees, so the subject matter committees, their recommendations go to our Finance, audit and budget committee. They make the final recommendation on the budget. There is some sort of omnibus amendment which includes any amendments that came from, you know, the executive side as well as anything that came out of the committee side for the BOC that is done prior to the budget adoption.

Commissioner Wittenstein – I'm not sure you really answered my question. Take the last couple of years, were these substantives? Were there real changes made? Were there priorities that got rearranged? There are a bunch of committees and each of them provides some feedback. Are we really changing the budget or is the budget pretty fixed by the time it gets to the county commission?

T.J. Sigler – For the last several years, there weren't major substantive changes to the budget. I want to say that normally it's somewhere in the magnitude of 20, 30 million dollars. But you know out of a 1.7-billion-dollar budget, that's not that much money. If there is more opposition to what the CEO is presenting, they can present an alternative budget, that could be vastly different. I think it has less to do with the process and more to do with the personalities and maybe the people.

Commissioner Hammonds – I think I've heard us talk about this before at other meetings. And I'm always focused back on how does this impact the citizens. Is the way we do our budget now, does it negatively impact our citizens, or if we change it could it have a plus or a better benefit to the citizens? I seem to remember staff saying that it's not a problem. You guys work through it. So, I'm just trying to get to where is the problem that we're really trying to resolve? Is there a problem? Have the commissioners said, hey, we've got a problem. We should do it differently? Is there a problem?

T.J. Sigler – From my perspective, I would say, there are areas that we can improve upon. There are things that we could probably do better. In terms of identifying a specific problem or what would help the public. I don't know that I can speak to that because I think it's a matter of perspective. Some commissioners might have a difference of opinion from others, you know. There are best practices that we try to follow.

Zachary Williams – Mr. Chair, I just want to comment a little bit on what Mr. Hammonds just asked in terms of the question. As we're talking, something that kind of struck me is the length of time and this is probably among the longest that I've recalled, having managed Fulton, having been assistant in Broward County. But with our committee structure, the length of time, I think it works, you know, regardless of when the dates fall on the beginning of the fiscal year and such. Given ample time to have conversation in these board committees, having the commissioners have an opportunity to have review, input, and come back and you know, and really discuss with staff, I think that works well. One of things that came to mind was discussion, an idea of Commissioner Terry's where he had one idea and then we kind of modified it for a gun lock program that our police and DA's office are now doing in conjunction.

Commissioner Terry – Mr. Chair, I think it is true that the budget can be amended at any point during the year through the committee process. I think maybe to Mr. Wittenstein's point, the nature of the budget is presented and by the time it gets to the commissioners and the committee level, there's not really major changes that are made because there's really not enough time to make major changes. So, Mr. Williams is right, there is opportunity to sort of massage things and tweak things. You're not going to make any major decisions at a committee in about an hour and fifteen minutes two weeks before the budget is supposed to be passed.

Commissioner Henson – In July you see that a major program is needed to help people along the I-20 corridor for sidewalks or whatever. You think its going to be a \$40 million project, you can go to the CEO and talk it out. You can bring it up at budget meetings. You can try to build a case for that prior to the budget ever coming up, correct?

Commissioner Terry – I think that depends. The last two midyear budgets have taken different periods of time. A lot of it depends on what is going on. ARP was a big part of that. Sort of delayed a couple of things. If the budget is the budget, by the time we get to the midyear, if there's additional revenues, then I think that opens up the opportunity for bigger things. To T.J.'s point, if there was a major issue and there wasn't a decline in the digest and the revenues weren't there, then, you know, nothing really is on the table.

Commissioner Hinkel – Mr. Sigler, do you have anything to do with the capital improvement plan and budget?

T.J. Sigler – Yes, we do. We are not as directly involved as much as in the capital budget as we are in the operating budget. So a lot of the capital budget is managed through the finance department. They have a division that's responsible for both capital and grants. So, we play a role in that insofar as anything that is being contributed from the operating budget towards capital projects, we review that. WE also work with them on grant programs. You know, with ARP, we work mostly with them, you know, to help develop the budget and we work with –

Commissioner Hinkel – Is that budget online that we can see it? The capital improvement plan and budget and the resolution that authorized it?

T. J. Sigler – So the capital improvement plan is a bit different. The capital budget is a bit different because it's not adopted on an annual basis. It's adopted on a project length budget. So there is information that we provide within our budget document which is online, about the capital program and the capital budgets. It is not something where we adopt a whole capital budget as a single time. We don't have an active CIP which would be more of that document that I think you're talking about that would be adopted. We do have project budgets for the capital. SPLOST is probably our biggest capital fund. And all that is has quite a lot of information on the county website.

Commissioner Hinkel – Your presentation included under the operating budget policies you referenced “integrating performance measures and productivity indicators within the budget process.” Can you tell me about that? Can the public find any summary of these measures and indicators?

T. J. Sigler – Yes. In our annual budget document, each department has a section. You can go to it. They list their performance measures as well as their goals and objectives. It tries to link that back to the strategic goals of the counties. That is one area that we are still working to improve upon that because I don't know if it was something that some departments have really spent much time on in recent years.

Commissioner Leak – With those measurements put in place, who oversees or has oversight over whether or not they're met or if they need to be adjusted based on circumstances unforeseen or not considered, who has the oversight?

T. J. Sigler – I think that really depends on what the metric is and what departments we're talking about. If it's a department who does not report to the CEO, it's whoever the elected official is there that would be responsible for making sure that they met their goals. In terms of any department that report to the CEO, the department head first, but ultimately the CEO. Some of the measures might be more of an activity measure where it's telling us, this is how much of whatever duty you perform and how often you

do it and in other cases, it is more of a true performance measure, this is response time to 911 calls, which is indicative of someone's true response.

Chairman Henson – Thank you T.J. We are a little behind tonight however we are not going to rush through. We can schedule extra meetings if we need to. It's going to take us some time to get our handle on each one. You have a large book in front of you which is from the Carl Vinson Institute. Under the first tab is a Section 6 which is basically the Charter. On the first page there's a summary of what that is about: Vacancies. I just want to go over it. There are some recommendations and changes. We are going to bring those up and make sure we clean them up. We are not going to do that today. We are going to go ahead and move on to 6. Each time we do stuff, we're going to try to take what you've brought to us and either the Executive Committee or myself and Carl Vinson Center will try to put those down as issues that you seem to be in concert with or liked and then we'll put on the side the ones that were more conflict or controversial. We will have a meeting to address them. Number 6 concerns vacancies and there are three sets of recommendations and they are in this order: Commissioner Grubiak, Commissioner Hinkel and Mr. Wittenstein is third. They cover 6 through 12. Not all of the sections had recommendations. Also, Carl Vinson may have some technical or minor changes and they will be brought up as the sections are covered. Commissioner Leak brought her recommendations with her because the email version was not received. Terry Phillips, Deputy County Attorney printed them off. He is here to help us and we can ask him questions. Attorney Phillips, if you know of any technical changes or anything that is just wrong with the law or maybe isn't totally correct from LexisNexis, let us know.

Section 6 – Are there any necessary technical changes?

Lori Brill – Yes. In Section 6, 6 (b), we removed the language on – beginning on line 4 where it says “shall be held not less than 29 nor more than 45 days after the issuance of the call.” And we removed that to comport with state law.

Chairman Henson – What is state law?

Lori Brill – State law says I'll have to get the state law. I just know that it was off. I'll have to look at my notes again for that.

Chairman Henson – Ok if you would mark that Terry, your office will double check to make sure that we are in conformity with state law.

Lori Brill – Also the line right after that, it referred to a Code Title 34 as being the Election Code. The Election Code is actually Title 21.

Chairman Henson – Please confirm that. The ACCG's retired attorney is here, too. If he sees anything like that, he can bring it up. Mr. Grubiak, your recommendations?

Commissioner Grubiak: Someone alluded to this section as having problems and needed to be looked at. I've been trying to figure out what the problem was and I haven't gotten any answers to it. I'm just taking a guess of any answers to it. I'm just taking a guess that the problems may have to do with the fact that when the former CEO was indicted, he was suspended, but it didn't create a vacancy. The language clearly talks about vacancies as opposed to suspensions. In looking at the code section that deals with the indictment and suspension process, it does refer to temporary vacancies. I thought

maybe that is where the answer lies. I think the legal department needs to advise us. If there is a problem, now is the time to fix it. The second one that I have is what Ms. Brill referred to and that is conforming to State Law. The third one has to do with the process for filing vacancies. If you look under Section D, it deals with vacancies that occur with less than 180 days left in the person's terms that vacating the office. Should it be some kind of timeline that would say if you're going to have a vacancy that occurs with 180 days or less left that the Board of Commissioners should make the decision within 30 days or some other number. This is for discussion. The other option that could be considered would be turning that over to the Chief Judge of Superior Court. That is alluded to in the statute.

Chairman Henson – What vacancies are you addressing?

Commissioner Grubiak – In the Board of Commissioners or the CEO. I'm sorry, that one is just the Board of Commissioners. Excuse me. Section (d) is just the Board of Commissioners members. So, Section (d) currently says "the BOC fills vacancies on the board when there are less than 180 days left in the term."

Chairman Henson – If there's greater time, then state law is there to dictate for special elections, right? What about giving them 30 days?

Commissioner Grubiak – Special elections, correct. In that short time frame. Again, maybe that's not a problem. Never has been a problem. If you are going to do it, do it quickly, don't wait until the day before. That could happen. It may not even be 180. It might be 30 days.

Commissioner Wittenstein – Give them 30 days or let the Chief Justice do that.

Chairman Henson – On the earlier part. Burrell Ellis was indicted. He was removed from office by the Governor. Then as he dealt with that legal issue, the presiding officer became acting CEO. He was not voting as a commissioner. He was acting CEO and he was able to break ties. Certainly, I'm sure – he still had a concern for the district. Some stakeholders felt they were not given a vote on certain zoning issues or whatever. I think that was the concern that was brought up or addressed. Whether or not we need to address it is something for you to think about today. So if 150 days out, you wouldn't want the other commissioners to stall so they have a heavier weighted vote or anything. You would want them to act. It may be 26 days.

Commissioner Wittenstein – You could also have a situation where the Board of Commissioners can't agree, right? Whereas, if it's their responsibility to appoint somebody and there is no group of four that approves of the same person. You could end up with that position not being filled. Assigning that to the judge as a viable alternative to having the board of commissioners select someone to sit on their board because it may be difficult for them to figure out how to do that.

Chairman Henson – Once we hear from the other three people that brought suggestions, we'll see if they addressed it at all and then we can talk about whether or not it's something we need to address.

Lori Brill – Senator Henson? I just wanted to go back to what you asked me. Tab 2, 36-5-21 answers your question as to which state law we are following as far as it needing to be in compliance with In Section 6, when I said I took out that language – the statute that it references is 36-5-21 and it is tab 2.

Commissioner Thomas – That’s general legislation, that’s not local legislation.

Attorney Terry Phillips – That is correct.

Chairman Henson – We have to comply with that.

Commissioner Hinkel – He’s got one more question.

Commissioner Grubiak – Section E – it is not really clear to me when the presiding officer becomes the interim CEO during a vacancy, does he or she remain on the board of commissioners? I think he does but I’m not sure. Is he actually off the board of commissioners and is serving as the interim CEO or is he a dual kind of capacity?

Chairman Henson – Terry do you know or were you around at the time? I thought it was an issue that he acted as CEO and therefore did not act as the district commissioner for that time?

Attorney Terry Phillips – That is correct, as I understand it. I would point out that in the occurrence you’ve referenced with former CEO Ellis, the language in the beginning of this section, Section A, that proved to be the determining language then was “for any other reason”. That included temporary. That was an interpretation that was used at that time. Former Commissioner May was acting CEO and served as CEO during the time that he was acting CEO. When Commissioner Ellis was reinstated – CEO Ellis was reinstated, then Mr. May stepped down.

Chairman Henson – Was there any legal basis for him acting as the CEO. Did he ever try to exert and say that he could also vote as a commissioner?

Attorney Phillips – I would have to say, I don’t know if that happened. That’s a factual nuance that I don’t recall.

Chairman Henson – Would anybody have any legal grounds once you are pretty much told by state law that you are an acting CEO, I would assume you wouldn’t really be able to claim both positions. So you think that is clear.

Attorney Terry Phillips – Well, there are several fundamentals’ issues with that. The first issue is – if he is acting CEO, he does not get to vote as a commissioner. He would only be allowed to interject and vote when there is a tie.

Commissioner Grubiak – It doesn’t say that though.

Chairman Henson – As acting CEO the definition of the CEO says that you can’t do that. So if he’s acting CEO, under that section he would be prohibited from voting in the other times.

Commissioner Leak – The issue was, Commissioner May represented the 5th District. For a period of time, the citizens in the 5th felt they had no representation when it came to having input from a commissioner representing them. It was as the interim CEO, but his board spot was also being held. It was more than 180 days in which he served as interim.

Chairman Henson – That was an unfortunate situation. He was elected 5th District commissioner by the citizens. He could not legally assume full CEO powers because Burrell Ellis deserved adjudication or whoever the CEO would have deserved their rights for a trial or the process to go out.

Commissioner Thomas – Did that district not still have their super district representation? And I think that point that you just made in terms of being careful. Because even though he was removed by the governor because of the indictment, that indictment could have been dismissed a week later. He would be right back in his position and later he was. The Georgia Supreme Court overturned it. It could have happened much earlier.

Commissioner Turner – Excuse me Mr. Chair. If I could weigh in. Living in the district 5, I was familiar with the feelings that Claudette brought up because that was very prevalent during that time. And while you say it was in the heart, we're dealing with representation. Even though there was super district representation, still the district 5 went without something. Anything is possible and that obviously set a precedent. Since it did, I think it behooves us to make a decision not to ever put stakeholders in that position again.

Commissioner Grubiak – Ms. Turner, I think that is a very good point. There may be an alternative to what we have in the Org Act right now on how to deal with that. I think we should look at it and see if there's some options.

Chairman Henson - Terry, look to see whether or not you see any legal problems with having either the Superior Court Judge or the commissioners appoint a temporary person to fill until the commissioner was able to resume his duties.

Attorney Terry Phillips – We can certainly take a look at it. I will tell you whoever you identify needs to be elected. I would start with that point so you are in the right pool of folks.

Commissioner Grubiak – One option may be to let the Governor appoint a member to substitute for a person that's suspended – removed from office.

Chairperson Henson – I would rather let the Chair of the Senate Delegation do that.

Commissioner Hinkel – I would like to keep it closer to home.

Commissioner Grubiak – Yes, but it does refer back to the local act which states that the governor is the one that makes the appointment. The other thing I want to point out is, if you look at Subsection E, the very last sentence. It says “A presiding officer serving as chief executive shall not be authorized to vote as a member of the commission during such service.” I think it is saying he can't vote at all or is a veto different than voting?

Attorney Phillips – A veto is different from voting. The veto is an exercise by the CEO, be it an interim CEO in this context or regular CEO who is elected by the people. A vote by a commissioner is something different.

Commissioner Hammonds – Just so I am recollecting history correctly. During the process when you stated that District 5 was vacant, didn't the commission interview people to fill that spot? Were they going to appoint that person?

Chairman Henson – I think that might possibly be under the rule where a total vacancy occurs that they may have, if the timeline was right, they would have been able to if less than 180 days fill it.

Commissioner Hammonds – Okay.

Commissioner Leak – Mr. Phillips, you might want to take a look. Because if I am not mistaken, the delegation got ultimately involved that resulted in the commission taking applications from people to fill that seat.

Commissioner Grubiak – Mr. Phillips the best way to proceed on this particular section is for the law department to look at this carefully and make some recommendations back to us.

Chairman Henson – Their job is not to refer to us who would be the good appointing person.

Commissioner John Turner – Mr. Chairman, In support of Ms. Turner and Ms. Leak, I think a goal or objective for us would be not to leave this seat vacant.

Chairman Henson – The next person is Commissioner Hinkel if Mr. Grubiak is finished. We will continue with Number 6.

Commissioner Hinkel – I do agree with most of what Jim has suggested, but I have put in some suspension language just because suspension was what we have been talking about. I am not a lawyer, so I don't even know if this would hold. From the Model Georgia County Charter, I like that they had language about how a vacancy is created. I think part of what I would like us to do as we go through the charter is to try to remember that the public can go to this document and not get lost in having to refer to all of these state laws. I would like language that is clear and that is comprehensive. But I also don't want to make this document longer than it is.

Chairman Henson – Commissioner Wittenstein – your thoughts on Section 6.

Commissioner Wittenstein – Ms. Leak and I made the same suggestion, which is if a vacancy occurs in the CEO's office less than 180 days rather than trying to take someone out of the county commission and make them CEO, we just allow the COO to continue to run the county until the next election. We don't have a cascade list of vacancies by not moving anybody off the council temporarily and trying to backfill them.

Commissioner Hinkel – I think that makes a lot of sense. I think it's a great idea.

Commissioner Leak – Well I agree.

Chairman Henson – I have certain concerns because that person wasn't elected by any authority. It was a staffer. As you and other brought out, the CEO hires the county executive assistant to manage county government. They also have another role which is going forth and being a Secretary of State. If the CEO is indicted or otherwise removed from office, there certainly is some reasons that the presiding officer or acting CEO would have to fill that role would have to go out and educate people – make sure the public is informed. Their management job may suffer. I kind of like the first suggestion where we don't change everything, we let the presiding officer who's been elected by other commissioners. If the presiding officer returns to his level, you know that person is gone. The Executive Assistant, or COO continues the job of management and doesn't get sucked into that third role of going forth to the public.

Commissioner Grubiak – If the CEO is suspended or removed and the COO has become in charge of running the county, then the logical person who would take on that Secretary of State role would be the presiding officer. They're the one who is the elected official who represents county government.

You would not expect the CEO to do that you would expect the head of the county commission to do that and who is working with the legislature.

Commissioner Vickie Turner – Mr. Chair – I’m thinking, I’m inclined to agree with you from that standpoint of the presiding officer moving up. The presiding officer would have been an elected official. My concern is for the vacated position or district. We value the process of being elected across the board or we’re being selective. If the commissioners appoint, that’s a nonelected appointment to an elected position. So, either we value the election process or I’m just thinking what it may not be from my perspective. It’s not an elected position. The COO was not elected in that capacity and I think that’s the challenge.

Commissioner Leak – I wanted to be pretty precise on what I’m looking at. The 180 days at least 180 days left on the term triggers an election – a special election.

Chairman Henson – If they are removed temporarily due to litigation or a legal case, it might be longer than 180 days. Legally, he could resume that role if vindicated. You can’t create a special election for the other position because of the fact that the commissioner that moved up to the presiding officer – you can’t take away his seat.

Commissioner Leak – I hear you. When I put this down as a suggestion was whether or not an unelected or an appointed position like the COO could assume that role even if it’s on a temporary basis. From a legal standpoint, the COO is appointed. CEO is elected. Would that even be feasible from a legal standpoint to even propose something like that?

Attorney Phillips – We can certainly take a look at that I just like to offer some context to what I am hearing from you as a body. In the case of Mr. Ellis there was no idea how long it would take, the suspension. It was a suspension to allow a full adjudication of his case, which resulted in two trials and then a number of appeals. He was never fully convicted because it was overturned by the Supreme Court. You have two very different scenarios between CEO and commissioner. I just wanted to give you that context so that you could think about those very differently.

Commissioner DeLay – Mr. Chair – I agree wholeheartedly. That is where I was going to go with that as well as what Ms. Turner said. The wheels literally fell off the bus with the vacancy in the commission. The other process worked like it should have worked. It is my opinion that we could get to a place where we address what happens if the presiding officer becomes the acting CEO so that we would not have a cascade of vacancies.

Chairman Henson – I would just urge the commission to remember simplicity to the changes what we do to help us in the timeline that we have. If we were asked to address one issue, we could rewrite Section 6. We have to maintain a certain balance and take those other factors into account. Addressing the temporary vacancy would be important from the 5th.

Commissioner Hammonds – Going back to Chairman Nash where they have a form of government where the Chair is pretty much running the county. If your CEO position becomes open and the COO would kind of continue the operation part of it so there is no lapse there. If you fell back to a Gwinnett County where your presiding officer now kind of leads the county until you get somebody else there is a backfill because everybody is still there.

Chairman Henson – Well we would have one less person on the Commission. You would have a Chairman who is running the role of Chairman. Mr. Turner.

Commissioner Turner – All of this presumes that we maintain the existing CEO commission structure. We are looking at making changes to the existing structure. To address the COO taking over the role, there's no perfect answer here. I was thinking about the COO doing it. The primary role of the CEO is to operate the county. The board of Commissioners is a legislative body. The bottom line is who is going to serve the county citizenry best.

Commissioner Neugent – Mr. Chairman – what Mr. Phillips was saying raised in my mind a question about whether or not the problem we're trying to solve of these cascading vacancies and how do we fill it and how do we find that elected official to fill the last position that was open, it made me wonder. Is this issue unique to the EO form of government or are we trying to think too hard about something that we have been resolved already in some other county in Georgia where they're filling vacancies.

Attorney Phillips – I don't think this is unique to the form of government that DeKalb has with a CEO. If you simply think of the eight member governing authority seven commissioners, a strong head in the CEO and filling it from within that, you have a problem of one of the eight seats being vacant. If you go to a different form of government where there was a vacancy, you have an empty seat. The nuance problem you are addressing on making sure everyone is represented is going to exist in a different form of government.

Commissioner Neugent – I thought that was the case and it was not unique to this form of government. This is just a numbers game. Surely that has happened in some other place in the State. Maybe Carl Vinson can help figure that out.

Chairman Henson – Remember if we can't get ten votes there will be no recommended changes. So, we do need to look at it from that perspective and to try to find something there that we think improves it, fixes things and can get the support of the commission.

Commissioner Sanford – I just wanted to say that I agree with the gentleman that we're discussing the issues based on the fact that we would have a CEO. It could be that this commission is going to recommend another form of government. I also want to agree with Commissioner Vickie Turner. It is not fair. Well, you still have the super district commissioner to represent you because the other citizens do still have two commissioners working on their behalf. Those constituents only have one representative working for them. I do think we should be considering the scenarios for the fact that we could possibly end up recommending having a different form of government.

Commissioner Leak – Section 6 – Notification – If there is a need for special election. It just didn't say who has oversight or whose responsibility it is. These are kind of minor editorial comments that I made on that. This would have been adding item 6(b)(1) as a new item. It has to do with multiple commission vacancies. If those who have announced actually qualified. That is the operative work, qualified, for other offices. We would still have four commissioners or five commissioners who could do a quorum. If there were a need for a super majority vote that would not exist. When I read Section 6 it was an assumption that there would be singular vacancies occurring. I think that would take care of Section 6(b).

Commissioner Vickie Turner – Ms. Leak, she raises a very valid concern, a 6(b) (1). If I recall what she said, she’s never seen it where we had multiple. But its very possible in the very near future we will. So it’s incumbent upon us to consider it.

Chairman Henson – You know a number of people ran for state office that was not concurrent with their term, they might have to resign. Is that correct, Terry?

Attorney Phillips – Yes or if multiple commissioners ran for CEO.

Chairman Henson – Their term did not end at the time the other one began. Their term starte4d at the time the other one first began, they wouldn’t have to resign, is that correct?

Attorney Phillips – Yes. The commissioner’s terms are staggered. The four go past.

Chairman Henson – Four people ran who were not concurrent. I think it’s a valid point to raise. We didn’t do the agenda today, so tomorrow we’re going to do the agenda. I think it’s pretty much going to be no speakers and we’re going to continue finishing 6 to 12.

Attorney Phillips – May I offer one comment. It’s one of the few things I caught before I came to the meeting. I noticed that there was discussion about Section 8. I just want to share one thought. There was recent legislation that affects that section. Still pending legislation regarding that section. It may be premature to do too much discussion from a staff level. I just wanted to remind this body of those two points.

Chairman Henson – thank you very much and we do have a copy of the legislation that passed. It was signed by the governor on May 5th. It’s on compensation of officers. What is the status of the legislation Terry?

Attorney Phillips – As I understand it, it is before the Georgia Supreme Court right now.

Chairman Henson – What is the basis of that legislation?

Attorney Phillips – The basis is there’s been an allegation raised that the salary was improperly changed.

Chairman Henson – Let say it was.

Attorney Phillips – Over simplification, but that’s a part of it. I don’t have the pleading. I am not working the case. The essence of it is it was improper and should not have been allowed.

Chairman Henson – I understand.

Commissioner Leak – I know we are not going to talk about it but when it does come up, has the issue or the question about whether the commissioners have the authority to do that or not since they’re getting supplements from the state as well.

Chairman Henson – the Commissioners do not get a supplement from the State.

Attorney Phillips – We’re now in the part of the discussion I was referencing. When I said it would be nice to remind you there is litigation. There was recent legislation and it’s probably premature for staff to comment.

Chairman Henson – Does that mean you can't say anything? Well, you can answer one question. You know, I remember at one time some locals – there is no state supplement to the county commissioners salary, is that correct?

Attorney Phillips - I don't think so but I will have to check.

Commissioner Leak – That is the new compensation. It is actually supplement increases for judges.

Chairman Henson – It ties to the Superior Court salary. It is with county funds. It says that DeKalb County will pay the CEO – the new bill got signed.

Commissioner Leak – Correct.

Chairman Henson- 31,944, whatever.

Commissioner Leak – right. The Commissioners 31 percent.

Chairman Henson – I believe those are county funds.

Attorney Phillips – I didn't mean to open this can of worms. There is a distinction between the new legislation setting the rate which would be dictated by Superior Court judges versus the source of that pay being the state or county funds. You're making that distinction right now, and I think you're accurate but we'll look at it for you.

Chairman Henson – We believe that is directing the county to pay those amounts, so it comes out of county funds.

Commissioner Lead – I'll just wait till we get to Section 8.

Chairman Henson – We will probably do that next Wednesday. To give the public a chance, we are going to look at Section 7 now. Mr. Grubiak – did you have anything for Section 7.

Commissioner Grubiak – no I did not have anything.

Chairman Henson – ok, Mrs. Hinkel?

Commissioner Hinkel – I just wanted to add something from the Model Charter. Oath, bond, and fiduciary capacity. I was suggesting we add a second paragraph that reads "The CEO and each commissioner are trustees and servants of residents of the county and shall act in a fiduciary capacity for the benefit of each resident."

Chairman Henson – If you have Terry's email. She will email you that recommended language. See if it would be in any way a conflict with State Law and the responsibilities designated under state law for a commissioner. Do you have any objection to us adding that to the charter. Any other questions or thoughts.

Commissioner Wittenstein – I was suggesting that we strike the paragraph or the half of the paragraph that talks about a surety bond for the CEO. I don't know where that came from. I would strike unless somebody could tell me a compelling reason why it ought to stay.

Chairman Henson – Its Section 7 and it's a short oath and bond

Lori Brill – I provided what the amounts were for the bonds in the metro Atlanta.

Commissioner Wittenstein – Do all of the counties have a surety bond?

Commissioner Bennett – All of the metro counties have – I don't know if the 159 counties, but I know all the metro Atlanta ones do.

Commissioner Wittenstein – So this is standard language.

Lori Brill – Its standard to have bonds yes.

Commissioner Wittenstein – Well, I will withdraw it. This looked to me like an oddball thing. Is this in the model legislation? The model county charter? I haven't looked at the model county charter.

Commissioner Hinkel – I think so. I'd have to look at it again.

Commissioner Wittenstein – If it's in the model and if its in the other counties, we'll leave it there. I'll withdraw the suggestion.

Lori Brill – I do not believe it is odd beyond Atlanta.

Chairman Henson – Ms. Leak, did you have anything on Section 7?

Commissioner Leak – Just an addition where it is discussing the affidavit attesting that the officer holder or the candidate is not holding any unaccounted public funds prior to the Chief executive or members of the commission taking oath. My question is: Is there an affidavit that they sign saying – to confirm that they are not?

Commissioner Wittenstein – Their oath of office includes an attestation. They swear that they are not the holder of public funds.

Commissioner Leak – Then I'm good.

Chairman Henson – Section 8 – It is about salaries. There is litigation, but our understanding is that the State Legislative body, the general assembly, can raise or change salaries. A bill was passed and signed by the Governor that sets the rate that they would be paid. Also, state law authorizes county commissions because the state constitution would prohibit it if it wasn't authorized under general law. The general assembly will have to evaluate when they take our recommendations that county commissions can change their salaries.

Commissioner Wittenstein – I interpret the current version of the Org. Act. As the county commission does not have the power to change their own salaries because they are set at a percentage of the CEO's salary and that isn't discretionary.

Chairman Henson – The General Law, I think.

Commissioner Leak – I think that is part of it.

Chairman Henson – We'll bring this back up. I think the State Law superseded to allow local governments to do that. Mr. Grubiak.

Commissioner Grubiak – There is also a political element to this also. It is just similar to the municipal code. They would rather the general assembly increase the salary so they don't have to do it themselves.

Commissioner Wittenstein – Voting yourself a raise is a problem for the taxpayer. This is from personal experience.

Commissioner Grubiak – Under the Section 8 that I provided you, I need you to make one adjustment to it because what I do is I reference the statute 36-5-24, which is the one that allows the commissioners to set their own salary if they go through the process. There are also three other companion statutes that probably should be in there. They are 36-5-27, 5-28, and 5-29. It has to do with supplements that are paid because a commissioner takes the train, gets certified as a certified county commissioner, toll adjustments that are related to the state budget and a longevity supplement.

Commissioner Wittenstein – Is there anything in state law that says that the pay increase can't occur until after the next election cycle?

Commissioner Grubiak – Yes. In one aspect of it. If it's the commissioners setting their or increasing their own compensation. They have to make the decision to do it before they qualify – before the date of qualification in the given cycle. It cannot take effect until January 1st after the election occurs. The general assembly can change it at any time.

Chairman Henson – Any other comments before we go to Public Comment?

Lori Brill – I would just like to introduce Colton Carpenter who is one of our student interns. In a couple of days he will be graduating from Law School.

Chairman Henson - We will now move to the Public Comment section of our meeting allowing three minutes for comments.

Jocelyn O'Neal – She commented about redistricting and stated that in the past election it finished up December 31st when the governor signed off on the papers. It took her six trips to the voter registration office just to get a 82 page list of her precincts. She didn't receive her voter registration card until June because she was redistricted out of her area.

“We are going to have three vacancies coming up and I am hoping that you are ready for that. Corporations come into the district to do business. I still find that some of the companies that have been around forever AT&T and some of the cable companies are disrespectful to our communities. Grandfathering in what does it mean when we have violations. I still am not clear on that.”

Stephen Binney – 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. Under Section 6 of the Org Act, the presiding Officer, Lee May was then named CEO. However, no one was appointed to or elected to fill the position. District 5 ended up without representation for two years. Section 6 needs to be rewritten or revised to ensure that the past does not repeat itself. Under paragraph D, the commission is given the power to appoint a person to fill a vacant commission seat if there are less than 180 days left in the seat's term. Commission seats should be elected by voters in the affected district, not by commission members who do not live in the district. Second, the appointed commissioner will have an unfair

advantage in the upcoming election unless it is stated that the appointed person cannot be someone who is on the ballot for the upcoming election.

Mr. Binney asked the following questions:

Under Section 8 should commissioner positions be classified as a part time or full-time job?

If full- time, what kind of outside income will be allowable?

Should commissioners be allowed to set their own salaries?

Should potential pay increases be tied to judge's salaries?

Why not just tie it to the inflation rate?

Should commissioners be required to publicly vote on pay increases for themselves or the CEO?

Were you shocked the last time they increased their pay?

Section 9, line 10 gives one commissioner from the affected district or super district the power to stop any zoning changes they do not personally approve of. There are positive and negative aspects of this that need to be discussed and resolved.

Line 14 gives the commission the power to determine the priority of capital improvements. Does this apply to SPLOST expenditures?

Section 11, line D gives the commission the power to appoint an internal auditor whose function shall be to audit the various department offices and agencies on a continuing basis.

Section 12 – I would like to recommend that all DeKalb County commission meetings be public now and allow time for public comment. I also believe the total public comment time should be expanded beyond the 30-minute limit.

Davis Fox – I think we are here to see if we can find a better way for DeKalb County to work. However, where do we go to find out how well DeKalb County is working? Where do I go to find out how many miles of sewer line had been laid or how many roads has been paved or any number of things? How well is the Sanitation department? How many major arrests have been made by the Police Department? Where do I find this out? We live in an informative age and there is plenty of data available but we need to make it available to our citizens so that they understand how well our government is working and if not to adjust it. The citizenry cannot hold the government accountable. In Howard County, Maryland between Baltimore and Washington, they have something called Howard County Dash. You can google it and see their dashboard of what their goals are and how they are tracking what they are doing. The Org. Act. References certain tools. It references the budget, it represents – it presents the audit, it has the comprehensive plan. These are various tools the government uses.

Andrew Bell – He asked a question regarding the role of the Presiding Officer other than conducting a meeting.

Chairman Henson - The Presiding Officer has quite a number of functions in the Charter that we have discussed and they are primarily administrating the county government. He is responsible for hiring and with the approval of the board, many functions.

Commissioner Hinkel – Section 11 is the Presiding Officer

Mr. Bell – I am coming up to speak on the \$2.1 million that I heard is in the budget that nobody knows where the money goes. I mean what's going on with that. You know \$300,000 per commissioner. I live off Glenwood and 285. We really could use the money over there for afterschool programs and things of that nature. I don't know what type of government we're running where we give public money to the politicians and the public doesn't know what's going on with the money. We definitely could use \$2.1 million in my community. As far as the Commissioners. I think it's possible that some of the commissioners may be running for office. At least according to what the Sheriff said, only one won't have to resign from their seat. So, I think that is more of a problem when you don't have the CEO. It just seems to be that its not really a big deal. I think it is definitely a problem if you have two or three commissioners that have to resign or so forth or for whatever reason. We have to bring some integrity back to this thing.

Joel Edwards – I am a member of Restore DeKalb and I am happy to see you here tonight. I've been a community activist for the past 15 to 20 years. My interest is to ensure that these politicians are held accountable in representing "we the people" here in DeKalb County. We have some issues here that need to be addressed holistically. I think you folks can make a change. Lack of accountability is one problem. Lack of transparency is another problem and how elected officials are doing their jobs in the interest of the people. When it comes to term limits, I don't know how you all will vote. I don't know if your position is to represent the elected officials rather than we the people. We need term limits here because we have folks that sit in these offices and do little or nothing. They have been in office 15 to 20 years. It needs to be a change. That is one reason why Dunwoody is the City of Dunwoody. Brookhaven is the City of Brookhaven and Tucker is the City of Tucker. It needs to be addressed. We have folks that are sitting here on this committee that's doing the work of the CEO and certain commissioners. DeKalb County and these commissioners' seat, there is a clique here in DeKalb County Government. There are certain commissioners that lean more toward the CEO. I'm just being frank with you. It's real and we can't get anything done.

Chairman Henson – Thank you and are there any other comments. Madam Secretary any other business? Madam Vice Chair?

Commissioner Hinkel – Our next meeting is Wednesday, May 17th at 6:00 p.m.

Commissioner Harris – No.

Chairman Henson – Hearing none. Consider this meeting adjourned.

Steve Henson, Chairman

Barbara Sanders-Norwood, MMC

Clerk to the Board of Commissioners
and Chief Executive Officer