



DeKalb County Charter Review Handbook

Historical Charter Review Documents

31

reorganization
LC 7 45605 84

SENATE BILL 346

By: Senator Bell of the 5th

AS PASSED

A BILL TO BE ENTITLED

AN ACT

1 To amend an Act revising, superseding and 28
 2 consolidating the laws relating to the governing authority 29
 3 of DeKalb County and creating a chairman and board of 30
 4 commissioners of said county, approved March 8, 1956 (Ga. 31
 5 Laws 1956, p. 3237), as amended, so as to establish the form 32
 6 of government of DeKalb County and to fix the powers and 33
 7 duties of the officers constituting the governing authority 34
 8 of DeKalb County and to revise extensively the aforesaid Act 35
 9 in connection therewith; to provide for other matters 36
 10 relative to the foregoing; to provide for a referendum; to
 11 provide effective dates; to provide for severability; to
 12 repeal conflicting laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA: 19

GA 14 Section 1. An Act revising, superseding and 40
 15 consolidating the laws relating to the governing authority 41
 16 of DeKalb County and creating a chairman and board of 42
 17 commissioners of said county, approved March 8, 1956 (Ga. 43
 18 Laws 1956, p. 3237), as amended, is hereby amended by 44
 19 striking Sections 1 through 24 in their entirety and 45
 20 substituting in lieu thereof new Sections to read as 46
 21 follows:

22 "Section 1. Governing authority. (a) There is 47
 23 hereby created the Board of Commissioners of DeKalb 48
 24 County to be elected and organized as hereinafter 49
 25 provided. There is hereby created the office of Chief 50
 26 Executive Officer of DeKalb County, and said Chief 51
 27 Executive Officer, who shall not be a member of the 52
 28 Commission, shall be elected as hereinafter provided.

1 (b) The Board of Commissioners of DeKalb County, 54
 2 hereinafter referred to as the 'Commission,' and the 55
 3 Chief Executive Officer of DeKalb County, hereinafter 56
 4 referred to as the 'Chief Executive' shall constitute
 5 the governing authority of DeKalb County, and the 57
 6 respective powers and duties of the Commission and the 58
 7 Chief Executive shall be as provided in this Act.

8 ^{CR-12C} Section 2. The Commission. ^(a) The Commission 60
 9 shall consist of seven members. There shall be five 61
 10 district commissioners and two at-large commissioners. 62

11 ^{CA-b} (b) For the purpose of electing the five district 64
 12 commissioners, DeKalb County shall be divided into five 65
 13 Commissioner Districts as follows:

14 Commissioner District 1 shall consist of the 67
 15 following Census Tracts of such county:

16 Tracts 211, 212.01, 212.02, 212.03, 212.04, 213.01, 70
 17 213.02, 213.03, 213.04, 214.01, 214.02, 214.03, and 71
 18 214.04.

19 Commissioner District 2 shall consist of the 75
 20 following Census Tracts of such county:

21 Tracts 201, 202, 203, 204, 215, 216.01, 216.02, 78
 22 216.03, and 217.01. 79
 23 Tract 220 that portion north of State Mountain
 24 Freeway. Tracts 221, 222, 223.01, 223.02, 224.01, 80
 25 224.02, 224.03, 225, and 226.

26 Commissioner District 3 shall consist of the 84
 27 following Census Tracts of such county:

28 Tracts 205, 206, 207, 208, 209, 227, 228, 229, 230, 97
 29 234.01, 236, 237, 238.01, 238.02, and 238.03. 98

30 Commissioner District 4 shall consist of the 92
 31 following Census Tracts of such county:

32 Tracts 217.02, 218.01, 218.02, and 219. 95
 33 Tract 220 that portion south of Stone Mountain 97
 34 Freeway.
 35 Tract 232 that portion north of Redan Road. 99
 36 Tract 233 that portion north and east of Redan 101
 37 Road, Stone Mountain Lithonia Road.

38 Commissioner District 5 shall consist of the 105
 39 following Census Tracts of such county:

40 Tracts 231.01, 231.02, 231.03, and 231.04. 108

1	Tract 232 that portion south of Medan Road.	110
2	Tract 233 that portion south and west of Medan	112
3	Road, Stone Mountain Lithonia Road.	
4	Tracts 234.02, 235.01, 235.02, and 235.03.	114
5	For the purposes of this subsection, the term	118
6	'census tract' shall have the same meaning and describe	119
7	the same geographical boundaries as provided in the	120
8	U. S. Department of Commerce, Bureau of Census, report	
9	of the United States Decennial Census of 1980 for the	121
10	State of Georgia. Any portion of DeKalb County not	122
11	included in Commissioner Districts 1 through 5 described	
12	above shall be included within that Commissioner	123
13	District contiguous to such portion which contains the	124
14	least population.	
15	(c) Each commissioner shall be a citizen of this	126
16	State at least 25 years of age and shall have been a	127
17	resident of the respective Commissioner District, or a	128
18	resident of the county in the case of an at-large	
19	commissioner, for at least two years immediately prior	129
20	to taking office. Each district commissioner shall be	130
21	elected by a majority of the electors voting within the	131
22	respective Commissioner District. The at-large	
23	commissioners shall be elected by a majority of the	132
24	electors voting from the county at large. Any	133
25	commissioners who cease to be residents of their	134
26	respective commissioner district, or residents of the	
27	county in the case of at-large commissioners, during	135
28	their terms of office shall thereby vacate their seats	136
29	on the Commission. All members of the Commission shall	
30	be nominated and elected pursuant to the provisions of	137
31	Code Title 34, known as the 'Georgia Election Code,' as	138
32	now or hereafter amended.	
33	Section 3. Establishment of Commission. The	140
34	Commission created by Sections 1 and 2 of this Act shall	141
35	become effective on January 1, 1985. The initial and	142
36	subsequent members of said Commission shall be as	
37	follows:	

1 (1) Effective January 1, 1985, the 144
 2 commissioners representing commissioner districts 2 145
 3 and 3 and one at-large commissioner under Section 2
 4 of this Act shall be the former commissioners 146
 5 representing commissioner districts 2 and 3 and the 147
 6 former at-large commissioner who were elected at
 7 the general election of 1982 under previously 148
 8 existing provisions of this Act, and said 149
 9 commissioners so elected shall serve for the terms
 10 of office to which they were elected, which shall 150
 11 expire on December 31, 1986. Their successors 151
 12 shall be elected at the general election of 1986
 13 and shall take office on January 1, 1987, for terms 152
 14 of four years and until their successors are 153
 15 elected and qualified. Thereafter, successors
 16 shall be elected at the general election 154
 17 immediately preceding the expiration of the terms
 18 of office and shall take office on the first day of 155
 19 January immediately following their election for 156
 20 terms of four years and until their successors are
 21 elected and qualified.

22 (2) The commissioners representing 158
 23 commissioner districts 1, 4, and 5 and the second 159
 24 at-large commissioner shall be elected at the
 25 general election of 1984 and shall take office on 160
 26 January 1, 1985, for terms of four years and until 161
 27 their successors are elected and qualified.
 28 Thereafter, successors shall be elected at the 162
 29 general election immediately preceding the
 30 expiration of terms and shall take office on the 163
 31 first day of January immediately following their 164
 32 election for terms of four years and until their
 33 successors are elected and qualified. The position 165
 34 of chairman of the Board of Commissioners which 166

1	existed under previous provisions of this Act shall	166
2	stand abolished on December 31, 1984.	167
GA ¹⁰	Section 4. Running for other elective office	169
4	creates vacancy. If any member of the Commission or the	170
5	Chief Executive qualifies for nomination or election to	171
6	any elective public office, other than to succeed	
7	oneself as a member of the Commission or as Chief	172
8	Executive, the seat of the member of the Commission or	173
9	the Chief Executive so qualifying shall thereby become	174
10	vacant as of the date of such qualification.	
GA ¹¹	Section 5. Chief Executive. (a) The Chief	176
12	Executive of DeKalb County shall be a citizen of this	177
13	State, at least 30 years of age and shall have been a	178
14	resident of DeKalb County for at least five years	
15	immediately prior to taking office. The Chief Executive	179
16	shall be elected by a majority of the electors voting	180
17	from the county at large. The Chief Executive shall be	
18	nominated and elected pursuant to Code Title 34 known as	181
19	the 'Georgia Election Code,' as now or hereafter	182
20	amended.	
21	(b) The first Chief Executive shall be elected as	184
22	provided in subsection (a) hereof at the general	185
23	election of 1984, and shall take office on the first day	186
24	of January, 1985, for a term of four years. Future	187
25	successors shall be elected at the general election	
26	immediately preceding the expiration of the term of	188
27	office and shall take office on the first day of January	189
28	immediately following the election for a term of four	190
29	years. Each Chief Executive shall serve until the	
30	successor is elected and qualified.	191
31	(c) Any person elected Chief Executive shall not	193
32	be eligible to serve more than two consecutive full	194
33	terms of office. In the event a person fills a vacancy	195
34	in the office of Chief Executive as provided in Section	

1 6 of this Act, such person shall be eligible for 196
 2 election to two full consecutive terms of office as 197
 3 Chief Executive. When a person has served two full
 4 consecutive terms of office as Chief Executive, such 199
 5 person shall not again be eligible to hold said office 200
 6 until such person has been out of office as Chief
 7 Executive for at least four years. 201

GA 1/2 Section 6. Vacancies. (a) Vacancies on the 203
 9 Commission and in the office of Chief Executive 204
 10 occurring by reason of death, resignation, removal from
 11 the county or from the district from which elected or 205
 12 for any other reason shall be filled as provided in this 206
 13 Section.

14 (b) In the event a vacancy occurs on the 208
 15 Commission or in the office of Chief Executive when at 209
 16 least 180 days remain in the unexpired term of office, 210
 17 the election superintendent of DeKalb County, within 15
 18 days after the vacancy occurs, shall issue the call for 211
 19 a special election to fill such vacancy for the 212
 20 unexpired term. Such special election shall be held not 213
 21 less than 29 nor more than 45 days after the issuance of
 22 the call, and shall be held and conducted in accordance 214
 23 with the provisions of Code Title 14, known as the 215
 24 'Georgia Election Code,' as now or hereafter amended. 216
 25 If the vacancy is in the office of Chief Executive, the
 26 Presiding Officer of the Commission shall exercise the 217
 27 powers and duties of the Chief Executive, except as 218
 28 provided in subsection (e) of this Section, for the
 29 period beginning on the date the vacancy occurs and 219
 30 ending when the successor Chief Executive takes office 220
 31 for the unexpired term following the special election
 32 provided for herein.

33 (c) In the event a vacancy occurs in the office of 222
 34 Chief Executive when less than 180 days remain in the 223

1 unexpired term of office, the Presiding Officer of the 2:
 2 Commission shall exercise the powers and duties of the
 3 Chief Executive, except as provided in subsection (e) of 3:
 4 this Section, for the unexpired term.

5 (d) In the event a vacancy occurs on the 2
 6 Commission when less than 100 days remain in the 2
 7 unexpired term of office, the remaining members of the
 8 Commission, shall appoint a qualified person to fill 2
 9 such vacancy for the unexpired term. Any person 2
 10 appointed by the Commission to fill a vacancy as 2
 11 provided herein shall possess the residency and other
 12 qualifications required for the office. ;

13 (e) If the Presiding Officer of the Commission ;
 14 exercises the powers of Chief Executive pursuant to ;
 15 subsections (b) or (c) of this Section, the person ;
 16 serving as Chief Executive in either case shall not be
 17 authorized to discharge the Executive Assistant. A ;
 18 Presiding Officer serving as Chief Executive shall not
 19 be authorized to vote as a member of the Commission
 20 during such service.

21 GA Section 7. Oath and bond. Before entering upon
 22 the discharge of their duties, the Chief Executive and
 23 members of the Commission shall subscribe to an oath
 24 before the Judge of the Probate Court of DeKalb County
 25 for the true and faithful performance of their duties
 26 and that they are not the holders of any public funds
 27 unaccounted for. In addition the Chief Executive shall
 28 further give a satisfactory surety bond, as determined
 29 by the Judge of the Probate Court of DeKalb County, and
 30 payable to the Judge of the Probate Court of DeKalb
 31 County and filed in the office of the Judge of the
 32 Probate Court of DeKalb County, in the sum of
 33 \$50,000.00, conditioned upon the faithful performance of
 34 the duties of the office. Each member of the

1 Commission shall give like bond in the sum of 251
2 \$10,000.00. The costs of said bonds shall be paid from 252
3 county funds.

4 GA Section 8. Compensation. (a) The members of the 354
5 Commission shall receive the compensation specified for 255
6 members of the Board of Commissioners of DeKalb County 256
7 by an Act providing for the compensation of certain
8 officers and officials of DeKalb County, approved March 237
9 31, 1976 (Ga. Laws 1976, p. 3986).

10 (b) The Chief Executive shall receive the 259
11 compensation specified for the Chairman of the Board of 260
12 Commissioners of DeKalb County by the same Act described 261
13 in subsection (a) hereof.

14 Section 9. Powers and duties of the Commission. 263

15 GA^{REV} (a) The Commission shall have the power and authority 264
16 to fix and establish, by appropriate resolution or 265
17 ordinance entered on its minutes, policies, rules and
18 regulations governing all matters reserved to its 266
19 jurisdiction by this Act. The Commission shall exercise 267
20 only those powers which are necessarily and properly 268
21 incident to its function as a policy-making or
22 rule-making body or which are necessary to compel 269
23 enforcement of its adopted resolutions or ordinances, 270
24 and any power or combination of powers vested in the
25 Commission by this Act shall be subject to the 271
26 limitations provided in Section 23 of this Act. The 272
27 following powers are hereby vested in the Commission:

- 28 (1) To levy taxes. 274
- 29 (2) To make appropriations. 276
- 30 (3) To fix the rates of all other charges. 278
- 31 (4) To authorize the incurring of 280
32 indebtedness.

- 33 (5) To authorize work to be done where the 282
34 cost is to be assessed against benefited property 283
35 and to fix the basis for such assessment.

1	(6) To establish, alter, or abolish public	285
2	roads, private ways, bridges and ferries, according	286
3	to law, but the Chief Executive shall have the	
4	authority to accept subdivision plats when the	287
5	requirements established by the Commission for	288
6	subdivisions have been met.	
7	(7) To establish, abolish, or change election	290
8	precincts and militia districts according to law.	291
9	(8) To allow the insolvent lists for the	293
10	county.	
11	(9) To authorize the acceptance for the county	295
12	of the provisions of any optional statute where the	296
13	statute permits its acceptance by the governing	297
14	authority of a county.	
15	(10) To regulate land use by the adoption of a	298
16	comprehensive development plan and by the adoption	299
17	of other planning and zoning ordinances which	301
18	relate reasonably to the public health, safety,	
19	morality and general welfare of the county and its	302
20	citizens; provided, however, no planning or zoning	303
21	ordinance shall become law unless approved by the	
22	member of the Commission representing the district ✓	304
23	in which the subject property is located, or by one	305
24	of the members of the Commission elected from the	
25	county at large.	
26	(11) To create and change the boundaries of	307
27	special taxing districts authorized by law.	308
28	(12) To fix the bonds of county officers where	310
29	same are not fixed by statute.	
30	(13) To enact any ordinances or other	312
31	legislation the county may be given authority to	313
32	enact.	
33	(14) To determine the priority of capital	315
34	improvements.	

1 (15) To call elections for the voting of 317
 2 bonds.
 3 (16) To exercise, together with the Chief 319
 4 Executive Officer, all of the power and authority 320
 5 vested by law in the judge of the probate court 321
 6 when sitting for county purposes.
 7 (17) To exercise, together with the Chief 323
 8 Executive Officer, all powers now or hereafter 324
 9 vested in county governing authorities by the
 10 Constitution and general laws of this State. 325
 11 (18) To fix, levy and assess license fees, 327
 12 charges or taxes on all persons, firms and 328
 13 corporations engaging in or offering to engage in
 14 any trade, business, calling, avocation or 329
 15 profession in the area of DeKalb County, outside
 16 the incorporated limits of municipalities situated 330
 17 therein, except businesses which are subject to 331
 18 regulation by the State Public Service Commission,
 19 and to classify all such persons, firms and 332
 20 corporations according to the nature, manner and 333
 21 size of business conducted by such persons, firms
 22 and corporations and to fix, levy and assess 334
 23 different license fees, charges or taxes against 335
 24 different classes of trades, businesses, callings,
 25 avocations or professions. Such licenses shall be 336
 26 issued, annually or otherwise, and may be revoked, 337
 27 canceled or suspended after notice and a hearing,
 28 in accordance with rules prescribed by the 338
 29 Commission. Said Commission shall be further 339
 30 authorized to adopt ordinances and resolutions to
 31 govern and regulate all such trades, businesses, 340
 32 callings, avocations or professions, not contrary
 33 to regulations prescribed by general law, for the 341
 34 purpose of protecting and preserving the health, 342

1 safety, welfare and morals of the citizens of said 343
 2 county, and to prescribe penalties for the 344
 3 violation of any such ordinances and resolutions, 345
 4 including the operation of such businesses without 346
 5 the obtaining of a license or when such license is 347
 6 revoked or suspended. Payment of said license 348
 7 fees, charges or taxes may be enforced by fi. fas. 349
 8 issued by the Commission and levied by any officer 350
 9 in said county authorized by law to levy fi. fas. 351
 10 for taxes, assessments, fines, costs or forfeitures 352
 11 due said county. The Commission shall be 353
 12 authorized, in its discretion, to require any and 354
 13 all persons, firms or corporations licensed 355
 14 pursuant to the authority herein granted to give a 356
 15 bond payable to DeKalb County and conditioned to 357
 16 pay said county or anyone else, suing in the name 358
 17 of said county and for their use, for injuries or 359
 18 damages received on account of dishonest, 360
 19 fraudulent, immoral or improper conduct in the 361
 20 administration of the business so licensed, such 362
 21 bond to be fixed and approved by the Commission. 363
 22 Such license fees, charges or taxes shall be in 364
 23 addition to all other taxes or assessments 365
 24 heretofore or hereafter levied by said county, and 366
 25 all funds received from same shall be paid into the 367
 26 county depository as general funds of said county. 368
 27 (19) To adopt rules regulating the operation 369
 28 of the Commission. 370
 29 (b) In addition to the powers enumerated in 371
 30 subsection (a) of this Section, the Commission may adopt 372
 31 all such ordinances or regulations as it may deem 373
 32 advisable, not in conflict with the general laws of this 374
 33 State and of the United States, for the governing and 375
 34 policing of the county for the purpose of protecting and

1 preserving the health, safety, welfare, and morals of 368
 2 the citizens of the county and for the implementation 369
 3 and enforcement of the powers and duties of the
 4 Commission, within the classes of subjects and areas of 370
 5 regulation enumerated below:

6 (1) To control and regulate the operation of 372
 7 and running of bicycles, automobiles, motorcycles, 373
 8 motor scooters, buses, taxicabs, trucks, wagons and 374
 9 any and all kinds of vehicles operated in, upon,
 10 over and across the roads, streets, lanes, alleys, 375
 11 sidewalks, parks, plazas, squares and public places 376
 12 in said county and outside the corporate limits of
 13 municipalities situated therein, whether such 377
 14 vehicles are propelled by hand, foot, animal, 378
 15 steam, electric, gasoline or other motive power; to
 16 prescribe and fix speed limits and speed zones for 379
 17 all of the enumerated vehicles; to erect stop and 380
 18 warning signs and signals at dangerous
 19 intersections or places, at schools or other public 381
 20 places; to prescribe and establish lanes and
 21 directional signs, signals and markings to control 382
 22 the direction or flow of traffic for all such 383
 23 vehicles, including limitation of travel to one
 24 direction and including markings, signals and 384
 25 devices to control and regulate the manner of 385
 26 turning at intersections; to regulate and control,
 27 as well as to prohibit entirely, the parking, 386
 28 stopping and standing of all such vehicles on or 387
 29 adjacent to such streets and public places; to
 30 impound such vehicles involved in violations of 388
 31 traffic ordinances or regulations; to restrict and
 32 limit the size and weight of all such vehicles 389
 33 operated on such streets and public places; to 390
 34 regulate and establish routes to be followed by

1 trucks and other heavy or slow-moving vehicles; to 391
 2 regulate and control, by permits or otherwise, and 392
 3 to prohibit entirely the times, routes and manner
 4 of conduct of parades, motorcades and other 393
 5 assemblages of all such vehicles, and public
 6 address systems or other noise-making devices on 394
 7 such streets and public places; to regulate and 395
 8 control the manner of operation of all such
 9 vehicles along, over and across all such streets 396
 10 and ways so as to prohibit and prevent the careless 397
 11 and reckless operation of same in such manner as
 12 would be hazardous to persons or property; to 398
 13 regulate and control in any and all of the
 14 foregoing respects all travel by pedestrians and 399
 15 equestrians along, over and across such streets, 400
 16 ways and public places; and to do any and all
 17 things to provide for the safety of persons and 401
 18 property using such roads, streets, lanes, alleys, 402
 19 sidewalks, parks, plazas, squares and public places
 20 and of persons and property situated adjacent 403
 21 thereto; and any and all things necessary or 404
 22 incident to accomplishment of any of the foregoing
 23 powers, including the authority to require 405
 24 registration of the enumerated vehicles and of 406
 25 their owners and to prescribe standards of
 26 mechanical safety for such vehicles and 407
 27 qualifications of operators thereof. To carry out
 28 all or any of the foregoing powers, the Commission 408
 29 is hereby authorized to adopt as county ordinances 409
 30 all or such portions of Code Title 62A, known as
 31 'The Uniform Rules of the Road,' as to the 410
 32 Commission may seem appropriate and the Recorder's
 33 Court of DeKalb County may punish for violations 411
 34 thereof by fines or imprisonment or both not to 412

1 exceed the limits set forth in said Code Title 68A, 412
 2 or in subsection (c) of this Section or in the 413
 3 ordinance adopting same, and the Commission may 414
 4 adopt such other additional ordinances and
 5 regulations, not in conflict with said Code Title 415
 6 68A and prescribe punishment for violation of same 416
 7 not to exceed the limits set forth in subsection
 8 (c) of this Section.

9 (2) To adopt rules and regulations for the 418
 10 promotion of health and quarantine in the 419
 11 unincorporated area of said county, as are
 12 authorized by law or not inconsistent with general 420
 13 laws or regulations of the State Department of 421
 14 Human Resources or the DeKalb County Board of
 15 Health, and to prescribe penalties and punishment 422
 16 for violations thereof. It is not the purpose or
 17 intent of this paragraph to interfere with or 423
 18 restrict the operation of the Ellis Health Law or 424
 19 the DeKalb County Board of Health within the
 20 unincorporated area of DeKalb County, but to 425
 21 provide for the implementation of same through the 426
 22 ordinances of the Commission, and to promote more
 23 adequate health and quarantine provisions in said 427
 24 county, and to that end the Commission is 428
 25 authorized to adopt all or any portion of the
 26 regulations of said DeKalb County Board of Health, 429
 27 as the same may be amended from time to time, and
 28 to prescribe additional regulations not 430
 29 inconsistent therewith, and to prescribe penalties 431
 30 and punishment for violation of any such ordinances
 31 and regulations, which penalties and punishments 432
 32 may be enforced and imposed by the Recorder's Court 433
 33 of DeKalb County or other court having jurisdiction
 34 over offenses against county ordinances. Said 434

1 health and quarantine powers shall extend to and 435
 2 embrace the health and quarantine of animals as
 3 well as persons.
 4 (3) To prevent dogs, horses, mules, cattle, 437
 5 hogs, sheep, goats, chickens and all other animals, 438
 6 or any one or more kinds of such animals, from
 7 running at large in the unincorporated area of said 439
 8 county; to prevent the keeping of any animal or 440
 9 animals or to regulate the manner and numbers in
 10 which they may be kept; to take up and impound any 441
 11 of such animals and to punish all owners or other 442
 12 persons keeping animals for failure or refusal to
 13 obey any such ordinance and to fix penalties and 443
 14 charges to be paid for release of such impounded 444
 15 animals; to provide for the sale or disposition of
 16 unclaimed animals impounded; to levy and collect a 445
 17 tax upon dogs kept in said county and to provide 446
 18 for registration of dogs; and to do any and all
 19 things necessary to carry out the purposes of this 447
 20 paragraph for the public interest.
 21 (4) To prescribe penalties and punishment for 449
 22 the violation of zoning ordinances, building codes 450
 23 (including electrical, plumbing, heating, and 451
 24 air-conditioning regulations) and all other lawful
 25 ordinances adopted by the Commission pursuant to 452
 26 this or any other law in force in said county.
 27 (5) To provide ordinances for the 454
 28 preservation and protection of county property and 455
 29 equipment and the administration and use of county
 30 facilities, such as parks, playgrounds and swimming 456
 31 pools, by the public, and to prescribe penalties 457
 32 and punishment for violations thereof.
 33 (6) To prescribe fire safety regulations not 459
 34 inconsistent with general law, relating to both 460

1 fire prevention and detection and to fire fighting, 460
 2 and to prescribe penalties and punishment for 461
 3 violation thereof.

4 (7) To prohibit or regulate and control the 463
 5 erection and maintenance of signs, billboards, 464
 6 trees, shrubs, fences, buildings and any and all
 7 other structures or obstructions upon or adjacent 465
 8 to the rights-of-way of streets and roads within 466
 9 the unincorporated area of said county, and to
 10 prescribe penalties and punishment for violation of 467
 11 such ordinances.

12 (8) To adopt ordinances and regulations for 469
 13 the prevention of idleness, loitering, vagrancy, 470
 14 disorderly conduct, public drunkenness and
 15 disturbing the peace in the unincorporated area of 471
 16 said county and to prohibit the playing of 472
 17 lotteries therein, and to prohibit or regulate such
 18 other conduct and activities within said area of 473
 19 DeKalb County which, while not constituting an 474
 20 offense against the general laws of this State, is
 21 deemed by the Commission to be detrimental and 475
 22 offensive to the peace, good order and dignity of
 23 DeKalb County and to the welfare and morals of the 476
 24 citizens thereof.

25 GA (c) The Commission is hereby authorized to adopt 478
 26 ordinances prescribing penalties and punishment for 479
 27 violation of any and all ordinances adopted by the 480
 28 Commission to carry out any of the provisions of this
 29 Section or other provisions of this Act or of any other 481
 30 law, and to prescribe maximum penalties and punishment 482
 31 for violation of same, except that the same shall in no 483
 32 event exceed a fine of \$500.00, imprisonment in the
 33 county jail for 30 days, or labor on the work gang for 484
 34 60 days for any single offense, or any combination 485
 35 thereof.

1 *Comm* Section 10. Audits. (a) The Commission shall 487
2 choose three of its members to serve as an audit 488
3 committee. The term of members serving as the audit 489
4 committee and their manner of selection shall be as
5 determined by the Commission. The audit committee shall 490
6 screen and recommend to the Commission an independent 491
7 auditing firm to serve as an outside auditor of the
8 county government to make an annual continuous general 492
9 audit of all county finances and financial records. 493
10 (b) The outside auditor shall be employed pursuant 495
11 to written contract to be entered upon the minutes of 496
12 the Commission, and the contract shall state clearly and 497
13 concisely the depth and scope of the audit and that it
14 shall be conducted in accordance with the requirements 498
15 of the Act providing uniform standards for audits of 499
16 municipalities and counties within the State of Georgia, 500
17 approved April 21, 1967 (Ga. Laws 1967, p. 883), as
18 amended, by an Act approved March 28, 1968 (Ga. Laws 501
19 1968, p. 464). The auditor shall immediately inform the 502
20 Commission in writing of any irregularities found in the 503
21 management of county business by an officer or
22 department of the county government. 504
23 (c) The outside auditor shall complete the audit 506
24 within 90 days after December 31 of each year, and, 507
25 within ten days after its completion, the auditor shall 508
26 deliver a copy to each commissioner, the Chief Executive
27 and to the grand jury of the DeKalb County superior 509
28 court then in session.
29 (d) The audit committee may also screen and 511
30 recommend to the Commission an internal auditor whose 512
31 function shall be to audit the various departments, 513
32 offices, and agencies of the county government on a
33 continuing basis. The internal auditor shall be 514
34 employed by and serve at the pleasure of the Commission.

39⁴ 1 Section 11. Presiding Officer. (a) The Chief 516
 2 Executive Officer may, at such officer's discretion, 517
 3 preside at any regular or specially called meeting of 518
 4 the Commission, but shall have no vote unless the
 5 members of the Commission are equally divided. 519
 6 (b) At the first regular meeting in January of 521
 7 each year, the Commission shall elect from its 522
 8 membership a Presiding Officer and a deputy presiding 523
 9 officer. The member serving as Presiding Officer or 524
 10 deputy presiding officer shall retain all rights, powers
 11 and duties as a member of the Commission. 525
 12 (c) The Presiding Officer shall preside at 527
 13 meetings of the Commission, in the absence of the Chief 528
 14 Executive Officer, and shall have the following 529
 15 additional duties:
 16 (1) To convene such special meetings of the 531
 17 Commission as are deemed necessary, but all members 532
 18 shall be notified at least three days in advance of 533
 19 any such special meeting:
 20 (2) To appoint the members and chairmen of 535
 21 such committees of the Commission as the 536
 22 Commission, by its rules, may establish and fill
 23 vacancies therein, but any such appointments may be 537
 24 rejected by a majority vote of the total membership 538
 25 of the Commission;
 26 (3) To compel the attendance of members at 540
 27 meetings of the Commission by subpoena, if 541
 28 necessary, subject to the policy of the Commission
 29 as established by its rules: and 542
 30 (4) To exercise such other powers and duties 544
 31 as may be assigned to the Presiding Officer by 545
 32 ordinance or rules and regulations of the
 33 Commission.

1 (d) In the event the office of the member serving 547
 2 as Presiding Officer becomes vacant for any reason, or 548
 3 in the event the Presiding Officer is absent for any 549
 4 reason, or in the event the Presiding Officer exercises
 5 the powers of the Chief Executive pursuant to 550
 6 subsections (b) or (c) of Section 6 of this Act, then 551
 7 the deputy presiding officer shall exercise the powers
 8 and duties of the Presiding Officer during the absence 552
 9 of the Presiding Officer or until a successor Presiding 553
 10 Officer is elected by the Commission at the first 554
 11 regular meeting held during the next succeeding January.

12 ^{Car-} Section 12. Meetings. The Commission shall hold 556
 13 regular meetings on the second and fourth Tuesdays of 557
 14 each month at the county seat, which meetings shall be 558
 15 open to the public, and may hold such additional 559
 16 meetings as shall be necessary when called by the Chief
 17 Executive, the Presiding Officer or any four members of 560
 18 the Commission, but all members shall be notified at 561
 19 least three days in advance of any such additional
 20 meeting. No official action shall be taken by the 562
 21 Commission except in a meeting which is open to the 563
 22 public. The Presiding Officer and any three members of 564
 23 the Commission, or any four members of the Commission
 24 exclusive of the Presiding Officer, shall constitute a 565
 25 quorum, except that a lesser number shall be sufficient 566
 26 to recess or adjourn any meeting; but no official action
 27 shall be taken except upon the affirmative vote of at 567
 28 least four members of the Commission, or three members 568
 29 and the Presiding Officer. The Presiding Officer shall 569
 30 be entitled to the same voting rights as the Commission
 31 members on questions considered by the Commission. 570

32 ^{GA^{Res}} Section 13. Powers and duties of the Chief 572
 33 Executive. (a) The Chief Executive shall have the 573
 34 exclusive power to supervise, direct and control the 574

1 administration of the county government. The Chief 574
 2 Executive shall carry out, execute and enforce the 575
 3 ordinances, policies, rules and regulations of the 576
 4 Commission when such ordinances, policies, rules and
 5 regulations become effective. Members of the Commission 577
 6 shall deal solely through the Chief Executive or his 578
 7 Executive Assistant in all matters concerning the
 8 operation, supervision and administration of the various 579
 9 departments, offices, and agencies of the county 580
 10 government. No member of the Commission shall directly
 11 or indirectly order, instruct, or otherwise attempt to 581
 12 control the actions of county personnel subject to the 582
 13 administrative and supervisory control of the Chief 583
 14 Executive.

15 (b) Subject to the approval of the Commission, the 585
 16 Chief Executive shall have the power to change, 586
 17 consolidate, or abolish any departments, agencies, or 587
 18 offices over which the Chief Executive exercises
 19 supervision and control, except that the department of 588
 20 finance shall be maintained at all times as a separate 589
 21 and distinct department and may not be abolished by the
 22 Chief Executive or by the Commission. Subject to the 590
 23 approval of the Commission, the Chief Executive may 591
 24 create other departments, agencies, and offices, which 592
 25 departments, agencies, and offices, when created, shall 593
 26 be under the supervision and control of the Chief
 27 Executive.

28 (c) Subject to confirmation by the Commission, the 595
 29 Chief Executive shall appoint the planning director, 596
 30 finance director, merit system director, and county 597
 31 attorney. No member of the Commission or the Commission
 32 itself shall be authorized to nominate these officials. 598
 33 Within budgetary limitations, the Chief Executive shall 599
 34 fix the compensation of the officers named in this 600

1 subsection. All such officers shall serve at the
2 pleasure of the Chief Executive and may also be
3 discharged for cause by the affirmative vote of at least
4 six members of the Commission.

5 (d) Subject to budgetary limitations and DeKalb
6 County Merit System regulations, the Chief Executive
7 shall have exclusive authority to appoint, remove, and
8 fix the compensation of all employees and officials of
9 the county, except employees of the Commission, and
10 except that deputies and employees of the elected county
11 officers of DeKalb County shall be subject to
12 appointment, removal, supervision, and control of the
13 respective elective county officers. The appointment,
14 removal and compensation of persons filling offices and
15 positions created by State statutes, when not otherwise
16 prescribed by such statutes, shall be made and fixed by
17 the Chief Executive within budgetary limitations.

18 (e) The Chief Executive may convene special
19 meetings of the Commission when deemed necessary, but
20 all members shall be notified at least three days in
21 advance of any such special meeting.

22 (f) The Chief Executive may compel the attendance
23 of members at meetings of the Commission by subpoena,
24 when deemed necessary, subject to the policy of the
25 Commission as established by its rules.

26 (g) The Chief Executive shall have power to
27 investigate the affairs, records and expenditures of the
28 various authorities, boards, councils, commissions,
29 committees, and similar bodies or agencies, whether
30 created by ordinance of the Commission or by Acts of the
31 General Assembly, relating to the affairs of the county
32 and to report thereon to the Commission.

33 (h) The Chief Executive shall represent the county
34 in intergovernmental matters and shall seek to promote

1 and improve the government of the county and encourage 632
 2 the growth of the county and promote and develop the
 3 prosperity and well-being of the citizens of the county. 633
 4 (i) The Chief Executive, within 120 days after the 635
 5 close of each fiscal year, shall prepare and submit to 636
 6 the Commission a complete annual report on the financial 637
 7 affairs and activities of the county for the immediately
 8 preceding fiscal year. The annual report shall show all 638
 9 income from all sources, including State, county, and 639
 10 federal funds, and all expenditures. The Chief 640
 11 Executive shall cause a summary of said annual report to
 12 be published in the official organ of DeKalb County. 641
 13 Said published summary shall state that a copy of the 642
 14 full report is available from the office of the Chief 643
 15 Executive. The Chief Executive shall also send copies
 16 of the full report to each branch of the county library. 644
 17 The Chief Executive shall also make financial reports 645
 18 during the year as may be required by the Commission.
 19 (j) The Chief Executive may recommend, at any 647
 20 time, to the Commission for its formal consideration 648
 21 such measures or proposals as are deemed necessary or 649
 22 desirable to improve the administration of the affairs
 23 of the county.
 24 (k) The Chief Executive shall devote full time to 651
 25 the duties of the office and shall have no other source 652
 26 of employment.
 27 (l) The Chief Executive shall issue calls for 654
 28 agenda items and shall prepare and publish a listing of 655
 29 those items and the same shall serve as the agenda for 656
 30 the Commission unless superseded by the Commission.
 31 G4 Section 14. Executive Assistants; Administrators. 658
 32 (a) Subject to the qualifications for said office as 659
 33 hereinafter provided in this Section, the Chief 660
 34 Executive shall have exclusive power to appoint, remove

1 from office, and, within budgetary limitations, fix the 66
2 compensation of an Executive Assistant. .

3 (b) The Executive Assistant shall be the chief 65
4 administrative aide to the Chief Executive and shall be 66
5 responsible to the Chief Executive for the proper 66
6 administration of the affairs of the county. When 66
7 directed to do so by the Chief Executive, the Executive 66
8 Assistant may exercise any of the administrative duties 65
9 and powers vested in the Chief Executive by law or by 66
10 ordinances, rules and regulations adopted by the
11 Commission.

12 (c) The Executive Assistant shall hold a college 67
13 degree in public administration, political science, 67
14 urban affairs, business administration, engineering, or
15 a related field and must have at least five years of 67
16 experience in a supervisory capacity as an employee. 67
17 director, administrator, or manager of a city or county
18 government or a state or federal agency or equivalent 67
19 experience in the private sector or any combination 67
20 thereof.

21 (d) No person shall be appointed or hold office as 67
22 Executive Assistant to the Chief Executive if such 67
23 person, within two years immediately preceding 67
24 appointment, has:

25 (1) Been a candidate for elective public 68
26 office;

27 (2) Been the holder of elective public 68
28 office; or

29 (3) Held a management position in the 68
30 political campaign of any candidate for the office 68
31 of Chief Executive, or any member of the Board of
32 Commissioners of DeKalb County. 68

33 (e) After appointment, the Executive Assistant 69
34 shall not take part in the management of any political 69

1 campaign for any elective public office or hold office 691
 2 in any political party or body. If the Executive
 3 Assistant participates in political activities in 692
 4 violation of this subsection, such participation, by 693
 5 operation of law, shall result in the immediate
 6 discharge of the Executive Assistant, and the office of 694
 7 Executive Assistant shall be vacant.

9 (f) The Chief Executive shall also have exclusive 696
 9 power to appoint, remove from office and, within 697
 10 budgetary limitations, fix the compensation of two 698
 11 administrators to assist the Executive Assistant in such
 12 manner as the Chief Executive shall direct. 699

13 CA Section 15. Veto power of Chief Executive. (a) 701
 14 Every ordinance or resolution adopted by the Commission 702
 15 shall be signed by the Presiding Officer of the 703
 16 Commission or, in the absence of the Presiding Officer,
 17 the deputy presiding officer shall sign the ordinance or 704
 18 resolution. Such ordinance or resolution shall be 705
 19 certified by the clerk of the Commission and presented
 20 by said clerk to the office of the Chief Executive 706
 21 within two business days following its adoption by the 707
 22 Commission. The Chief Executive shall approve or veto
 23 the ordinance or resolution within eight business days 708
 24 after its adoption by the Commission, and, except as 709
 25 hereinafter provided, no ordinance or resolution shall 710
 26 become effective without the approval of the Chief
 27 Executive.

28 (b) If the Chief Executive vetoes an ordinance or 712
 29 resolution, the Chief Executive shall return it to the 713
 30 Commission within two business days after such veto 714
 31 along with a written statement of the reasons for the
 32 veto. If, at the meeting of the Commission next held 715
 33 after receiving the vetoed ordinance or resolution, the 716
 34 Commission shall again pass the ordinance or resolution

1 by a two-thirds' vote of its total membership, such
 2 ordinance or resolution shall become effective without
 3 the approval of the Chief Executive. If the Chief
 4 Executive does not approve or veto an ordinance or
 5 resolution within eight business days after its adoption
 6 by the Commission, it shall become effective without the
 7 Chief Executive's approval.

8 (c) The Chief Executive may veto any item or items
 9 of any ordinance or resolution making appropriations,
 10 and the part or parts vetoed shall not become effective,
 11 except as provided by subsection (b) of this Section
 12 with respect to other ordinances or resolutions. Any
 13 part of an ordinance or resolution making appropriations
 14 not vetoed by the Chief Executive shall become
 15 effective.

16 (d) Nothing in this Section shall authorize the
 17 Chief Executive to exercise a veto over any zoning
 18 ordinance adopted by the Commission pursuant to its
 19 authority under paragraph (10) of subsection (a) of
 20 Section 9 of this Act, nor over any rule adopted by the
 21 Commission pursuant to its authority under paragraph
 22 (19) of subsection (a) of Section 9 of this Act.

GA¹⁶

23 Section 16. Comprehensive Development Plan. (a)
 24 The Chief Executive shall from time to time present to
 25 the Commission a Comprehensive Development Plan which
 26 shall:

27 (1) Consider the economic and social aspects
 28 of the county;

29 (2) Set forth the comprehensive development
 30 goals, policies and objectives of the county, its
 31 specific geographic areas, communities and
 32 neighborhoods and the citizens thereof; and

33 (3) In conformity with such development
 34 goals, policies and objectives, identify parks,

1	recreation facilities, sites for public buildings	747
2	and structures, utilities, transportation systems	748
3	and facilities, housing, community facilities,	749
4	manufacturing and industrial sites, future land use	
5	for all classifications and such other elements,	750
6	features and policies as will promote the	751
7	improvement of the county.	
8	(b) In preparing or revising the Comprehensive	753
9	Development Plan, the Chief Executive shall seek the	754
10	views and opinions of citizens of the county and shall	755
11	establish and publicize formal procedures to obtain such	
12	views and opinions.	
13	Corr. Section 17. Budgeting: control of expenditures.	757
14	(a) The Chief Executive shall submit to the board not	758
15	later than August 15 of each year a revenue estimate for	759
16	the following year, which shall not exceed ninety-nine	
17	percent of the previous year's total revenue.	760
18	(b) The Chief Executive shall submit to the board	762
19	not later than October 15 of each year a proposed budget	763
20	governing the expenditures of all funds expected to be	764
21	available to the county for the following calendar year	
22	and shall include proposed expenditures for capital	765
23	outlay and public works projects. The Chief Executive	766
24	shall submit to the Commission at the time the proposed	767
25	budget is submitted a report containing information	
26	relating to the financial affairs of the county which is	768
27	relevant to establishing the annual budget.	769
28	(c) At the time the proposed budget is submitted	771
29	to the Commission, the Chief Executive shall cause to be	772
30	published in the official organ of DeKalb County a copy	773
31	of the proposed budget along with a notice to the public	
32	that a public hearing will be held on the proposed	774
33	budget at a time and place certain, and the time shall	775
34	not be less than ten days after the date of publication	776

1 of the notice. It shall be the duty of the Commission
2 to hold a meeting at the time and place specified in the
3 notice for the purpose of conducting such public
4 hearing. The Commission shall review the proposed
5 budget at such public hearing and may adopt the same as
6 submitted by the Chief Executive or make such amendments
7 thereto as the Commission may deem necessary to maintain
8 the county in sound financial condition. The Commission
9 may continue the hearing on the proposed budget from
10 time to time, but the time of and the place where the
11 hearing is continued shall be publicly announced at the
12 previous hearing. The Commission shall adopt the
13 proposed budget as submitted or as amended by the
14 Commission as the budget for the county for the
15 following calendar year by not later than December 15.

16 (d) The final budget adopted by the Commission
17 shall constitute the Commission's appropriations of all
18 funds for the calendar year covered by the budget. The
19 budget may be amended during the calendar year which it
20 covers upon the Commission taking formal action for such
21 purpose at a regular meeting of the Commission. Prior
22 to taking such action, the Commission shall cause to be
23 published in the official organ of DeKalb County a
24 notice setting forth the proposed changes in the budget
25 and a summary of the reasons therefor. Said notice
26 shall also state the time and place of the regular
27 meeting of the Commission at which action to amend the
28 budget is to be taken. Said notice shall be published
29 at least ten days prior to the date of the meeting. No
30 increase in appropriations shall be made without
31 provision also being made to finance such increase.

32 (e) A copy of the final budget adopted by the
33 Commission and any amendment to or revision of the
34 budget shall be transmitted by the Chief Executive to

1 the grand jury of the superior court of DeKalb County 801
 2 then in session.

3 (f) No expenditure of county funds shall be made 805
 4 except in accordance with the county budget, or 806
 5 amendments thereto, adopted by the Commission. The 807
 6 Chief Executive shall enforce compliance with this
 7 requirement by all departments, offices or agencies of 808
 8 the county government, including elected county 809
 9 officers, and to this end shall institute, through the
 10 department of finance, a system of quarterly allotments 810
 11 of all monies appropriated and budgeted.

12 GA. Code, Section 18. Purchases; contracts. (a) The Chief 812
 13 Executive shall establish rules to regulate purchasing 813
 14 for all county departments, offices, and agencies of the 814
 15 county government. Except as hereinafter provided,
 16 formal sealed bids, after notice of same has been 815
 17 published one time in the official organ of DeKalb 816
 18 County, must be obtained on all purchases exceeding
 19 \$7,500.00. Purchases exceeding \$7,500.00 may be made 817
 20 without formal sealed bids from any vendor who, at the 818
 21 time of purchase, has an existing contract or schedule
 22 with the State of Georgia or the federal government if 819
 23 the purchase is made pursuant to the price, terms, and 820
 24 conditions of said contract and if the county receives 821
 25 all the benefits of such contract.

26 (b) Except for contracts of employment, the 822
 27 Commission shall authorize all contracts involving the 824
 28 expenditure of county funds in excess of \$12,500.00.

29 (c) The dollar limitations specified in 825
 30 subsections (a) and (b) above may be increased by 827
 31 ordinance of the Commission, but except for increasing
 32 such limitations, the provision of said subsections 828
 33 shall not be changed by the Commission. 829

GA 1944

Section 19. Department of finance. (a) The

2 department of finance is hereby established as a
3 permanent administrative unit of the county government.
4 The department shall be under the control and
5 supervision of the director of finance. The department
6 of finance shall perform the following functions:

7 (1) Keep and maintain accurate records
8 reflecting the financial affairs of the county.

9 (2) Compile the annual budget covering all
10 county funds.

11 (3) Make quarterly allotments of monies
12 appropriated and budget to each department, office
13 or agency of the county entitled to receive same.

14 (4) Maintain current control accounts over
15 the collection and deposit of monies due the county
16 from taxes and other sources.

17 (5) Examine all claims against the county and
18 make recommendation as to payment.

19 (6) Maintain budgetary control accounts
20 showing encumbrances for obligations entered into,
21 liquidation of such encumbrances, unencumbered
22 balances of allotments, unexpended balances of
23 appropriations.

24 (7) Maintain proprietary accounts of the
25 current assets and of the liabilities of all county
26 funds.

27 (8) Prepare and issue quarterly financial
28 reports of the operations of all county funds.

29 (9) Maintain property control records of all
30 county property, including equipment and stores,
31 and supervise stores.

32 (10) Plan and prepare for meeting the
33 financial needs of the county, project financial
34 requirements, recommend means of financing those

1 requirements and advise the Chief Executive and the 664
 2 Commission on financial matters.

3 (ll) Perform such other duties as may be 666
 4 assigned by the Chief Executive.

5 (b) The director of finance shall certify to the 668
 6 Chief Executive and to the Commission on March 31, June 669
 7 30, September 30 and December 31 of each year a 670
 8 statement of county finances which shall reflect the
 9 overall county financial position by individual funds as 671
 10 well as a comparison of cash revenue collections by 672
 11 source with the budget estimates of cash revenues by 673
 12 source and also a comparison of departmental
 13 expenditures with budget appropriations. The Chief 674
 14 Executive shall cause the June 30 and December 31 675
 15 statements to be published in the official organ of
 16 DeKalb County one time and a copy posted on the county 676
 17 courthouse bulletin board within 30 days of each date. 677

18 (c) Except as hereinafter provided, the provisions 679
 19 of this Section are advisory only, and the Chief 680
 20 Executive, subject to the approval of the Commission, 681
 21 may provide for the organization or reorganization of
 22 the department of finance and may specify and provide 682
 23 for the powers and duties of the director of finance and 683
 24 other personnel of the department of finance in such
 25 manner as may be necessary or desirable for the 684
 26 efficient and effective operation of the department of 685
 27 finance. The department of finance and the office of 686
 28 director of finance shall not be abolished by the Chief
 29 Executive or the Commission.

30 C. Section 20. Records; minutes. The director of 688
 31 finance shall be ex officio clerk of the Chief Executive 689
 32 and the Commission and shall keep a proper and accurate 690
 33 book of minutes wherein shall appear all the acts,
 34 orders and proceedings of the Commission, in 691

1 chronological order, and a similar book of minutes
2 wherein shall appear, in chronological order, all acts,
3 orders and proceedings of the Chief Executive. The
4 minute books of the Chief Executive and the Commission
5 shall be open to public inspection at all times during
6 the regular office hours, and certified copies of any
7 entries therein shall be furnished by the said clerk to
8 any person requesting same upon payment of a reasonable
9 fee, to be paid into the county treasury as other funds,
10 to be assessed by the Commission in an amount sufficient
11 to defray the cost of preparing same.

12 GA Section 21. Agreements of candidates. It shall be
13 unlawful for any candidate, either for the office of
14 Chief Executive or for membership on the Commission, or
15 for nomination to either of such offices, to enter into
16 any agreement or understanding with any person as to the
17 disposal of any work or appointment which is or shall be
18 under the control of the Chief Executive or the
19 Commission, and any person so offending shall be guilty
20 of a misdemeanor and upon conviction thereof shall be
21 punished as for a misdemeanor.

22 GA Section 22. Officials not to be interested in
23 contracts. Neither the Chief Executive nor any member
24 of the Commission or other county officer empowered to
25 use public or county funds for the purchase of goods,
26 property, or services of any kind for public or county
27 purposes shall be financially interested, directly or
28 indirectly, in any contract to which the county is a
29 party, either as principal, surety or otherwise; nor
30 shall such officer, his partner, agent, servant, or
31 employee of a firm of which he is a member or by whom he
32 is employed purchase from or sell to the county any real
33 or personal property, goods or services. Any contract
34 made in violation of any of the foregoing provisions

1 shall be void, and the officer so offending shall be 919
 2 removed from office upon proper proceedings instituted
 3 by any taxpayer in said county in accordance with the 920
 4 provisions of Section 23-1714 of the Code of Georgia of 921
 5 1933. Provided, however, that the provisions of this 922
 6 Section shall not be applicable to any contract which
 7 has been approved, prior to execution, performance and 923
 8 payment thereon, by a majority of the Commission by a 924
 9 proper entry on the minutes of the Commission.

10 GA Section 23. How sections amended, limitations on 926
 11 powers. (a) Pursuant to the authority of an amendment 927
 12 to the Constitution ratified at the 1978 general 928
 13 election as set forth in Georgia Laws 1978, pages
 14 2370-2372, which amendment authorized the General 929
 15 Assembly to provide by law for the form of government of 930
 16 DeKalb County and to provide for the various officers,
 17 bodies, branches, or agencies by or through which the 931
 18 county's governmental powers shall be exercised, it is 932
 19 the purpose of this Section to specify the exclusive 933
 20 method by which the various provisions of this Act may
 21 hereafter be amended and to limit the powers of the 934
 22 Commission in connection therewith. The exclusive 935
 23 method of amendment of the various provisions of this
 24 Act shall be as follows: 936

25 (1) Sections 1, 3, 4, 5, 6, 11, 13, 14, 15, 938
 26 16, and 23 of this Act and subsections (a) and (c) 939
 27 of Section 2 of this Act and subsection (a) of
 28 Section 9 of this Act may be amended only by Acts 940
 29 of the General Assembly, and any such Act shall be 941
 30 conditioned for its effectiveness on the approval
 31 of a majority of the qualified electors of DeKalb 942
 32 County voting at an election held for such purpose.

33 (2) Section 19 of this Act may be amended 944
 34 only by Acts of the General Assembly, except as 945

*1978
 Const.
 Amend.*

1 otherwise provided by said Section 19, and any such 945
 2 Act shall be conditioned for its effectiveness on 946
 3 the approval of a majority of the qualified 947
 4 electors of DeKalb County voting at an election
 5 held for such purpose.

6 (3) Subsection (b) of Section 2 of this Act, 949
 7 Sections 7, 8, 21, and 22 of this Act, and 950
 8 subsection (c) of Section 9 of this Act may be
 9 amended only by Acts of the General Assembly. 951

10 ~~(4) Section 18 of this Act may be amended 953~~ *purchaser*
 11 ~~only by Acts of the General Assembly, except as 954~~
 12 ~~otherwise provided by said Section 18.~~

13 (5) Subsection (b) of Section 9 of this Act 956
 14 and Sections 10, 12, 17, and 20 of this Act may be 957
 15 amended only by the Commission pursuant to the 958
 16 authority and requirements of Article IX, Section
 17 11, of the Constitution of Georgia of 1976. 959

18 (b) No power or combination of powers vested in 961
 19 the Commission by Section 9 or any other provision of 962
 20 this Act may be exercised in any manner to amend, 963
 21 change, supersede, or repeal, directly or indirectly,
 22 any powers vested in the Chief Executive by this Act." 964

23 Section 2. Referendum. It shall be the duty of 967
 24 the election superintendent of DeKalb County to issue the 968
 25 call for an election for the purpose of submitting this Act 969
 26 to the electors of DeKalb County for approval or rejection.
 27 The superintendent shall set the date of such election for 970
 28 the same date as the date of the general primary election of 971
 29 1982. The superintendent shall issue the call for such 972
 30 election at least 30 days prior to the date thereof. The 973
 31 superintendent shall cause the date and purpose of the 974
 32 election to be published once a week for two weeks 975
 33 immediately preceding the date thereof in the official organ 976

1 of DeKalb County. The ballot shall have written or printed 977
 2 thereon the words: 978
 3 "[] YES Shall the Act establishing the form of 982
 4 government of DeKalb County and 983
 5 [] NO fixing the powers and duties of the 986
 6 officers constituting the governing 991
 7 authority of DeKalb County be approved?"
 8 All persons desiring to vote for approval of the 994
 9 Act shall vote "Yes," and those persons desiring to vote for 995
 10 rejection of the Act shall vote "No." If more than one-half 996
 11 of the votes cast on such question are for approval of the 997
 12 Act, it shall become of full force and effect at the time 998
 13 and subject to the limitations provided in Section 3 of this 999
 14 Act, but otherwise it shall be void and of no force and 1000
 15 effect.
 16 The expense of such election shall be borne by 1003
 17 DeKalb County. It shall be the duty of the superintendent 1004
 18 to hold and conduct such election. It shall be the 1005
 19 superintendent's further duty to certify the result thereof 1006
 20 to the Secretary of State.
 21 Section 3. Effective dates. If this Act is 1009
 22 approved at the referendum provided by Section 2 above, it 1010
 23 shall become effective as follows:
 24 (1) The provisions of this Act necessary to 1012
 25 have members of the governing authority of DeKalb 1013
 26 County elected pursuant to this Act shall be 1014
 27 effective for the purpose of nominating and 1014
 28 electing such members at the 1984 general election.
 29 (2) For all other purposes, this Act shall 1016
 30 become effective on January 1, 1985.
 31 Section 4. Severability. In the event any 1019
 32 section, subsection, sentence, clause, or phrase of this Act 1020

1 shall be declared or adjudged invalid or unconstitutional, 1021
2 such adjudication shall in no manner affect the other 1022
3 sections, subsections, sentences, clauses, or phrases of 1023
4 this Act, which shall remain of full force and effect as if 1024
5 the section, subsection, sentence, clause, or phrase so 1025
6 declared or adjudged invalid or unconstitutional were not 1026
7 originally a part hereof. The General Assembly hereby 1027
8 declares that it would have passed the remaining parts of 1028
9 this Act if it had known that such part or parts hereof
10 would be declared or adjudged invalid or unconstitutional. 1029

11 Section 5. Conflicting laws repealed. All laws 1037
12 and parts of laws in conflict with this Act are hereby 1038
13 repealed.



**The Report of the DeKalb County Government
Reorganization Commission 1979**

THE REPORT
OF THE
DEKALB COUNTY
GOVERNMENT REORGANIZATION COMMISSION
1979

H. ALLEN MOYE, CHAIRMAN*

EUGENE P. WALKER, VICE CHAIRMAN

WHITFIELD C. SMITH, SECRETARY

DEKALB COUNTY GOVERNMENT REORGANIZATION COMMISSION

H. Allen Moyer, Chairman
Dr. Eugene P. Walker, Vice Chairman
Whitfield C. Smith, Secretary
Gregory B. Lewis, Executive Director

Fourth Floor, One Callaway Square
120 West Trinity Place
Decatur, Georgia 30031

November 1, 1979

Dear Reader:

The report which follows is submitted in fulfillment of the responsibility delegated by the General Assembly to the DeKalb County Government Reorganization Commission by SB 185. That responsibility was to develop a plan of reorganization for DeKalb County's government. This report sets forth such a plan.

The report is the result of the well-reasoned and thoroughly debated efforts of the entire GRC. Its recommendations represent, in each instance, the majority position of the Commission. Compromise was not unknown to the Commission, but no member was ever asked to compromise his honestly maintained convictions.

The plan proposed herein cannot, alone, insure good government in DeKalb County. No plan for government ever can unless the electorate populates that government with intelligent, dedicated and honest individuals. However, the implementation of this plan and the election of such officers will produce an accountable, representative government in DeKalb County.

In presenting this report, the GRC is indebted to several people for their aid and support. Mr. Greg Lewis, the executive director, proved to be the Commission's most valuable asset. Without his assistance, the GRC might have stalled at many intersections. Goals for DeKalb and Mr. Jim Starbuck provided staff support during the initial and most controversial period of the GRC's existence. Governor Busbee and the DeKalb County Board of Commissioners provided funding for this project. To each of these we express our gratitude.

This report was prepared with great care. It is hoped that it will be considered with that same degree of care.

Very truly yours,



H. Allen Moyer
Chairman

Enclosure

INTRODUCTION

The DeKalb County Government Reorganization Commission (hereafter referred to as the GRC) is a 29-member commission established by the General Assembly to study the form of government of DeKalb County. This report fulfills its responsibilities as set forth in Senate Bill 185:

"Section 5(a) It shall be the duty of the commission to prepare a plan for the reorganization of the DeKalb County government to the end that the government of DeKalb County, when reorganized, shall provide more efficient and effective delivery of governmental services for the citizens of DeKalb County and shall be representative of the citizens of said county and responsive to the wishes of said citizens."

Before presenting the plan proposed by the GRC, it may be helpful to give a brief history of the process leading to the formation of the GRC and to the particular recommendations it proposes. Sections 5(b) and (c) directed the GRC's attention to Constitutional Amendment 71 ratified by DeKalb County voters at the 1978 general election (Ga. Laws 1978, p. 2370) and to the reports of Goals for DeKalb, a privately funded and professionally staffed citizens group, and the DeKalb County Government Study Committee, which was created by Senate Resolution 97, Resolution Act No. 36 (Ga. Laws 1977, p. 4532). In 1977, the latter two groups studied the form of DeKalb County's government in detail and at length. Both were largely a reaction to a 1976 Georgia Supreme Court case, Guhl v. Williams (237 Ga. 586), in which the Court ruled that the Board of Commissioners had the authority to "diminish the power of the Chairman... and increase the power of a majority of the Board of Commissioners with respect to the employment and discharge of non-merit system employees of the county." (See Appendix.)

In response to that decision, both groups decided that the powers and duties of the chairman were no longer clear and could not be clear as long as the chairman had only those powers delegated to him by the Board of Commissioners. In order to increase the administrative efficiency

Doraville, Lithonia, Stone Mountain, Avondale Estates, and Pine Lake.

To aid in its study, the GRC established three substantive committees: Form of Government, Powers and Duties, and Departmental Structure. The Form of Government Committee studied the various forms of government applicable to DeKalb County, including the advantages and disadvantages of a separation of powers and the different forms that separation could take. The Powers and Duties Committee researched the powers and duties presently assigned to the chairman and the Board of Commissioners and discussed which legitimately belonged with the chief executive officer and which with the legislative body. The Departmental Structure Committee interviewed various department heads and looked into their relationship to the chairman, the executive assistant, and the Board of Commissioners.

In September, each committee presented its final report and recommendations to the GRC. During September and early October, 1979, the GRC debated each recommendation individually. On October 8, 1979, it finished its deliberations and turned its recommendations over to an editing committee to draft a final report.

SCHEDULE OF SPEAKERS AND PUBLIC HEARINGS

April 16, 1979 GRC	Dean Ben F. Johnson, Task Force III Director, Goals for DeKalb John Wilcox, Co-Chairman, DeKalb County Government Study Committee Dexter Edge, Co-Chairman, DeKalb County Government Study Committee
April 30, 1979 GRC	John Hawkins, State Representative Bob Bell, State Senator
May 7, 1979 GRC	Walt Russell, Chairman of the Board of Commissioners, DeKalb County Curtis James, Former Executive Assistant
May 14, 1979 GRC	Tom Lauth, Professor of Political Science, Georgia State University Glenn Abney, Professor of Political Science, Georgia State University
May 21, 1979 GRC	Public Hearing DeKalb County Courthouse

August 13, 1979
GRC

Representative Joe Burton
Representative Hank Elliott
Representative Bill Mangum
Representative Cas Robinson
Representative Tommy Tolbert
Representative Doug Vandiford
Representative Betty Jo Williams

Senator Tom Scott
Senator Jim Tysinger

August 20, 1979
GRC

Duncan Cameron, Mayor, Lithonia
Jesse Norman, Mayor, Doraville
John Fletcher, Mayor, Avondale Estates
Virgil Henderson, City Council, Stone Mountain
Neil Copeland, City Council, Pine Lake
Phil Hoffman, Deputy Chief Administrative Officer,
Atlanta

August 27, 1979
GRC

Walt Russell, Chairman of the Board of Commissioners,
DeKalb County

August 28, 1979
GRC

Public Hearing
District 3, Southwest DeKalb High School

August 30, 1979
GRC

Public Hearing
District 4, Redan High School

September 4, 1979
GRC

Public Hearing
District 1, Peachtree High School

September 5, 1979
GRC

Public Hearing
District 2, DeKalb County Courthouse Auditorium

having the board elect its own presiding officer from among its members. Twelve members favored having the CEO serve as the presiding officer. Three members voted that the CEO remain a full member of the board with full rights to vote and participate in deliberations. This issue was never fully resolved, and this report presents recommendations for both major options.

- (2) (a) The county shall be divided into six districts - 1, 2, 3, 4, 5, and 6 - and three regions - A, B, and C. Region A shall be combined, contiguous Districts 1 and 2. Region B shall be combined, contiguous Districts 3 and 4. Region C shall be combined, contiguous Districts 5 and 6.
- (b) The CEO shall be elected by the county at-large. Three part-time commissioners shall reside in Regions A, B, and C respectively and shall be elected by the county at-large. Six part-time commissioners shall reside in and be elected by the voters of their respective districts.
- (3) (a) The term of office for the CEO and the members of the Board of Commissioners shall be four years.
- (b) The CEO shall serve no more than two full terms in succession.
- (c) The CEO, one at-large commissioner, and three district commissioners shall be elected in the same election. In the general election two years later, two at-large commissioners and three district commissioners shall be elected.
- (4) The General Assembly of Georgia shall reapportion the DeKalb County commission districts after each decennial census, at the same time it reapportions the Georgia legislative districts.
- (5) (a) The CEO shall be a citizen of this state who has attained the age of thirty years and who has been a resident of DeKalb County for not less than five years next preceding election, and shall hold no other elective public office.
- (b) Members of the Board of Commissioners shall be citizens of this state who have attained the age of twenty-five years and who have been residents of their respective

*[In the opinion of the Government Reorganization Commission, this procedure is of fundamental importance and should not be changed except by legislative action and referendum.]

- (b) The executive assistant need not be a resident of the State of Georgia at the time of appointment, but must become a resident of DeKalb County, Georgia, prior to assuming the duties of office. The executive assistant shall hold a degree in public administration, political science, urban affairs, business administration, engineering, or a related field and must have five years' working experience in a supervisory capacity as an employee, director, administrator, or manager of a city or county government or any state or federal agency, or any combination thereof.
 - (c) No person shall be appointed to the office of executive assistant to the CEO who has, within a period of two years immediately preceding the appointment, been a candidate for elective public office, been the holder of elective public office, or held a management position in the political campaign of any candidate for the office of CEO or member of the Board of Commissioners. After appointment, the executive assistant shall not take part in the management of any political campaign for any elective office or hold office in any political party or body. Should the executive assistant take part in the management of any political campaign for any elective public office or hold office in any political party or body, such activity shall constitute cause for immediate removal from office.
- (10) The CEO shall have the exclusive power to appoint and remove two administrators who shall report to the executive assistant. One of said administrators shall oversee line functions. The other shall oversee support functions.

previous year's total revenue.

- (b) The CEO shall submit to the board not later than October 15 of each year a proposed budget governing the expenditures of all county funds, including capital outlay and public works projects for the following calendar year. The proposed budget submitted to the board shall be accompanied by a report containing information and data relating to the financial affairs of the county pertinent to arriving at and establishing the annual budget.
- (c) The CEO shall, upon delivery of the proposed budget, cause to be published in the official organ of DeKalb County a copy of the proposed budget along with a notice to the public that a public hearing on the proposed budget shall be held at a time and place certain, which time shall be not less than ten days of the publication. At this public hearing the board shall review the proposed budget. It may adopt the budget as presented by the CEO or it may make such amendments thereto as it deems necessary to maintain the county in a sound financial condition. Nothing herein shall prevent the board from continuing the hearing on the proposed budget from time to time, provided the time and place to which the hearing is continued shall be publicly announced at the previous hearing. However, the final budget for the ensuing year shall be approved and adopted by the board before December 15. The final budget shall constitute the board's appropriations of all funds for such year, but it may be amended or revised during the year by formal action of the board in a regular meeting, following publication of the proposed changes thereto and the reasons therefor in the official organ of DeKalb County, together with a public hearing, the same as if the proposed changes were a newly submitted budget. No increase in appropriations shall be made without provision also being made for

act in the absence of the deputy presiding officer...."]

Other Powers and Duties

- (17) The CEO shall solicit sealed, formal bids for any purchases over \$7,500 and shall obtain board approval for any contract over \$12,500.
- (18) The CEO shall have the power to investigate the activities, records, accounts, and expenditures of the various authorities, boards, councils, commissions, committees, and similar bodies, created either by ordinance of the Board of Commissioners or by Acts of the Legislature of Georgia relating to the affairs of DeKalb County, and to report thereon to the board.
- (19) The CEO shall represent the county in affairs of intergovernmental relations, promote and improve the government of the county, encourage the growth of the county, and promote and develop the prosperity and social well-being of its people.
- (20) The CEO shall prepare and submit to the board, within one hundred twenty days after the end of each fiscal year, a complete annual report on the financial activities of the county for the preceding year. The annual report shall state all income from all sources, including county, state, and federal funds, and all expenditures. A summary of the report shall also be published in the official organ of DeKalb County. The summary of the report shall state that a copy of the full report is available from the CEO. Further, the CEO shall transmit copies of the full report to each branch of the county library.

The CEO shall also make financial reports during the year as may be required by the Board of Commissioners.

Presiding Officer

- (21) *At the first regular meeting in January of each year, the

Board of Commissioners

- (24) The powers of the Board of Commissioners enumerated in Section 1.132 of the current county code and as amended below shall be fixed so that they can only be changed by state legislation and a referendum of DeKalb voters.
- (a) Subsection (6) shall be changed to read: "To authorize contracts, except contracts of employment, involving the expenditure of county funds in excess of \$12,500."
- (b) Subsection (11) shall be changed to read: "To regulate land use by the adoption of a Comprehensive Development Plan, and by the adoption of other planning and zoning ordinances in conformity therewith which relate reasonably to the public health, safety, morality, and general welfare of DeKalb County and its citizens."
- (c) Subsection (19) shall be added to read: "To increase any dollar amounts specifically stated in the county code."
- (25) Section 1.133 shall remain as is, except that the words "within the limits permitted by this act, for violations of any such ordinances and regulations, which penalties and punishment" in paragraph (2) should be deleted because they are redundant. The Board of Commissioners shall retain its Home Rule power to change any part of this section.
- (26) Section 1.134 should be retained as written, except that the maximum fine has been raised to \$500.
- (27) The Board of Commissioners shall choose from its own members three persons who shall comprise the Audit Committee. This committee shall annually screen and recommend to the full board an independent auditing firm to serve as the outside auditor of the county government. The Audit Committee shall also select an internal auditor, whose function shall be to audit the various departments of government on a continuing basis. This auditor should have a small staff to serve as a fact gathering, research and support group for the board and

or in the office of the CEO when at least one hundred eighty days remain in the unexpired term of office in which the vacancy occurs, it shall be the duty of the Board of Registrations and Elections of DeKalb County, within fifteen days after the vacancy occurs, to issue the call for a special election for the purpose of filling such vacancy. Such special election shall be held within forty-five days after issuance of the call and shall be conducted in accordance with the provisions of the Georgia Election Code. The person elected to fill such vacancy shall serve out the unexpired term of office. If the vacancy occurs in the office of the CEO, the presiding officer* shall exercise all the powers, duties, and responsibilities of the CEO, except the power to dismiss the executive assistant, until a new CEO shall be elected and qualified. The presiding officer shall not have the right to vote on the board while serving as CEO.

- (b) In the event a vacancy occurs on the board, when there are less than one hundred eighty days remaining in the term of office in which the vacancy occurs, the remaining members of the board shall elect a successor to fill said vacancy and serve out the remaining unexpired term. The person so elected must possess the same residency qualifications as the person previously holding the office.
- (c) In the event a vacancy occurs in the office of the CEO, when there are less than one hundred eighty days remaining in the unexpired term of office, the presiding officer* shall exercise the powers, duties, and responsibilities of the CEO, except the power to dismiss the executive assistant, until a new CEO shall be elected in the general election and such CEO shall assume office. While serving as CEO, the presiding officer* shall not have the right to vote on the board.
- (d) If the vacancy occurs in the position of the presiding

Board of Commissioners to serve terms of four years, with the exception that of the original appointments half shall be named for terms of two years. Each district commission area shall be represented on the board by a member who lives in that geographical section of DeKalb County. The CEO shall also name a seventh member. The Zoning Review Board shall elect one of its members to serve as chairman.

The Zoning Review Board shall appoint a zoning examiner who shall be a full-time employee of DeKalb County. This person shall have either a legal or planning background. The person named shall gather information of a factual nature concerning rezonings, take testimony from both proponents and opponents of an application, and draw upon the expertise and knowledge of the appropriate departments of DeKalb County government concerning the feasibility and advisability of rezoning applications. Applications shall also be transmitted to the appropriate Community Council of DeKalb County for its review.

After all information is gathered, the zoning examiner shall develop a finding of facts and prepare a recommendation to be reviewed by the Zoning Review Board prior to transmittal to the Board of Commissioners, which will make final disposition of the application at a public hearing, subject to the veto policies recommended by the GRC.

Legal Department

- (32) There shall be established the position of chief staff counsel (CSC) who shall be a county employee and who shall serve as in-house counsel to the county. The CSC shall have such additional staff attorneys and other support staff as deemed necessary.

The CSC and any assistant counsel shall not be merit system employees but shall meet minimum qualifications set by

for at least one year in an effort to expedite the process of personnel replacement, and to keep a file of applicants who may have special skills.

- (5) The GRC recommends that the CEO appoint a Data Processing Committee comprised of representatives from the various departments to screen the reports handled by the Data Center. At present, the Data Center prepares 740 separate reports. This committee would eliminate unnecessary reports and streamline the flow of information. It would have no authority as to the management of the Data Center.
- (6) The Board of Commissioners should conduct an in-house study at least every two years to insure that compensation of DeKalb County employees is competitive.
- (7) The county should make a continuing evaluation of the positions and salary levels of women and minorities, since reports continue to indicate the lowest paying positions within the county government are occupied almost exclusively by women and minorities. When indicated, the board, with the cooperation of the CEO, should take positions and make recommendations to alleviate this disparity.
- (8) The GRC recommends that the ombudsman functions of the Community Relations Commission be publicized extensively. The GRC further recommends that the Community Relations Commission create and make generally available guidelines for handling citizen complaints and problems.
- (9) The GRC recommends that the finance director make a study of the feasibility of using zero-base budgeting for the county. Upon completion of the study the CEO, finance director, and Board of Commissioners should determine its value to the county.
- (10) The GRC recommends that the Board of Commissioners hold some of its meetings in the evening to allow more citizens to attend and participate in board meetings.

period between the passage and its reconsideration will allow both sides to present their cases to the public. Furthermore, because the veto is an extraordinary procedure, one that is generally used only as a last resort, its use will attract public attention and make the CEO and the commissioners more accountable to the people.

The GRC remains divided over who should preside over board meetings. There are advantages to having either the CEO or a person elected by the board serve as the presiding officer.

If the board elects its own presiding officer, it is in a stronger position to maintain its legislative prerogatives. The presiding officer can provide the leadership necessary for the board to prepare its own legislation, adequately review the budget, carry on its own investigations, and generally maintain legislative oversight of the operation of government. The separation will prevent potential confrontations between a presiding officer who has vetoed an ordinance and a board that is voting to override that veto. Completely removing the CEO from the policy-making body also makes the separation of powers clearer; voters can hold the commissioners accountable for policy and the CEO accountable for administration and the execution of policy. Finally, there is a definite trend among urban counties in other parts of the country toward strong executives and separate commissioners. Of the counties with populations over 100,000 that have changed their form of government since 1965, sixty-one percent have adopted a variant of this model.

On the other hand, if the CEO chairs the board meetings, face-to-face contact between the CEO and the commissioners will occur on a regular basis. This will necessitate communication and negotiation and prevent the isolation of one branch from the other. Requiring the CEO and the board to work together in public should encourage them to work in harmony. Having the CEO preside will provide the opportunity for the CEO to promote the programs advocated in the campaign and to participate in the board's discussion. This increases the chance that county policy will have a clear direction and that administrative realities will be taken into account in policy decisions. It also keeps the CEO clearly visible and more openly accountable; there will be no doubt who is the

their opinions on broader issues than may be brought up in district campaigns. This also increases the opportunity for citizens with similar interests that transcend district boundaries to form countywide political movements or coalitions. Also, at-large commissioners offer a second chance for representation and responsiveness to voters who are not satisfied with their district commissioner. Many voters also find certain at-large commissioners more politically compatible than their district commissioners.

Requiring the at-large commissioners to reside in three distinct regions will preserve the advantages of at-large commissioners and insure a balance of area representation. These commissioners will have countywide accountability but will also have particular understanding of the unique character and problems of their areas.

Recommendation 3 deals with terms of office. The GRC recommends:

- (a) Having the CEO and the commissioners continue to serve four-year terms, although two-year terms were considered. The longer terms seem necessary in order for elected officials to learn their jobs and to become more proficient. They will also reduce the cost in time and money of continual campaigning.
- (b) Limiting the CEO to two consecutive terms reduces the possibility of the establishment of a long-standing personal power structure.
- (c) Staggering the terms provides continuity on the board to balance the power of the CEO. It also allows every voter the opportunity to vote on countywide issues every two years.

Recommendation 4 proposes that the General Assembly continue to reapportion commission districts after each decennial census and that this be stated explicitly in the law. The GRC considered establishing an internal county process for reapportionment but decided that removing the process somewhat out of the realm of county politics increases the chances of fair apportionment.

Recommendation 5 retains the language of present county code for the qualifications of the CEO and commissioners. The GRC recommends that these be changed only by the General Assembly and a referendum.

powers commensurate with the responsibilities of that office.

The executive assistant is the CEO's most important administrative officer, providing the professional expertise necessary to administer county government as the CEO sees fit. Recommendation 9 therefore allows the CEO exclusive authority to appoint and remove the executive assistant. Sections (b) and (c) retain the qualifications for the executive assistant stated in present code, except to add that a degree in business administration or engineering shall meet the educational qualification.

The executive assistant's duties, as now defined, are greater than one person should be expected to handle in a government as large and as complex as that of DeKalb County. Recommendation 10 therefore creates positions for two top administrators who answer to the executive assistant and oversee line and support functions. Because they will have administrative rather than policy responsibilities, the CEO should have exclusive power to appoint and remove them.

The finance director, planning director, county attorney, and merit system director must all work closely with the CEO, and the CEO's confidence in them and control over them is essential to the efficient operation of the county. On the other hand, because these officials have significant policy roles, it is also important that they have the confidence of the Board of Commissioners. Recommendation 11 gives the CEO the exclusive right to nominate these officials and the power to remove them without board approval. The board also has a role in approving the appointment of these officials and can remove them by a three-fourths majority vote.

Because most other county employees are covered by the merit system, Recommendation 13 will not affect them greatly, but it does clearly place ultimate authority over their positions in the hands of the CEO rather than the Board of Commissioners.

Policy Powers

Because the CEO is the person most intimately involved with county government as a whole on a day-to-day basis, it is essential that the

has risen approximately ninety percent. Consequently, matters that used to be handled by the Purchasing Department now require the chairman's attention; matters that used to be handled by the chairman now require consideration at board meetings. To allow the CEO and board to spend their time on more important matters and to keep pace with and possibly outdistance inflation, Recommendation 17 proposes that formal sealed bids be required only on purchases over \$7,500 and that the Board of Commissioners' approval be required only on contracts over \$12,500.

Recommendation 18 gives the CEO the explicit authority to investigate boards established by the Board of Commissioners. This will be particularly important for boards that spend county money.

Recommendation 19 identifies the CEO as the person who will represent the county in intergovernmental relations.

Recommendation 20 continues the practice of an annual financial report on the county's income and expenditures.

Presiding Officer

The question of whether the CEO or a board-elected presiding officer chairs board meetings has already been discussed under Recommendation 1 (See p. 24). The recommendations under this section account for the appropriate delineation of powers and duties in either of the two cases.

Recommendation 21 makes clear that if the board elects its own presiding officer, the presiding officer retains all the rights of a member of the board.

Recommendation 22 gives the presiding officer, whether the CEO or a person elected by the board, the authority to prepare the agenda, call special meetings, appoint committees of the board, and compel attendance.

Recommendation 23 retains the position of vice-chairman from present code but changes the title to deputy presiding officer. The deputy presiding officer shall preside in the absence of the presiding officer.

Board of Commissioners

The GRC is generally satisfied with the powers and duties assigned

elected. If there are more than one hundred eighty days left in the unexpired term, a special election for the position of CEO will be held within sixty days.

The presiding officer (or deputy presiding officer) is the most appropriate person to fill this caretaker task, which will last six months at most. The GRC expects that the executive assistant will continue to handle most administrative tasks. The GRC therefore recommends that the executive assistant be retained to assure continuity in administration until a new CEO can be elected.

Zoning

The Comprehensive Land Use Plan adopted in 1977 has not been successful as a basis for zoning decisions. Instead, decisions have come primarily as a reaction to crowded, emotionally charged zoning hearings or adverse appellate court decisions. The volatile atmosphere of zoning hearings and the steady stream of adverse court rulings are largely the result of an irrational zoning process, which allows neither adequate public involvement nor sufficient findings of fact to stand up to a court test.

Recommendation 30 requires the CEO to prepare annually a Comprehensive Development Plan that considers the needs of all segments of the county. The plan will classify land for zoning purposes and provide for the general growth and development of the county as a whole. This process will give the governing authority a strong background from which it can determine whether an individual zoning application "reasonably relates to the public health, safety, morality, and general welfare." [Barrett v. Hamby, 235 Ga. 262 (1975)]

By involving the public in the creation of the Comprehensive Development Plan, the county allows people a voice in planning the future of their neighborhoods. Citizens will have more control over whether a business is allowed in the neighborhood or whether a residential street is widened into a major thoroughfare. This will diminish some of the frustration expressed at public hearings, a frustration grounded in general feelings of helplessness and hopelessness.

TO THE DEKALB DELEGATION:

The foregoing attached report, which has been adopted by the undersigned as the final report of the DeKalb County Government Reorganization Commission, was born of the well-reasoned and thoroughly debated efforts of the entire GRC. The same is hereby submitted in fulfillment of the duty entrusted to the GRC by the people of DeKalb County, through their duly elected representatives.

Respectfully submitted,

H. Allen Moye
H. ALLEN MOYE, Chairman

Eugene P. Walker
EUGENE P. WALKER, Vice-Chairman

Whitfield C. Smith
WHITFIELD C. SMITH, Secretary

W. J. Bryan Ball, Jr.
W. J. BRYAN BALL, JR.

Elaine R. Davis
ELAINE R. DAVIS

Mary R. Davis
MARY R. DAVIS

Walt Davis
WALT DAVIS

Gay P. Benham
GAY P. BENHAM

Richard P. Bernhardt
RICHARD P. BERNHARDT

Col. Gardner F. Brown
COL. GARDNER F. BROWN,
U.S.A.F. Ret.

Homer A. Cronin
HOMER A. CRONIN

Janet Cukor
JANET CUKOR

Robert N. Powell
ROBERT N. POWELL

Mortimer P. Reed
MORTIMER P. REED

Rhoda C. Russell
RHODA C. RUSSELL

DeDe Slappey
DEDE SLAPPEY

(ii) Those commissioners elected in 1980 shall serve two-year terms.

(iii) 1982 elections:

a. The commissioners elected to fill Regional Post A and District Posts 1, 3, and 5 shall serve two-year terms.

b. Those commissioners elected to fill Regional Posts B and C and District Posts 2, 4, and 6 shall serve four-year terms.

(d) All regions and districts shall be apportioned by the General Assembly after the 1980 census and prior to the 1982 election.



Majority Report of the Form of Government Committee

MAJORITY REPORT OF THE FORM OF GOVERNMENT COMMITTEE

The Form of Government Committee has issued a preliminary report which discusses the considerations applicable to deciding upon the form of government for DeKalb County and has issued papers on Consideration of Commission Districts and Reapportionment. These preliminary reports did not include recommendations.

The purpose of this report is to supplement the previous reports and to make recommendations concerning the form of government for DeKalb County. It does not supersede the other reports; the information in them is included herein by reference; however, this report does highlight the main considerations leading to the recommendations and discusses some considerations which are not covered adequately in the other reports.

The local constitutional amendment implies that the Chief Executive must be elected. An elected Chief Executive who has complete control of the administration will be considered by the public to be a policy maker, and experience in other governments and in private organization indicates that chief executives are, in fact, policy makers. In order that there be no confusion in the public mind about who is responsible for policy and therefore accountable to the electorate for policy, it is necessary that the Chief Executive be a member of the policy-making body and share in the collective responsibility for policy. It is also necessary that the policy-making body have a leader to guide its deliberations and deal with the governmental entities on policy matters. These are properly the duties of a chairman. These considerations lead to recommendation "A" below which proposes a

Commission and a full-time Chief Executive Officer who also serves as Chairman of the Board of Commissioners.

The most important considerations leading to these recommendations is the clear separation of the powers, duties and areas of responsibility of the Chairman and the Board of Commissioners. The organization of DeKalb County government must be designed so that, insofar as possible, there is a clear distinction between policy and administration along with clear statements describing which officials are responsible for policy and which are responsible for administration. The absence of clear delineation has led to confusion, bickering and unnecessary litigation. In turn, this situation has also resulted in an erosion of confidence in DeKalb County government by the electorate.

Although a great many variations of governmental forms have been considered, only two general approaches to resolution of this problem appeared likely to correct the problem (only two avenues seemed open).

In simplest terms the question boiled down to separation of the Chairman/CEO from the board or retention of the Chairman/CEO on the board, but with careful, clear definition of the powers and duties of each.

A majority of the committee felt a separation represented the best way to correct the functional problem while at the same time providing an opportunity for therapeutic change in county government.

The key element in a separation is the removal of the Chairman/CEO's vote. Without a vote, he is functionally removed from the board. The committee was concerned that this separation not destroy the rapport and opportunity for a good working relationship between the two, thus the committee also

recommends that the Chairman/CEO remain as presiding officer of the board. In this way he can retain the close ties with the board necessary to prevent, as far as possible, a total split between them.

To assure a balance of power, a veto must be given the Chairman. The board should be able to override the veto by 2/3 majority vote.

Many sources have indicated that much of the problem arises out of a confusion of policy and administration. This would require that there be a Chief Executive Officer who is assigned complete responsibility for administration. It is clear that the board should not be allowed to meddle in administration so long as the Chairman is vested with the responsibility for administration of county government.

Policy, however, is a dual and collective responsibility of the Chairman/CEO and the board. It is virtually impossible to divest a Chairman/CEO of policy responsibility. The community expects him to set the tone of leadership and the direction of the county. The legislature balances this power with a policy making function which is both deliberative and, simultaneously with the Chairman/CEO - policy initiating.

Together they govern the county. But the key to the mainspring is the leadership role of the Chairman/CEO. The majority felt this missing element in the works of county government is the factor which led to three separate studies of the problem and finally a constitutional amendment. The majority also felt that, while tightening up the 1956 Act might solve the operational problems, it would not likely lead to a restoration of confidence in the county government or provide the opportunity for dynamic leadership which the county needs at this crossroads of its development.

DeKalb County is no longer rural, but it is no longer growing at the phenomenal rates of the 1960's. It is dominated by residential development, and it is at a critical point in determining its future growth directions - residential vs. industrial/commercial - or the mix of both. Leadership provides the direction, and the people must be given a clear voice choosing the direction through their vote for a single person, the Chairman/CEO, who is vested with that leadership role.

The size of the commission should be small enough that it can operate effectively as a group and large enough to give adequate representation to various political groupings. These criteria conflict and the proper balance is a matter of judgment. This committee recommends nine commissioners and the Chief Executive Officer.

The majority of the committee prefers all single member districts but recognizes that there is substantial public opinion in favor of some at-large commissioners.

There are additional reasons for some at-large commissioners which are both theoretical and practical. With all single member districts, political minorities within a district will be unrepresented. At-large commissioners increase the opportunities for these minorities to be represented. Further, the commission will be concerned with long-range planning for the county as a whole and, in cooperation with other governments, for the metropolitan region. This means that there should be some commissioners who look to the county as a whole as their constituency.

It is important that the electorate have an opportunity to vote on county-wide considerations at least every two years. This requires that in every election there be a candidate for commissioner running county wide. Related

to this consideration is a need for citizens who have similar political interests which transcend district boundaries to have an opportunity to form political movements in support of county-wide policies and to offer candidates who will advance those policies and be responsive to these political groups. These considerations lead to the mix of at-large and district commissioners proposed in recommendations "B" and "C" below.

The case of Guhl vs. Williams (237 Ga. 586) turned upon the questions of definition of the term "form of government" and many citizens disagreed with the opinion of the court. In order to forestall a similar situation in the future, it is recommended that the definition stated below of the Form of Government be included in the legislation establishing the governing authority.

Based on the foregoing considerations, the Form of Government Committee recommends:

A. That the Form of Government be a modified binary, or two-branch form of organization following the concept of a basic, legally enforceable separation of the administrative responsibilities from the legislative responsibilities, with explicit checks and balances to be composed of:

1. A full-time, elected, Chief Executive Officer, having exclusive administrative authority, who also serves as the presiding officer (or chairman) of the Board of Commissioners sitting with veto power and without a vote; *will not sit on board nor take part in deliberations nor vote* and

2. An elected, part-time, multi-member county commission, having ultimate legislative authority.

B. That the Chief Executive Officer be elected by the county at-large; that two part-time commissioners be elected by the county at-large; and that seven part-time commissioners be elected by and from districts.

C. That the terms for all the commissioners be four years and that the terms be arranged so that in one election one part-time at-large commissioner and four district commissioners be elected.

That the term for the Chief Executive Officer be four years and that the term be arranged so that the election for Chief Executive Officer coincides with the election for one at-large and three district commissioners.

D. That the commission districts be reapportioned after each decennial census.

Richard Bernhardt
H. Allen Moye
Rhodd Russell
Whitfield Smith
Gia Spielberg
Larry Taulbee
John Wilcox

- Hand Out Report -

At the Request of the Board of Commissioners - ^{formed 7/22/1976}
in April 1979 - ^{Definition of policy}
Severance - ^{making a - ~~of~~ ~~policy~~ ~~in~~ ~~the~~ ~~county~~ ~~government~~}

Reorganization Commission was officially constituted, and was charged with the responsibility of developing a plan of reorganization for the government of DeKalb County. This Commission was unusual in one primary respect - ^{It was} ~~it was~~ established for the purpose of initiating ~~some~~ action to improve ^{DeKalb} government - ~~it was~~ not organized simply to study ~~DeKalb~~ government.

Much study had already taken place before we began our work. In 1975, the City-County Study Committee was created to determine the feasibility of creating a City of DeKalb. In 1975, the Board of Commissioners created the POLICY AND ORGANIZATION RESEARCH COMMITTEE (PORC) to study improvement in policy formulation and implementation and structural changes necessary to accomplish these improvements. In 1976, the legislature created the DeKalb County Citizen's Committee for Efficient Government to study changes in the structure of the administrative branch of the government. In order to improve the delivery of services to DeKalb's citizens, in 1978, the Board of Commissioners created the COUNTY OPERATIONS ANALYSIS COMMITTEE (COAC) to analyze the delivery of services by the government.

Unfortunately, little change was brought about as a result of these studies. ~~Further study was needed~~. The proverbial straw ^{that} broke the camel's back was the adoption of two home rule ordinances in 1976 which had the effect of significantly reducing the Chairman's power to appoint the ^{five} ~~three~~ non-merit system department heads. The Commission gave itself the authority to make ~~the~~ appointments to these positions, requiring only that they reject two nominees of the chairman. It was these ordinances - ~~which were drafted in George Lillard's office~~ - which resulted in the ~~creation of the~~ ~~County Attorney~~.
^{any} ^{new} ^{ordinance} ^{to} ^{replace} ^{the} ^{five} ^{non-merit} ^{system} ^{department} ^{heads} ^{and} ^{to} ^{give} ^{the} ^{commission} ^{the} ^{authority} ^{to} ^{make} ^{the} ^{appointments} ^{to} ^{these} ^{positions} ^{and} ^{to} ^{require} ^{only} ^{that} ^{they} ^{reject} ^{two} ^{nominees} ^{of} ^{the} ^{chairman}. It was these ordinances

County Attorney.

In the case of Guhl v. Williams, the Supreme Court of Georgia ruled that these ordinances did not change the form of the government of DeKalb County. If such a significant change in a basic power - the appointment power - did not change the "form of government," what would? To answer that question, it was necessary to determine what "form of government" was.

In 1977, two studies were conducted, separately but simultaneously, to answer that question, and to offer suggested changes. The legislature created the DeKalb County Government Study Committee, and Goals for DeKalb conducted a task force study entitled "Structuring for Leadership in DeKalb County Government."

These studies discovered one basic problem with DeKalb's government. The lines of authority are poorly defined. The Chairman has no real authority by virtue of his being Chairman. He draws authority only from his position as a member of the Commission. His only gain for being Chairman is the responsibility for executing the orders of the Commission. The present system of government fails to give the Chairman the authority necessary to the performance of his responsibilities. This partially explains why no chairman who has offered for ~~selection~~^{re-election} since 1956 has been ~~selected~~^{re-elected}. The people do not know who is accountable for what mistakes the government may make. The chairman is "the leader" but the Board of Commissioners has the authority. This is a basic, systemic problem which transcends the personalities of the incumbents. One group of Commissioners may be able to co-exist peacefully - others may not be able to. The problem is systemic and must be changed.

The solution to that problem lies in clearly delineating authority. It involves a separation of the policy-making and policy-implementation functions. Both of ~~the~~^{the} 1977 studies agreed with that proposition. Fifty-six percent of the citizens who voted on Amendment 71 in 1978 agreed. During our deliberations,

we heard from many people, including Chairman Russell. Consistently, this solution was cited by these people as correct.

(Says Report) ~~Thus~~ ^{In October} last month the Reorganization Commission adopted a report which proposed that we have a Chief Executive Officer who has exclusive administrative authority, and a Board of Commissioners which has ultimate legislative authority. With those recommendations, everyone is in agreement.

The controversy which has plagued the Reorganization Commission ~~during the past few weeks~~ ^{is} whether this clear separation of functions ~~can~~ ^{could} be accomplished within the framework of a government which ~~is~~ ^{was} unitary or one-branch - in form. Twenty-six of 29 members finally concluded that such a system was undesirable.

Under the present form of government, even with a clear delineation of powers, the Chairman's position as a ~~strong~~ ^{strong} leader or a weak leader depends upon whether his vote makes him a member of the majority or minority ~~block~~. If he is consistently a member of the minority ~~block~~, his proposals will consistently be defeated, and he will be unable to govern because any action he takes which is contrary to the direction of the Board of Commissioners is "null, void and of no effect."

Thus, the Reorganization Commission recommended that the Chief Executive Officer not be a member of the Commission, but have the right of veto; and, the Commission could, in turn, override the veto of the CEO.

The veto is just the first of many institutional checks and balances which we have written into the proposal. In a county with a changing political, ethnic, and economic composition, institutional checks and balances, rather than political checks and balances are necessary.

We have recommended enlarging the Commission to nine members. Six members will be elected from single-member districts;

three members will be elected at large, but will be required to live within three regions in the county. Each region will be created through the pairing of two single-member districts.

There were a number of reasons for this proposal. At present, our districts are too large to be responsive to the needs of the people. ^{As an example} At present, District 2 is the smallest with 100,000 and District 4 is the largest with 140,000. At present population figures, 6 districts each would include about 80,000 residents.

A separate legislative branch is necessary with a growing county population such as we have. It is predicted that by 2000 AD, we will reach a population of between 750,000 and one million. Under the present system, the district commissioners would then be representing a quarter-million people. At most, we could add two additional districts, to reduce the per district population to 167,000. Political scientists from whom we heard indicated that the present commission form would cease to be efficient when it passed 9 members. However, the separate legislature could be enlarged to accommodate population increases.

*7 members
or fewer*

Additionally, with the districts as large as they are, minorities are effectively excluded from meaningful participation, yet they include 25% of our population.

Finally, the proposal for at-large commissioners was included to eliminate parochialism and ward-politics. Some on the legislative body must consider the interests of the entire county. Additionally, there should be debate on county-wide issues on a biennial basis, in the context of an election where the voters can, by their ballots, decide the issue. Without at-large commissioners, ^{such as, Energy E. Harris,} such problems would fester for four years without resolution, ^{until the Board comes up for elections.}

By requiring regional residency, diversity of opinion from around the county is guaranteed.

These are the major proposals which the GRC has made. They were arrived at through the well-reasoned and thoroughly-debated efforts of all members. After three-quarters of a century under a commission form of government, it is time that we had a public debate on the form of DeKalb's government. Yet the opponents are already working - behind the scenes - to guarantee that you do not have the opportunity to engage in that debate. They are twisting arms of our legislators to guarantee that the legislation - which will put this proposal on the ballot for you to vote on in August - will fail. They have the advantage. All they need is to convince two senators or six representatives not to sign the law and you will never have the opportunity to voice an opinion on its merits.

Their argument is that the present system is better than the proposed system. If, as the opponents argue, the present system is best, why are they afraid to let you vote? I, for one, have confidence in the proposals of the GRC. They are no panacea. A form of government can only function if populated by honest, dedicated and reasonably intelligent persons. However, we believe that the implementation of the proposals of the GRC, and the election of such office-holders will improve government in DeKalb County. - We hope you agree and can support us.

- THANK YOU.
1. ~~THE~~ THE DeKalb Democrat Party has GAVE us REASON OF APPROVING THE IMPLEMENTATION OF THE GRC PROPOSAL.
 2. THE Republican legislators in THE HOUSE and SENATE HAVE Agreed TO ~~WAVE~~ ^{SIGN} THE LEGISLATION
 3. THE Democrat ~~legislators~~ legislators HAVE NOT ~~AGREED~~ Agreed TO SIGN THE LEGISLATION
 4. Open the floor for Discussion & Questions.
 5. THANK YOU.

DWIGHT



Max Cleland
SECRETARY OF STATE
404-594-7001

Secretary of State

Atlanta
30331

April 1, 1983

COMMERCIAL DIVISION
119 STATE CAPITOL
1044 154-21-2

TO: CLERK, BOARD OF COUNTY COMMISSIONERS, DEKALB COUNTY
FROM: MAX CLELAND, SECRETARY OF STATE
SUBJECT: ENACTMENTS OF THE GENERAL ASSEMBLY.

I am enclosing legislation which was passed during the recent session of the General Assembly, for your information and record.

Any time this office can be of service to you, please call on me.

Sincerely yours,

Max Cleland
Secretary of State

MC:jb

An Equal Opportunity Employer

State of Georgia

OFFICE OF SECRETARY OF STATE

I, Max Cleland, Secretary of State of the State of Georgia, do hereby certify that the eight pages of photographed matter hereto attached, Act Number 472 (H.B. No. 483) approved by the Governor on March 29, 1983 contains a true and correct copy of an Enrolled Act affecting your county; all as the same appear of file and record in this office.



IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of my office, at the Capitol, in the City of Atlanta, this 1st day of April, in the year of our Lord One Thousand Nine Hundred and Eighty-three and of the Independence of the United States of America the Two Hundred and Seventh.

Max Cleland

SECRETARY OF STATE

ENROLLMENT

March 22 1983

The Committee of the House on Journals has examined the within and finds the same properly enrolled.

Billy McLeod of 13th
Chairman

Thomas Murphy
Speaker of the House

Edison Williams
Clerk of the House

Joe Price
President of the Senate

Hamilton H. Whaley
Secretary of the Senate

Received Sam Seader
Secretary, Executive Department

This 22nd day of March 1983

Approved

Joe Tate
Governor

This 29th day of March 1983

H. B. No. 483 Act No. 472

General Assembly



AN ACT

To amend an Act revising, superseding, and consolidating the laws relating to the governing authority of DeKalb County and creating a chairman and board of commissioners of said county, so as to change the provisions of said amendatory Act relating to the powers and duties of the governing authority of DeKalb County; and for other purposes.

IN HOUSE

Read 1st time 2-8-83
Read 2nd time 2-9-83
Read 3rd time 2-18-83

Ayes 110 Nays 0

Edison Williams
Clerk of the House

IN SENATE

Read 1st time 2-21-83
Read 2nd time 3-5-83
Read 3rd time 3-4-83

Ayes 52 Nays 0

Hamilton H. Whaley
Secretary of the Senate
Reps. Robinson of the 58th/Aaron of the 56th, and Williams of the 54th and others

AN ACT

To amend an Act revising, superseding, and consolidating the laws relating to the governing authority of DeKalb County and creating a chairman and board of commissioners of said county, approved March 8, 1956 (Ga. L. 1956, p. 3237), as amended, particularly by an Act establishing the form of government of DeKalb County and fixing the powers and duties of the officers constituting the governing authority of DeKalb County, approved April 9, 1981 (Ga. L. 1981, p. 4304), so as to change the provisions of said amendatory Act relating to the powers and duties of the governing authority of DeKalb County; to change the provisions thereof relating to the appointment and removal of certain officers and employees of DeKalb County; to change the provisions thereof relating to the executive assistant; to provide for other matters relative to the foregoing; to provide for a referendum; to provide effective dates; to provide for severability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

Section 1. An Act revising, superseding, and consolidating the laws relating to the governing authority of DeKalb County and creating a chairman and board of commissioners of said county, approved March 8, 1956 (Ga. L. 1956, p. 3237), as amended, particularly by an Act establishing the form of government of DeKalb County and fixing the powers and duties of the officers constituting the governing authority of DeKalb County, approved April 9,

1981 (Ga. L. 1981, p. 4304), is amended by striking from said amendatory Act, approved April 9, 1981 (Ga. L. 1981, p. 4304) subsection (b) of quoted Section 9 of Section 1 in its entirety and substituting in lieu thereof a new subsection (b) to read as follows:

"(b) In addition to the powers enumerated in subsection (a) of this Section, the Commission may adopt all such ordinances or regulations as it may deem advisable, not in conflict with the general laws of this State and of the United States, for the governing and policing of the county for the purpose of protecting and preserving the health, safety, welfare, and morals of the citizens of the county and for the implementation and enforcement of the powers and duties of the Commission."

Section 2. Said amendatory Act approved April 9, 1981 (Ga. L. 1981, p. 4304) is further amended by striking subsection (a) of quoted Section 13 of Section 1 in its entirety and substituting in lieu thereof a new subsection (a) to read as follows:

"(a) The Chief Executive shall have the exclusive power to supervise, direct and control the administration of the county government. The Chief Executive shall carry out, execute and enforce all ordinances, policies, rules and regulations of the Commission when such ordinances, policies, rules and regulations become effective. Members of the Commission shall deal solely through the Chief Executive or his Executive Assistant in all matters concerning the operation, supervision, and administration of the various departments, offices, and agencies of the county government. No member of the Commission shall directly

or indirectly order, instruct, or otherwise attempt to control the actions of county personnel subject to the administrative and supervisory control of the Chief Executive. Nothing herein shall be construed to preclude any commissioner from seeking information necessary to the establishment of policy from any person, including any employee of DeKalb County."

Section 3. Said amendatory Act approved April 9, 1981 (Ga. L. 1981, p. 4304) is further amended by striking subsection (c) of quoted Section 13 of Section 1 in its entirety and substituting in lieu thereof a new subsection (c) to read as follows:

"(c) Subject to confirmation by the Commission, the Chief Executive shall appoint the Executive Assistant, the Planning Director, Finance Director, Merit System Director, and the County Attorney. No member of the Commission or the Commission itself shall be authorized to nominate these officials. Within budgetary limitations, the Chief Executive shall fix the compensation of the officers named in this subsection. All such officers shall serve at the pleasure of the Chief Executive. The Commission may also discharge any such officer for cause, but the affirmative vote of at least five members of the Commission shall be required to discharge any such officer."

Section 4. Said amendatory Act approved April 9, 1981 (Ga. L. 1981, p. 4304) is further amended by striking subsections (a) and (b) of quoted Section 14 of Section 1 in their entirety and substituting in lieu thereof new subsections (a) and (b) to read as follows:

"(a) Subject to the qualifications for said office as hereinafter provided in this Section, the Chief Executive shall nominate, and the Commission shall confirm, an Executive Assistant. The executive assistant shall be the chief administrative aide to the Chief Executive and the Commission and shall be responsible to the Chief Executive and the Commission for the proper administration of the affairs of the county.

(b) When directed to do so by the Chief Executive, the executive assistant may exercise any of the administrative duties and powers vested in the Chief Executive by law or by ordinances, rules, and regulations adopted by the Commission."

Section 5. After the approval of this Act by the Governor, or after it otherwise becomes law, it shall be the duty of the election superintendent of DeKalb County to issue the call for an election for the purpose of submitting this Act to the electors of DeKalb County for approval or rejection. The superintendent shall set the date of such election for the same date as the Presidential Primary election which is held in 1984. He shall issue the call for such election at least 30 days but not more than 60 days prior to the date of such election. The superintendent shall cause the date and purpose of the election together with the form of the ballot to be published once a week for two weeks immediately preceding the date thereof in the official organ of DeKalb County. The ballot shall have written or printed thereon the words:

"() YES Shall the Act amending the Act establishing and reorganizing the form of government of DeKalb County and fixing the powers and duties of the officers constituting the governing authority of DeKalb County be approved?"

All persons desiring to vote for approval of the Act shall vote "Yes," and those persons desiring to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on such question are for approval of the Act, it shall become of full force and effect as provided in Section 6 of this Act, but otherwise it shall be void and of no force and effect.

The expense of such election shall be borne by DeKalb County. It shall be the duty of the superintendent to hold and conduct such election. It shall be his further duty to certify the result thereof to the Secretary of State.

Section 6. For the purpose of becoming incorporated into the amendatory Act providing for the form of government of DeKalb County, approved April 9, 1981 (Ga. L. 1981, p. 4304) this Act shall become effective upon its approval in the referendum provided for in Section 5 of this Act but, as a part of said amendatory Act, this Act shall become effective on January 1, 1985, as provided in paragraph (2) of Section 3 of said amendatory Act.

Section 7. In the event any section, subsection, sentence, clause, or phrase of this Act shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other sections, subsections, sentences, clauses, or phrases of this Act, which shall

remain of full force and effect as if the section, subsection, sentence, clause, or phrase so declared or adjudged invalid or unconstitutional were not originally a part hereof. The General Assembly declares that it would have passed the remaining parts of this Act if it had known that such part or parts hereof would be declared or adjudged invalid or unconstitutional.

Section 8. All laws and parts of laws in conflict with this Act are repealed.

PUBLISHER'S CERTIFICATE

**NOTICE OF INTENTION
TO INTRODUCE
LOCAL LEGISLATION**

Notice is hereby given that there will be considered at the regular 1983 session of the General Assembly of Georgia, a bill to amend an Act entitled, *supplemental and revising the laws relating to the governing authority of DeKalb County and creating a chairman and board of commissioners of said county*, approved March 8, 1982 (GA L. 1982, p. 227), as amended, particularly by an Act approved April 8, 1982 (GA L. 1982, p. 280), and an Act approved April 12, 1982 (GA L. 1982, p. 223), and for other purposes.

The 17th day of December 1982
Frank Redding
Representative, 20th District
19 8232 02/22-17

STATE OF GEORGIA _____ }
COUNTY OF DEKALB _____ } M:

Personally appeared before the undersigned, a notary public within and for said county and State, _____
Gerald Wm. Crane _____, publisher of the
Decatur-DeKalb News/Era
a newspaper published at Decatur _____
county of DeKalb _____
State of Georgia _____

who, being duly sworn, states on oath that the report of
Local Legislation-DeKalb County governing
authority-Frank Redding, Rep. 50th district
a true copy of which is hereto annexed, was published in
said newspaper in its issue of the 23, 30, 6th _____ day of
Dec., 1982, Jan., 19 83 _____

Gerald Wm. Crane _____, Publisher
s/ Gerald Wm. Crane
(by) _____, Agent
s/ Linda L. Orr _____

Acknowledgment of the publisher must be made before a
notary public or other official authorized to administer oaths

Sworn to and subscribed before me this 6th _____
day of January, 19 83 _____

Linda L. Orr _____
s/ Linda L. Orr _____ Notary Public

My commission expires June 21, 19 85 _____

(REAL)

SYNOPSIS - BILL TO REORGANIZE DEKALB GOVERNMENT - AS PASSED VERSION
(SB 246 Substitute)

Section 1. Creates the governing body of DeKalb County and defines it as the Commission and the Chief Executive. (Referendum)

Section 2. Fixes the total number of commissioners at seven (7), five from districts and two at-large. This reduces the current per district population from 120,000 to 95,000. (a & c - Referendum; b - General Assembly).

Section 3. Implements the new plan. Effective date of January 1, 1985, with first election held in November 1984. Those commissioners elected in 1982 will be carried over, serving until 1986. In 1982, two district commissioners, Districts 2 & 3, and one at-large commissioner will be elected. In 1984, three district commissioners from Districts 1, 4, & 5 and the second at-large commissioner will be elected. (Referendum).

Section 4. Changes present code slightly to require that either the Chief Executive or the commissioners must resign in order to seek election to any other office. (Referendum).

Section 5. Establishes qualifications of the Chief Executive (which are the same as in the present law for the Chairman of the Board).

* Provides for the election of the first Chief Executive in November 1984; sets terms of four (4) years, and limits the Chief Executive to two (2) consecutive full terms. (Referendum).

Section 6. Follows present code for filling vacancies which may occur in the governing authority. The word "Chairman" is changed to Chief Executive. Under this section, a special election will be held to replace a commissioner, or the Chief Executive; if there are six (6) months or more remaining in the term. If less than six months remain, the Presiding Officer (created in Section 11), becomes the Chief Executive, and the Commission replaces the commissioner in the regular fashion. (Referendum).

Section 7. Oath and bond requirements of the current code are retained. (General Assembly).

Section 8. Compensation requirements of current law are retained. Chief Executive - 100% of salary of Superior Court Judge; Commissioner - 22%. (General Assembly)

Section 9. Establishes the powers of the Commission. Current law is followed, except in paragraphs 5, 9, and 17, where the language has been modified to reflect the new configuration of the governing authority. The language in paragraph 10 has been changed to provide that zoning ordinances cannot become law unless approved by the member of the Commission representing the district in which the property is located or by one of the at-large commissioners. (a - referendum; b - commission; c - General Assembly).

Section 10. Takes the audit function as defined in current law, and makes it clear that the function is a matter of legislative oversight. 10(a) creates an audit committee on the Commission, and gives it the duty to screen the outside auditor, who will perform the financial audit. 10(d) allows the Commission to hire an internal auditor who may conduct both a financial and performance audit, as the Commission may direct. (Commission)

Section 11. Creates the position of Presiding Officer and deputy presiding officer, elected by the Commission. Grants to them certain powers; convening meetings; appointment of committees; compelling of attendance; and other powers delegated by the Commission itself. (Referendum)

Section 12. Meeting requirements of the current law are retained. (Commission)

Section 13. Powers of the Chief Executive are prescribed. This compares with the present law, but goes into far more detail. 13(a) - the CEO has exclusive power over administration. Commissioners must go through the CEO or his executive assistant on all administrative matters and may not give orders or instructions to any county employee.

13(b) allows the CEO to reorganize departments subject to Board approval.

13(c) - the CEO is allowed to appoint the planning director, finance director, merit director, and county attorney, subject to Board approval.

- 13(d) - The CEO has the authority over all county employees under the merit system.
- 13(e) - The CEO can convene special meetings of the Board.
- 13(f) - The CEO can subpoena commissioners when necessary to compel attendance of members at meeting.
- 13(g) - The CEO can investigate the boards established by the Commission or the General Assembly.
- 13(h) - The CEO represents the County in intergovernmental affairs.
- 13(i) - The CEO prepares an annual fiscal report.
- 13(j) - The CEO may recommend policy.
- 13(k) - The CEO may have no other job.
- 13(l) - The CEO shall prepare the Commission agenda items and the same shall serve as the agenda unless superseded by the Commission. (Referendum).

Section 14. Executive Assistant, administrators. The CEO is allowed to appoint and remove, without Board confirmation, the Executive Assistant. The Executive Assistant must have a degree in public administration, political science, urban affairs, business administration, engineering or a related field, and is required to have at least five years of experience in a supervisory capacity as an employee, director, administrator, or manager of a city or county government or a state or federal agency or equivalent private sector experience. No person can be designated Executive Assistant if such person has been a candidate for public office, held public office or held a management position in the political campaign of any candidate for the office of Chief Executive or member of the Board, DeKalb County. Two administrators subordinate to the Executive Assistant are created to perform the duties delegated to them by the Executive Assistant.

Section 15. The CEO's veto power is prescribed. He shall approve or veto ordinances or resolutions (except zoning), within eight (8) business days, subject to a vote of the commission to override vetoes.

The CEO has a line-item veto over appropriations. The CEO has two (2) business days to return a vetoed ordinance or resolution to the Commission, along with a written statement of the reasons for the veto. The Commission may override the veto by a two-thirds vote of the total membership at the meeting next held following the veto. (Referendum).

Section 16. A comprehensive development plan must be prepared and presented to the Commission "from time to time" by the Chief Executive. (Referendum).

Section 17. The budgetary process, similar to the current law, is created. a) the CEO presents a revenue estimate to the Commission by August 15. This estimate may not exceed 99% of the previous year's total revenue. b) the CEO submits a proposed budget by October 15, and the Board must approve the budget by December 15. (Both dates are two weeks earlier than in the current law, to allow for the utilization of the veto). Amendments in the budget during the fiscal year require public notice and hearings. (Commission).

Section 18. Takes the present provisions for purchasing from the current law. Formal sealed bids are required on purchases over \$7,500, rather than \$2,500, Commission approval is required on contracts over \$12,500, rather than \$5,000 (General Assembly, except that the Commission may increase the dollar figures.)

Section 19. Preserves the description of the Department of Finance in the present law. (note: Under Section 15(b), the Department must be maintained as a separate department; however, under this section, the CEO may reorganize the Department, subject to Commission approval.) (Referendum, except as provided in c).

Section 20. Records and Minutes. The Director of Finance shall be the ex-officio clerk of the Chief Executive and the Commission as in the present law. (Commission).

Section 21. Agreements of Candidates. This is the current law. (General Assembly).

Section 22. Conflict of Interest. This is the current law. (General Assembly).

Section 23. Amendments provided for. (Note: The amendment process required for each separate provision in the new law is provided herein in conjunction with the synopsis of the section's provisions and follows in parentheses.) (Referendum).



DeKalb County Charter Review Handbook

Charter Review HB 483

DWIGHT



Max Cleland
SECRETARY OF STATE
14041504 1981

Secretary of State

Atlanta
30334
April 1, 1981

COMMUNICATIONS SECTION
STATE CAPITAL
14041504 1981

TO: CLERK, BOARD OF COUNTY COMMISSIONERS, DEKALB COUNTY
FROM: MAX CLELAND, SECRETARY OF STATE
SUBJECT: ENACTMENTS OF THE GENERAL ASSEMBLY.

I am enclosing legislation which was passed during the recent session of the General Assembly, for your information and record.

Any time this office can be of service to you, please call on me.

Sincerely yours,
Max Cleland
Max Cleland
Secretary of State

MC:jb

An Equal Opportunity Employer

State of Georgia
OFFICE OF SECRETARY OF STATE

I, Max Cleland, Secretary of State of the State of Georgia, do hereby certify that the eight pages of photographed matter hereto attached, Act Number 472 (H.B. No. 483) approved by the Governor on March 29, 1983 contains a true and correct copy of an Enrolled Act affecting your county; all as the same appear of file and record in this office.



IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of my office, at the Capitol, in the City of Atlanta, this 1st day of April, in the year of our Lord One Thousand Nine Hundred and Eighty-three and of the Independence of the United States of America the Two Hundred and Seventh.

Max Cleland

SECRETARY OF STATE

ENROLLMENT

March 22 1983

The Committee of the House on Journals has examined the within and finds the same properly enrolled.

Billy Miford of 13th
Chairman

Thomas Murphy
Speaker of the House

Edison Williams
Clerk of the House

Tom Price
President of the Senate

Hamilton K. Whiting
Secretary of the Senate

Received John Seader
Secretary, Executive Department

This 22nd day of March 1983

Approved

Joe Tate
Governor

This 29th day of March 1983

H. B. No. 483 Act No. 472

General Assembly



AN ACT

To amend an Act revising, superseding, and consolidating the laws relating to the governing authority of DeKalb County and creating a chairman and board of commissioners of said county, so as to change the provisions of said amendatory Act relating to the powers and duties of the governing authority of DeKalb County; and for other purposes.

IN HOUSE

Read 1st time 2-9-83

Read 2nd time 2-4-83

Read 3rd time 2-18-83

Ayes 110 Nays 0

Edison Williams
Clerk of the House

IN SENATE

Read 1st time 2-21-83

Read 2nd time 3-3-83

Read 3rd time 3-4-83

Ayes 52 Nays 0

Hamilton K. Whiting
Secretary of the Senate
Reps. Robinson of the 56th, Aaron of the 55th, and Williams of the 54th and others

AN ACT

To amend an Act revising, superseding, and consolidating the laws relating to the governing authority of DeKalb County and creating a chairman and board of commissioners of said county, approved March 8, 1956 (Ga. L. 1956, p. 3237), as amended, particularly by an Act establishing the form of government of DeKalb County and fixing the powers and duties of the officers constituting the governing authority of DeKalb County, approved April 9, 1981 (Ga. L. 1981, p. 4304), so as to change the provisions of said amendatory Act relating to the powers and duties of the governing authority of DeKalb County; to change the provisions thereof relating to the appointment and removal of certain officers and employees of DeKalb County; to change the provisions thereof relating to the executive assistant; to provide for other matters relative to the foregoing; to provide for a referendum; to provide effective dates; to provide for severability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

Section 1. An Act revising, superseding, and consolidating the laws relating to the governing authority of DeKalb County and creating a chairman and board of commissioners of said county, approved March 8, 1956 (Ga. L. 1956, p. 3237), as amended, particularly by an Act establishing the form of government of DeKalb County and fixing the powers and duties of the officers constituting the governing authority of DeKalb County, approved April 9,

1981 (Ga. L. 1981, p. 4304), is amended by striking from said amendatory Act, approved April 9, 1981 (Ga. L. 1981, p. 4304) subsection (b) of quoted Section 9 of Section 1 in its entirety and substituting in lieu thereof a new subsection (b) to read as follows:

"(b) In addition to the powers enumerated in subsection (a) of this Section, the Commission may adopt all such ordinances or regulations as it may deem advisable, not in conflict with the general laws of this State and of the United States, for the governing and policing of the county for the purpose of protecting and preserving the health, safety, welfare, and morals of the citizens of the county and for the implementation and enforcement of the powers and duties of the Commission."

Section 2. Said amendatory Act approved April 9, 1981 (Ga. L. 1981, p. 4304) is further amended by striking subsection (a) of quoted Section 13 of Section 1 in its entirety and substituting in lieu thereof a new subsection (a) to read as follows:

"(a) The Chief Executive shall have the exclusive power to supervise, direct and control the administration of the county government. The Chief Executive shall carry out, execute and enforce all ordinances, policies, rules and regulations of the Commission when such ordinances, policies, rules and regulations become effective. Members of the Commission shall deal solely through the Chief Executive or his Executive Assistant in all matters concerning the operation, supervision, and administration of the various departments, offices, and agencies of the county government. No member of the Commission shall directly

or indirectly order, instruct, or otherwise attempt to control the actions of county personnel subject to the administrative and supervisory control of the Chief Executive. Nothing herein shall be construed to preclude any commissioner from seeking information necessary to the establishment of policy from any person, including any employee of DeKalb County."

Section 3. Said amendatory Act approved April 9, 1981 (Ga. L. 1981, p. 4304) is further amended by striking subsection (c) of quoted Section 13 of Section 1 in its entirety and substituting in lieu thereof a new subsection (c) to read as follows:

"(c) Subject to confirmation by the Commission, the Chief Executive shall appoint the Executive Assistant, the Planning Director, Finance Director, Merit System Director, and the County Attorney. No member of the Commission or the Commission itself shall be authorized to nominate these officials. Within budgetary limitations, the Chief Executive shall fix the compensation of the officers named in this subsection. All such officers shall serve at the pleasure of the Chief Executive. The Commission may also discharge any such officer for cause, but the affirmative vote of at least five members of the Commission shall be required to discharge any such officer."

Section 4. Said amendatory Act approved April 9, 1981 (Ga. L. 1981, p. 4304) is further amended by striking subsections (a) and (b) of quoted Section 14 of Section 1 in their entirety and substituting in lieu thereof new subsections (a) and (b) to read as follows:

"(a) Subject to the qualifications for said office as hereinafter provided in this Section, the Chief Executive shall nominate, and the Commission shall confirm, an Executive Assistant. The executive assistant shall be the chief administrative aide to the Chief Executive and the Commission and shall be responsible to the Chief Executive and the Commission for the proper administration of the affairs of the county.

(b) When directed to do so by the Chief Executive, the executive assistant may exercise any of the administrative duties and powers vested in the Chief Executive by law or by ordinances, rules, and regulations adopted by the Commission."

Section 5. After the approval of this Act by the Governor, or after it otherwise becomes law, it shall be the duty of the election superintendent of DeKalb County to issue the call for an election for the purpose of submitting this Act to the electors of DeKalb County for approval or rejection. The superintendent shall set the date of such election for the same date as the Presidential Primary election which is held in 1984. He shall issue the call for such election at least 30 days but not more than 60 days prior to the date of such election. The superintendent shall cause the date and purpose of the election together with the form of the ballot to be published once a week for two weeks immediately preceding the date thereof in the official organ of DeKalb County. The ballot shall have written or printed thereon the words:

() YES Shall the Act amending the Act establishing and reorganizing the form of government of DeKalb County and fixing the powers and duties of the officers constituting the governing authority of DeKalb County be approved?"

All persons desiring to vote for approval of the Act shall vote "Yes," and those persons desiring to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on such question are for approval of the Act, it shall become of full force and effect as provided in Section 6 of this Act, but otherwise it shall be void and of no force and effect.

The expense of such election shall be borne by DeKalb County. It shall be the duty of the superintendent to hold and conduct such election. It shall be his further duty to certify the result thereof to the Secretary of State.

Section 6. For the purpose of becoming incorporated into the amendatory Act providing for the form of government of DeKalb County, approved April 9, 1981 (Ga. L. 1981, p. 4304) this Act shall become effective upon its approval in the referendum provided for in Section 5 of this Act but, as a part of said amendatory Act, this Act shall become effective on January 1, 1985, as provided in paragraph (2) of Section 3 of said amendatory Act.

Section 7. In the event any section, subsection, sentence, clause, or phrase of this Act shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other sections, subsections, sentences, clauses, or phrases of this Act, which shall

remain of full force and effect as if the section, subsection, sentence, clause, or phrase so declared or adjudged invalid or unconstitutional were not originally a part hereof. The General Assembly declares that it would have passed the remaining parts of this Act if it had known that such part or parts hereof would be declared or adjudged invalid or unconstitutional.

Section 8. All laws and parts of laws in conflict with this Act are repealed.

PUBLISHER'S CERTIFICATE

NOTICE OF INTENTION TO INTRODUCE LOCAL LEGISLATION
Has it a hereby given that there will be introduced at the regular 1983 session of the General Assembly of Georgia, a bill to amend an Act relating, respectively, and repealing the laws relating to the governing authority of DeKalb County and creating a chairman and board of commissioners of said county, approved March 6, 1982 (GA L. 1982 p. 327), as amended, particularly by an Act approved April 2, 1983 (GA. L. 1983 p. 1284), and an Act approved April 15, 1983 (GA. L. 1983 p. 623), and to other purposes.
This 17th day of December 1982.
Frank Redding
Representative, 20th District
18-0028 12/23/82

STATE OF GEORGIA
COUNTY OF DEKALB

Personally appeared before the undersigned, a notary public within and for said county and State,
Gerald Wm. Crane, publisher of the Decatur-DeKalb News/Era
a newspaper published at Decatur
county of DeKalb
State of Georgia

who, being duly sworn, states on oath that the report of Local Legislation-DeKalb County governing authority-Frank Redding, Rep. 50th district a true copy of which is hereto annexed, was published in said newspaper in its issue of the 23, 30, 6th day of Dec., 1982, Jan., 19 83

s/ Gerald Wm. Crane, Publisher
(s) s/ Linda L. Orr, Atty

Acknowledgment of the publisher must be made before a notary public or other official authorized to administer oaths

Sworn to and subscribed before me this 6th day of January, 19 83
s/ Linda L. Orr, Notary Public
My commission expires June 21, 19 85
(SEAL)

SYNOPSIS - BILL TO REORGANIZE DEKALB GOVERNMENT - AS PASSED VERSION
(SB 246 Substitute)

Section 1. Creates the governing body of DeKalb County and defines it as the Commission and the Chief Executive. (Referendum)

Section 2. Fixes the total number of commissioners at seven (7), five from districts and two at-large. This reduces the current per district population from 120,000 to 95,000. (a & c - Referendum; b - General Assembly).

Section 3. Implements the new plan. Effective date of January 1, 1985, with first election held in November 1984. Those commissioners elected in 1982 will be carried over, serving until 1986. In 1982, two district commissioners, Districts 2 & 3, and one at-large commissioner will be elected. In 1984, three district commissioners from Districts 1, 4, & 5 and the second at-large commissioner will be elected. (Referendum).

Section 4. Changes present code slightly to require that either the Chief Executive or the commissioners must resign in order to seek election to any other office. (Referendum).

Section 5. Establishes qualifications of the Chief Executive (which are the same as in the present law for the Chairman of the Board).

* Provides for the election of the first Chief Executive in November 1984; sets terms of four (4) years, and limits the Chief Executive to two (2) consecutive full terms. (Referendum).

Section 6. Follows present code for filling vacancies which may occur in the governing authority. The word "Chairman" is changed to Chief Executive. Under this section, a special election will be held to replace a commissioner, or the Chief Executive; if there are six (6) months or more remaining in the term. If less than six months remain, the Presiding Officer (created in Section 11), becomes the Chief Executive, and the Commission replaces the commissioner in the regular fashion. (Referendum).

Section 7. Oath and bond requirements of the current code are retained. (General Assembly).

Section 8. Compensation requirements of current law are retained. Chief Executive - 100% of salary of Superior Court Judge; Commissioner - 22% (General Assembly)

Section 9. Establishes the powers of the Commission. Current law is followed, except in paragraphs 5, 9, and 17, where the language has been modified to reflect the new configuration of the governing authority. The language in paragraph 10 has been changed to provide that zoning ordinances cannot become law unless approved by the member of the commission representing the district in which the property is located or by one of the at-large commissioners. (a - referendum; b - commission; c - General Assembly).

Section 10. Takes the audit function as defined in current law, and makes it clear that the function is a matter of legislative oversight. 10(a) creates an audit committee on the Commission, and gives it the duty to screen the outside auditor, who will perform the financial audit. 10(d) allows the Commission to hire an internal auditor who may conduct both a financial and performance audit, as the Commission may direct. (Commission)

Section 11. Creates the position of Presiding Officer and deputy presiding officer, elected by the Commission. Grants to them certain powers; convening meetings; appointment of committees; compelling of attendance; and other powers delegated by the Commission itself. (Referendum)

Section 12. Meeting requirements of the current law are retained. (Commission)

Section 13. Powers of the Chief Executive are prescribed. This compares with the present law, but goes into far more detail. 13(a) - the CEO has exclusive power over administration. Commissioners must go through the CEO or his executive assistant on all administrative matters and may not give orders or instructions to any county employee.

13(b) allows the CEO to reorganize departments subject to Board approval.

13(c) - the CEO is allowed to appoint the planning director, finance director, merit director, and county attorney, subject to Board approval.

13(d) - The CEO has the authority over all county employees under the merit system.

13(e) - The CEO can convene special meetings of the Board.

13(f) - The CEO can subpoena commissioners when necessary to compel attendance of members at meeting.

13(g) - The CEO can investigate the boards established by the Commission or the General Assembly.

13(h) - The CEO represents the County in intergovernmental affairs.

13(i) - The CEO prepares an annual fiscal report.

13(j) - The CEO may recommend policy

13(k) - The CEO may have no other job.

13(l) - The CEO shall prepare the Commission agenda items and the same shall serve as the agenda unless superseded by the Commission. (Referendum).

Section 14. Executive Assistants, administrators. The CEO is allowed to appoint and remove, without Board confirmation, the Executive Assistant. The Executive Assistant must have a degree in public administration, political science, urban affairs, business administration, engineering or a related field, and is required to have at least five years of experience in a supervisory capacity as an employee, director, administrator, or manager of a city or county government or a state or federal agency or equivalent private sector experience. No person can be designated Executive Assistant if such person has been a candidate for public office, held public office or held a management position in the political campaign of any candidate for the office of Chief Executive or member of the Board, DeKalb County. Two administrators subordinate to the Executive Assistant are created to perform the duties delegated to them by the Executive Assistant.

Section 15. The CEO's veto power is prescribed. He shall approve or veto ordinances or resolutions (except zoning), within eight (8) business days, subject to a vote of the commission to override vetoes.

The CEO has a line-item veto over appropriations. The CEO has two (2) business days to return a vetoed ordinance or resolution to the Commission, along with a written statement of the reasons for the veto. The Commission may override the veto by a two-thirds vote of the total membership at the meeting next held following the veto. (Referendum).

Section 16. A comprehensive development plan must be prepared and presented to the Commission "from time to time" by the Chief Executive. (Referendum).

Section 17. The budgetary process, similar to the current law, is created. a) the CEO presents a revenue estimate to the Commission by August 15. This estimate may not exceed 99% of the previous year's total revenue. b) the CEO submits a proposed budget by October 15, and the Board must approve the budget by December 15. (Both dates are two weeks earlier than in the current law, to allow for the utilization of the veto). Amendments in the budget during the fiscal year require public notice and hearings. (Commission).

Section 18. Takes the present provisions for purchasing from the current law. Formal sealed bids are required on purchases over \$2,500, rather than \$2,500, Commission approval is required on contracts over \$12,500, rather than \$5,000 (General Assembly, except that the Commission may increase the dollar figures.)

Section 19. Preserves the description of the Department of Finance in the present law. (note: Under Section 15(b), the Department must be maintained as a separate department; however, under this section, the CEO may reorganize the Department, subject to Commission approval.) (Referendum, except as provided in c).

Section 20. Records and Minutes. The Director of Finance shall be the ex-officio clerk of the Chief Executive and the Commission as in the present law. (Commission).

Section 21. Agreements of Candidates. This is the current law. (General Assembly).

Section 22. Conflict of Interest. This is the current law. (General Assembly).

Section 23. Amendments provided for. (note: The amendment process required for each separate provision in the new law is provided herein in conjunction with the synopsis of the section's provisions and follows in parentheses.) (Referendum).



**Democratize the Structure of the Government of
DeKalb County**

**DEMOCRATIZE THE STRUCTURE
OF THE GOVERNMENT OF
DEKALB COUNTY**

By

**Dr. William C. "Bill" Brown
Former DeKalb County Commissioner
District 5
February 18, 2004**

INTRODUCTION

PURPOSE

The purpose of this epistle is to (1) set forth an assortment of incontestable facts that undergird and validate the idea that the structure of the government of DeKalb County, Georgia, needs to be restyled; and (2) provide those DeKalb County citizens who want the structure of the County's government to be changed with authentic background information upon which to anchor their argument.

Let it be clearly and unequivocally understood that this oracle is absolutely not intended, in the least way, to criticize, condemn or cast aspersions on any Chief Executive Officer (CEO) of DeKalb County, past or present. Likewise, this communication is not designed to besmirch the reputation of any other public official of DeKalb County, past or present. Thus, the inalterable focus will be on governmental structure and the issues the structure raises, not on personalities. For instance, the indisputable facts recorded herein, and the issues they engender, would prevail no matter who, including the pope, occupies the office of the CEO in DeKalb County.

BACKGROUND

Having been a resident of DeKalb County since 1975, I was here when the current structure of DeKalb County's government was adopted, and I supported it for the following reasons:

- It was my opinion that the management and operation of DeKalb County's government was in dire need of stalwart direction and, perhaps, a centralized power structure would be required to achieve that goal at that time.
- The person who would initially command that power, Manuel Maloof, possessed the knowledge of, and skills in, county management that such an assignment would demand.
- Manual Maloof neither needed nor wanted anything from the CEO's office, except good county government.
- Manual's accomplishments in DeKalb County were well known; thus, he did not need undue media attention to heighten his visibility and importance.

When Manual left office DeKalb County enjoyed, in my opinion, a county government that was efficiently managed and operated. This view has been corroborated by an article in the January, 2004, edition of the Atlanta Magazine.

Shortly after taking a seat on DeKalb County's Board of Commissioners on January 1, 1993, to represent District 5, I concluded, without a scintilla of doubt, that DeKalb County was no longer a rural, outpost community, as it had been in earlier years. Thus, it needed a new form of government to efficiently address changing developments and needs. For instance, housing construction, especially in District 5, which I represented,

was exploding, bringing in a plethora of new people--a vast array of ethnicities, backgrounds, expectations, customs, traditions and demands that were new to DeKalb County. For example, many of my new constituents had been accustomed to calling their city councilman or alderman or their county commissioner and getting their concerns addressed in a timely manner. In DeKalb County, commissioners must appeal to the CEO and/or the staff he/she commands to get assistance in responding to constituents' needs. Thus, it became blazingly clear to me that Commissioners were at the mercy of the CEO and the staff under his/her command to deliver services to Commissioners' constituents. For example, hordes of my constituents bought newly constructed houses that were poorly constructed and, often, with inadequately landscaped yards that lead to flooding yards. Volumes of complaints regarding these and related problems were registered with my office. In fact, at one point my office was bombarded with hostile complaints about a lack of, or inadequate, attention to their concerns. This was odiously troublesome to me, because I recognized their plight and empathized with them regarding it, but I did not govern a staff with which to respond nor did I have the authority to expedite a response through the County's staff under the administrative control of the CEO. Thus, I could only ask for help for my affected constituents and endure the abuse from some who did not understand or did not believe that I lacked the resources and authority required to relieve them of the wretched problems that plagued them.

As a result of the onerous experience chronicled above, as well as a spate of other equally disquieting problems, I decided, unchangeably, prior to the conclusion of the first year of my eight-years' tenure on DeKalb County's Board of Commissioners, that the structure of the County's government was in dire need of

restructuring, shifting sufficient power from the office of the CEO to the Board of Commissioners to empower Commissioners to expedite services to their constituents, set their meeting agenda, preside over Commission meetings, serve a checks-and-balance function regarding the day-to-day management and operation of the county, including the budget, etc. As a result of my frustration with a lack of authority to serve my constituents, as I believed they deserved to be served, in 1998 I wrote a paper, of which this paper is basically a replica, that I called a "manifesto" for changing the structure of the government of DeKalb County.

Recently, two county grand juries issued a similar call. Additionally, two journalists and some former constituents remembered my 1998 manifesto and asked for copies of it. Not having retained any copies, I was asked to rewrite it. Thus, this communication represents my efforts, with two exceptions, to recapitulate my aforementioned manifesto of 1998. The two exceptions include references to two grand jury reports and minutes of the Board of Commissioners' meeting of June 10, 2003.

ORGANIZATIONAL ACT

In recent months, much has been verbalized and written regarding the structure of the government of DeKalb County, Georgia. However, except for the September-October, 2003, DeKalb County Grand Jury report, the document that governs the management and operation of DeKalb County has been conspicuously ignored. That document goes under the nomenclature of "Organizational Act," hereafter referenced to as (O.A.) and Code of DeKalb County, hereafter recognized as (CODC).

To explore, factually, the legal management and operational ordinances, policies and procedures of DeKalb County, and the lack thereof, and to illustrate the effusive authority and power the O.A. concentrates in the office of the Chief Executive Officer (CEO), as compared with the paucity of power vested in the Board of Commissioners, selected facts recorded in the "O.A." and other authentic documents will be examined, presented and commented on, as appropriate. Additionally, my eight years as a DeKalb County Commissioner will be drawn upon.

DOCUMENTED FACTS AND COMMENTS ON THOSE FACTS

OFFICE OF CHIEF EXECUTIVE OFFICER

Fact I:

Part A: Section 13, Item (a) of the O.A.: It reads as follows:

"The Chief Executive shall have the exclusive power to supervise, direct and control the administration of the county government."

Part B: In reference to "Part A" above, it should be noted that the definition of exclusive includes, among others, the following meanings: dictator, czar, absolute, complete,

undivided, unquestioned, etc. In this connection, since supervising, directing and controlling are day-to-day management and operation functions, by definition, as well as practice, the structure of DeKalb County's government, as it pertains to day-to-day management and operation, is in effect a dictator/czarist model.

Part C: It is a fact that the O.A. does not speak, at all, to a governmental mechanism that might be employed by the Board of Commissioners, or any other individual or group, to effectuate a checks-and-balance function regarding the CEO's day-to-day management and operation of the government of DeKalb County. **Thus, on this score, it is a fact that the CEO is not subject to the scrutiny of any governmental organ relative to the day-to-day management and operation of county government. However, if solicited or warranted, the courts and state legislature are believed to be empowered to act.**

Fact II:

Part A: Section 13, Item (f) of the O.A.: This item notes:

“The Chief Executive may compel the attendance of members at meetings of the Commission by subpoena, when deemed necessary, subject to the policy of the Commission as established by its rules.”

Part B: In regards to Part A, the O.A. is mute relative to action the Commission might exercise should the CEO refuse to attend regular second and fourth Tuesday meetings or a call meeting initiated by commissioners. **This, of course, further illustrates, clearly, the czarist footing of the office of the CEO in DeKalb County, and the lack of authority the Commission commands.**

Part C: In light of Part B above, it should be recognized that Section 12 of the O.A. grants the presiding officer or any four (4) commissioners the privilege to call a meeting,

in addition to the regular meeting, that they deem necessary. This engenders another pertinent question which the O.A. does not address. That is, if the CEO refuses to honor decisions made by the Commission in a legal meeting which the CEO could have but did not attend, what options would be available to the Commission to enforce those decisions, and how? As the O.A. now stands, it appears that the CEO's actions would prevail; thus, the Commissions' decisions would be of no consequence.

Fact III:

Part A: Section 13, Item (a) of the O.A.: This section states, in part, that

“the Chief Executive Officer shall carry out, execute and enforce all ordinances, policies, rules and regulations of the Commission when such ordinances, rules and regulations become effective.”

Part B: The O.A., as it relates to Part A above, is completely silent relative to what official action can be taken and who might take that action should the CEO ignore or refuse to enforce any ordinance, policy, rule or regulation established by the Commission. Again, this illustrates the fact that, short of the courts and state legislature, the office of the CEO in DeKalb County is immune to formal action--corrective, punitive or otherwise--relative to violations of any type in connection with day-to-day management and operation of the County government. This further exemplifies the dictator/czarist power of the office of the CEO in DeKalb County's government.

Fact IV:

Part A: Section 17, paragraph one (1) of the O.A.: This section specifies that the CEO must submit to the Commission, not later than December 15, of each year, "...a proposed budget governing the expenditures of all county funds,...for the following calendar year."

Part B: In paragraph two of this section of the O.A., the Commission is vested with the authority to conduct public hearings to review the proposed budget, and it is privileged to make such amendments to the proposed budget as it deems appropriate and necessary to maintain the county in sound financial condition. However, not later than March 1 of the year to which a proposed budget pertains, the Commission must approve it as presented or as amended. After approving the budget, the Commission may amend it during the calendar year which it covers, but shall not increase the appropriations without making provision for financing them.

Part C: Following the adoption of a budget, except for amending it as described above, under Part B of this section, the O.A. does not assign the Commission further control over, nor involvement in, managing the budget. This means, in effect, that the CEO has complete and unquestioned control, *carte blanche*, of the management of the budget (dictator/czar power).

Part D: Paragraph three (3) of this section of the O.A. requires the CEO to transmit a copy of the adopted budget to the Grand Jury of DeKalb County Superior Court, then in session, within ten (10) days after its adoption. It is important to note that a grand jury's authority regarding the County's budget is limited to raising questions about it with the CEO and Commissioners and making recommendations that the CEO may, or may not, consider. Thus, like the Commission, a grand jury is powerless with respect to

bringing about changes and/or improvements in the management of county finances or other affairs. Thus, according to the structure of DeKalb County's government, as set forth in the O.A., managing the county's budget is, basically, the domain of the office of the CEO, relatively free from formal scrutiny by any governmental body authorized by the O.A. to serve an oversight function.

Fact V:

Part A: Section 13, Item (a): This section of the O.A. reads, in part:

"Members of the Commission shall deal solely through the Chief Executive or his executive assistance (sic) assistant in all matters concerning the operation, supervision, and administration of the various departments, offices and agencies of county government."

Part B:

"No member of the Commission shall directly or indirectly order, instruct or otherwise attempt to control the actions or county personnel subject to administrative and supervisory control of the Chief Executive."

Part C:

"Nothing herein shall be construed to preclude any Commissioner from seeking information necessary to the establishment of policy from any person, including any employee of DeKalb County."

Part D: While Part A and Part B above appear, indeed, to be appropriate, Part C leaves much to be desired, as it places Commissioners at the benevolent mercy of the CEO and the staff he/she commands. For instance, according to the O.A. as cited above under Part

C, Commissioners can only seek to gain information from staff to establish policy. Strangely, the O.A. does not mention, much less set forth, an apparatus or mechanism in county government that Commissioners might use to oblige staff to deliver information Commissioners request: in a timely manner, in the form requested and in complete form. This means, of course, that only the CEO can require staff to respond to the Commissioners' request for information. It also means that if the CEO decides not to release information a Commissioner requested, there is not one word in the O.A. that empowers Commissioners to seek redress.

Again, it should be emphasized that the authority the O.A. grants to Commissioners to seek information from employees is restricted to "...seeking information necessary to the establishment of policy...". Thus, while Commissioners might seek information for other reasons, such as to render service to their constituents, as I did, the O.A. does not grant commissioners the constitutional authority to do so. Such action, then, as it was in my case, was taken as an eleemosynary privilege granted by the CEO. In my opinion, the O.A. should grant such a privilege as a constitutional right. This, once more, calls to attention the inordinate measure of power the O.A. apportions to the office of the CEO, as compared with the mega volume of authority it consigned to the Board of Commissioners. Hence, this fact further demonstrates that the office of the CEO in DeKalb County, by its structure and definition, has all of the markings of a dictator/czarist style of government.

Fact VI:

Part A: Section 11, Item (a) of the O.A.: It is clearly averred in this section of the O.A. that:

“The Chief Executive may, at such officer’s discretion, preside at any regular or specially called meeting of the Commission...”

To date, each CEO (three) has opted to preside over Commission meetings and prepare an agenda for Commission meetings, yet the CEO is not a member of the Commission. Thus, this policy and practice constitute a blatant violation of the principle of separation of power between the executive (CEO) and the legislative (Commission) branches of government. Additionally, empowering the CEO to set the agenda for and preside over Commission meetings enables the executive branch of government to virtually dwarf the legislative branch of government by controlling the legislative branch’s meetings.

Part B: Of the 158 other counties in Georgia, none has a governmental structure, such as DeKalb, that co-mingles executive and legislative authority, with the executive reigning dominant. To be sure, such a governmental structure robs serious minded commissioners of their dignity as elected officials, as it virtually reduces them, I believe, to the status of sycophants to the CEO in their own meetings. This, I proffer, should not be acceptable to citizens who elected commissioners to represent them and respond to their interests and needs and help to foster a balanced government.

Fact VII:

Section 9, Items (a) – (c): In this part of the O.A., nineteen (19) functions are set forth that define the authority and power of the seven (7) DeKalb County Commissioners. None of the nineteen (19) functions relate, remotely, to the day-to-day management and operation of the county – providing services to citizens, enforcing County codes, managing the budget, etc.¹ As stated earlier, these functions are a part of the **“exclusive”** domain of the CEO. **Therefore, the Commissioners, individually and collectively, according to the O.A., lack authority to formally monitor and call the CEO into account regarding his or her day-to-day management and operation, no matter to what it relates nor how venal or nefarious it might be.**

Under the nineteen (19) aforementioned functions delegated to the Commissioners by the O.A., approving the annual budget, once per year, approving amendments to the budget, as needed, approving zoning and land use changes bi-monthly and prioritizing capital improvement projects are among the most significant powers assigned to the Commissioners. Yet, again, none relate to day-to-day management and operation of county government. It seems significant to note that the Commissioner's authority to prioritize capital improvement projects was validated by a DeKalb County Superior Court.

¹It was documented under Fact IV, Part C, that the DeKalb County Commission does not have a role in the day-to-day management of the county's budget.

Comment

In light of the above facts, it is clear that anyone who seriously proffers that the DeKalb County Commission serves a formal or constitutionally empowered checks-and-balance function regarding the CEO's day-to-day management and operation of county government is dreadfully victimized by one or both of the following tendencies: ignominious hyperbole or premeditated prevarication.

Fact VIII:

Part A: Section 10, Item (a) of the O.A.: This section and item empowers the Commission to authorize the employment of

“...an independent auditing firm to serve as an outside auditor of the county's government to make an annual, continuous audit of all county finances and financial records.”

Part B: Section B, Item (b) of the O.A.: This item asserts, in part, that

“...the auditor shall immediately inform the Commission in writing of any irregularities found in the management of county business by an officer or department of the county government.”

Interestingly, no mention is made in the O.A. of legal action the Commission can exercise to address irregularities, if any, that are discovered by the external auditor. Clearly, this would suggest that the CEO is isolated from any action on the part of the Commission regarding irregularities, if any, in the management and operation of county business. Surely, this gives the appearance of dictator/czarist power.

Part C: In reference to the independent auditor's report, Item (c) of Section 10 of the O.A. affirms that the

“...auditor shall deliver a copy to each Commissioner, the Chief Executive and to the grand jury of DeKalb County Superior Court then in session.”

Part D: Since neither the Commission nor a grand jury is empowered with enforcement authority, receiving a copy of the auditor's report serves as an excellent source of information, but from the standpoint of using the report to effectuate improvements in fiscal management and the general conduct of the county's business, as appropriate, the report does not serve a useful purpose. In fact, since neither the Commission nor a grand jury has enforcement power, the administration is excused from a legal and formal review by an established county government organ regarding its fiscal management practices. Consequently, a report of the sedulous work of a grand jury, as it relates to improving the management and operation of county government, represents nothing more than an assiduously executed exercise in total futility.

Part E: Section 10, Item (d) authorizes the Commission to employ an internal auditor

“...to audit the various departments, agencies of the county government on a continuing basis.” “The internal auditor shall be employed by and serve at the pleasure of the Commission.”

Again, the O.A. does not assign the Commission authority to use the internal auditor's reports to effectuate improvements in the management of the county's fiscal affairs, should improvement be needed. Thus, the fiscal management practices of the administration (CEO's office) are protected from scrutiny by the Commission, or anyone

else in county government, regarding irregularities, if there are any, in the CEO's management and use of county funds. Too, the O.A. does not discuss granting the commission authority to sign contracts with anyone or any entity to provide services for DeKalb County. This suggests, then, that the office of the CEO would sign a contract with an internal auditor to serve the commission. It also denotes that the CEO, if he/she chooses, could prevent the Commission from employing an internal auditor by refusing to sign a contract with such an auditor. This constitutes another reflection of the dictator/czarist authority and power vested in the office of the CEO.

Comment:

Logic dictates that the quality of an internal audit depends, unequivocally, on the quality of cooperation the auditor is accorded by the County's Finance Department. In this connection, it should be understood that the Director of Finance reports directly to the CEO and thus, is under his/her command. The quality, then, of cooperation the internal auditor receives from the Finance Department is ultimately decided by the CEO. To be sure, the brilliance of a sagacious intellectual is not required to reach that conclusion.

Fact IX:

Part A: Experience dictates that under some circumstances DeKalb County's form of government lends itself to staff, if they choose to, stymieing initiatives introduced by Commissioners. For instance, at one point during my eight years on the DeKalb County Board of Commissioners, complaints regarding poor housing construction – leaks, cracked foundations, flooding yards, etc. – had become so voluminous that I proposed an

ordinance that would have required residential builders to be licensed to build houses in DeKalb County. The idea was to weed out builders who were building substandard houses.

Part B: The Development Department contended that it could not enforce the ordinance as it was originally drafted. Therefore, it was redrafted several times, only to meet with the same fate as the first draft. Finally, after the ordinance had been stripped of its substance to the point that it would not have served a useful purpose, it was accepted. However, according to the Development Department, the number of employees needed to enforce the ordinance, and their associated costs, made operationalizing it prohibitive. Unfortunately, neither I, individually, nor the Board of Commissioners, as a whole, had access to the staff or other required resources to verify or reject the Development Department's claims. Thus, after months of diligent and time-consuming work on the ordinance and believing, inalterably, that the ordinance was enforceable in a substantive model, it was dismissed.

Comment:

The above scenario, in my opinion, clearly demonstrates that a serious need exists for restructuring DeKalb County's form of government to empower Commissioners to exercise a more substantive role in serving citizens than the current form of county government allows. In this connection, it is averred that Commissioners need constitutional authority to address such issues, not benevolent privileges granted at the pleasure of the CEO. To be sure, when the CEO, or his/her pleasure changes, the

charitable privileges might very well be discarded. This, of course, does not lend itself to establishing and maintaining a citizen friendly government.

Fact X:

Paragraph one of page one of the minutes of the June 10, 2003, DeKalb County Board of Commissioners' meeting shows that the Commission increased "...the dollar limitation on contracts requiring the authorization of the Board of Commissioners from \$35,000.00 to \$100,000.00." **Paragraph two** of the aforementioned document argues that five (5) studies have recommended increasing the already noted dollar limits. Additionally, it seems appropriate to note that it was within the scope of the Commissioners' authority to execute such action. However, it is a fact, also, that the action increased the already bloated concentration of power the O.A. places in the office of the CEO, regardless of whom the occupant might be. It, too, is a fact that the action reduced the Commissioners' ability to monitor the letting of contracts below \$100,000.00 by the amount of \$65,000.00

Fact XI:

Previous Efforts to Restructure County Government

During the '90's, I was not the only member of DeKalb County's Board of Commissioners who staunchly advocated restructuring DeKalb County's system of government. As a matter of fact, at one point during the '90's, six Commissioners, of which I was a part, signed a petition calling for a reconfiguration of County government. Unfortunately, efforts to gain the cooperation and support of DeKalb County's Legislative Delegation to act on the petition were not successful. Therefore,

the petition died. In this connection, it is important to highlight two factors:

- When the six Commissioners, referred to above, launched their quest for changing and democratizing DeKalb County's governmental structure, the CEO was not of African descent. Thus, the movement could not be construed as an effort to attenuate the power of an official of African descent. From my perspective, the objective then was, and the objective now should be, to put in place a form of government in DeKalb County that would clearly separate the powers of the executive and legislative branches of government, and establish a solid and clearly defined system of checks and balances by the Commission. Such a democratized form of government can more efficiently serve that purpose and, thus, the citizens than a dictator/czarist style of government. This is evidenced by the structure of the national government under which we live in the United States of America. There is absolute separation of power among the most fundamental institutions of our government--executive, legislative and judicial.
- The facts and opinions noted under the above item clearly denote that the call, by two recent grand juries, for changing the structure of DeKalb County's government was not a new or strange phenomenon.

Opinion

Based on my eight years of experience as a DeKalb County Commissioner, it is my inalterable opinion that among the most egregious flaws in the structure of DeKalb County's government is the Commission's two super districts. First, they assign two commissioners to serve the same group of citizens, which amounts to a needless

duplication of services. Second, if the single district commissioner and the super district commissioner are not in accord on an issue, confusion can emerge. This, of course, compromises the orderly delivery of services to their constituents. Third, the population of DeKalb County has grown to the extent that county citizens could be better served by seven single commission districts, rather than five single and two super districts. For instance, seven single districts would reduce, significantly, the volume of constituents each commissioner would be required to serve, and therefore might augment the quality of service rendered, very much like smaller numbers of students in a school classroom is believed to improve instruction.

CONCLUSIONS

1. A strong CEO presence in DeKalb County's government is appropriate. However, this can be realized in a democratized form of government without reducing commissioners to the role of toadies, in some instances, and at the mercy and whims of the CEO, whomever that might be.
2. The facts registered in this oracle clearly denote that a dire need exists to restructure the government of DeKalb County with a view toward contemporizing and democratizing the structure of county government, assuring shared authority, power and responsibility between the executive and legislative branches of government, as appropriate.
3. The facts recorded herein clearly indicate that the structure of the day-to-day management and operation of DeKalb County, for the most part, by far, is a dictator/czarist structure. Thus, at this modern day and time, it needs to be reviewed, with an outlook towards democratizing the day-to-day management and operation of DeKalb County's government and relieve the office of the CEO, regardless of who occupies the office, of absolute authority over the day-to-day management and operation of the county, with no constitutional checks and balances. In this connection, I am obliged to proffer that the paraphrased words of the heralded Greek philosopher, Socrates, are apropos here. He said, "The unexamined life is not worth living." Paraphrased, I say, "The unexamined government is not worth having." Finally, on this point regarding the absolute power of the office of the CEO, it behooves DeKalb countians to remember and heed the following words of Reinhold Niebuhr, one of the most distinguished theologians of the 20th Century, "Power

corrupts, and absolute power corrupts absolutely.” Therefore, at some point in the future there will likely be a CEO who will prove this adage to be correct.

Additionally, it seems obvious that President George W. Bush recognizes this fact, and it has impelled him to work to dismantle dictator/czarist styles of governments around the world and to replace them with governments undergirded by democratic principles. Yet, in his own country, DeKalb County, Georgia, for the most part, is managed and operated under a dictator/czarist governmental structure, no matter who is in the office of the CEO. This was studiously recognized by the DeKalb County Grand Jury of September-October, 2003. For instance, it clearly highlighted the fact that by granting the CEO the prerogative to set the agenda for and preside over Commission meetings, of which the CEO is not a member, crassly violates the principle of separation of power between the executive and legislative branches of government. Further, such a “modus operandi” usurps the authority of the Commission to plan and conduct its meetings free of interference by the executive branch of government

4. To ensure objectivity and to avoid cronyism in a governmental restructuring exercise, the restructuring mission should be assigned to a professional entity, well credentialed to produce efficacious results, such as the Carl Vinson Institute at the University of Georgia.
5. Those DeKalb County citizens who want a reconfiguration of the structure of DeKalb County’s government should stop complaining about the structure and use the facts recorded in this document, as well as others, and insist that the

County's legislative delegation take the necessary action to reform the structure of DeKalb County's government.

6. A new or revised governmental structure should be designed to democratize the government by including a mechanism that affords commissioners the authority to legally exercise a checks-and-balance function regarding the day-to-day management and operation of the county's government.
7. There should be a mechanism in the county's governmental structure that empowers the Commission to expedite services to their constituents when expedition is fitting and necessary.
8. Based on the facts included in this document and my experience as a DeKalb County Commissioner, eight years, I am obliged to conclude, unequivocally, that the day-to-day management and operation component of DeKalb County's government is antiquated and outdated and needs to be updated.

RECOMMENDATIONS

- 1. Restructure and democratize DeKalb County's government by clearly separating the authority and power of the executive branch from the authority and power of the legislative branch, and assign appropriate authority and power to each, commensurate with its responsibilities.**
- 2. DeKalb County citizens who want a change in the structure of county government should urge, if not insist, that DeKalb County's legislative delegation take the necessary steps to bring appropriate restructuring to fruition. In this connection, citizens might consider insisting that 2004 candidates for election to the state legislature and DeKalb County Board of Commissioners declare their positions regarding the restructure issue.**
- 3. As a restructuring plan is developed, county citizens should be privileged to review it periodically and share their views regarding the plan.**
- 4. Empower the commission to develop the agenda for, and preside over, commission meetings.**
- 5. In restructuring DeKalb County's government, include a checks and balances component for use, as needed, relative to the day-to-day management and operation of the County, including budget management.**

CONCLUDING COMMENTS

1. **Again, I emphasize, inalterably, that this missive is not intended to cast aspersions on any DeKalb County official, past or present. This stance is supported by the fact that, except for the references to the grand juries and minutes of June 10, 2003, commission meeting, this communication is virtually a carbon copy of the one that I wrote in 1998, at which time the current CEO and three to four of the sitting commissioners were not in office.**
2. **The facts set forth in this document would prevail irrespective as to who the elected county officials might be, at any given time.**
3. **If the facts set forth in this document motivate DeKalb County citizens to pursue bringing about needed changes in the structure of DeKalb County's government, I shall not enjoy any personal benefits, and do not want any. If it is not used to initiate changes, I shall not suffer any shame nor personal loss. However, in either case, I shall have, in my opinion, performed a needed civic service that was, by far, overdue.**
4. **I was asked by former constituents to author this epistle, and I am pleased to have accommodated them.**
5. **It seems to me to be unconscionable that DeKalb County citizens tolerate being taxed sufficiently to fund a county budget in excess of \$500 million without a governmental budget checks and balances system that extends**

beyond the commission's approval of the budget and its approval of amendments there to. Our federal government has a budget management checks and balances system that is ongoing, no matter who is in the office of the President, and DeKalb County should not do any less, no matter who is in the office of the CEO. From my perspective, the structure of DeKalb County's current budget management system is reminiscent of a banana republic government, stupendous government power without a credible system of checks and balances.

6. As an American of African Descent, I am well aware, without an iota of doubt, that there might very well be individuals or groups whose myopic and parochial thinking and gargantuan propensity to play the race card will goad them to contend that the intent of this document is to snatch authority and power from people of African descent. To be sure, such an ignoble notion is so far removed from the unequivocal facts and, thus, indomitable truths tendered herein that it borders on lunacy, if not flatout idiocy. Additionally, since an appropriate shift in authority and power would augment the authority and power of the seven commissioners, a majority of whom, four, are of African descent, playing the race card will amount to imbecilic behavior.

REJOINDERS

I shall be pleased to entertain a rejoinder regarding any statement offered in this document as a FACT. However, I insist that any rejoinder be based on facts as set forth in the same sources from which the facts presented herein were drawn. I do not respect nor respond to jaded conjecture nor jejune rhetoric.



Georgia State Assessing the Organizational Act

Assessing the Organizational Act

The Public Performance and Management Group

Greg Streib

Prepared for the
DeKalb County Operations Task Force



ANDREW YOUNG SCHOOL
OF POLICY STUDIES

The Realities of Government Form

This analysis grew from a past presentation on governmental form. Two main points were made:

Governmental Forms are not identical even when they share the same name or similar structures; and, changing the DeKalb form of government is not politically feasible at this time.

In fact, most probably do not realize how different local governments can be and how even small differences can have major impacts



The Realities of Government Form

We also heard concerns about the authority possessed by the county executive in DeKalb County, and recent scandals have amplified this concerns.

Some certainly feel that the authority of the county executive in DeKalb County is excessive in the lack of oversight—inadequate checks and balances.

The Logic of A County Executive

The National League of Cities is the leading professional organization serving the needs of elected local officials, and their Model County Charter was where we looked for an authoritative statement on the County Executive and/or Commission-Executive form.

Their Model County Charter, dating to 1990 does recommend a County Manager, and they do recommend a City Manager Plan for cities.

The Logic of A County Executive

The Board or Commission has complete policy authority in the commission-manager form of government. In contrast, the county executive form seeks to fortify executive leadership.

These forms operationalize different theories about local government leadership. The deliberative elected body vs. the powerful elected executive. Both forms have their merits, and many counties do chose the county executive form.

The Logic of A County Executive

The National League of Cities states...

“When an elected executive system is used, the executive must have sufficient authority to operate as a genuinely responsible executive. The executive's authority should not be diluted by assigning any executive operations to independently elected department heads or to boards and commissions, nor should it be nullified by the requirement that major appointments be subject to the ‘advice and consent’ of the council.”

The DeKalb Experience

The founding discussions about the DeKalb form in 1979 did stress executive authority, such as the power to appoint and remove executives who oversaw line and support structures. However, the balance of powers was also stressed.

For example, Allen Moye saw the proposed reorganization as producing a “basic separation of powers” with a “binding system of checks and balances.”

The DeKalb Experience

However, a 1999 case before the Supreme Court of Georgia, involving the DeKalb Board and Liane Levetan revealed the truth of the DeKalb form.

This decision noted, “A reading of the act as a whole demonstrates that the CEO and commission are not equals in the running of county government; rather, the act conveys a limited grant of power to the commission while bestowing on the CEO broad executive and administrative powers.”

Our Method

We saw a need to further explore the realities of the county executive form. How had this form evolved in practice? Was there an actual basis for pursuing alterations? Are there reform strategies that DeKalb could employ?

Our answer was a strategy for mapping the authority of the commission and executive, which we applied to 10 sample counties. The eight counties with the largest populations were included+Prince George's and Jackson County, Missouri.

Ideas for changes will follow the findings...

The Policy-Making Process

DeKalb Only:

Activity	Action DeKalb
Policy making authority	
CEO can make structural changes to departments/Commission Approval	Yes
CEO Votes w/Commission	No
Presiding commission officer from commission membership	Yes
CEO has veto power over ordinances and resolutions/Commission override	Yes

The Policy-Making Process

Comparison:

Activity	↑		Commission Approval DeKalb
	Action Avg.	Action DeKalb	
Policy making authority			
Commission Appoints CEO	0%	No	
CEO can make structural changes to departments/Commission Approval	100%	Yes	60%
CEO Votes w/Commission	0%	No	
Presiding commission officer from commission membership	100%	Yes	
CEO has veto power over ordinances and resolutions/Commission override	100%	Yes	100%

Less than 50% yes=red; more than 50% = green; 50-50 split= yellow.

Powers for County Exec Form (Personnel)

DeKalb Only:

Activity	Action DeKalb
Personnel	
CEO Appoint Executive Assistant/Commission Approval	Yes
Commission Remove Executive Assistant Without Super-Majority	No
CEO Exclusive Hire/Fire/Compensate (Many) Department Employees	Yes
Commission can veto department appointments	No
Commission Communicate Freely w/CEO Branch Staff	No

Powers for County Exec Form (Personnel)

Comparison:

Activity	Action Avg.	Action DeKalb	Commission Approval Avg.	Commission Approval DeKalb
Personnel				
CEO Appoint Executive Assistant/Commission Approval	100%	Yes	50%	Yes
Commission Remove Executive Assistant w/out Super-Majority	100%	No		
CEO Exclusive Hire/Fire/Compensate (Many) Department Employees	80%	Yes	80%	No
Commission can veto department appointments	100%	No		
Commission Communicate Freely w/CEO Branch Staff		No		

Less than 50%: yes=red; more than 50% = green; 50-50 split= yellow.

Powers for County Exec Form (Budgeting Authority)

DeKalb Only:

Budgeting Authority	Yes
CEO Budget Development	Yes
Commission Budget Approval	Yes
CEO has Budget Execution	Yes

Powers for County Exec Form (Budgeting Authority)

Comparison:

Activity	Action Avg.	Action DeKalb	Commission Approval Avg.	Commission Approval DeKalb
Budgeting Authority				
CEO Budget Development	100%	Yes		
Commission Budget Approval	100%	Yes		
CEO has Budget Execution	100%	Yes		

Less than 50% yes=red; more than 50% = green; 50-50 split=yellow.

No variation...

Powers for County Exec Form (Purchasing Authority)

DeKalb Only:

Purchasing Authority	
CEO Sets Purchasing Rule-Making for Departments	Yes
Commission Can Make Contracts	No
CEO makes Contracts/Commission Approval (Over \$100,000 or similar amount)	Yes

Powers for County Exec Form (Purchasing Authority)

Comparison:

Activity	Action Avg.	Action DeKalb	Commission Approval Avg.	Commission Approval DeKalb
Purchasing Authority				
CEO Sets Purchasing Rule-Making for Departments	50%	Yes		
Commission Can Make Contracts	77%	No		
CEO makes Contracts(Commission Approval (Over \$100,000 or similar amount)	89%	Yes	75%	Yes

Less than 50% yes=red; more than 50% = green; 50-50 split=yellow.

Powers for County Exec Form (Audit Powers)

DeKalb Only:

Audit Powers

Commission

Investigation/Subpoena

Commission Sophisticated

Audit Powers

No

No

Powers for County Exec Form (Audit Powers)

Comparison:

Activity	Action Avg.	Action DeKalb	Commission Approval Avg.	Commission Approval DeKalb
Audit Powers				
Commission Investigation/Subpoena	50%	No		
Commission Sophisticated Audit Powers	50%			

Less than 50% yes=red; more than 50% = green; 50-50 split=yellow.

Alternate Perspectives (Appointing Department Heads)

Section 13 of the organizational act gives the elected executive control over most personnel matters, and this power includes the ability to appoint department heads. *However, other counties grant the Commission greater power over this appointment process, and often require confirmation by the Commission.*

Alternate Perspectives (Appointing Department Heads)

King County Charter: Section 340.10 Appointments by the County Executive:

The county executive shall appoint the county administrative officer and the chief officer of each executive department except the county assessor [...]

340.40 Confirmation.

The appointments by the county executive shall be subject to confirmation by a majority of the county council. [...]

Prince George's County Charter: Section 402:

(4) appointing the head of each agency of the executive branch, subject to confirmation by the Council as required by Section 322 of this Charter, and removing the same at his discretion.

Section 322. Confirmation of Administrative Appointments.

Administrative appointments by the County Executive to the position of Chief Administrative Officer, head of an agency in the executive branch of the County government, or member of a board or commission and any executive director thereof shall be subject to confirmation by the Council.

Alternate Perspectives (Budget Process)

The December 15th deadline for the executive branch to submit a budget to the Commission gives the legislative branch a relatively short timeframe within which to complete its budget considerations.

Alternate Perspectives (Budget Process)

“...the director of finance, with the approval of the chief executive, shall be authorized to make such expenditures of county funds as are deemed necessary and proper for the continuing operation of the county and any its various departments at the then-currently approved level of service. These expenditures shall not include disbursements for new personnel, new services, new equipment, or other items which could be interpreted as providing additional level of service not previously authorized.”

Alternate Perspectives (Budget Process)

King County, Washington Charter: Section 410 Presentation and Adoption of Budgets:

At least ninety-five days prior to the end of each fiscal year, the county executive shall present to the county council a complete budget and budget message, proposed current expense and capital budget appropriation ordinances, and proposed tax and revenue ordinances necessary to raise sufficient revenues to balance the budget, and at least thirty days prior to the end of the fiscal year, the county council shall adopt appropriation, tax and revenue ordinances for the next fiscal year. [...]

Section 420 Budget Information:

At least one hundred fifty-five days prior to the end of the fiscal year, all agencies of county government shall submit to the county executive information necessary to prepare the budget. [...]

Alternate Perspectives (Purchasing)

Section 18 of the DeKalb Organizational Act affords the executive broad powers over purchasing practices within the county. Only for large purchases exceeding \$100,000 does the Commission have the ability to weigh in.

Alternate Perspectives (Purchasing)

DeKalb County operates with a 'Procurement Officer' appointed by the executive, and under his direct supervision according to part II, section I of the DeKalb County Purchasing Policy. In Prince George's County, the Associate Director of the 'Contract Administration and Purchasing Division' acts as the de facto County Purchasing Agent. The appointment of the purchasing agent is subject to approval by the commission, giving the legislative branch greater control over how this department operates.

Alternate Perspectives (Investigative Role)

We found multiple examples of county executive counties with org acts giving the commission a well defined investigative role, such as this example from Pierce County, Washington:

The Council may, in connection with the legislative process, make investigations into the affairs of the County and conduct of any County department, office or agency and for this purpose may subpoena witnesses, administer oaths, take testimony and require the production of evidence, and may invoke the aid of any court of competent jurisdiction to carry out such powers, provided that any witness shall have the right to be represented by counsel. The Council, as a whole, or by committee, may conduct public hearings on matters of public concern.

Alternate Perspectives (Investigative Role)

The model county charter is clearer on how the legislative branch should gather such information:

"However, the prohibition against interference with administration does not prevent council members from making inquiries of department heads or employees for the purpose of obtaining information needed by them in the discharge of their duties including response to constituent requests."

Conclusion

Our report also discusses the audit process, and we found good examples of how independent audit commissions are used in counties such as King and Prince George's.

On the whole, we conclude that executive authority is the hallmark of the county executive plan, but variations do exist that appear to effectively strengthen the balance of powers. Many details of how these mechanisms actually work in practice may be helpful.

The End