

DEKALB COUNTY CHARTER REVIEW COMMISSION

June 22, 2023

In Person Meeting

Manuel J. Maloof Center

SUMMARY

I. CALL TO ORDER

II. ROLL CALL

Steve Henson, Chairman

Clara DeLay

Claudette Leak

Lance Hammonds

Mary Hinkel

Robert Wittenstein

Susan Neugent

Jim Grubiak

John Turner

ABSENT:

Dr. Gerald Austin Sr.

Karen Bennett

Sen. Sally Harrell

Virginia Harris

Bobbie Sanford

Dwight Thomas

Vickie Turner

STAFF:

Representatives of the Carl Vinson Institute

Zach Williams, COO

Viviane Ernstes, County Attorney

Barbara Sanders-Norwood, Clerk

III. MINUTES: The June 8 minutes are not yet available so no vote was taken.

- IV. INTRODUCTION of INVITED GUESTS: None
- V. REPORT FROM THE CHAIR: We are reviewing Sections 11-13(A) this evening.
- VI. UNFINISHED BUSINESS:
- VII. NEW BUSINESS:
Commission members Robert Wittenstein, John Turner, Claudette Leak and Jim Grubiak reviewed their suggested changes for sections 11-13(A) followed by discussion with attending Commission members.
- VIII. REMARKS OF INTERESTED CITIZENS/PUBLIC COMMENT
PJ Lemuel
Steve Binney
- XI. NEXT MEETING DISCUSSION & ADJOURNMENT:
The next meeting will be Thursday, July 13 in person at the Maloof Auditorium beginning at 6:00 p.m.

The Commission adjourned at 9:00 p.m.

DEKALB COUNTY CHARTER REVIEW COMMISSION

JUNE 22, 2023

MALOOF AUDITORIUM

I. CALL TO ORDER: 6:03 p.m.

II. ROLL CALL

Steve Henson, Chairman

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John Turner

Susan Neugent

ABSENT:

Dr. Gerald Austin

Karen Bennett

Bobbie Sanford

Vickie Turner

Virginia Harris, Vice Chairman

Dwight Thomas

Sen. Sally Harrell

Ex-Officio Representative Karla Drenner

Ex-Officio Senator Kim Jackson

STAFF:

Zachary Williams, COO

Vivienne Ernstes – County Attorney

Lori Brill – Carl Vinson Institute

III. MINUTES FROM PREVIOUS MEETINGS

The minutes from the June 8th meeting were not ready for review.

IV. GUESTS

The Chair stated that there were no guest speakers or elected officials tonight.

V. REPORT FROM CHAIR

We are trying to finish up before the end of the year. We would like to be done in October. Tonight, we are trying to finish up with Sections 11,12, and 13. We will probably have two meetings in July (the 13th and the 27th).

These items (Sections 11, 12, and 13) pertain to running the County and the CEO's authority. We have five members who have gone through these items and will bring their thoughts to us. We need ten votes, and we are looking for a consensus on the commission to make changes. Three of the members kept with the basics EO form of government. Mr. Turner discussed a hybrid CEO form of government with some changes in the Commission in Section 11. Mr. Wittenstein has kind of a traditional County Chair.

Everyone will have ample time to talk about it. Your folders contain a recommendation of each of the members.

VI. NEW BUSINESS (REVIEW OF SECTIONS 11-13A)

Commissioner Wittenstein (See attachment)

The basic underlying premise for the changes that I am suggesting is that I would like the County government and the people who run it to answer to the County Commission rather than to a single person. The County would be better served if the county commission would be responsible for making decisions and supervising the people who are running the County. In the CEO kind of government everyone answers to one guy and if he is great (we really have a good one right now) then things work well; if not, it takes four years before we can fire him. If we have an incompetent person, we can't wait four years to fire him. If we want a representative form of government, then having the views of one person running the county rather than the view of most members of the commission, means you don't end up with wisdom shared by multiple people.

I am proposing empowering the commission to be responsible for the people who are going to run the county. Some of the power that we give to the CEO today (and we can continue to call him the CEO and he can continue to represent the County both internally and externally and continue to make appointments that are then approved by the County Commission) but I would like to have the COO, the professional who is running the county, to work for the County Commission, be hired by the County commission and replaced if need be by the County Commission. The person who has got years of experience, has run counties before, whose responsible for giving personnel reviews and is creating the budget – I'd like that person to be answerable to the County Commission, and today they are not. That is a weakness.

We have also had a CEO who has been more disruptive and destructive. If it wasn't for Vernon Jones, we would not have had the City of Dunwoody. Not all the single people we have elected have been good for the county. With that as a preamble, we can continue to call them the CEO or County Chair. What I would like to see is what Fulton County has, a person who is elected at large by the County residents and they are responsible for Chairing the county commission and acting as the administrative head. The person who represents us at the Capitol. That person would continue to do the ribbon cutting and represent us with other counties. The limits of that officer are to run the meetings and do the nominating.

The County Manager would be selected by the CEO/ Chair and presented to the County commission for approval. The people who are going to be on the Boards would be selected by the CEO/Chair and their

names would be submitted to each of the County Commissioners. They have real power, they run the meetings and they have the opportunity to vote and to do the nominating, but the department heads don't report to that person. They report to the County Manager, and he/she would be answerable to the county commission. That is essentially what I am proposing.

Questions and Comments:

Commissioner Hinkel – Would the department heads report to the County Manager? Would the County Manager have the power to hire and fire?

Commissioner Wittenstein – Yes, he/she would have the power to hire and fire the department heads. There are three or four positions that do not report to the County Manager. They would directly report to the County Commission.

Commissioner Wittenstein - One of the problems that I perceive is that the County Commission is not in the position to make decisions on how the county operates. They can make requests to the CEO, COO, or department heads and if it is not controversial those requests are honored, or if they are not easy, they are not honored in a quick manner. They do zoning work, but outside of that they don't really bear much responsibility for ensuring that the county operates, and that services are delivered in the best possible way. I spoke with Commissioner Patrick because one of our non-profits was having a problem with getting a permit to put in a toilet. It took six months to get a permit to put in a toilet. I think the County Commissioners have one hand tied behind their back.

Commissioner Leak – I am wondering if there are other options available. When I looked at Section 9, if you make an ordinance and it is passed and it is not implemented, they have accomplished nothing. That gets into the day-to-day operations. I have some recommendations that I think would be an alternative solution rather than creating the CEO versus Chairman. Do you think that looking at it from a balance of power or putting language in the Org Act to make those things happen and give some oversight responsibilities would work?

Commissioner Wittenstein – I think you are right to identify that there is a spectrum. The CEO is powerful, and we have a Presiding Officer who is one of seven. The one key thing is that the person running the County needs to report to the County Commission and the Commission is responsible for making sure that person does their job. If that is the only thing we change, it would be a great change.

Commissioner Turner (see attachment)

Being a realist, I really didn't think this body would say we are going to change and not have a CEO. I do believe the County Commission is not on an equal footing. The CEO is more dominant. We have an executive and legislative branch.

My suggested structure is to have 11 members of the commission: 8 individual districts instead of five. What that would do is allow each commissioner to have less than 100,000 population in their district for people who have said they want more accountability. Two super districts would be kept. The eleventh position would be an at-large Chair of the Commission, not the CEO, but a Full-time Presiding Officer of the Commission. (Relates to Section 2 of the Org Act.)

The rotating of the Presiding Office is strange to me. They are not elected by the entire county, only by a district or super district and do not represent everyone. Also, if we had a case where the CEO was

removed temporarily, the Chair of the Commission would be the person to step in and fill the role. He would still have a vote on the Commission but would take on the duties of the Chief Executive during that interim period.

The Chair would be the Presiding Officer and the Commission would vote on the Vice Chair. Having a full-time, at-large Presiding Officer allows the district and super district commissioners to focus on their districts.

Questions and Comments:

Commissioner Hinkel – We would still have a CEO position? What concerns me about having two full-time people totally elected by the County is that while I can see that is a nice thing to have, we could have two conflicting egos who are going to want to go in different directions. What happens then?

Commissioner Turner – What happens now. I don't see it as a conflict. I think it brings the Commission up to an equal footing with the CEO. You do have two at-large elected officials, but they have two different responsibilities.

Chairman Henson - Your Commission Chairman would have the same power as the Presiding Officer? You expect their staff and salary to remain the same?

Commissioner Turner – I haven't gotten that far.

Commissioner Hammond - Expanding the number of Commissioners is a concern. With the NAACP and other civil rights groups, we look at race and representation and there are federal lawsuits that cover that type of drawing lines. Would we have to work that into our process because it is more than just dividing it up, it is more about representation in the commission? We are going to have to investigate that it's not just a straight put a number in there.

Chairman Henson - It does make a difference in the super district. There is impact on the racial breakdown or reapportionment. Basically, these districts would be done by the legislature. The legislature would have to comply with all laws, including the civil rights act which some have said have been changed and diminished. As far as making sure that minority influence isn't abridged, I think you can count on our legislative delegation to be very concerned.

Commissioner Hammond – Robert, I like the way that you put it in terms of serving the county better and better representation. The elephant in the room is the racial component of changing from CEO to another form of County government. What has been said was it was ok when Manual Maloof had it, but now that the racial dynamics have changed, we are changing it up. But I think that the way you have expressed it in terms of service to the community is the best way to sell it. The community is thinking why are we changing it now? It's about how people can be better represented and better served by making a change. Thank you for that.

Commissioner Leak – Either one of the changes would be a major change in what we have existing today, and I am just trying to figure out what are the potential unintended consequences, what are the real pros and cons of either concept of having the CEO position vs the Chairman? I agree with Mary that if you end up with a county-wide elected chair/presiding officer of the Board and an elected county-wide CEO, I can see some unintended consequences in that kind of arrangement, so I would not be in favor of that.

With the demographics of DeKalb being 59 percent African American that might be something to be reconsidered because your voting population is geared to African American so that your argument that we have Manuel Maloof or Liane Levitan might not be a valid point today, but I would like to know if there are any concrete pros and cons that have been identified if you change from the Executive type to a Chairmanship?

Chairman Henson – Some people are afraid that a commission type power structure causes a committee type running the government which is less effective, and some people feel that it provides more public input. Some feel that the CEO form creates an elected official by the entire county and that power being centralized is a more effective dynamic. We have seen counties with county commission run by a Chairman Commission system run well and we've seen it run bad. We have seen that in Fulton County it depends on who is there. We certainly have seen pros and cons in DeKalb, depending on who is there. We are trying to make a structure that works, to decide which way is better in the long term, or which dynamic best serves our county. To your point, we do need a high threshold here to try to get consensus. We are looking at the dynamics of doing that and that is one reason why the present things is challenging and that may be why we may have the commission come to look at this one issue again. We do need to look at it and we appreciate those inputs.

Commission Wittenstein – John, much of what you said I like. Nine strikes me as being a better number. It gives each of the county commissioners a smaller area with fewer constituents. But I'm a little worried that if you're getting 11 people trying to run a Commission meeting, the logistics of that and their decision-making ability becomes more difficult. The bigger the group, the more discussion everything will have, and it strikes me as being a little large. But, in the City of Atlanta, the City Council has 21 people; it is enormous, and what ends up happening is they do almost nothing as a group and everything is done in committees. They can't get a discussion with 21 people, so they just don't even try. I worry that 11 is a big number and 9 feels more comfortable to me, although the other thing that I'm cognizant of - piggybacking off what Lance said - is that if we had 11 it's entirely possible that the Hispanic community might have enough votes concentrated in a single area that they might achieve an opportunity to have representation that today they don't.

Commissioner Grubiak – One positive of this suggested change is that a full-time, county-wide elected Chair may help over time to create a common vision for the Board of Commissioners. He or she might begin to create a relationship among the Commissioners in which they see themselves as commissioners for the whole county and not just their individual districts. It seems to me the commissioners lack a uniform vision on a county-wide level and this position might help to create that over time.

Chair Henson- This would be another post where an individual has to run a county-wide election and if they need to go beyond name recognition it could cost as much as \$1 million to generate your ideas and thoughts to the public.

Commissioner Neugent – Are you proposing any changes in the power of either position?

Commissioner Turner – The main roles of the commission are zoning, planning and land use, and dealing with the budget, but in the case of the Planning Department, the staff does not report to them. The Org Act says that nobody can report to the Board, so I saw that as a dead issue. I did not address that because I thought it was not going to be possible.

Chairman Henson – The Org Act says the CEO is the exclusive authority or power of the administration, but nothing prohibits the commissioners from getting information. In fact, staff often attend commission meetings and committee meetings. They don't report to the Board for their administration and staffing, but there is nothing in the Org Act prohibiting them from reporting to the Board for information.

Commissioner Turner- I still see this as a disconnect. If the Board has authority for Zoning, then the Zoning staff should be responsible to the Board. But I did not think that possible, so I didn't address it.

Commissioner Neugent – So, again, you are not proposing any changes in the power of either position, only the size?

Commissioner Turner – That's right.

Commissioner Leak – I would like to ask about the Planning Director and HR Director in terms of having to be nominated and approved.

County Attorney Ernstes – That provision has been in existence for a very long time. The Planning Director and the Board of Commissioners have some control over Zoning and Zoning is a very political issue. Allowing them to have merit position is important so they can stand up to political pressure. The HR Director performs HR functions throughout the County. So, allowing those individuals to have some merit protection is one of the reasons. And there is merit protection so that they have the ability to make critical decisions without any fear of retaliation.

Commissioner Leak (See Attachment)

She stated that she would be in support of a nine-member Commission, including the two super districts in that number. Just expanding this – I would be in favor.

Section 11A – Amend where it says that in the event of a tie on the BOC the CEO could break that tie. Roberts Rules of Order – if you have a motion on the table that fails, you don't bring someone in to vote. That's the rationale for the suggested change there. The CEO should only be able to vote on matters that he can veto.

Chair Henson – My thoughts are that some people think the CEO should attend every commission meeting. I think perhaps having this power is possibly one thing that helps bring him or her to the meeting, so I'd kinda like to keep it. I'd like to make the CEO engage more. But I do see your point.

Commissioner Leak – My approach is look at the Org Act with a forward-looking view. There may not be a problem with what's in the Act now but is there the potential. In most organizations, if there's a tie vote, then the matter fails.

Chair Henson – Let me clarify that the CEO only has a vote in matters he can veto. Are there any thoughts on veto power?

Commissioner Leak – I'm fine with the veto power because the board can come back with a super majority to override the veto. There's an option.

Commissioner DeLay – I don't really care, but I do think the veto power should be retained. It seems we're discussing the issue of the balance of power, so why would we call him/her in to break a tie if we are concerned that he/her has too much power. It would be my position to remove it if possible.

Commissioner Leak – Amend Section 11B so if they can't agree on appointing a Presiding Officer then whoever the Deputy is, he automatically becomes the Presiding Officer. Just to keep things from getting bogged down, whoever the deputy is, he automatically moves up if they can't agree on changing... We have had that happen before – we went weeks/months without a Presiding Officer. We need to keep things moving.

Chair Henson - I think it is burden that the Commissioners politically are going to pay a cost for. We have a backup – the citizens. If it's in the charter and if they don't act, I think it's problematic for them. Also, the deputy from the preceding year may not have been re-elected or not run again, so that's problematic. Or, that person may not have the support they had 2 years previously when they were elected. I have a little concern about this section.

Commissioner Hammond - I think it would help if we would just clarify and say what that deputy position is. If you're deputy and you're going move up then that's fine. But in the past if it's been a tradition, there's nothing in writing that the deputy did become the presiding officer of the following year. That didn't happen this time around; it was just ugly. I think if we can put some clarity in that is that you know instead of you know you 'all doing what you want to do you be deliberate about who you elect as presiding and who you elect as deputy so you have some consistency there.

Chairman Henson – Well, you do want the presiding officer to have some sway with the commission and being elected by majority vote helps getting a Presiding Officer that does that. Are you thinking of a separate issue where you automatically structure when the deputy presiding officer takes over no matter what?

Commissioner Hammond – Do you call it a Deputy Elect – where that person automatically moves up because that has always been tradition? So, I am saying either you are going to make it something that we are going to do on a regular basis or say this is not the tradition. The problem is that we expect it to happen on a regular basis that the Deputy becomes the chair. Either the Deputy is the Deputy Elect and they automatically move up or we just change it and make it clear that's not a tradition that doesn't automatically happen.

Chairman Henson – That is clear right now. That doesn't automatically happen.

Commissioner Hammond – Well it hasn't been clear.

Chairman Henson – Are there any other comments especially about Ms. Leak's proposal, about whether or not you know if that meeting, the first meeting they do not elect a Presiding Officer that the deputy presiding officer the preceding year would act as presiding officer if they were in office? If they're not, of course, they would have to resort to the situation they have now.

Commission Leak – If I could just add a point, it's important to be elected presiding officer at that first meeting in January. It is important because they still have to approve the appointment of subcommittee chairpersons, you've got FAB, that's going to be looking at the budget that they have to be approve

within 8 weeks of the new year coming in, so it's really important that that position be identified and working so that those things can take place if we keep the same fiscal year that we've got.

Chairman Henson - I think it's very important. My concern is if you're a deputy presiding officer and the presiding officer is coming up for election and you don't think you get the votes you may just try to finagle somebody else to divide the votes up so you can become presiding officer for the first meeting if you know what I mean. I'm afraid to make and cause some political friction with the deputy being able to step in that role. You know I kind of hope and pray that the people we elect can elect the presiding officer. You're more experienced than I am in that situation.

Commissioner Leak – There's nothing NOT political about this whole process. I hear what you're saying and I understand that. I just wanted to put it out there that we have historical records that says that that was a problem. What we're trying to do is not continue to maintain the problems, but to clean up, clarify or define certain portions of the Org Act so that we could do the business of the county in delivering the services to the citizens.

Chairman Henson - Make sure problems that have happen before, don't happen again.

Commissioner DeLay - I agree with that 100% but also to the Chairman's point, I think we want to also encourage our elected officials to work together and to focus on the business at hand and not be petty about what they need to do. In my opinion, if we automatically punt to a deputy chairperson, to Chair Henson's point, that encourages the continued pettiness. I think that they all, as elected officials, need to come into office at the beginning of the year ready to get serious about the business that they're about. I don't really want to create any opportunities for them to continue to finagle and play around so if we're going to go to that particular situation, I would like to not have it for a year just to give them time to get it together and move forward doing what they need to do.

Commissioner Leak – My last one is the recommendation to amend section 11 C to delete the last sentence referencing rejection of committee appointments by the presiding officer. We talked about politics, when I wrote this our rationale was this was to prevent politics from entering the appointment process. Amend section 11 C 2 to delete the last sentence referencing rejection of committee appointments by a presiding officer. We talked about having kumbaya on the Commission. I think that would be something that would create ill will or whatever, so I mean to the point that you just made previously, you know we have to understand or hope that when we do our elections, we're electing leaders and leaders are about the best interest of the folk for whom they've been elected

Commissioner Hinkel - I'm a little confused on that. In the Org Act now it has the presiding officer appointing the members and chairpersons of the committees of the Commission and any such appointment may be rejected not by the presiding officer but by a majority vote of the total membership of the Commission.

Chairman Henson – I thought that was what you were trying to do: keep it from the majority of the Commission stopping the presiding officer.

Commissioner Hinkel – Oh, OK.

Chairman Henson – What she wants to say is if the Presiding officer appoints this person to the Commission, right now the majority of the Commission can reject that by a vote, and she is saying they should not be allowed. The presiding officer has the power.

Commissioner Hinkel – But, if you want the Commission members to be able to work together and if they're not happy with chairs being appointed to those committees, I think they should have a voice in that.

Chairman Henson - Is it just chairs or everybody?

Commissioner Leak- My thought was that if the presiding officer has the responsibility to appoint the chairpersons of the different subcommittees, I thought that there would have been conversations or maybe a one-on-one individual conversation leading up to the announcement or the appointment of those chairpersons.

Chairman Henson - Not only chairpersons but members. I don't have a dog in the fight, but I think the point was that if they must get the commissioners approval that will help spur them talking to the commissioners and make sure they have input on who goes on the Commission. So you don't get a presiding officer just because they're too busy they don't ask anybody and then they point somebody that maybe one or 2 of the commissioners don't have any input that maybe you know this way they have a say. They can vote not to approve some of these people until their input is heard, where you're saying the presiding officer has that power and shouldn't have to have that input.

Commissioner Leak - I think they should. I think you know when you're looking at having a collaboration and trying to establish goodwill and leadership that you would have an opportunity to have those discussions before you finalize your appointments and you know even to the point of individually asking them who would you recommend to chair FAB for example. I mean that's a major one; not that they aren't all important, but I would think that there would be some level of conversation but also if that presiding officer, is that the specified duty to make those appointments, does that diminish that roles' responsibility if someone could come behind you and override it?

Chairman Henson - The governor appoints people that your state Senate approves. We don't reject any of those appointments because he's the Governor, but you know a lot of positions are that way. To the COO or the County Attorney has there been much conflict on that?

County Attorney Ernstes - No sir, not one that I can remember, for board committees or chairs no I think that is worked a lot, they work amongst themselves.

Chairman Henson - I did see your point though, you know he's got the power, or she's got the power why have that double check? Let me ask you another question when I heard her recommendation, I thought the good part of that was right now they may delay the appointments until they get approval, or it's not rejected. Does having that rejection power delay them taking their positions at all?

County Attorney Ernstes - No Sir, I think as you all know and you've commented on this you've got part-time commissioners and I think sometimes it's not wanting to serve on too many committees, so I don't think it's a situation where folks don't get an opportunity to serve if they want to serve, and I do think at least in recent years there has been a pretty good practice of rotating the chairmanship of those committees and also as you see every commissioner is invited to a committee meeting and so often all

of them show up and they are all given opportunity to ask questions. Committee members get to ask questions first but there's never a time when other commissioners are prevented from asking questions at a committee meeting. I think that handles it. I do think there's a lot of work done to decide who is on what committee before that happens. I don't exactly know that that's sort of out of mind, but I have heard there's a lot of work done in that regard.

Commissioner Leak – At the regular meetings on the agenda it says public comment. You don't get that at the Subcommittee meetings. I need to go back to the issue of why I put the Georgia Open Meetings' Act, because that was an active lawsuit, and it was not done. You got an opinion from the State Attorney General that it was not followed.

County Attorney Ernstes – The primary purpose of the committee of the whole is agenda setting; it's not to debate on items. I would call it a working group where their items come forward and questions are asked by staff to provide information. That is the purpose of the committee of the whole predominantly. As to the rest of it I sort of feel like that's beyond my purview but that is the stated purpose.

Commissioner Neugent – I took, would support, putting that in so that all of the meetings are in compliance I recognize that it is really hard to get work done when when there's always public comment and there's need to have discussion and debate but I think that we should weigh down on the side of the public engagement and public opportunity to speak at each of these meetings.

Chairman Henson - Would you be satisfied if that was to be your regular full Commission meetings that we put in there that they have to have public comment at regular full Commission meetings? I don't know about every subcommittee trying to. I mean you have to have work done. They have to be elected by the citizens so they know that if they shut people out they're going to get in trouble. I mean like the Senate we would have meetings where we didn't have public comment and we would have meetings where we have 2 hours of public comment. Just putting in there that at every meeting they have to have public comment I think is problematic.

Commissioner Leak - Well maybe what we should consider - because we've had feedback and comments from the public about it – that some of our challenges are transparency, accountability and communications - so maybe somewhere in the recommendation as we go forward and I think I have some somewhere else that part of it I look at the audit oversight committee meetings and they allow 10 minutes for public comment and not many people are attending those meetings. I think what I'm trying to suggest is the opportunity can be provided even if you give people 10 minutes. If they get in their car and drive down here to this auditorium to engage with their elected officials, we should allow them or allocate a certain amount of time. We're not suggesting with that time should be. I'm just suggesting that we consider that they have an allotment of time sometime.

Chairman Henson - I'm very sympathetic that the Commission would be amenable to this whether you know some of the changes. I'm going try and cross out the language try to have red lines like a bill, but in some cases, I'm thinking what we need to do is put a star or footnote saying that the Commission strongly recommends public input and open public comments at each and every opportunity throughout the process of government , decision making, Commission meetings and subcommittee meetings and others - we recommend the Commission look at.

Commissioner Leak - Or even in a broader category where we're talking about communications because I think you guys - Mary has some suggestions about code enforcement and some other things to consider communications seems to be a key challenge for us so it may not necessarily fit here but somewhere within the Org Act, I would like to see a recommendation that we're encompassing communication, transparency, and accountability.

Chairman Henson - I think in a lot of the other commissions there are recommendations for things like this are kind of laid out on different sections. I think there is a place for that, and this Commission is highly supportive of as much public openness and engagement as possible.

Commissioner Hammond - I agree that this may not be the place in the Org Act to place something like that but what we're talking about is more citizen engagement and where the citizens can express their voices and I'll just drop a little seed that Susan and I had an opportunity to learn more about neighborhood planning units and if we can wrap something like that into our Org Act where citizens really have an opportunity to engage with their government and I think that would give them the voice because sometimes you know even at this particular meeting you know you may go and you want to talk about code enforcement at this meeting but it doesn't really apply. But if there is a larger broader place where they can voice their opinions about different things and you know we just want to make sure that there's something in our Org Act that allows citizens to be heard, I think we should maybe address it in another place, but they need to be heard.

Commissioner Leak - That would be perfect. What I was suggesting may be a broader concept than just this one paragraph in the Org Act.

Chair Henson: You have recommendations that are also found in Section 18 – they could be in 13, but was that your thought that they should be in the CEO's powers? In Section 18 it's purchasing and contracts. Is there any reason that's not within the CEO's list of powers?

County Attorney Ernstes: If you look at Sections 17,18 and 19, they are pulled out because they are significant powers and ones that the public is interested in. They are better as stand-alone sections. Budgeting has a process laid out in it's section. Purchasing includes language about anything over \$100,000 having to go to the Commission. It makes sense that these are stand-alone and are easy sections for the public to find.

Commissioner Leak - I was listening to chairman Charlotte Nash during her presentation and the question that I asked her if their department heads in Gwinnett were under the merit system or were they under contract and in her explanation, she said that all departments in Gwinnett are under contract. That allows her as the Chairperson to be responsible for the delivery and accountability of services to make sure that she got the best candidates. I guess in your contracts you can really fine tune what's in there as far as responsibilities and accountability what you're going to be measured on in your performance. I just still don't understand why CFO, HR, and Planning don't fall under that umbrella like every other department head. I understand it but I would like to suggest changing it.

Chairman Henson - I'll have Miss Brill and Carl Vincent look at some other counties on those issues. I mean I know what they said on that you know without further input from them and if I'm not mistaken. I'm just saying that that's something that we might want to flag because the commissioners you know do create ordinances that are responsible for should they have some level of oversight as well as the

question so it doesn't have to necessarily be under 13 G but if we can have a recommendation for the placement of the balance of power then I'm happy with that I just look at some languages you know makes it clear that it is our intention for the board to be able to look at the rules and regulations and the codes and the laws basically they pass and make sure they get information on whether or not those are improperly followed. They then will have to go either public or the CEO and try to make sure it's done but to get the information on where they are they should be able to do that, so we'll look at that

Commissioner Leak - The annual report and the CAFR report are on the website. Thank you for looking that up. It is out there on the website and there is a CAFR but as far as much information as possible again communications these kinds of things I put them in a certain place based on my reading of that particular section but I'm willing to figure out how we can find some better placement for it so the fact that it's under a certain number here or under the recommendations that I had was because I was reading that section and that's what came to mind but it could be placed somewhere else.

Chair Henson: Is that the same thing as the Finance Report or what's at the libraries? So, what is that?

COO Williams: Essentially both of those are online, I'm not sure if the CAFR is at the library but certainly could be the CAFR.

Commissioner Leak: Suggest to amend section 13 A in 60 days and this would be an addition within 60 days of receiving notification of an expired term and this is dealing with appointments to public office the chief executive shall nominate a person by sending the written notice to the Commission I'm putting these dates in here within 10 days of receiving the notification of a vacancy the CEO shall nominate a person and send the notice to the Commission the appointment term list of other county boards agencies on which the candidate serves at the time should be included I think there was a report that was done on all of the boards they're like 49 boards and agencies on the county website and in taking a look at it started with taking a look at the vacancies on this Commission because we knew that some of our initial members have been appointed to other agencies or committees in looking at that it was amazing that terms for these appointments had expired 5 years ago and previous people were still on it. We didn't have a MARTA representative for two years. They are important to the work of the county and delivering services to the citizens or they're not if they're important then they're appointments and vacancies should be up to date I don't know who maintain. It is my understanding that the clerk manages that process but there's not a real process in place if you have these appointing authorities that are not making their recommendations so it could affect the work of these different bodies. If they don't have enough for a quorum because of appointments haven't been made you know we were a county of 750,000 people in a couple of instances we saw the same names on different agencies while on the board went on the website for these boards and agencies it reflects that you can apply so is there a process for any John Q citizen to apply to be considered for board or an agency but that's the background. I think, Mr. COO, you have a report that was done by an outside consultant, and you might want to speak about this.

COO Williams - So we concluded that report, I want to say the last 60 days or so that that work has been done it's an update of where we are with all the various boards and committees, which ones have been meeting, which ones have not been meeting, who has vacancies and so forth. So that part is complete and we're going to look at how we manage going forward. We're contemplating maybe even having a person directly responsible for that because we have found it to be a challenge as Commissioner Leak has mentioned, staying on top of the various boards.

Commissioner Hinkel - No one owns this process. I will make sure you get a copy of the DCAC Report on County boards to look at best practices around the country. The City of Atlanta even has a whole code section on how these boards are organized, operated, and terminated. Whatever we put in here will be minimal. I think we should be recommending that somebody within the administration own this and that this is key for citizen engagement and there are best practices that could be followed.

COO Williams - I was being asked questions time and again as to where we are between my office, the law department, the chief of staff for the Commission staff, and the Clerk. We all came together and hired a consultant.

Chair Henson: We are trying to create the framework that this must be done under. I don't disagree that having timely appointments is important. I think that it makes common sense. If somebody thought it was important enough to create the committee either by state legislation or by the Board of Commissioners, the appointment should be made. That's the intent of what's in the charter. If we put in there a time guideline, you're not necessarily guaranteeing it's going to happen you know, so I think we need to make sure there's no unintended consequence. It's hard to know what the right amount of time is to give everybody. I think the intent is good and I certainly think urging them to do it in a timely manner needs to be done and if there was some way I thought it could be easily fixed I would embrace it. This language is one way that we can try to possibly do something about it.

Commissioner Wittenstein - I want the County Attorney to make a brief comment on it and then maybe we can have some discussion on whether we would have any lawsuit if they didn't do it within 10 days, I hate to open the county up to a lawsuit because it wasn't done. I want to encourage you what's happened but I do think we need to think it out. There is a timeline and there are timelines for other things that we have throughout this Org Act but more importantly there needs to be some level of accountability for these boards about publishing they're meeting dates, the agenda being readily available to the public, and do they have bylaws. I mean those are some of those things that should be written into their description but if you really dig, they don't have it or it's not accessible via their website. I was going to suggest the following if the CEO makes an appointment and the board doesn't act on it within a certain period that appointment ought to become official. We've had issues where if the CEO nominates somebody and the board doesn't act within 60 days (that's arbitrary) then the appointment is finalized. I think the reverse should also be true: if an opening exists for over 60 days and the CEO doesn't appoint someone then the board ought to be able to come up with a candidate and vote to pass that candidate to put them on the board and that way we don't just have to say the CEO shall do this or let somebody else fill the vacancy and that'll either solve the problem one way by virtue of the fact that it fills the vacancy or it solves the problem the other way which the CEO is now motivated to actually know that if I don't do this within a certain period of time somebody else may do it for me. The commissioners have expressed to me that 60 days after someone's term on a board ends they no longer can vote on that board. Today we have people who are still sitting on boards whose terms expired ages ago and we ought to have in the charter that they can cease to be a voting member 30 days after or 60 days. There are some appointments, like the Hospital Authority, which may not fall under this category and you may not be able to delegate that to another person but delete the ones that you can.

Commissioner Grubiak (See attachment)

I like Robert's proposal best; I think the odds of it passing are not high. I think it would be the best of all.

With my suggested changes, what I was trying to accomplish was taking the existing CEO form of government and trying to make it better. We can create some accountability, we can create more transparency, we can create a system where the management of the day-to-day affairs of the county could be handled within the structure of CEO form of government which was what I was trying to do when I was approaching this section. They don't really change anything structurally they are just kind of technical things that I noticed in Section 11. My only suggestion was to delete subsection A, which limits the role of the CEO regarding voting and meetings and put it in the meeting section. That is really where it should go. Section 11 is not with the Presiding Officer; it covers how he is elected and has nothing to do with the CEO.

I'm suggesting we put in a phrase "by resolution of the Commission" in that provision of the act so that is clear that whereas the CEO has recommended changing this department structure we agree to it. And then that would be the same suggestion later in that same subsection when it comes to creating departments.

We have several places where it's the "executive assistant" and I've changed that to COO. And then it goes on to say how the COO and the County Attorney can be hired and also removed. They serve at the CEO's pleasure and can be removed by the CEO, but it also goes on to say that Commission may also discharge such officer for cause. And it's already a supermajority for approving the termination of either of those individuals, but "for cause" is a high threshold. So the Board of Commissioners can only remove the County Attorney or the COO for cause right now, even with the 5 votes. As I recall, "for cause" is for things like malfeasance. I don't want to reflect on either of the individuals here because it doesn't apply to them but this is where we're talking about the future and we don't know who's going to be here in the future but what if the COO is just doing nothing terrible job. That means the commissioners can't remove the COO because that would not be considered "for cause" The same thing with the County Attorney - what if they're just not performing, they're just not just not doing their job. If we take out "for cause" then the Board of Commissioners can evaluate whether the County Attorney and the COO are doing a good job and they can do that with a 5 person vote, not with a Super majority. That's my suggestion.

Commissioner Hammond - When you say "for cause" and "not performing their duties" I mean is that subjective? .

Chairman Henson - Right now presently the charter says the CEO can fire for any reason. They are not protected employees, but the Commission can only act "for cause" which is a definitive reference in the code: malfeasance, theft, various reasons. Now, for instance, earlier we talked about kind of putting the onerous on the COO to make sure the department heads are being responsive. Right now that probably wouldn't match the legal definition of "for cause" but if the commissioners also felt like the COO was always obstructing the staff from coming and telling him something, then under what Mr. Grubiak is recommending the five commissioners out of the 7 would have to get together and they could fire the COO. The CEO has the power to hire and fire so he would be responsible for hiring the replacement so

he theoretically or she theoretically could even hire back the same person, but then they would have to go to the board for approval which would mean they'd have to be a lot of politics done in the meantime. But that would be a major change and a power to the Commission saying that you don't have to establish that legal definition of "for cause" so that's something that you all need to really think about: whether you want to give the Commission that leeway. Needless to say, that threshold of getting 5 people to act in concert is still there. Hopefully we would elect responsible people. Would you want to give your initial thoughts on it? Is it too much power?

Commissioner Hammond - I just don't want it to be subjective where you know you can you know you fired me or you removed me and I'm going to sue you because I don't think your cause was good enough.

Chairman Henson - So you don't have to worry about the CEO suing because if you fire them and we put it in the charter they can employ them "at will." As "at will" employ you can fire him. Unless you have people get together and high or fire someone because they're a woman or African American or not the right religion, then you know you would be liable, but if you fire them for non-performance you're OK.

Commissioner Grubiak - I just want to add to keep in mind that these 2 positions report to both the Board of Commissioners and to the CEO now. I think it's fairly clear that most of the day-to-day activities relate more to the CEO but in fact according to the Org Act they do report to both and so it seems to me that there needs to be some way for the body that is being served by these individual to also have a way to exert some or reflect some concern about how they're performing.

Chairman Henson - Certainly they do now by certain methods but not as dramatic. They could pass a resolution chastising either in person, they can affect the budget and try to act out in that way, but this would be a direct and substantial threshold.

Commissioner Leak – Yes I just wanted to comment, and Jim raised the point that I had wanted to mention as well, it seems as if with the dual reporting you know I've always had a question about it. Is that a conflict of interest? Can you serve 2 masters? But I would have the same concern that a dismissal not be based on something subjective so it appears to me you know that most contracts can include key performance indicators. They would have to be developed and all agreed as to what we're going to consider performance, whether you're doing your job or not. Certainly the number of citizen complaints could be one of the indicators I want to look at or the resolution of citizen complaints so you know you could probably take care of that through how we develop the contract and what's included in it.

Commissioner Grubiak - Yes, in the next provision we talk about that 2 officials appointed pursuant to this paragraph should be at will employees which they are now. Subsequent employment agreements between the county and county officials could employ performance indicators, which goes to your point, The other thing is that when I was still working I was subjected to reviews by an outside consulting firm periodically. I hated going through them doing my own report and I hated to do this for my reports, but they were very effective because I got very good information back from the consultants, and it was not shaded one way or another. It was an outside independent person who does this kind of work. It can be very effective; they can be very beneficial on both sides too - to the employee and to the supervisor.

Commissioner DeLay - You all make excellent points. My concern is the unintended consequences of having the CEO and the Board of Commissioners clashing about whether or not one person is cutting the mustard versus whether they're not. But this person works for both. So I'm extremely concerned about the unintended consequences that I think we may have but we're not in a position to foresee; but they certainly exist.

Chairman Henson – And you're relating back to the “for cause”? There is some concern there. Just briefly Mrs. Ernstes how do you handle any conflict of interest between the Commission and the CEO or is that not a question?

County Attorney Ernstes - Let me start between commissioners. So we try to give the same legal advice to all the clients at the same time. The conflict comes about when, if I'm representing commissioner Terry, the advice would be A and when, if I'm representing commissioner Spears and the advice would be B, then in those kinds of situations we evaluate that and if we have to hire a conflict counselor, outside counsel, we do that. That doesn't happen very often. There are times where a commissioner says Vivian I'd like to have you draft an ordinance to do A and a commissioner says I'd like you to draft the same ordinance but I want it to do B and I provide drafts of A&B. I'm not giving inconsistent legal advice. I'm trying to represent both sides. They may have different opinions on what the policies would be. With respect to between the CEO and the Board of Commissioners, again, if there is conflict, I operate under the conflict rules that are set out by the State Bar. They are very precise; they are very in depth. We pay very close attention to that and that's how every County Attorney in all 159 counties works, because it's not just the Board of Commissioners and the CEO. I also represent the state court judges. I represent the sheriff. I represent the tax commissioner. So I look at conflict situations very carefully. Where conflict situations come about is not in the everyday business of the county - writing ordinances writing opinions - they come about in litigation, and we are very careful to obtain outside counsel to represent individuals if they are named. We abide by the bar rules which have very strict rules on all of those issues ,including rules governing individuals like me who represent governmental entities.

Chairman Henson - To the Commission, if we go down this route as we look through people's recommendations, I'm thinking we're going to go through a voting process. I will say this for what he's talking about 3rd party reviews I think that's something more for recommendation that we recommend the practice of that you know we can sit here and manage the guy on the government from the Org Act We can make recommendations and we can express the public 's concern that they need to have competent people and that they need to review them appropriately, but I'm probably going to refer that to you as a recommendation.

Commissioner Grubiak - Let me respond to that because I'm not understanding that to be in the Org Act. That was just in response to who brought it up. Not being subjective - it was clear there's a way of approaching the subject to the decision.

Ok the next thing I'm suggesting goes to the timing for nominating the COO and the County Attorney I'm suggesting that the chief executive shall nominate the chief operating officer and the County Attorney no later than the last day of January in each odd numbered calendar year less the time for nominations extended by resolution of the Commission. That's tying it to the electoral cycle basically so you have the general election November and you have a new CEO and new Board of Commissioners members but there'll be a staggered so that maybe 3 or 4 new commissioners and new CEO perhaps. So,

that by the end of January there should be a nomination from the CEO on those 2 positions. Of course they'll know whether he or she is the CEO in November and that really gives you 2-3 months to make that decision to come up with that nomination. It's that we just kind of move it along and so there's some clarity and some final decision made within a reasonable amount of time.

Commissioner Wittenstein – So that one gives me just a little bit of heartburn because I would think that for the most part most of these professional staff positions will continue through multiple administrations so the idea that we would build into the Org Act that every new CEO is responsible for picking the CEO and the finance director and the this and the that - you know these are professional folks, many of whom have years and years of experience at Dekalb County. I'm a little nervous that you treating them like you would treat cabinet members of the president where the expectation is that when you're chief leaves you leave also. I think the expectation is that they are going to outlast these CEO 's and that's just that's the only thing makes me nervous about that.

Commissioner Grubiak - So I'm not suggesting it for all the departments. It's just those 2 positions just the CEO and the County Attorney and those two because both of those individuals serve both the Board of Commissioners and the CEO and you have a new Board of Commissioners every 2 years basically so it was it was kind of building on that kind of cycle of change which probably should be reflected in those two key positions.

Commissioner Hinkel - I mean so there shouldn't be built into this the idea that with every new CEO those two positions will change; it should be seen as more of an opportunity for Commission members to reconfirm these two officials.

Commissioner Wittenstein - I'm still a little uncomfortable because I want the County Attorney; and, I want the COO to assume that their long-term hires and that they're not going to have to come up to be reconfirmed every 2 years or every 4 years, that their job security is only till the next time that that they got to come up and get voted on again. I want these folks to be there as long as they're doing a great job and as long as nobody has decided not to leave or somebody 's decided they have to go.

Commissioner DeLay – When that that sort of situation occurs it turns the county attorneys' position into a political position, and they start to they begin serving at the pleasure of whoever 's in office.

Chairman Henson - I think it goes both ways. It's kind of a psychological situation where you know I think he's trying to dress a concern that I know I heard from Jeff Rader that when Zach was carried over from a previous administration he wasn't officially appointed, they weren't confirmed and therefore the Commission didn't get to voice their love and they felt deprived of the opportunity. But yeah I do see the problems that you guys say so right now I see problems with the 10 votes on that. I will talk to members about it as we prepare the thing it might be something that you have to offer up at the time we go through to see if you get 10 votes, but we'll move on the next.

Commissioner Grubiak - For the rest of that paragraph I mentioned earlier that the officials are subject to employment agreements between the county and the officials.

Commissioner Grubiak - The next one has been touched on previously and that's the planning director and how we talked in previous meetings about whether the planning director should be an appointee of the Board of Commissioners and whether that title planning director covers more than just planning and doesn't all the things that needs to be restructured so it just depends on what happens back on section

9 if we do anything there then it would be reflected here. I'm not suggesting anything here but I just wanted to point that out since we didn't talk about it.

Right below that there's an error. I have amended paragraph D. It's more of a technical change.

If you look over on the next page subsection H this is trying to get out that perhaps the CEO's most important duties would be those that relate to other entities ,other governments, other counties, cities within the county; that intergovernmental kinds of relationships should be a sort of a focal point of any CEO because that's he or she is the leader of the county and as the leader of the county these relationships with other governments and the Board of Commissioners for that matter should be a critical element of what you do and just extend that same idea to the managing of internal relationships in the same fashion, including but not limited to relationships with the Board of Commissioners but other elected county officers and officials. Maybe that's what is being done, but I thought it'd be good to kind of state that up front and maybe even move that to the very beginning of the CEO 's section of powers to make that clear so it's just emphasize the leadership role of the CEO in the community.

Shifting to 13 A appointments to public office: my suggestion was to add down the next step which is what's what happens if the commissioners received the nomination within a reasonable amount of time and they just don't act on it; that nothing happens. If the Commission does not confirm or reject the nomination by the chief executive is within the time specified herein the nomination shall stand confirmed. That just moves the process along and you know doesn't allow for holding things up and if the commissioners do reject a nomination, then the CEO comes back with a second nomination and kind of the same thing if he makes the nomination get provides a nomination or commissioners perceives it they need to act within 15 days it says on the current Org Act but if they do neither within that 15 day term the nomination shall stand confirmed.

Chairman Henson - Mr. Grubiak, you're not fixated on that number but within a reasonable time?

Commissioner Grubiak – Yes. This is suggesting adding a new subsection page 5 right so I actually subparagraph F and this basically says that if the CEO fails to nominate someone to fill the vacancy within 30 days of the position becoming vacant, the BOC fills the vacancy. The BOC has 30 days to do so. Again 30 days, 45 days, whatever but something that moves the process along and doesn't let it get bogged down. Now the exception to that could be that there are some boards or authorities, especially those created by state law, that may specify the CEO does it and you really couldn't override that I don't believe. The CEO still has to make that decision but that would depend on a board-by-board kind of circumstance. The next suggestion I have is to add a new subsection E and this goes back to process responsibility so my suggestion I'm going to read this the chief operating officer shall coordinate and supervise the process for making appointments vested in the chief executive and the Commission by maintaining a roster of all such appointments ,identifying vacancies, and reporting to the chief executive and the Commission on a timely basis. I think that's already maybe in process now from what I've heard but this should be done continuously from now on regardless of who the COO is but again this is a step in making someone responsible for the process.Well, the county clerk works for the Board of Commissioners so I don't think that would be the right person to do it. Unless Barbara raises her hand and says she would love to do it, but again you know this could be designated to somebody on staff. It doesn't mean that the COO has to be the person actually doing it but it makes him responsible and it basically says he and his staff are responsible for seeing that this those goes forward in a reasonably efficient and public manner. Then the chief operating officer shall post on the county website rosters of

appointments and the public notices announcing the existence and status of vacancies including the schedule so the public knows what they are.

Chairman Henson - Before we get any comments from the Commission on both of these sections you know I'll check in with the County Attorney and the COO later but I think these are extremely challenging you know with the system presently. Mr. COO, do you have any comments. Would this be possible that the COO shall coordinate and supervise the process for making appointments vested in the chief executive and the Commission by maintaining a roster all such appointments, identifying vacancies and timing of vacancies and reporting the same to the chief executive and the Commission on a timely basis. Do you think that's possible?

COO - Yes, we can. I mean we'll need people and the process we've undertaken over the past year or so about a year or so where we've brought in the consultant who has assisted and going through all the committees. The long and short is we are at a point where we understand where we are which you know we hadn't been there because no one really owned it quite frankly, but you know if it becomes part of the Org Act that is the responsibility of the COO or whoever is in that position, we will get it done.

Chairman Henson - Do you see any problem posting that on the website?

COO - No, it's all doable. I haven't heard anything that is not achievable.

Commissioner Leak - There's a place for you to apply online because if you go to the county website it take you to the boards and you can alphabetically see the boards and if you go to a specific one you can click on "Apply" so there's a behind the scenes application process that's out there now. I don't know if it's used.

Chairman Henson - Does anybody have any problem with that? I mean I'd have concern with this trying to micro-manage running the government in the charter, but does anybody have a problem with that?

Commissioner Weinstein - I love this, right, but the thing I was thinking that we might add is a paragraph that says that any board or Commission created by the county Commission needs to be reapproved every decade or it ceases to exist. Something that that gives an end life to it. You know we've got 49 of these things - many of them aren't functioning. If we gave them an automatic dissolution in 10 years or 20 years or 30 years if they aren't recreated, then you get rid of some of the dead wood.

Chairman Henson - Maybe we might put that under one of our lines of recommendations for commissioners when they approve boards.

Commissioner Hinkel: The City of Atlanta has a whole section on how boards should operate, including what some of what you've articulated so I don't see this in this framework but as another code section for boards. We currently have another section in our code that's labeled boards, but it has minimal information right now, but there could be a whole examination of that.

Commissioner Leak: Mr. Chair I'm fully supportive off what Jim has outlined here. One of the things as Mr. Williams just said nobody owned it so it can't be micromanaging. It's adding some accountability and transparency and communication which are sorely needed for the citizen engagement boards. So I think it's a great idea.

Commissioner Hammond - Well, just to comment. There are citizen boards and some of them work and I guess for lack of a better word some of them are what someone would just call "Foo Foo" and I just say that because an example would be when I got appointed to the park bonds board and that particular board didn't have any more money, so there was nothing to do. But that board was still active. I don't know if the commissioners knew that. We need to clean up some of that stuff so we just need to be some of the boards we have and yes I know we need to engage the citizens as much as we can but we need to make sure that these boards that we have are actually doing good for the community and I think if you look at some of them you might say some of them are "foo foo."

Commissioner Hinkel: In the municipal ordinance of the city of Atlanta they have addressed those kinds of issues. One of the things too is that they have staff liaisons with these boards and there is communication going back and forth. As I looked at this around the country there are a lot of places that don't have their act together; it's not just us with the boards I mean. A lot of them don't, but there are some who have good practices that we should try to emulate. It will be a long process, but it would be good to at least begin that process.

County Attorney Ernstes - One of the things you might want to think about is the difference between a charter provision and an ordinance and you may want to have a general comment or a general provision in the charter and then give the county the ability to enact ordinances and make changes so what you're talking about, like in the City of Atlanta, doesn't have to go back to the General Assembly. Because times change, boards lose authority, they lose funding, they become no longer relevant, and so as you're thinking about this in terms of your micromanagement you may want to think about what a charter provision looks like as opposed to how the process is run.

Chairman Henson – Also after receiving this report, which will go to the CEO, the commissioners, the COO, the County Attorney and to the legislative delegation, you will I'm certain take it and recommend your thoughts to them so that you could say you know this was in their recommendation, but we think it's more appropriate as a resolution of county law rather than in the Org Act. You can make that recommendation.

VII. REMARKS OF INTERESTED CITIZENS/PUBLIC COMMENT

PJ LEMUEL

I come before you this evening to say as a taxpaying citizen of DeKalb County it is time for accountability, transparency, and communication from whatever type of government we operate under. I came to Georgia in 1972. I settled in DeKalb County in the 70s. DeKalb had a county manager with a Commission chairman form of government. Manual Maloof and Leanna Levitan were the first commissioners. Then came a county manager hired by the board who reports to your chair and the Commission chair was elected county wide. Then DeKalb's state delegation passed a measure to put the new form of government on the ballot going to a County Executive form of government and we moved to the CEO and the commissioners. I remember when Vernon Jones was elected and how the population shifted from majority white to black. I have attended several of these meetings of this Commission to learn more about how our officials that we elect can better serve its citizenry. I've learned a lot and from where I stand, I have a problem with reorganizing county government back to a county manager form of government that did not work then even when it was operating. I feel any plan that promotes majority votes rules by commissioners only will not work due to the close relationship to

each other. Perhaps term limits are an option for complacency. If the Org Act does not address accountability, communication, and transparency, then what is the point? Thank you for your time.

Stephen Binney

Good Evening Charter Review Members, I have hear talking from constituents and board members concerning Code Enforcement, which is not specifically part of the Dekalb County Organizational Act, but since you have had a departmental presentation your board may what to make some recommendations on your final presentation to the CEO and County Commissioners.

CEO Michael Thurmond said he was surprised to find out that Dekalb County does not have a Code Enforcement department. Do you think we need one or are you fine just leaving things as they are. If you think Dekalb County needs stronger language in it's organizational act to allow Dekalb County more options in code enforcement now is the time to make you opinions known.

A stronger form of Code Enforcement may be established through the Charter Review process but you must take part in it and make your case for what road you want our county to take when it comes to Code Compliance and/or Enforcement.

I think it might be worth considering putting into Section 12 a requirement of at least three nighttime COW meetings a year in the months of February, June, and October. This is currently part of the Commission's rules but it is not being currently followed.

There was no such meeting in February and the June one was just held at 10AM on Tuesday. The purpose was to create more citizen participation from those who work during the day. This does not appear to be happening. Putting it into the Act will ensure that the current guidelines will be followed in the future.

Section 13's first sentence is, "The chief executive shall have the EXCLUSIVE power to supervise, direct, and control the administration of the county government". Does that leave any question about who has the power in Dekalb County Government?

It later says that "Members of the commission shall deal SOLELY through the CEO or COO in all matters concerning the operation, supervision, and administration of the various departments of the county government. The commission can communicate with departments about forming future policy but have to go through the CEO's office if they want any current or past information. I believe this is too restrictive on County Commissioners and could use a little adjusting.

Paragraph (g) states that "The chief executive shall have the power to investigate the affairs, records, and expenditures of the various authorities and report thereon to the commission".

A previous internal audit done by the CEO on the county's contract and procurement processes was not disclosed to the commission or the public until it was leaked out to the press. Should some kind of enforcement or penalty clause be put in here to ensure this is done in the future?

In paragraph (2) under appointments the CEO, if given notice of at least 60 days is expected to complete the process to fill the post or vacancy. In other cases the CEO is expected to fill the post or vacancy as soon as possible after learning of the need. There is no mention of 90 days or any other time period. This is an area where the board could specify time periods on CEO appointments in an effort to speed up the appointment process in this modern age.

Also, who has the power to dissolve old boards that are no longer needed or inactive. Perhaps this could be addressed also.

Under Veto, section 15, if the number of commissioners is increased from 7 to 9 the number of votes needed to override a veto will increase from 5 to 6 but the percentage will decrease from 71% to 67% which is right at the 2/3rds stated in the Charter.

Thank you for your time and consideration.

VIII. NEXT MEETING DISCUSSION & ADJOURNMENT

The next meeting will be held on July 13th at Maloof Auditorium. We intend to have a second July meeting, possibly on July 27th but we need to find a different location since that date is the Board's Zoning Meeting.

IX. ADJOURNMENT

Steve Henson, Chairman

Barbara Sanders-Norwood, CMC, MMC
Clerk to the Board of Commissioners and
Chief Executive Officer

