

# **DeKalb County Georgia Charter Review Commission**

**By  
Executive Order  
CEO Michael L. Thurmond**



# **DeKalb County Charter Review Handbook**

## **TABLE OF CONTENTS**

<b>Tab 1 -</b>	<b>CEO Michael Thurmond Executive Order -</b>
<b>Tab 1 -</b>	<b>Key Contacts for Charter Review -</b>
<b>Tab 3 -</b>	<b>County Organizational Chart -</b>
<b>Tab 4 -</b>	<b>Organizational Act -</b>
<b>Tab 5 -</b>	<b>DeKalb County Proposed Budget 2020 -</b>
<b>Tab 6 -</b>	<b>DeKalb County Service Delivery Strategy Matrix -</b>
<b>Tab 7 -</b>	<b>DeKalb County Special Local Option Sales Tax (SPLOST)</b>
<b>Tab 8-</b>	<b>Historical Charter Review Documents</b>



# **DeKalb County Charter Review Handbook**

**CEO Michael Thurmond Executive Order**

March 25, 2019



**Chief Executive Officer**  
Michael L. Thurmond

**Board of Commissioners**

District 1  
Nancy Jester

District 2  
Jeff Rader

District 3  
Larry Johnson

District 4  
Steve Bradshaw

District 5  
Mereda Davis Johnson

District 6  
Kathie Gannon

District 7  
Lorraine Cochran-Johnson

**Office of the Chief Executive Officer**  
DeKalb County, Georgia

**Michael L. Thurmond**  
Chief Executive Officer

**Executive Order No. 2019-001**  
**Creation of a Charter Review Commission to**  
**Examine the DeKalb County Form of Government**

**WHEREAS**, the Chief Executive Officer of DeKalb County (CEO) seeks to provide the highest quality and most efficient government for citizens of DeKalb County, Georgia; and

**WHEREAS**, the CEO desires a comprehensive review of the Organizational Act of DeKalb County (Org. Act) to ensure that the government of DeKalb County is representative of all citizens of DeKalb County and responsive to the needs and demands of the citizens of DeKalb County; and

**WHEREAS**, the CEO would like to review the Org. Act to harmonize all parts of the Org. Act and recommend changes in order to achieve the best delivery of services to the citizens of DeKalb County; and

**NOW THEREFORE**, the Chief Executive Officer hereby issues the following Executive Order:

(1) There is hereby created the DeKalb County Charter Review Commission (the Charter Commission).

(2) The Commission shall be composed of 17 citizens of DeKalb County (the County) who have been residents of DeKalb County for at least one year immediately preceding the date of taking office and who remain residents of DeKalb County while in office.

(a) The members of the Charter Commission shall be selected as follows:

(i) One member shall be appointed by the board of education of DeKalb County;

(ii) Three members shall be appointed by the CEO. Of those three members, at least one appointee shall be a resident of that portion of DeKalb County lying south of the southernmost corporate boundaries of the City of Decatur, and one shall be a resident of that portion of DeKalb County lying north of the southernmost corporate boundaries of the City of Decatur. The third

member may be appointed from any jurisdiction within DeKalb County. Two of the three CEO appointees shall serve as Chairperson and vice Chairpersons for the commission.

(iii) Seven members, each residing in a separate district of commissioner Districts 1 through 7, shall be appointed by the Board of Commissioners (BOC), which shall determine the manner in which it shall consider a prospective member's skills, knowledge, training, and experience which are directly related to the stated duties of the Charter Commission.

(iv) Three members shall be appointed by the DeKalb County delegation in the House of Representatives of the General Assembly, and one may be a member of the DeKalb County delegation in the House of Representatives of the General Assembly.

(v) Three members shall be appointed by the DeKalb County delegation in the Senate of the General Assembly and one may be a member of the DeKalb County delegation in the Senate of the General Assembly; and

(iv) The chairpersons of the DeKalb County delegation of the House of Representatives of the General Assembly and Senate of the General Assembly shall be members of ex officio.

(3) The appointees' names shall be submitted to the Office of the CEO and to the Clerk to the BOC.

(4) Members shall serve without compensation.

(5) In the event any member of the Charter Commission, without good cause, fails to attend three consecutive meetings of the Charter Commission, the member's position on the Charter Commission shall become vacant.

(6) When a vacancy occurs, written notice shall be provided to the entity or official that originally appointed the member who shall fill the vacancy in the same manner as the original appointment. If the appointing entity or official fails to fill the vacancy within twenty (20) business days from written notice, the CEO shall fill the vacancy.

(7) The Charter Commission shall convene from May 1, 2019 to December 31, 2020.

(a) It shall be the duty of the appointed co-chairpersons to call an organizational meeting of the Charter Commission. The co-chairpersons shall convene the meeting and shall preside over the election of a secretary, and such other officers as the Charter Commission deems necessary, by majority vote.

(b) The co-chairpersons shall preside over meetings, to lead and direct the Charter Commission and its activities, and act for the Charter Commission when so authorized by the Charter Commission. The presence of a least one co-chairperson shall be necessary for the transaction of any business by the Charter Commission.

(c) Eight members of the Charter Commission shall constitute a quorum for the transaction of business. However, any recommendation from the Charter Commission to add, eliminate, modify or change any provision of the Org. Act must be approved by at least ten members of the Charter Commission. No vacancy on the Charter Commission shall impair the authority of the Charter Commission to carry out its duties under this Executive Order.

(d) The Charter Commission shall have the authority to adopt by-laws, rules or regulations governing its operations, establish its schedule and it may organize itself into such committees and sub-committees as it deems necessary and appropriate.

(8) The Charter Commission shall work with the County's Executive Assistant to gather any and all county related information necessary to advance its work.

(9) The Charter Commission shall refer to all previous studies of the DeKalb County government. It shall specifically consider the reports of the two previous charter commissions created by the General Assembly: the Local Government Commission (1954) and the DeKalb County Government Reorganization Commission (1979).

(10) The CEO requests the DeKalb County governing authority (Governing Authority) and the Charter Commission to agree that the Charter Commission must conduct a mutually agreed upon number of public hearings throughout the County, to include but not be limited to each commission district during its study period and deliver mutually agreed upon periodic written and oral updates to the Governing Authority.

(11) All meetings held by the Charter Commission shall be open to the public and meeting notices shall be widely distributed through local publications, the internet and electronic mail. Proceedings of the Charter Commission shall be taped and available for on-demand viewing on the County's website. The County shall create a specific website for the work of the Commission where presentations, background materials, minutes of the meetings and other documents can be accessed by the public. An opportunity for public comments will be allowed at each meeting.

(12) The Charter Commission shall submit its final written recommendation(s) to include the appropriate form of government of DeKalb County and/or any suggested changes to the Org. Act no later than December 31, 2020 to the CEO and BOC.

(13) A copy of the final report shall also be presented to each member of the General Assembly from DeKalb County, the Governor, the Lieutenant Governor, Speaker of the House and chairpersons of the Senate State and Local Governmental Operations committee and the House Governmental Affairs committee.

(14) Any changes to the governance structure of DeKalb County should be advanced through local act of the General Assembly (i.e., local legislation) sponsored by elected officials representing a portion of DeKalb County.

March 25, 2019

This Order is effective immediately.

So issued this \_\_\_\_\_ day of \_\_\_\_\_ 2019.

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Michael L. Thurmond  
Chief Executive Officer  
DeKalb County, Georgia

ATTEST:

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Barbara H. Sanders, CCC  
Clerk to the CEO and BOC

This Executive Order shall remain in the custody of the County Clerk. Certified copies are available upon request.

March 25, 2019



December 31, 2019

To: DeKalb County Charter Review Commission Members

Re: DeKalb County Charter Review Informational Meeting

Dear Commission Members,

Thank you for agreeing to serve on the DeKalb County Charter Review Commission (Commission). I realize this is a significant commitment on your part and I appreciate your willingness to serve on this important initiative.

The Commission is authorized by Executive Order to conduct a comprehensive review of the Organizational Act of DeKalb County (Org. Act) to ensure that our government is representative of and responsive to the needs and demands of all citizens of DeKalb County.

If necessary, the Commission is empowered to recommend changes in order to achieve the best delivery of services to the citizens of DeKalb County.

To begin this effort, we will hold our informational meeting on January 29<sup>th</sup> at 6:30pm in the Manuel Maloof Auditorium, 1300 Commerce Drive, Decatur GA 30033. This meeting will allow you to meet your fellow commission members, your Chair and Vice Chairpersons and review next steps.

I look forward to working with you in 2020 and thank you in advance for the work that you will do on behalf of the citizens of DeKalb County.

Please contact my office to confirm your attendance and to answer any additional questions you may have.

Michael L. Thurmond

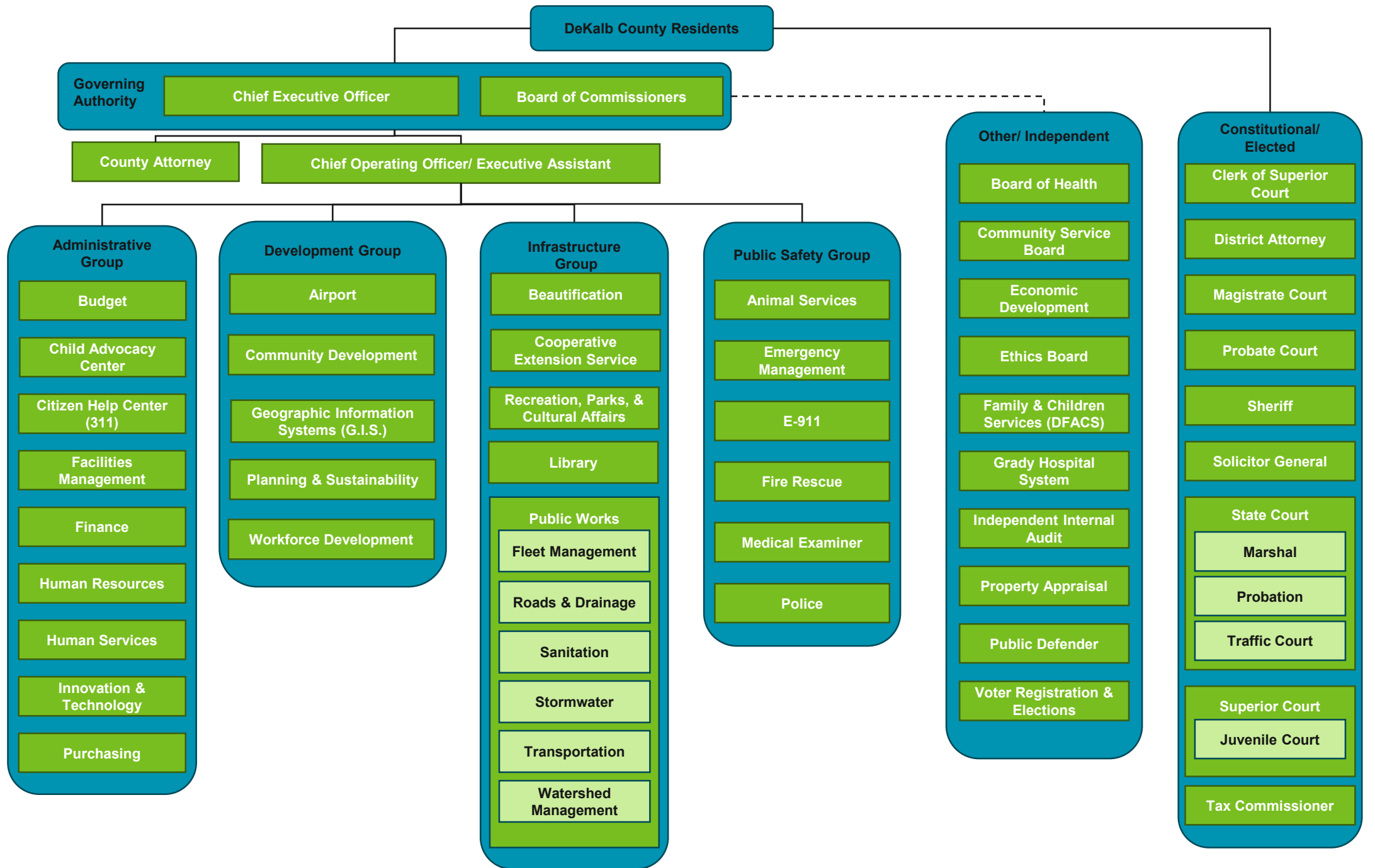
Chief Executive Officer  
DeKalb County Georgia





# **DeKalb County Charter Review Handbook**

## **County Organizational Chart**





# **DeKalb County Charter Review Handbook**

## **Organizational Act**

## ORGANIZATIONAL ACT

*Footnotes:**--- (1) ---*

**Editor's note**— *Published herein is the basic act organizing the county governing authority, being Acts 1956, p. 1203, as amended. History notes show the source of amendments. Catchlines have been editorially supplied. The act has been published in a style consistent with that of the Code. For example, capitalization has been made consistent with the Code and numbers have been printed in words and figures.*

## Sec. 1. - Governing authority [described].

- (a) There is hereby created the board of commissioners of DeKalb County to be elected and organized as hereinafter provided. There is hereby created the office of chief executive officer of DeKalb County, and said chief executive officer, who shall not be a member of the commission, shall be elected as hereinafter provided.
- (b) The board of commissioners of DeKalb County, hereinafter referred to as the "commission," and the chief executive officer of DeKalb County, hereinafter referred to as the "chief executive" shall constitute the governing authority of DeKalb County, and the respective powers and duties of the commission and the chief executive shall be as provided in this act.

(Acts 1981, p. 4304, § 1)

## Sec. 2. - The commission.

- (a) The commission shall consist of seven members.
- (b) For purposes of electing members of the board of commissioners, DeKalb County is divided into seven commissioner districts. One member of the board shall be elected from each such district.
- (c) (1) Commissioner Districts 1, 2, 3, 4, and 5 shall be and correspond to those five numbered districts described in and attached to and made a part of this Act and further identified as "Plan: dekalbcc-import1-02092012 Plan Type: local Administrator: dekalb cc User: bak".

(2)

When used in such attachment, the term "VTD" (voting tabulation district) shall mean and describe the same geographical boundaries as provided in the report of the Bureau of the Census for the United States decennial census of 2010 for the State of Georgia.

- (3) The separate numeric designations in a district description which are underneath a VTD heading shall mean and describe individual Blocks within a VTD as provided in the report of the Bureau of the Census for the United States decennial census of 2010 for the State of Georgia. Any part of DeKalb County which is not included in any such district described in that attachment shall be included within that district contiguous to such part which contains the least population according to the United States decennial census of 2010 for the State of Georgia.
  - (4) Any part of DeKalb County which is described in that attachment as being in a particular district shall nevertheless not be included within such district if such part is not contiguous to such district. Such noncontiguous part shall instead be included within that district contiguous to such part which contains the least population according to the United States decennial census of 2010 for the State of Georgia.
  - (5) Except as otherwise provided in the description of any commissioner district, whenever the description of such district refers to a named city, it shall mean the geographical boundaries of that city as shown on the census map for the United States decennial census of 2010 for the State of Georgia.
  - (6) Paragraphs (2) through (5) of this subsection shall only be applicable with respect to Commissioner Districts 1, 2, 3, 4, and 5.
- (d) (1) Commissioner Districts 6 and 7 shall be and correspond to those two numbered districts described in and attached to and made a part of this Act and further identified as "Plan Name: deksuperdist4 Plan Type: LOCAL User: Gina Administrator: CNTY-DEKALB".
- (2) When used in such attachment, the terms "Tract" and "BG" (Block Group) shall mean and describe the same geographical boundaries as provided in the report of the Bureau of the Census for the United States decennial census of 2000 for the State of Georgia. The separate numeric designations in a Tract description which are underneath a BG heading shall mean and describe individual Blocks within a Block Group as provided in the report of the Bureau

of the Census for the United States decennial census of 2000 for the State of Georgia. Any part of DeKalb County which is not included in any such district described in that attachment shall be included within that district contiguous to such part which contains the least population according to the United States decennial census of 2000 for the State of Georgia. Any part of DeKalb County which is described in that attachment as being in a particular district shall nevertheless not be included within such district if such part is not contiguous to such district. Such noncontiguous part shall instead be included within that district contiguous to such part which contains the least population according to the United States decennial census of 2000 for the State of Georgia. Except as otherwise provided in the description of any commissioner district, whenever the description of such district refers to a named city, it shall mean the geographical boundaries of that city as shown on the census map for the United States decennial census of 2000 for the State of Georgia. This paragraph shall only be applicable with respect to Commissioner Districts 6 and 7.

[ *Districts* ]

Plan: dekalbcc-import1-02092012

Plan Type: local Administrator: dekalb cc User: bak

*District 001*

DeKalb County

VTD: 089AD - AUSTIN

VTD: 089AG - ASHFORD DUNWOOD

VTD: 089AH - ASHFORD PARKSIDE

VTD: 089BD - BRIARLAKE ELEMENTARY

VTD: 089BF - BROCKETT ELEMENTARY

VTD: 089BH - BROCKETT

021805:

1000 1001 1002 1003 1004 1005 1006 1007 1008 1011 1012

021806:

1005

021809:

2038 2039 2040

VTD: 089CE - CHAMBLEE (CHA)

VTD: 089CH - CHESNUT ELEMENTARY

VTD: 089DA - DORAVILLE NORTH

VTD: 089DB - DORAVILLE SOUTH

VTD: 089DF - DUNWOODY

VTD: 089DG - DUNWOODY HIGH SCHOOL

VTD: 089DI - DUNWOODY LIBRARY

VTD: 089EC - EMBRY HILLS

VTD: 089EF - EVANSDALE ELEM

VTD: 089GD - GEORGETOWN SQ

VTD: 089HC - HENDERSON MILL

VTD: 089HF - HUNTLEY HILLS ELEM

VTD: 089HG - HUGH HOWELL

VTD: 089KB - KINGSLEY ELEM

VTD: 089LV - LAWRENCEVILLE HIGH SCHOOL

VTD: 089MH - MIDVALE ELEM

VTD: 089MQ - MOUNT VERNON EAST

VTD: 089MS - MOUNT VERNON WEST

VTD: 089MU - MONTGOMERY ELEM

VTD: 089MW - MIDVALE ROAD

VTD: 089NA - NANCY CREEK ELEM

VTD: 089NF - NORTH PEACH TREE

VTD: 089OB - OAKCLIFF ELEM

VTD: 089PB - PEACHTREE MIDDLE SCHOOL

VTD: 089PF - PLEASANTDALE ELEM

VTD: 089PK - PLEASANTDALE ROAD

VTD: 089SH - SMOKE RISE

VTD: 089TF - TUCKER

VTD: 089TG - TILLY MILL ROAD

VTD: 089TH - TUCKER LIBRARY

VTD: 089WI - WARREN TECH

VTD: 089WL - WINTERS CHAPEL

*District 002*

DeKalb County

VTD: 089AB - ASHFORD PARK ELEMENTARY

VTD: 089BC - BRIAR VISTA ELEMENTARY

VTD: 089BE - BRIARWOOD

VTD: 089BG - BRIARCLIFF

VTD: 089BI - BROOKHAVEN

VTD: 089CI - CLAIREMONT WEST

VTD: 089CJ - CLAIRMONT HILLS

VTD: 089CO - CROSS KEYS HIGH



VTD: 089CV - CLAIREMONT EAST

VTD: 089CW - CORALWOOD

VTD: 089DC - DRESDEN ELEM

VTD: 089DH - DRUID HILLS HIGH SCHOOL

VTD: 089EE - EPWORTH (ATL)

VTD: 089EG - EMORY SOUTH

VTD: 089ER - EMORY ROAD

VTD: 089FB - FERNBANK ELEM

VTD: 089GA - GLENNWOOD (DEC)

VTD: 089HB - HAWTHORNE ELEM

VTD: 089HD - HERITAGE ED

VTD: 089JA - JOHNSON ESTATES

VTD: 089LA - LAKESIDE HIGH

VTD: 089LB - LAVISTA ROAD

VTD: 089LC - LAVISTA

VTD: 089LE - MARYLIN ELEM

VTD: 089MG - MEDLOCK ELEM

VTD: 089MJ - MONTCLAIR ELEM

VTD: 089MP - MARGARET HARRIS

VTD: 089ND - NORTH LAKE

VTD: 089OA - OAK GROVE ELEM

VTD: 089OK - OAKHURST (DEC)

VTD: 089PG - PONCE DE LEON

VTD: 089RD - REHOBOTH

VTD: 089RN - RENFROE MIDDLE

VTD: 089SA - SAGAMORE HILLS

VTD: 089SB - SCOTT

VTD: 089SE - SILVER LAKE

VTD: 089SF - SKYLAND

VTD: 089WF - WINNONA PARK ELEM

VTD: 089WJ - WOODWARD ELEM

*District 003*

DeKalb County

VTD: 089AF - HOOPER ALEXANDER

VTD: 089BB - BOULEVARD (ATL)

VTD: 089BL - BOULDERCREST RD

VTD: 089BR - BURGESS ELEMENTARY

VTD: 089CA - COLUMBIA DRIVE

VTD: 089CB - CANBY LANE ELEMENTARY

VTD: 089CC - COLUMBIA ELEMENTARY

VTD: 089CD - CEDAR GROVE ELEMENTARY

VTD: 089CG - CHAPEL HILL ELEMENTARY

023425:

1000 1001 1002 1003 1004 1005 1006 1010 1013 1017 1018 1019 1020 1021  
1022 1023 1026 1031

VTD: 089CL - CLIFTON ELEMENTARY

VTD: 089CM - COLUMBIA MIDDLE

VTD: 089CN - COAN MIDDLE

VTD: 089CQ - CANDLER

VTD: 089CR - CEDAR GROVE MIDDLE

VTD: 089CS - CEDAR GROVE SOUTH

VTD: 089EA - EAST LAKE ELEM

VTD: 089EB - EASTLAND

VTD: 089FC - FLAT SHOALS ELEM

VTD: 089FE - FLAT SHOALS PARKWAY

VTD: 089FJ - FLAT SHOALS

VTD: 089FK - FLAKES MILL FIRE

VTD: 089FL - FLAT SHOALS LIBRARY

VTD: 089GC - GRESHAM PARK ELEM

VTD: 089HH - NARVIE J HARRIS

VTD: 089KA - KELLEY LAKE ELEM

VTD: 089KC - KELLEY CHAPEL

VTD: 089KE - KNOLLWOOD ELEM

VTD: 089ML - MEADOW VIEW ELEM

VTD: 089MO - MIDWAY ELEM

VTD: 089MP - MCNAIR MIDDLE

VTD: 089MR - BOB MATHIS ELEM

VTD: 089MT - METROPOLITAN

VTD: 089OV - OAK VIEW ELEM

VTD: 089PA - PEACHCREST ELEM

VTD: 089PN - PINEY GROVE

VTD: 089RA - RAINBOW ELEM

VTD: 089SG - SNAPFINGER ELEM

VTD: 089SR - SNAPFINGER ROAD

VTD: 089TA - TERRY MILL ELEM

VTD: 089TB - TILSON ELEM

VTD: 089TC - TONEY ELEM

VTD: 089WA - WADSWORTH ELEM

VTD: 089WB - WESLEY CHAPEL SOUTH

VTD: 089WE - WHITEFOORD ELEMENTARY

*District 004*

DeKalb County

VTD: 089AA - ALLGOOD ELEMENTARY

VTD: 089AE - AVONDALE (AVO)

VTD: 089AM - AVONDALE MIDDLE

VTD: 089BH - BROCKETT

021805:

1015 1018 1019 1020 1021 1022 1023 1024 1025 1026 2000 2001 2002 2003  
2004 2005 2006 2007 2008 2009 2010 2011 2012 2013 2014 2015 2016 2017  
2018 2019 2020 2021 2022 3019

021810:

3023 3030 3031 3034 3035

022009:

3007 3008

VTD: 089CK - CLARKSTON (CLA)

VTD: 089CT - COVINGTON HWY L

VTD: 089DE - DUNAIRE ELEM

VTD: 089FD - FORREST HILLS ELEM

VTD: 089FM - FREEDOM MIDDLE

VTD: 089HA - HAMBRICK ELEM

VTD: 089IA - IDLEWOOD ELEM

VTD: 089IB - INDIAN CREEK ELEM

VTD: 089JB - JOLLY ELEM

VTD: 089MA - ELDRIDGE L MILL

VTD: 089ME - MCLENDON ELEM

VTD: 089MK - MONTREAL

VTD: 089MM - MEMORIAL NORTH

VTD: 089MN - MEMORIAL SOUTH

VTD: 089NB - NORTH DECATUR

VTD: 089NC - NORTH HAIRSTON

VTD: 089PE - PINE LAKE (PIN)

VTD: 089RE - ROCKBRIDGE ELEM

VTD: 089RI - ROCKBRIDGE ROAD

VTD: 089RJ - ROWLAND ROAD

VTD: 089SC - SCOTTDALE

VTD: 089SD - STN MTN ELEMENTARY

VTD: 089SI - STN MTN MIDDLE

VTD: 089SJ - STONE MILL ELEM

VTD: 089SK - SHADOW ROCK ELEM

VTD: 089SN - SHAMROCK MIDDLE

VTD: 089SO - SOUTH DESHON

VTD: 089SP - STN MTN CHAMPION

VTD: 089SQ - STONE MTN LIBRARY

VTD: 089ST - STEPHENSON MIDDLE

VTD: 089SU - SOUTH HAIRSTON

VTD: 089SV - STEPHENSON HIGH

VTD: 089VB - VALLEY BROOK

VTD: 089WN - WYNBROOKE ELEM

*District 005*

VTD: 089AC - ATHERTON ELEMENTARY

VTD: 089BJ - BROWN'S MILL ELEMENTARY

VTD: 089BM - BETHUNE MIDDLE

VTD: 089CF - MURPHEY CANDLER

VTD: 089CG - CHAPEL HILL ELEMENTARY

023426:

1000 1004 1026 1027 2000 2001 2002 2003 2004 2005 2006 2007 2008 2009  
2010 2011 2012 2013 2014 2016 2017 2018 2019 2020 2021 2022 2023 2024  
2025 2026 2027 2028 2029

VTD: 089CP - CROSSROADS

VTD: 089FA - FAIRINGTON ELEM

VTD: 089FG - FLAT ROCK ELEM

VTD: 089GB - GLENHAVEN

VTD: 089GE - GLENHAVEN ELEM

VTD: 089KD - M L KING JR HIGH

VTD: 089LD - LITHONIA (LIT)

VTD: 089LH - LITHONIA HIGH SCHOOL

VTD: 089MC - MARBUT ELEM

VTD: 089MF - MCWILLIAMS

VTD: 089MI - MILLER GROVE MIDDLE SCHOOL

VTD: 089MV - MILLER GROVE ROAD

VTD: 089MZ - MILLER GROVE HIGH

VTD: 089PC - PRINCETON ELEM

VTD: 089PH - PANOLA

VTD: 089PI - PANOLA WAY ELEM

VTD: 089PR - PANOLA ROAD

VTD: 089RC - REDAN ELEM

VTD: 089RF - ROCK CHAPEL ELEM

VTD: 089RG - ROWLAND ELEM

VTD: 089RH - REDAN-TROTTI

VTD: 089RK - REDAN ROAD

VTD: 089RL - ROCK CHAPEL ROAD

VTD: 089RM - REDAN MIDDLE

VTD: 089SL - STONEVIEW ELEM

VTD: 089SM - SALEM MIDDLE

VTD: 089SS - SNAPPFINGER ROAD

VTD: 089WD - WOODROW ROAD

VTD: 089WG - WOODRIDGE ELEM

VTD: 089WK - WHITE OAK

VTD: 089YA - YOUNG ROAD

- (e) Each commissioner shall be a citizen of this state, at least 25 years of age, and shall have been a resident of the geographic area encompassed by the respective commissioner district for at least two years immediately prior to taking office. Each commissioner shall be elected by a majority of the electors voting within the respective commissioner district. Except for displacement of their residences from their respective districts due to reapportionment of the districts, any commissioners who cease to be residents of their respective commissioner districts during their terms of office shall thereby vacate their seats on the commission. All members of the commission shall be nominated and elected pursuant to the provisions of Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended.

(Acts 1981, p. 4304, § 1; Acts 1982, p. 4235, § 1; Acts 1992, H.B. 1577, § 1; Acts 1992, p. 6566, § 1; Acts 2002, p. 3544, § 1; Acts 2012, p. 4610, §§ 1, 7)

### Sec. 3. - Establishment of commission.

- (a) Commissioner Districts 1, 2, 3, 4, and 5, as they exist on January 1, 2012, shall continue to be designated as Commissioner Districts 1, 2, 3, 4, and 5, respectively, but as newly described under this Act, and such members of the board serving from those former commissioner districts shall be deemed to be serving from and representing their respective districts as newly described under this Act.  
Commissioner Districts 6 and 7 as they exist on January 1, 2012, shall continue to be designated as Commissioner Districts 6 and 7 as described under this Act and in effect on January 1, 2012.
- (b) Those members of the Board of Commissioners of DeKalb County who are serving as such on January 1, 2012, and any person selected to fill a vacancy in any such office shall continue to serve as such members until the regular expiration of their



respective terms of office and until the election and qualification of their respective successors. The successor to each such member shall be elected as provided in this section.

- (c) The first members for new Commissioner Districts 1, 4, and 5 and the member from Commissioner District 6 shall be elected at the general election on the Tuesday next following the first Monday in November, 2012. Those members of the board elected thereto from new Commissioner Districts 1, 4, and 5 and from Commissioner District 6 in 2012 shall take office the first day of January immediately following that election and shall serve for initial terms of office which expire December 31, 2016, and upon the election and qualification of their respective successors.
- (d) The first members for new Commissioner Districts 2 and 3 and the member from Commissioner District 7 shall be elected at the general election on the Tuesday next following the first Monday in November, 2014. Those members of the board elected thereto from new Commissioner Districts 2 and 3 and from Commissioner District 7 in 2014 shall take office the first day of January immediately following that election and shall serve for initial terms of office which expire December 31, 2018, and upon the election and qualification of their respective successors.
- (e) Those and all future successors to members of the board whose terms of office are to expire shall be elected at the time of the state-wide general election immediately preceding the expiration of such terms, shall take office the first day of January immediately following that election, and shall serve for terms of office of four years each. Members of the board shall serve for the terms of office specified therefor in this subsection and until their respective successors are elected and qualified.

(Acts 1981, p. 4304, § 1; Acts 1992, H.B. 1577, § 1; Acts 1992, p. 6566, § 1; Acts 2002, p. 3544, § 2; Acts 2012, p. 4610, § 2)

#### Sec. 4. - Running for other elective offices.

- (a) Except as otherwise provided in subsection (b) of this section, no member of the commission or the chief executive shall be qualified to be a candidate for nomination or election to any other elective office, other than to succeed one's self

as a member of the commission or as chief executive, unless the member of the commission or the chief executive shall resign from office as provided in subsection (b) of this section.

- (b) If the term of the other office to which the member of the commission or the chief executive seeks to be a candidate for nomination or election expires on the same date the member's or the chief executive's term of office expires, then resignation from office under subsection (a) of this section shall not be required. If resignation is required under subsection (a) of this section, such resignation shall be irrevocable and shall be submitted to the commission by not later than April 1 of the year in which the election for other office to which the member of the commission or the chief executive seeks nomination or election is held and shall be effective on December 31 of that year.
- (c) The April 1 date specified in subsection (b) of this section for irrevocable resignation from office shall be deemed to be the date of the creation of a vacancy, notwithstanding the fact that the resignation is not effective until the thirty-first day of December immediately following the date of resignation. Notwithstanding the provisions of section 6 of this act, no special election shall be held to fill such vacancy, and such vacancy shall be filled for the unexpired term by nomination and election at the immediately following general primary and election in the same manner as nomination and election for a full term of office as a member of the commission in accordance with the provisions of Chapter 2 of Title 21 [§ 21-2-1 et seq.] of the O.C.G.A., known as the "Georgia Election Code."

(Acts 1981, p. 4304, § 1; Acts 1984, p. 4916, § 1)

#### Sec. 5. - Chief executive.

- (a) The chief executive of DeKalb County shall be a citizen of this state, at least thirty (30) years of age and shall have been a resident of DeKalb County for at least five (5) years immediately prior to taking office. The chief executive shall be elected by a majority of the electors voting from the county at large. The chief executive shall be nominated and elected pursuant to Code Title 34 known as the "Georgia Election Code" [O.C.G.A. § 21-2-1 et seq.], as now or hereafter amended.
- (b) The first chief executive shall be elected as provided in subsection (a) hereof at the general election of 1984, and shall take office on the first day of January, 1985, for a term of four (4) years. Future successors shall be elected at the general election

immediately preceding the expiration of the term of office and shall take office on the first day of January immediately following the election for a term of four (4) years. Each chief executive shall serve until the successor is elected and qualified.

- (c) Any person elected chief executive shall not be eligible to serve more than two (2) consecutive full terms of office. In the event a person fills a vacancy in the office of chief executive as provided in section 6 of this act, such person shall be eligible for election to two (2) full consecutive terms of office as chief executive. When a person has served two (2) full consecutive terms of office as chief executive, such person shall not again be eligible to hold said office until such person has been out of office as chief executive for at least four (4) years.

(Acts 1981, p. 4304, § 1)

#### Sec. 6. - Vacancies.

- (a) Vacancies on the commission and in the office of chief executive occurring by reason of death, resignation, removal from the county or from the district from which elected or for any other reason shall be filled as provided in this section.
- (b) In the event a vacancy occurs on the commission or in the office of chief executive when at least one hundred eighty (180) days remain in the unexpired term of office, the election superintendent of DeKalb County, within fifteen (15) days after the vacancy occurs, shall issue the call for a special election to fill such vacancy for the unexpired term. Such special election shall be held not less than twenty-nine (29) nor more than forty-five (45) days after the issuance of the call, and shall be held and conducted in accordance with the provisions of Code Title 34, known as the "Georgia Election Code" [O.C.G.A. § 21-2-1 et seq.], as now or hereafter amended. If the vacancy is in the office of the chief executive, the presiding officer of the commission shall exercise the powers and duties of the chief executive, except as provided in subsection (e) of this section, for the period beginning on the date the vacancy occurs and ending when the successor chief executive takes office for the unexpired term following the special election provided for herein.
- (c) In the event a vacancy occurs in the office of chief executive when less than one hundred eighty (180) days remain in the unexpired term of office, the presiding officer of the commission shall exercise the powers and duties of the chief executive, except as provided in subsection (e) of this section, for the unexpired term.

- (d) In the event a vacancy occurs on the commission when less than one hundred eighty (180) days remain in the unexpired term of office, the remaining members of the commission shall appoint a qualified person to fill such vacancy for the unexpired term. Any person appointed by the commission to fill a vacancy as provided herein shall possess the residency and other qualifications required for the office.
- (e) If the presiding officer of the commission exercises the powers of chief executive pursuant to subsections (b) and (c) of this section, the person serving as the chief executive in either case shall not be authorized to discharge the executive assistant. A presiding officer serving as chief executive shall not be authorized to vote as a member of the commission during such service.

(Acts 1981, p. 4304, § 1)

#### Sec. 7. - Oath and bond.

Before entering upon the discharge of their duties, the chief executive and members of the commission shall subscribe to an oath before the judge of the probate court of DeKalb County for the true and faithful performance of their duties and that they are not the holders of any public funds unaccounted for. In addition the chief executive shall further give a satisfactory surety bond, as determined by the judge of the probate court of DeKalb County, and payable to the judge of the probate court of DeKalb County and filed in the office of the judge of the probate court of DeKalb County, in the sum of fifty thousand dollars (\$50,000.00), conditioned upon the faithful performance of the duties of the office. Each member of the commission shall give like bond in the sum of ten thousand dollars (\$10,000.00). The costs of said bonds shall be paid from county funds.

(Acts 1981, p. 4304, § 1)

#### Sec. 8. - Compensation.

The provisions of any other law to the contrary notwithstanding:

- (1) The chief executive officer of DeKalb County shall be compensated in an amount equal to the compensation which he received in 1991, to be paid in equal monthly installments;
- (2) Each member of the commission shall receive an annual salary equal to

nineteen (19) percent of the annual salary of the chief executive officer;

- (3) In addition to the annual salary provided for by paragraph (2) of this section, each member of the commission shall receive an expense allowance of three hundred dollars (\$300.00) per month.

(Acts 1981, p. 4304, § 1; Acts 1987, p. 5013, § 1; Acts 1989, p. 4863, § 1; Acts 1990, p. 4296, § 1; Acts 1989, p. 4863, § 1; Acts 1990, p. 4296, § 1; Acts 1991, p. 4334, § 1)

#### Sec. 9. - Powers and duties of the commission.

- (a) The commission shall have the power and authority to fix and establish, by appropriate resolution or ordinance entered on its minutes, policies, rules and regulations governing all matters reserved to its jurisdiction by this act. The commission shall exercise only those powers which are necessarily and properly incident to its function as a policy-making or rule-making body or which are necessary to compel enforcement of its adopted resolutions or ordinances, and any power or combination of powers vested in the commission by this act shall be subject to the limitations provided in section 23 of this act. The following powers are hereby vested in the commission:

- (1) To levy taxes.
- (2) To make appropriations.
- (3) To fix the rates of all other charges.
- (4) To authorize the incurring of indebtedness.
- (5) To authorize work to be done where the cost is to be assessed against the benefited property and to fix the basis for such assessment.
- (6) To establish, alter, or abolish public roads, private ways, bridges and ferries, according to law, but the chief executive shall have the authority to accept subdivision plats when the requirements established by the commission for subdivisions have been met.
- (7) To establish, abolish, or change election precincts and militia districts according to law.
- (8) To allow the insolvent lists for the county.
- (9)

To authorize the acceptance for the county of the provisions of any optional statute where the statute permits its acceptance by the governing authority of a county.

- (10) To regulate land use by the adoption of a comprehensive development plan and by the adoption of other planning and zoning ordinances which relate reasonably to the public health, safety, morality, and general welfare of the county and its citizens; provided, however, that no planning or zoning ordinances shall become effective unless approved, prior to consideration and adoption by the governing authority, by the member or members of the commission representing the district or super district in which the subject property is located.
- (11) To create and change the boundaries of special taxing districts authorized by law.
- (12) To fix the bonds of county officers where same are not fixed by statute.
- (13) To enact any ordinances or other legislation the county may be given authority to enact.
- (14) To determine the priority of capital improvements.
- (15) To call elections for the voting of bonds.
- (16) Except as modified by the powers vested in the chief executive by other provisions of this act, to exercise the power and authority vested by law in the judge of the probate court when sitting for county purposes.
- (17) Except as modified by the powers vested in the chief executive by other provisions of this act, to exercise the powers now or hereafter vested in county governing authorities by the constitution and general laws of this state.
- (18) To fix, levy and assess license fees, charges or taxes on all persons, firms and corporations engaging in or offering to engage in any trade, business, calling, avocation or profession in the area of DeKalb County, outside the corporate limits of municipalities situated therein, except businesses which are subject to regulation by the state public service commission, and to classify all such persons, firms and corporations according to the nature, manner and size of business conducted by such persons, firms and corporations and to fix, levy and assess different license fees, charges or taxes against different classes of

trades, businesses, callings, avocations or professions. Such licenses shall be issued, annually or otherwise, and may be revoked, canceled or suspended after notice and a hearing, in accordance with rules prescribed by the commission. Said commission shall be further authorized to adopt ordinances and resolutions to govern and regulate all such trades, businesses, callings, avocations or professions, not contrary to regulations prescribed by general law, for the purpose of protecting and preserving the health, safety, welfare and morals of the citizens of said county, and to prescribe penalties for the violation of any such ordinances and resolutions, including the operation of such businesses without the obtaining of a license or when such license is revoked or suspended. Payment of said license fees, charges or taxes may be enforced by fi. fas. issued by the commission and levied by any officer in said county authorized by law to levy fi. fas. for taxes, assessments, fines, costs or forfeitures due said county. The commission shall be authorized, in its discretion, to require any and all persons, firms or corporations licensed pursuant to the authority herein granted to give a bond payable to DeKalb County, and conditioned to pay said county or anyone else, suing in the name of said county and for their use, for injuries or damages received on account of dishonest, fraudulent, immoral or improper conduct in the administration of the business so licensed, such bond to be fixed and approved by the commission. Such license fees, charges or taxes shall be in addition to all other taxes or assessments heretofore or hereafter levied by said county, and all funds received from same shall be paid into the county depository as general funds of said county.

- (19) To adopt rules regulating the operation of the commission.
  - (20) To prepare an agenda for meetings of the commission. The commission shall accept agenda items by the chief executive officer upon motion by any commissioner to be placed upon the agenda, pursuant to the rules by which an item may be placed on the agenda by a member of the commission.
- (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.

- (c) The commission is hereby authorized to adopt ordinances prescribing penalties and punishment for violation of any and all ordinances adopted by the commission to carry out any of the provisions of this section or other provisions of this Act or of any other law, and to prescribe maximum penalties and punishment for violation of same, except that the same shall in no event exceed a fine of one thousand dollars (\$1,000.00), imprisonment in the county jail for thirty (30) days, or labor on the work gang for any single offense, or any combination thereof; provided, however, that for violations of a pretreatment standard or requirement adopted pursuant to the federal Clean Water Act the maximum fine shall be one thousand dollars (\$1,000.00) per day for each violation by an industrial user.

(Acts 1981, p. 4304, § 1; Acts 1983, p. 4547, § 1; Acts 1986, p. 4107, § 1; Acts 1990, p. 4479, § 1; Acts 1992, p. 5363, § 1; Acts 2008, p. 3897, § 1; Acts. 2016, p. 4219, § 1.)

#### Sec. 10. - Audits.

- (a) The commission shall choose three (3) of its members to serve as an audit committee. The term of members serving as the audit committee and their manner of selection shall be as determined by the commission. The audit committee shall screen and recommend to the commission an independent auditing firm to serve as an outside auditor of the county government to make an annual continuous general audit of all county finances and financial records.
- (b) The outside auditor shall be employed pursuant to written contract to be entered upon the minutes of the commission, and the contract shall state clearly and concisely the depth and scope of the audit and that it shall be conducted in accordance with the requirements of the act providing uniform standards for audits of municipalities and counties within the State of Georgia, approved April 21, 1967 (Ga. Laws 1967, p. 883), as amended, by an act approved March 28, 1968 (Ga. Laws 1968, p. 464) [O.C.G.A. § 36-60-8]. 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.
- (c)



The outside auditor shall complete the audit in compliance with Article 1 of Chapter 81 of Title 36 of the Official Code of Georgia Annotated each year, and, within ten (10) days after its completion, the auditor shall deliver a copy of the audit to each commissioner, the chief executive, and the grand jury of the DeKalb County superior court then in session.

(Acts 1981, p. 4304, § 1; Acts 1915, p. 3826, § 1; Acts. 2016, p. 4219, § 2)

Sec. 10A. - Independent internal audit.

- (a) (1) It is essential to the proper administration and operation of the DeKalb County government that public officials, government managers, and private citizens know not only whether government funds are handled properly and in compliance with laws and regulations but also whether public programs are achieving the purposes for which they were authorized and funded, and whether they are doing so efficiently, effectively, and equitably. An independent internal audit function can provide objective information on the operations of government programs, assist managers in carrying out their responsibilities, and help ensure full transparency and accountability to the public. Internal auditing is defined as an independent, objective assurance and consulting activity designed to add value and improve an organization's operations by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control, and governance processes.
- (2) The public interest requires that the general assembly provide for the proper administration and operation of the DeKalb County government by establishing by law an independent internal audit function to assist the governing authority to accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control, and governance processes.
- (b) The office of internal audit is hereby established which shall consist of the chief audit executive ("auditor") and those assistants, employees, and personnel as deemed necessary by such auditor for the efficient and effective administration of the affairs of the office, and over whom the auditor shall have the sole authority to appoint, employ, and remove.
- (c)

The office of internal audit shall be completely independent and shall not be subject to control or supervision by the chief executive, the commission, or any other official, employee, department, or agency of the county government.

- (d) The auditor shall be appointed by a majority vote of the DeKalb County Board of Commissioners from a list of not fewer than two (2) nor more than three (3) candidates provided to the board by the audit oversight committee. Such appointment shall be made within thirty (30) days of receipt of the list of nominees by the board. In the event that the commission fails to appoint a nominee within thirty (30) days, the auditor shall be appointed by a majority vote of the audit oversight committee.
- (d) The term of office of the auditor shall be five (5) years and until his or her successor is qualified and appointed. The auditor shall be limited to a maximum of two (2) terms in office. A vacancy in the position of auditor shall exist by reason of expiration of term, resignation, death, removal from office by the vote of a supermajority of the members of the commission, or if the auditor becomes ineligible to hold civil office within the meaning of O.C.G.A. § 45-2-1 and that ineligibility is established by decision of a court of competent jurisdiction which declares the office vacant because of such ineligibility. A vacancy shall be filled within sixty (60) days by a majority vote of the audit oversight committee for the remainder of the term of office.
- (e) The auditor must have adequate professional proficiency for the job and shall:
  - (1) Be a certified public accountant or a certified internal auditor;
  - (2) Have a bachelor's degree in public policy, accounting, business administration, economics, or a related field; and
  - (3) Have at least five (5) years of experience in government auditing, evaluation, or analysis.
- (f) The position of the auditor shall be nonpartisan. Qualifying for election to a public office shall constitute a resignation from the position as of the date of qualifying.
- (g) The auditor shall have authority to conduct financial and performance audits of all departments, offices, boards, activities, agencies, and programs of the county in order to independently and objectively determine whether:
  - (1)

Activities and programs being implemented have been authorized by this Act, Georgia law, or applicable federal law or regulations and are being conducted and funds expended in compliance with applicable laws;

- (2) The department, office, board, or agency is acquiring, managing, protecting, and using its resources, including public funds, personnel, property, equipment, and space, economically, efficiently, effectively, and in a manner consistent with the objectives intended by the authorizing entity or enabling legislation;
  - (3) The entity, programs, activities, functions, or policies are effective, including the identification of any causes of inefficiencies or uneconomical practices;
  - (4) The desired results or benefits are being achieved;
  - (5) Financial and other reports are being provided that disclose fairly, accurately, and fully all information required by law, to ascertain the nature and scope of programs and activities, and to establish a proper basis for evaluating the programs and activities including the collection of, accounting for, and depositing of, revenues and other resources;
  - (6) Management has established adequate operating and administrative procedures and practices, systems or accounting internal control systems, and internal management controls; and
  - (7) Indications of fraud, abuse, or illegal acts are valid and need further investigation.
- (h) All officers and employees of DeKalb County shall furnish to the auditor unrestricted access to employees, information, and records including electronic data within their custody regarding powers, duties, activities, organization, property, financial transactions, contracts, and methods of business required to conduct an audit or otherwise perform audit duties. In addition, they shall provide access for the auditor to inspect all property, equipment, and facilities within their custody. If such officers or employees fail to provide or produce such access and information, the auditor may initiate a search to be made and exhibits to be taken from any book, paper, or record of any such official or employee or outside contractor or subcontractor, except as governed by statute. Further, all contracts with outside contractors and subcontractors shall contain a "right-to-audit" clause and provide for auditor access to the contractors' employees and to all financial and performance related records, property, and equipment purchased in whole or

in part with governmental funds. For the purpose of this subsection, the auditor shall have the authority to issue subpoenas and may apply to the Superior Court of DeKalb County for the enforcement of any subpoena issued by the auditor.

- (i) The auditor may obtain the services of certified public accountants, qualified management consultants, or other professional experts necessary to perform audit work. An audit that is performed by contract must be conducted by persons who have no financial interests in the affairs of the governmental entity or its officers. The auditor shall coordinate and monitor auditing performed by certified public accounting firms or other organizations employed under contract by the governing authority to assist with audit related activities. Contracting for the external audit will follow the normal contracting processes of the governing authority of DeKalb County except for the participation and oversight by the audit oversight committee and auditor. The selection of a certified public accounting firm for the annual financial audit must be approved by the commission.
- (j)
  - (1) Audits shall be conducted in accordance with recognized government auditing standards.
  - (2) At the beginning of each fiscal year, the auditor shall submit a one- to five-year audit schedule to the audit oversight committee and the commission for review and comment. The schedule shall include the proposed plan, and the rationale for the selections, for auditing departments, offices, boards, activities, programs, policies, contractors, subcontractors, and agencies for the period. This schedule may be amended after review with the audit oversight committee and the commission, but the auditor shall have final authority to select the audits planned.
  - (3) In the selection of audit areas and audit objectives, the determination of audit scope and the timing of audit work, the auditor shall consult with federal and state auditors and external auditors so that the desirable audit coverage is provided and audit efforts are properly coordinated.
  - (4) A final draft of the audit report shall be forwarded to the audit oversight committee, the chief executive, the commission, and the audited agency for review and comment regarding factual content prior to its release. The agency shall respond in writing, specifying the agreement with audit findings and recommendations or reasons for disagreement with findings and recommendations, plans for implementing solutions to issues identified, and

a timetable to complete such activities. The response shall be forwarded to the auditor within sixty (60) days. The auditor shall review and report on information included in the agency's response. If no response is received, the auditor shall note that fact in the transmittal letter and shall release the audit report.

- (5) Each audit shall result in a final report, in written or some other retrievable form. The report shall contain relevant background information and findings and recommendations and shall communicate results to the audit oversight committee, the audited agency, and the governing authority.
- (6) The auditor shall submit an annual report to the audit oversight committee, chief executive, and the commission indicating audits completed, major findings, corrective actions taken by administrative managers, and significant issues which have not been fully addressed by management. The annual report, in written or some other retrievable form, shall be made available to the public through the county website within ten (10) days of submission to the commission.
- (k) If, during an audit, the auditor becomes aware of abuse or illegal acts or indications of such acts that could affect the governmental entity, the auditor shall report the irregularities to the audit oversight committee, the chief executive, and the commission. If a member of the governing authority is believed to be a party to abuse or illegal acts, the auditor shall report the acts directly to the audit oversight committee, the chief executive, and the commission. If it appears that the irregularity is criminal in nature, the auditor shall notify the district attorney in addition to those officials previously identified in this subsection.
- (l) The auditor shall follow up on audit recommendations to determine if corrective action has been taken. The auditor shall request periodic status reports from audited agencies regarding actions taken to address reported deficiencies and audit recommendations.
- (m) (1) The audit activities of the office of internal audit shall be subject to a peer review in accordance with applicable government auditing standards by a professional, nonpartisan objective group utilizing guidelines endorsed by the Association of Local Government Auditors (ALGA).
- (2)

The peer review shall use applicable government auditing standards to evaluate the quality of audit effort and reporting. Specific quality review areas shall include staff qualifications, adequacy of planning and supervision, sufficiency of work paper preparation and evidence, and the adequacy of systems for reviewing internal controls, fraud and abuse, program compliance, and automated systems. The peer review shall also assess the content, presentation, form, timelines, and distribution of audit reports. The commission shall pay for the costs of the peer review.

- (3) A copy of the written report of such independent review shall be furnished to each member of the governing authority and to the audit oversight committee.
- (n) (1) To ensure independence of the audit function, an audit oversight committee is hereby established. The audit oversight committee shall consist of five (5) voting members.
- (2) All members of the audit oversight committee shall:
  - a. Be residents of DeKalb County;
  - b. Have expertise in performance auditing; and
  - c. Have a minimum of five (5) years' experience as a certified public accountant, a certified internal auditor, a certified performance auditor, a certified management accountant, or ten (10) years of other relevant professional experience.
- (3) Not later than October 31, 2015, the members of the audit oversight committee shall be selected as follows:
  - a. One (1) member shall be appointed by the chairperson of the DeKalb County delegation in the Georgia House of Representatives;
  - b. One (1) member shall be appointed by the chairperson of the DeKalb County delegation in the Georgia Senate;
  - c. One (1) member shall be appointed by the Chief Executive of DeKalb County; and
  - d. Two (2) members shall be appointed by the commission.
- (4) The members shall serve for terms of five (5) years; provided, however, that the initial term of the first appointee of the commission shall be one (1) year and until his or her respective successor is appointed and qualified; the initial

term of the appointee of the chairperson of the DeKalb County delegation in the Georgia House of Representatives shall be two (2) years and until his or her respective successor is appointed and qualified; the initial term of the appointee of the chief executive shall be three (3) years and until his or her respective successor is appointed and qualified; the initial term of the second appointee of the commission shall be four (4) years and until his or her respective successor is appointed and qualified; and the initial term of the appointee of the chairperson of the DeKalb County delegation in the Georgia Senate shall be five (5) years and until his or her respective successor is appointed and qualified.

- (5) Successors to all members of the audit oversight committee and future successors shall be appointed by the respective appointing authorities not less than thirty (30) days prior to the expiration of each such member's term of office, and such successors shall take office on January 1 following such appointment and shall serve terms of five (5) years and until their respective successors are appointed and qualified.
- (6) If a member of the audit oversight committee ceases to be a resident of DeKalb County, that member's position on the board, by operation of law, shall become vacant upon the establishment of the fact of such nonresidency, if contested, by a court of competent jurisdiction. A vacancy on the audit oversight committee shall exist by reason of death, resignation, incapacity to serve for ninety (90) days or longer, or loss of residency as described in this subsection. A member of the audit oversight committee may also be removed from office during a term if the member becomes ineligible to hold civil office within the meaning of O.C.G.A. § 45-2-1 and that ineligibility is established by decision of a court of competent jurisdiction which declares the office vacant because of such ineligibility or by a vote of two-thirds (  $\frac{2}{3}$  ) of the members of the legislative delegation. A vacancy shall be filled within sixty (60) days by the original appointing authority for the remainder of the unexpired term.
- (7) The members of the audit oversight committee shall elect from their own membership a chairperson and otherwise provide for their own internal organization.
- (8)

The audit oversight committee shall consult with the auditor regarding technical issues and work to assure maximum coordination between the work of the auditor's office and external audit efforts.

- (9) The audit oversight committee shall meet as needed to perform its duties but shall not meet less than once quarterly and shall be responsible for:
  - a. Selecting not fewer than two (2) nor more than three (3) nominees for the position of auditor who meet the requirements outlined in subsection (e) of this section which shall be submitted to the commission for selection and appointment of one (1) of the nominees to the position of auditor;
  - b. Performing regular evaluations of the DeKalb County audit function;
  - c. Providing suggestions and comments for the annual audit plan;
  - d. Ensuring that audit reports are transmitted to the governing authority and to the public;
  - e. Monitoring follow-up on reported findings to assure corrective action is taken by management;
  - f. Reporting to the governing authority on problems or problem areas at such times as deemed appropriate;
  - g. Conducting or overseeing the requests for proposal and selection process for the firm conducting the annual financial statement audits, and ranking and recommending in order of preference no fewer than three (3) firms deemed to be the most highly qualified to perform the required services. If fewer than three (3) firms respond to the request for proposal, the audit oversight committee shall recommend such firms as it deems to be the most highly qualified;
  - h. Evaluating the firm providing annual financial statement auditing services and providing oversight of that audit, including ensuring transmission of reports and follow-up on corrective action by management;
  - i. Evaluating the findings and recommendations of the peer review as required by recognized government auditing standards;
  - j.



Consulting with the auditor regarding technical issues with the external audit firm and working to assure maximum coordination between the work of the office of internal audit and contracted audit efforts and other consulting engagements;

- k. Maintaining the confidentiality of personnel matters while taking responsibility for appropriate disclosure to the governing authority, the legislature, or to the public; and
  - l. Annually meeting with members of the commission to discuss controls, systems and risk, and performance of the audit firm, and to discuss other matters that the audit firm, the auditor, or staff desires or is required to bring to the commission's attention such as fraud, illegal acts, and financial and control weaknesses.
- (10) The audit oversight committee shall have the authority to hire outside experts, including legal counsel, when necessary.
- (11) The audit oversight committee shall have the authority to propose the budget of the office of internal audit, including the auditor's salary and staffing, and shall then recommend the budget to the commission for approval, who shall fund it as a priority.
- (12) Sufficient resources as requested by the audit oversight committee shall be provided by the commission to enable the audit oversight committee to carry out its responsibilities.
- (o) The provisions of this section are severable, and if any of its provisions shall be held unconstitutional or invalid by a court of competent jurisdiction, the decision of the court shall not affect or impair any of the remaining provisions.

( Acts 1915, p. 3826, § 2; Acts 2018, p. 4170, § 1)

#### Sec. 11. - Presiding officer.

- (a) The chief executive shall have no vote at any regular or specially called meeting of the commission unless the members of the commission are equally divided. Even when the members of the commission are equally divided, the chief executive may not vote on a matter which is not subject to veto by said officer under the provisions of subsection (d) of section 15 of this Act.
- (b)

At the first regular meeting in January of each year, the commission shall elect from its membership a presiding officer and a deputy presiding officer. The member serving as presiding officer or deputy presiding officer shall retain all rights, powers and duties as a member of the commission.

- (c) The presiding officer shall preside at meetings of the commission and shall have the following additional duties:
  - (1) To convene such special meetings of the commission as are deemed necessary, but all members shall be notified at least three (3) days in advance of any such special meeting;
  - (2) To appoint the members and chairpersons of such committees of the commission as the commission, by its rules, may establish and fill vacancies therein, but any such appointments may be rejected by a majority vote of the total membership of the commission;
  - (3) To compel the attendance of members at meetings of the commission by subpoena, if necessary, subject to the policy of the commission as established by its rules; and
  - (4) To exercise such other powers and duties as may be assigned to the presiding officer by ordinance or rules and regulations of the commission.
- (d) In the event the office of the member serving as presiding officer becomes vacant for any reason, or in the event the presiding officer is absent for any reason, or in the event the presiding officer exercises the powers of the chief executive pursuant to subsections (b) or (c) of section 6 of this act, then the deputy presiding officer shall exercise the powers and duties of the presiding officer during the absence of the presiding officer or until a successor presiding officer is elected by the commission at the first regular meeting held during the next succeeding January.

(Acts 1981, p. 4304, § 1; Acts 1988, p. 4740, § 1; Acts 2008, p. 3897, § 2)

## Sec. 12. - Meetings.

The commission shall hold regular meetings on the second and fourth Tuesdays of each month at the county seat, which meetings shall be open to the public, and may hold such additional meetings as shall be necessary when called by the chief executive, the presiding officer, or any four (4) members of the commission, but all members shall be notified at least three (3)

days in advance of any such additional meeting. No official action shall be taken by the commission except in a meeting which is open to the public. The presiding officer and any three (3) members of the commission, or any four (4) members of the commission exclusive of the presiding officer, shall constitute a quorum, except that a lesser number shall be sufficient to recess or adjourn any meeting; but no official action shall be taken except upon the affirmative vote of at least four (4) members of the commission, or three (3) members and the presiding officer. The presiding officer shall be entitled to the same voting rights as the commission members on questions considered by the commission.

(Acts 1981, p. 4304, § 1)

Sec. 13. - Powers and duties of the chief executive.

- (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 assistance [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.
- (b) Subject to the approval of the commission, the chief executive shall have the power to change, consolidate, or abolish any departments, agencies, or offices over which the chief executive exercises supervision and control, except that the department of finance shall be maintained at all times as a separate and distinct department and may not be abolished by the chief executive or by the commission. Subject to the approval of the commission, the chief executive may create other departments, agencies, and offices, which departments, agencies, and offices, when created, shall be under the supervision and control of the chief executive.

(c)

(1)

Subject to confirmation by the commission, the chief executive shall appoint the executive assistant and the county attorney. The executive assistant shall be subject to the requirements of section 14 of this act. No member of the commission or the commission itself shall be authorized to nominate persons for the office of executive assistant or county attorney. Within the budgetary limitations, the chief executive shall fix the compensation of the executive assistant and the county attorney. Both of said officers shall serve at the pleasure of the chief executive. The commission may also discharge either such officer for cause, but the affirmative vote of at least five (5) members of the commission shall be required to discharge either such officer.

(2) Subject to confirmation by the commission, the chief executive shall appoint the planning director, finance director, and merit system director. No member of the commission or the commission itself shall be authorized to nominate persons for any such position. All three (3) of said officers shall be under the DeKalb County Merit System and, subject to the regulations of said merit system and budgetary limitations, the chief executive shall have the authority to fix the compensation of said officials.

(d) Subject to budgetary limitations and DeKalb County Merit System regulations, the chief executive shall have exclusive authority to appoint, remove, and fix the compensation of all employees and officials of the county, except employees of the commission, and except that deputies and employees of the elected county officers of DeKalb County shall be subject to appointment, removal, supervision, and control of the respective elective county officers. The compensation of persons filling offices and positions created by state statutes shall be fixed by the chief executive within budgetary limitations when such state statutes authorize or require such compensation to be fixed by county governments or by county governing authorities.

(e) The chief executive may convene special meetings of the commission when deemed necessary, but all members shall be notified at least three (3) days in advance of any such special meeting.

(f)

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.

- (g) The chief executive shall have power to investigate the affairs, records and expenditures of the various authorities, boards, councils, commissions, committees, and similar bodies or agencies, whether created by ordinance of the commission or by acts of the General Assembly, relating to the affairs of the county and to report thereon to the commission.
- (h) The chief executive shall represent the county in intergovernmental matters and shall seek to promote and improve the government of the county and encourage the growth of the county and promote and develop the prosperity and well-being of the citizens of the county.
- (i) The chief executive, within one hundred twenty (120) days after the close of each fiscal year, shall prepare and submit to the commission a complete annual report on the financial affairs and activities of the county for the immediately preceding fiscal year. The annual report shall show all income from all sources, including state, county, and federal funds, and all expenditures. The chief executive shall cause a summary of said annual report to be published in the official organ of DeKalb County. Said published summary shall state that a copy of the full report is available from the office of the chief executive. The chief executive shall also send copies of the full report to each branch of the county library. The chief executive shall also make financial reports during the year as may be required by the commission.
- (j) The chief executive may recommend, at any time, to the commission for its formal consideration, such measures or proposals as are deemed necessary or desirable to improve the administration of the affairs of the county.
- (k) The chief executive shall devote full time to the duties of the office and shall have no other source of employment.
- (l) Reserved.

(Acts 1981, p. 4304, § 1; Acts 1983, p. 4547, §§ 2, 3; Acts 1986, p. 4107, § 2; Acts 1988, p. 4740, § 2; Acts 2008, p. 3897, § 3)

Sec. 13A. - Appointments to public office.

(a) (1) Whenever any other law of this state authorizes or requires a county governing authority, including any such law which refers to a local governing body with the intention of including a county governing authority, to appoint or elect a person to fill a post or vacancy in any public office or as a member of any public authority, board, commission, or other body or agency, such post or vacancy shall be filled as follows:

- (A) The chief executive shall nominate a person by sending a written notice to the commission, and such notice shall specify the post or vacancy to be filled, the date such post or vacancy is to be filled, the qualifications, if any, which must be possessed by a person filling the post or vacancy, and the name of the person nominated by the chief executive;
- (B) Within twenty (20) days after the date the notice described in subparagraph (A) of this subsection is received, the commission, either at a regular or called meeting, shall confirm or reject the nominee of the chief executive;
- (C) If the first nominee of the chief executive is rejected by the commission, the chief executive shall make a second nomination in writing to the commission within ten (10) days after the date of such rejection;
- (D) Within fifteen (15) days after the date the second nomination of the chief executive is received, the commission, either at a regular or called meeting, shall confirm or reject the second nominee of the chief executive; and
- (E) If the second nominee of the chief executive is rejected by the commission, the commission shall, within fifteen (15) days after the date of such rejection, either at a regular or called meeting, elect a qualified person to fill the post or vacancy without the necessity of a nomination by the chief executive.

(2) When the need to fill a post or vacancy is known by the chief executive at least sixty (60) days in advance of the date on which the post or vacancy should be filled, the chief executive shall initiate the procedures provided by paragraph (1) of this subsection far enough in advance to permit such post or vacancy to be filled at the proper time. In all other cases, the chief executive shall initiate such procedures as soon as practicable after learning of the need to fill the post or vacancy.

(b) When a law described in subsection (a) of this section authorizes a person elected or appointed to fill a post or vacancy to be removed from office by a county governing authority, such power of removal may be exercised by the affirmative

vote of at least four (4) members of the commission, exclusive of the presiding officer, or by the affirmative vote of three (3) members of the commission and the presiding officer. Such power of removal may be exercised by the commission without the concurrence of the chief executive, but the chief executive may recommend such removal to the commission.

- (c) Whenever any other law of this state authorizes or requires the chairman of the board of commissioners of a county or the elected chief executive officer of a county, by whatever name designated, to hold another office or to serve as a member of any public authority, board, commission, or other body or agency, such law shall be construed to grant such authority or apply such requirement to the chief executive.
- (d) Whenever any other law of this state refers, for purposes other than those described in subsection (c) of this section, to the chairman of the board of commissioners of a county or to the elected chief executive officer of a county, by whatever name designated, such law shall be construed to refer to the chief executive.

(Acts 1986, p. 4107, § 3)

#### Sec. 14. - Executive assistant; administrators.

- (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 ordinances, rules, and regulations adopted by the commission.
- (c) The executive assistant shall hold a college degree in public administration, political science, urban affairs, business administration, engineering, or a related field and must have at least five (5) 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 experience in the private sector or any combination thereof.

- (d) No person shall be appointed or hold office as executive assistant to the chief executive if such person, within two (2) years immediately preceding appointment, has:
  - (1) Been a candidate for elective public office;
  - (2) Been the holder of elective public office; or
  - (3) Held a management position in the political campaign of any candidate for the office of chief executive, or any member of the board of commissioners of DeKalb County.
- (e) After appointment, the executive assistant shall not take part in the management of any political campaign for any elective public office or hold office in any political party or body. If the executive assistant participates in political activities in violation of this subsection, such participation, by operation of law, shall result in the immediate discharge of the executive assistant, and the office of executive assistant shall be vacant.
- (f) The chief executive shall also have exclusive power to appoint, remove from office and, within budgetary limitations, fix the compensation of two (2) administrators to assist the executive assistant in such manner as the chief executive shall direct.

(Acts 1981, p. 4304, § 1; Acts 1983, p. 4547, § 4)

Sec. 15. - Veto power of chief executive.

- (a) Every ordinance or resolution adopted by the commission shall be signed by the presiding officer of the commission or, in the absence of the presiding officer, the deputy presiding officer shall sign the ordinance or resolution. Such ordinance or resolution shall be certified by the clerk of the commission and presented by said clerk to the office of the chief executive within three (3) business days following its adoption by the commission. The chief executive shall approve or veto the ordinance or resolution within eight (8) business days after its adoption by the commission, and, except as hereinafter provided, no ordinance or resolution shall become effective without the approval of the chief executive.
- (b) If the chief executive vetoes an ordinance or resolution, the chief executive shall return it to the commission within two (2) business days after such veto along with a written statement of the reasons for the veto. If, at the meeting of the commission next held after receiving the vetoed ordinance or resolution, the



commission shall again pass the ordinance or resolution by a two-thirds vote of its total membership, such ordinance or resolution shall become effective without the approval of the chief executive. If the chief executive does not approve or veto an ordinance or resolution within eight (8) business days after its adoption by the commission, it shall become effective without the chief executive's approval.

- (c) The chief executive may veto any item or items of any ordinance or resolution making appropriations, and the part or parts vetoed shall not become effective, except as provided by subsection (b) of this section with respect to other ordinances or resolutions. Any part of an ordinance or resolution making appropriations not vetoed by the chief executive shall become effective.
- (d) Nothing in this section shall authorize the chief executive to exercise a veto over any zoning ordinance adopted by the commission pursuant to its authority under paragraph (10) of subsection (a) of section 9 of this act, nor over any rule adopted by the commission pursuant to its authority under paragraph (19) of subsection (a) of section 9 of this act.

(Acts 1981, p. 4304, § 1; Acts 1988, p. 4740, § 3)

Sec. 16. - Comprehensive development plan.

- (a) The chief executive shall from time to time present to the commission a comprehensive development plan which shall:
  - (1) Consider the economic and social aspects of the county;
  - (2) Set forth the comprehensive development goals, policies and objectives of the county, its specific geographic areas, communities and neighborhoods and the citizens thereof; and
  - (3) In conformity with such development goals, policies and objectives, identify parks, recreation facilities, sites for public buildings and structures, utilities, transportation systems and facilities, housing, community facilities, manufacturing and industrial sites, future land use for all classifications and such other elements, features and policies as will promote the improvement of the county.
- (b) In preparing or revising the comprehensive development plan, the chief executive shall seek the views and opinions of citizens of the county and shall establish and publicize formal procedures to obtain such views and opinions.

(Acts 1981, p. 4304, § 1)

Sec. 17. - Budgeting; control of expenditures.

The chief executive shall submit to the board not later than December 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. In an election year, if the incumbent chief executive is not reelected, this date may be extended to January 15 of the year to which the budget pertains. The proposed budget submitted to the commission 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.

The chief executive shall 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 (10) days of [from] the publication. At this public hearing the commission shall review the proposed budget. It may adopt the budget as presented by the chief executive 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 commission 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 shall be approved and adopted before March 1, of the year to which it pertains. The final budget shall constitute the commission's appropriations of all funds for such year. The budget may be amended during the calendar year which it covers upon formal action of the commission in a regular meeting, but no increase in appropriations shall be made therein without provision also being made for financing same.

A copy of the final budget adopted shall be transmitted by the chief executive to the grand jury of DeKalb County Superior Court then in session within ten (10) days of its adoption.

Between January 1 and such time as the budget for the county is adopted by the board of commissioners, 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 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.

No expenditure of county funds shall be made except in accordance with the county budget, or amendments thereto, adopted by the Commission. The chief executive shall enforce compliance with this requirement by all departments, offices, or agencies of the county government, including elected county officers, with the exception of the tax commissioner, clerk of the superior court, district attorney, and sheriff.

(Acts 1981, p. 4304, § 1; Ord. No. 85-17, § I, 7-23-85; Acts 2007, p. 4073, § 1)

**Editor's note**— The ordinances shown in the left-hand column below may be found in the acts as shown in the right-hand column below:

Ord. No.	Acts
85-17	1986, p. 5704

#### Sec. 18. - Purchases; contracts.

- (a) The chief executive, subject to the approval of the commission, shall establish rules to regulate purchasing for all county departments, offices, and agencies of the county government, with the exception of the tax commissioner, clerk of the superior court, district attorney, and sheriff. Except as hereinafter provided, formal sealed bids, after notice of same has been published one (1) time in the official organ of DeKalb County, must be obtained on all purchases exceeding fifty thousand dollars (\$50,000.00). Purchases exceeding fifty thousand dollars (\$50,000.00) may be made without formal sealed bids from any vendor who, at the time of purchase, has an existing contract or schedule with a county or municipality if such contract was procured by a competitive process, or the State of Georgia or the federal government so long as all such purchases are made pursuant to the price, terms, and conditions of said contract and if the county receives all the benefits of such contract.
- (b) Except for contracts of employment, the commission shall authorize all contracts involving the expenditure of county funds in excess of one hundred thousand dollars (\$100,000.00).
- (c) No more than one (1) contract involving the expenditure of county funds during a

fiscal year may be made with any vendor without approval of the commission.

- (d) Subdividing a proposed contract which is for an amount above the threshold specified in subsection (a) or (b) of this section into smaller contracts or subcontracts for the purpose of avoiding the requirement of subsection (a) or (b) of this section shall be prohibited and such contracts or subcontracts shall be void ab initio.
- (e) Except for contracts of employment, all contracts for purchase shall be published on the county website within thirty (30) days of approval of such contracts.

(Acts 1981, p. 4304, § 1; Ord. No. 01-02, 4-10-01; Ord. No. 12-03, 6-10-03; Acts 2007, p. 4073, § 2; Acts 1915, p. 3824, § 1 ; Acts. 2016, p. 4219, § 3.)

#### Sec. 19. - Department of finance.

- (a) The department of finance is hereby established as a permanent administrative unit of the county government. The department shall be under the control and supervision of the director of finance. The department of finance shall perform the following functions:
  - (1) Keep and maintain accurate records reflecting the financial affairs of the county.
  - (2) Compile the annual budget covering all county funds.
  - (3) Make quarterly allotments of monies appropriated and budget to each department, office or agency of the county entitled to receive same.
  - (4) Maintain current control accounts over the collection and deposit of monies due the county from taxes and other sources.
  - (5) Examine all claims against the county and make recommendation as to payment.
  - (6) Maintain budgetary control accounts showing encumbrances for obligations entered into, liquidation of such encumbrances, unencumbered balances of allotments, unexpended balances of appropriations.
  - (7) Maintain proprietary accounts of the current assets and of the liabilities of all county funds.
  - (8) Prepare and issue quarterly financial reports of the operations of all county funds.

- (9) Maintain property control records of all county property, including equipment and stores, and supervise stores.
- (10) Plan and prepare for meeting the financial needs of the county, project financial requirements, recommend means of financing those requirements and advise the chief executive and the commission on financial matters.
- (11) Perform such other duties as may be assigned by the chief executive.
- (b) The director of finance shall certify to the chief executive and to the commission on March 31, June 30, September 30 and December 31 of each year a statement of county finances which shall reflect the overall county financial position by individual funds as well as a comparison of cash revenue collections by source with the budget estimates of cash revenues by source and also a comparison of departmental expenditures with budget appropriations. The chief executive shall cause the June 30 and December 31 statements to be published in the official organ of DeKalb County one (1) time and a copy posted on the county courthouse bulletin board within thirty (30) days of each date.
- (c) Except as hereinafter provided, the provisions of this section are advisory only, and the chief executive, subject to the approval of the commission, may provide for the organization or reorganization of the department of finance and may specify and provide for the powers and duties of the director of finance and other personnel of the department of finance in such manner as may be necessary or desirable for the efficient and effective operation of the department of finance. The department of finance and the office of director of finance shall not be abolished by the chief executive or the commission.

(Acts 1981, p. 4304, § 1)

Sec. 20. - Records; minutes.

The commission shall appoint a clerk who shall be the clerk of the chief executive and the commission and shall keep a proper and accurate book of minutes wherein shall appear all the acts, orders, and proceedings of the commission, in chronological order, and a similar book of minutes wherein shall appear, in chronological order, all acts, orders, and proceedings of the chief executive. The minute books of the chief executive and the commission shall be open to public inspection at all times during the regular office hours, and certified copies of any entries therein shall be furnished by the said clerk to any person requesting same upon payment of a

reasonable fee, to be paid into the county treasury as other funds, to be assessed by the commission in an amount sufficient to defray the cost of preparing same. In addition, the clerk shall manage the agenda for meetings of the commission and perform such other duties as the commission may direct.

(Acts 1981, p. 4304, § 1; Acts 2008, p. 3897, § 4)

Sec. 21. - Agreements of candidates.

It shall be unlawful for any candidate, either for the office of chief executive or for membership on the commission, or for nomination to either of such offices, to enter into any agreement or understanding with any person as to the disposal of any work or appointment which is or shall be under the control of the chief executive or the commission, and any person so offending shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as for a misdemeanor.

(Acts 1981, p. 4304, § 1)

Sec. 22. - Officials not to be interested in contracts.

Neither the chief executive nor any member of the commission or other county officer empowered to use public or county funds for the purchase of goods, property, or services of any kind for public or county purposes shall be financially interested, directly or indirectly, in any contract to which the county is a party, either as principal, surety or otherwise; nor shall such officer, his partner, agent, servant, or employee of a firm of which he is a member or by whom he is employed purchase from or sell to the county any real or personal property, goods or services. Any contract made in violation of any of the foregoing provisions shall be void, and the officer so offending shall be removed from office upon proper proceedings instituted by any taxpayer in said county in accordance with the provisions of section 23-1714 of the Code of Georgia of 1933 [O.C.G.A. § 36-1-14]. Provided, however, that the provisions of this section shall not be applicable to any contract which has been approved, prior to execution, performance and payment thereon, by a majority of the commission by a proper entry on the minutes of the commission.

Sec. 22A. - Code of ethics.

(a) *Purpose.*

(1)

It is essential to the proper administration and operation of the DeKalb County government that its officials and employees be, and give the appearance of being, independent and impartial, that public office not be used for private gain, and that there be public confidence in the integrity of DeKalb County officials and employees. Because the attainment of one (1) or more of these ends is impaired whenever there exists in fact, or appears to exist, a conflict between the private interests and public responsibilities of officials and employees, the public interest requires that the general assembly protect against such conflicts of interest by establishing by law appropriate ethical standards with respect to the conduct of the officials and employees of DeKalb County in situations where a conflict may exist.

- (2) The general assembly recognizes that an appropriate and effective code of ethics for appointed officials and employees of DeKalb County is also essential for the proper administration and operation of the DeKalb County government.

(b) *Definitions.* As used in this section, the term:

- (1) *Agency* means any board, bureau, body, commission, committee, department, or office of DeKalb County to which the governing authority has appointment powers.
- (2) *Business* means any corporation, partnership, organization, sole proprietorship, and any other entity operated for economic gain, whether professional, industrial, or commercial, and entities which for purposes of federal income taxation are treated as nonprofit organizations.
- (3) *Confidential information* means information which has been obtained in the course of holding public office, employment, acting as an independent contractor, or otherwise acting as an official or employee and which information is not available to members of the public under state law or other law or regulation and which the official, independent contractor, or employee is not authorized to disclose.
- (4) *Contract* means any claim or demand against or any lease, account, or agreement with any person, whether express or implied, executed or executory, verbal or in writing.
- (5)

*Emergency situation* means any circumstance or condition giving rise to an immediate necessity for the execution of a contract by and between DeKalb County and an official or employee or between DeKalb County and a business in which an official or employee has an interest and where, to the satisfaction of the chief executive, it is shown that there is no one other than such persons with whom the contract could have been made and that the necessity was not brought about by such persons' own fault or neglect.

- (6) *Immediate family* means an official or employee and his or her spouse, parents, brothers, sisters, and natural or adopted children.
- (7) *Interest* means any direct or indirect pecuniary or material benefit held by or accruing to the official or employee as a result of a contract or transaction which is or may be the subject of an official act or action by or with DeKalb County. Unless otherwise provided in this section, the term 'interest' does not include any remote interest. An official or employee shall be deemed to have an interest in transactions involving:
  - a. Any person in the official's or employee's immediate family;
  - b. Any person, business, or entity that the official or employee knows or should know is seeking official action with DeKalb County, is seeking to do or does business with DeKalb County, has interests that may be substantially affected by performance or nonperformance of the official's or employee's official duties, or with whom a contractual relationship exists whereby the official or employee may receive any payment or other benefit;
  - c. Any business in which the official or employee is a director, officer, employee, shareholder, or consultant; or
  - d. Any person of whom the official or employee is a creditor, whether secured or unsecured.
- (8) *Official or employee* means any person elected or appointed to or employed or retained by DeKalb County or any agency, whether paid or unpaid and whether part time or full time. This definition includes retired employees or former county employees during the period of time in which they are later employed or retained by the county or any agency. This definition does not include superior and state court judges and their immediate staffs, the



district attorney, the solicitor of the state court, the clerks of the superior and state courts, magistrates, judges of the recorders court, the judge of the probate court, and their respective staffs.

- (9) *Official act or action* means any legislative, administrative, appointive, or discretionary act of the commission, the chief executive, or a commissioner.
- (10) *Paid* means the receipt of, or right to receive, a salary, commission, percentage, brokerage, or contingent fee.
- (11) *Participate* means to take part in official acts, actions, or proceedings personally as an official or employee through approval, disapproval, decision, recommendation, investigation, the rendering of advice, or the failure to act or perform a duty.
- (12) *Person* means any individual, business, labor organization, representative, fiduciary, trust, or association, whether paid or unpaid, and includes any official or employee of DeKalb County.
- (13) *Property* means any property, whether real or personal or tangible or intangible, and includes currency and commercial paper.
- (14) *Remote interest* means the interest of:
  - a. A nonsalaried director, officer, or employee of a nonprofit organization;
  - b. A holder of less than five (5) percent of the legal or beneficial ownership of the total shares of a business;
  - c. Any person in a representative capacity, such as a receiver, trustee, or administrator; or
  - d. Any person who, by determination of the board of ethics, is deemed to have such an interest.
- (15) *Transaction* means the conduct of any activity that results in or may result in an official act or action of an official or employee of DeKalb County.
- (c) *Proscribed conduct.* No official or employee of DeKalb County shall:
  - (1) By his or her conduct give reasonable basis for the impression that any person can improperly influence him or her or unduly enjoy his or her favor in the performance of his or her official acts or actions or that he or she is affected unduly by the rank or position of or kinship or association with any person;
  - (2) a.

Directly or indirectly request, exact, receive, or agree to receive a gift, loan, favor, promise, or thing of value for himself or herself or another person if:

- (i) It tends to influence him or her in the discharge of his or her official duties; or
  - (ii) He or she recently has been, or is now, or in the near future may be, involved in any official act or action directly affecting the donor or lender.
- b. Subparagraph a. of this paragraph shall not apply in the case of:
  - (i) An occasional nonpecuniary gift of value less than one hundred dollars (\$100.00);
  - (ii) An award publicly presented in recognition of public service; or
  - (iii) A commercially reasonable loan made in the ordinary course of business by an institution authorized by the laws of Georgia to engage in the making of such a loan;
- (3) Disclose or otherwise use confidential information acquired by virtue of his or her position for his or her or another person's private gain;
- (4) Appear on his or her own personal behalf, or represent, advise, or appear on the personal behalf, whether paid or unpaid, of any person before any court or before any legislative, administrative, or quasi-judicial board, agency, commission, or committee of this state or of any county or municipality concerning any contract or transaction which is or may be the subject of an official act or action of DeKalb County or otherwise use or attempt to use his or her official position to secure unwarranted privileges or exemptions for himself or herself or other persons;
- (5) Engage in, accept employment with, or render services for any agency, private business, or professional activity when such employment or rendering of services is adverse to and incompatible with the proper discharge of his or her official duties;
- (6) Acquire an interest in any contract or transaction at a time when he or she believes or has reason to believe that such an interest will be affected directly or indirectly by his or her official act or actions or by the official acts or actions of other officials or employees of DeKalb County; or

- (7) Engage in any activity or transaction that is prohibited by law now existing or hereafter enacted which is applicable to him or her by virtue of his or her being an official or employee of DeKalb County.
- (d) *Disclosure of interests.* An official or employee who has an interest that he or she has reason to believe may be affected by his or her official acts or actions or by the official acts or actions of another official or employee of DeKalb County shall disclose the precise nature and value of such interest by sworn written statement to the board of ethics and ask for the board's opinion as to the propriety of such interest. Every official or employee who knowingly has any interest, direct or indirect, in any contract to which DeKalb County is or is about to become a party, or in any other business with DeKalb County, shall make full disclosure of such interest to the chief executive and the commission and to the ethics officer and the board of ethics. The information disclosed by such sworn statements, except for the valuation attributed to the disclosed interest, shall be made a matter of public record by the board of ethics.
- (e) *Participation in contracts.*
- (1) An official or employee shall disqualify himself or herself from participating in any official act or action of DeKalb County directly affecting a business or activity in which he or she has any interest, whether or not a remote interest.
  - (2) DeKalb County shall not enter into any contract involving services or property with an official or employee of the county or with a business in which an official or employee of the county has an interest. This subsection shall not apply in the case of:
    - a. The designation of a bank or trust company as a depository for county funds;
    - b. The borrowing of funds from any bank or lending institution which offers the lowest available rate of interest for such loans;
    - c. Contracts for services entered into with a business which is the only available source for such goods or services; or
    - d. Contracts entered into under circumstances which constitute an emergency situation, provided that a record explaining the emergency is prepared by the chief executive and submitted to the board of ethics at its next regular meeting and thereafter kept on file.

- (3) DeKalb County shall not enter into any contract with, or take any official act or action favorably affecting, any person, or business represented by such person, who has been within the preceding two-year period an official or employee of DeKalb County.
- (f) *Reporting violations.* Any person who witnesses or becomes aware of a violation of this section may complain of the violation as follows:
- (1) A complaint may be communicated anonymously to the ethics officer. Such complaint shall be made in good faith and with veracity and sufficient specificity so as to provide the ethics officer with salient and investigable facts. The ethics officer may require the anonymous complaint to be made in a manner and form that is intended only to obtain relevant facts related to the alleged violation of this section and that is not designed to reveal the identity of the complainant.
  - (2) A sworn written complaint may be filed with the ethics officer of the board of ethics, as described in this paragraph. All written complaints to be considered by the board of ethics and the ethics officer shall contain the following, if applicable:
    - a. The name and address of the person or persons filing the complaint;
    - b. The sworn verification and signature of the complainant;
    - c. The name and address of the party or parties against whom the complaint is filed and, if such party is a candidate, the office being sought;
    - d. A clear and concise statement of acts upon which the complaint is based along with an allegation that such facts constitute one (1) or more violations of law under the jurisdiction of the board of ethics;
    - e. A general reference to the allegedly violated statutory provision(s) of the code of ethics within the jurisdiction of the board of ethics; and
    - f. Any further information which might support the allegations in the complaint including, but not limited to, the following:
      - (i) The names and addresses of all other persons who have first-hand knowledge of the facts alleged in the complaint; and
      - (ii) Any documentary evidence that supports the facts alleged in the complaint.

- (3) Upon receipt of a complaint, whether by the ethics officer or by the board of ethics, the ethics officer or the secretary of the board of ethics shall send a written notice to the subject of the complaint by the next business day. Both this notice and any subsequent documents shall be subject to Article 4 of Chapter 18 of Title 50 of the O.C.G.A.
- (4) Upon receipt of a written, nonanonymous complaint which does not conform to the applicable requirements of paragraph (2) of this subsection, the ethics officer shall by letter acknowledge receipt of the complaint and advise the complainant of the defect in the complaint and that the complaint will not be considered by the board of ethics unless the defect is corrected.

(g) *Enactment.*

- (1) This section shall be construed liberally to effectuate its purpose and policies and to supplement such existing laws as may relate to the conduct of officials or employees.
- (2) The propriety of any official act or action taken by or transaction involving any officials or employees immediately prior to the time this section shall take effect shall not be affected by the enactment of this section.
- (3) The provisions of this section are severable, and if any of its provisions shall be held unconstitutional or invalid by a court of competent jurisdiction, the decision of the court shall not affect or impair any of the remaining provisions.

(h) *Board of ethics.*

- (1) a. There is created the Board of Ethics of DeKalb County to be composed of seven (7) citizens of DeKalb County to be appointed as provided in paragraph (2) of this subsection.
  - a. Each member of the board of ethics shall have been a resident of DeKalb County for at least one (1) year immediately preceding the date of taking office and shall remain a resident of the county while serving as a member of the board of ethics.
  - b. No person shall serve as a member of the board of ethics if the person has, or has had within the immediately preceding two-year period, any interest in any contract, transaction, or official act or action of DeKalb County.

- c. No member of the board of ethics shall be a member of an agency or an official or employee of DeKalb County or shall have served in such a capacity in the two-year period immediately preceding such person's appointment to the board of ethics.
  - d. No person shall serve as a member of the board of ethics if the person has been a candidate for, or was elected to, public office in the immediately preceding three-year period. Filing for an elective office shall constitute a resignation from the board of ethics on the date of filing.
  - e. Appointees to the board of ethics shall have professional knowledge or expertise in matters of ethics, finance, governance, or the law.
  - f. All proposed appointments to the board of ethics shall be subject to an education and employment background check as well as a criminal history check. Persons proposed to be appointed to the board of ethics shall execute all releases necessary for the appointing authority to accomplish such checks. If the nominee is determined to have committed a felony, the nomination shall be withdrawn.
- (2) a. The members of the board of ethics in office on the effective date of this section shall serve until December 31, 2015, and then their terms shall terminate. A new board shall be appointed as provided in this paragraph to take office on January 1, 2016, and to serve for the terms prescribed in this paragraph.
- b. Not later than December 31, 2015, the members of the new board of ethics shall be selected as follows:
- (i) One (1) member shall be appointed by the DeKalb Bar Association, chosen from the attorney members of the association;
  - (ii) One (1) member shall be appointed by the DeKalb County Chamber of Commerce, which member shall not be an attorney;
  - (iii) One (1) member shall be appointed by a majority vote of the DeKalb County legislative delegation;
  - (iv) One (1) member shall be appointed by the judge of the Probate Court of DeKalb County;
  - (v) One (1) member shall be appointed by Leadership DeKalb;

- (vi) One (1) member shall be appointed by the six (6) major universities and colleges located within DeKalb County (Agnes Scott College, Columbia Theological Seminary, Emory University, Georgia State University, Mercer University, and Oglethorpe University), which member shall not be an attorney; and
    - (vii) One (1) member shall be appointed by the chief judge of the Superior Court of DeKalb County.
  - c. The members shall each serve for terms of three (3) years; provided, however, that the initial terms of the first DeKalb County Chamber of Commerce appointee, the first Leadership DeKalb appointee, and the first DeKalb County legislative delegation appointee shall be two (2) years; and provided, further, that the initial terms of the six (6) major institutes of higher learning within DeKalb County appointee and the judge of the probate court appointee shall be one (1) year.
  - d. Successors to all members of the board of ethics and future successors shall be appointed by the respective appointing authorities not less than thirty (30) days prior to the expiration of each such member's term of office, and such successors shall take office on January 1 following such appointment and shall serve terms of three (3) years and until their respective successors are appointed and qualified.
- (3) If a member of the board of ethics ceases to be a resident of DeKalb County, that member's position on the board of ethics, by operation of law, shall become vacant upon the establishment of the fact of such nonresidency, if contested, by a court of competent jurisdiction. A vacancy in the board of ethics shall exist by reason of death, the disability or incapacity of a member for more than ninety (90) days, resignation, or loss of residency as described in this paragraph. A member of the board of ethics may be removed from office during a term if the member becomes ineligible to hold civil office within the meaning of O.C.G.A. § 45-2-1 and that ineligibility is established by decision of a court of competent jurisdiction which declares the office vacant because of such ineligibility or for good cause by a majority vote of the board of ethics. The ethics officer shall notify the appointing authority of a vacancy upon its occurrence, and such vacancy shall be filled for the unexpired term by the respective appointing authority.

- (4) The members of the board of ethics shall serve without compensation and shall elect from their own membership a chairperson and otherwise provide for their own internal organization. The commission shall provide adequate office and meeting space and pay all administrative costs, including those specifically stipulated in this section, pertaining to the operation of the board of ethics. The board of ethics shall be authorized to employ its own staff and clerical personnel and contract for the services of a competent court reporter, an attorney, and a private investigator as it deems necessary. The members of the board of ethics shall have the authority to propose the budget of the board and shall recommend the budget to the commission, who shall fund it as a priority. In the event that the proposed budget is in excess of three hundred thousand dollars (\$300,000.00), the commission shall have the authority to authorize the additional funds requested in accordance with standard budgetary procedures and requirements. The board of ethics shall be completely independent and shall not be subject to control or supervision by the chief executive, the commission, or any other official or employee or agency of the county government.
- (5) The board of ethics shall have the following duties:
- a. To establish procedures, rules, and regulations governing its internal organization and the conduct of its affairs;
  - b. To render advisory opinions with respect to the interpretation and application of this section to all officials or employees who seek advice as to whether a particular course of conduct would constitute a violation of the standards imposed in this section or other applicable ethical standards. Such opinions shall be binding on the board of ethics in any subsequent complaint concerning the official or employee who sought the opinion and acted in good faith, unless material facts were omitted or misstated in the request for the advisory opinion;
  - c. To prescribe forms for the disclosures required in this section and to make available to the public the information disclosed as provided in this section;
  - d. To receive and hear complaints of violations of the standards required by this section over which it has personal and subject matter jurisdiction;



- e. To make such investigations as it deems necessary to determine whether any official or employee has violated or is about to violate any provisions of this section; and
- f. To hold such hearings and make such inquiries as it deems necessary for it to carry out properly its functions and powers.

(i) *Ethics officer.*

- (1) There is hereby created as a full-time salaried position an ethics officer for DeKalb County. The ethics officer must be an active member of the Georgia Bar Association in good standing with five (5) years' experience in the practice of law. The ethics officer shall be appointed by a majority of the members of the board of ethics, subject to confirmation by a majority of the commission and approval by the chief executive, for a period not to exceed six (6) years. Removal of the ethics officer before the expiration of the designated term shall be for cause by a majority vote of the members of the board of ethics. The ethics officer need not be a resident of the county at the time of his or her appointment, but he or she shall reside in DeKalb County within six (6) months of such appointment and continue to reside therein throughout such appointment.
- (2) The ethics officer shall not be involved in partisan or nonpartisan political activities or the political affairs of DeKalb County.
- (3) The duties of the ethics officer shall include, but not be limited to, the following:
  - a. Educating and training all city officials and employees to have an awareness and understanding of the mandate for and enforcement of ethical conduct and advising them of the provisions of the code of ethics of DeKalb County;
  - b. Maintaining the records of the board of ethics as required by Article 4 of Chapter 18 of Title 50 of the O.C.G.A.;
  - c. Meeting with the board of ethics;
  - d. Advising officials and employees regarding disclosure statements and reviewing the same to ensure full and complete financial reporting;
  - e.

Urging compliance with the code of ethics by calling to the attention of the board of ethics any failure to comply or any issues, including the furnishing of false or misleading information, that the ethics officer believes should be investigated by the board of ethics so that the board of ethics may take such action as it deems appropriate;

- f. Monitoring, evaluating, and acting upon information obtained from an "ethics hotline" which shall be a city telephone number for the receipt of information about ethical violations. Each complaint, as of the time it is reported, whether by telephone or otherwise, shall be deemed to be a separate pending investigation of a complaint against a public officer or employee as provided by Article 4 of Chapter 18 of Title 50 of the O.C.G.A.;
  - g. Notifying the subject of a report of any alleged violation of the ethics code, whether the report is anonymous, made by an identified individual, or is written. Such notice shall be given in writing, by facsimile, or hand delivered to the subject of the complaint at the same time and in the same form that any disclosure of information is required by Article 4 of Chapter 18 of Title 50 of the O.C.G.A.;
  - h. Notifying the board of ethics of any report of an alleged violation of the ethics code received by the ethics officer;
  - i. Reporting, as appropriate, suspected ethical violations to the board of ethics;
  - j. Reporting, as appropriate, suspected criminal violations to state or federal law enforcement agencies; and
  - k. Filing with the board of ethics, the chief executive, and the commission on the first Tuesday of each February a written report describing the activities of the ethics officer in carrying out the goals of his or her office and the code of ethics and reporting on the ethical health of DeKalb County.
- (j) *Investigations and hearings.* The board of ethics shall conduct investigations into alleged violations of the code of ethics, hold hearings, and issue decisions as prescribed in this subsection:
- (1) The proceedings and records of the board of ethics shall be open unless otherwise permitted by state law.

- (2) Upon request of the board of ethics, the solicitor of DeKalb County or any attorney representing the office of the solicitor of DeKalb County, or in the event of a conflict any attorney who shall be selected by a majority vote of the board of ethics, shall advise the board of ethics.
- (3) A complaint may be filed by the ethics officer, any resident, or a group of residents of DeKalb County by submitting to the office of the ethics officer a written, verified, and sworn complaint under the penalty of perjury or false swearing. The complaint shall specifically identify all provisions of the DeKalb County code of ethics which the subject of the complaint is alleged to have violated, set forth facts as would be admissible in evidence in a court proceeding, and show affirmatively that the complainant or affiant (if in addition to or different from the complainant) is competent to testify to the matter set forth therein. All documents referenced in the complaint as well as supporting affidavits shall be attached to the complaint.
- (4) Upon receipt of the complaint, the ethics officer shall conduct a preliminary investigation to determine whether it meets the jurisdictional requirements as set forth in this section. If in the opinion of the ethics officer the complaint fails to meet these requirements, the ethics officer shall notify the person who filed the complaint and he or she shall have ten (10) days from the date of notice to correct and refile the complaint directly with the ethics officer. A complaint which fails to satisfy the jurisdictional requirements as established by this section and by the rules and procedures established by the board of ethics shall be dismissed by the board of ethics no later than thirty (30) days after the complaint is filed with the office of the ethics officer, unless extended by a majority vote of the board of ethics.
- (5) The ethics officer will report his or her findings and recommendation to the board of ethics and advise whether there is probable cause for belief that the code of ethics has been violated, warranting a formal hearing. If the board of ethics determines, after the preliminary investigation of a complaint by the ethics officer, that there does not exist probable cause for belief that this section has been violated, the board of ethics shall so notify the complainant and the subject of the investigation, and the complaint will be dismissed. If the board of ethics determines, after a preliminary investigation of the complaint by the ethics officer, that there does exist probable cause for belief

that this section has been violated, the board of ethics shall give notice to the person involved to attend a hearing to determine whether there has been a violation of this section.

- (6) For use in proceedings under this section, the board of ethics shall have the power to issue subpoenas to compel any person to appear, give sworn testimony, or produce documentary or other evidence. Any person who fails to respond to such subpoenas may be subjected to the penalties set forth in subsection (k) of this section.
- (7) All hearings of the board of ethics pursuant to this section shall be as follows:
  - a. All testimony shall be under oath, which shall be administered by a member of the board of ethics. Any person who appears before the board of ethics shall have all of the due process rights, privileges, and responsibilities of a witness appearing before the courts of this state. Any person whose name is mentioned during a proceeding of the board of ethics and who may be adversely affected thereby may appear personally before the board of ethics on such person's own behalf or may file a written sworn statement for incorporation into the record to be made part of all proceedings pursuant to this subsection.
  - b. The decision of the board of ethics shall be governed by a preponderance of the evidence standard.
  - c. At the conclusion of proceedings concerning an alleged violation, the board of ethics shall immediately begin deliberations on the evidence and proceed to determine by a majority vote of members present whether there has been a violation of this section. The findings of the board of ethics concerning a violation and the record of the proceedings shall be made public by the ethics officer as soon as practicable after the determination has been made.

(k) *Violations; appeals.*

- (1) Any intentional violation of this section, furnishing of false or misleading information to the board of ethics or the ethics officer, failure to follow an opinion rendered by the board of ethics, or failure to comply with a subpoena issued by the board of ethics pursuant to this section shall subject the violator to any one (1) or more of the following:
  - a. Administrative sanction of not more than one thousand dollars

(\$1,000.00) assessed by the board of ethics;

- b. Public reprimand by the board of ethics; and
  - c. Prosecution by the DeKalb County Solicitor in municipal court and, upon conviction, a fine of up to one thousand dollars (\$1,000.00) per violation and up to six (6) months imprisonment, whether the official or employee is elected or appointed, paid or unpaid. Nothing in this section shall be interpreted to conflict with state law. An action for violation of this section or the furnishing of false or misleading information or the failure to comply with a subpoena issued by the board of ethics must be brought within two (2) years after the violation is discovered.
- (2) With regard to violations by persons other than officials or employees, in addition to the remedies in paragraph (1) of this subsection, the board of ethics may recommend to the chief executive and the commission any one or more of the following:
- a. Suspension of a contractor; and
  - b. Disqualification or debarment from contracting or subcontracting with DeKalb County.
- (3) The decision of the board of ethics after a hearing shall be final; provided, however, that such proceeding shall be subject to review by writ of certiorari to the DeKalb County Superior Court. The designee of the board of ethics shall be authorized to acknowledge service of any such writ and shall, within the time provided by law, certify and cause to be filed with the clerk of the superior court a record of the proceedings before the board of ethics, the decision of the board of ethics, and the notice of the final actions of the board of ethics.

(Acts 1990, p. 3900, § 1; Acts 1992, p. 6137, §§ 1—3; Acts 1915, p. 3811, § 1)

Sec. 23. - How sections amended, limitations on powers.

Pursuant to the authority of an amendment to the Constitution ratified at the 1978 general election as set forth in Georgia Laws 1978, pages 2370—2372, which amendment authorized the General Assembly to provide by law for the form of government of DeKalb County and to provide for the various officers, bodies, branches, or agencies by or through which the county's governmental powers shall be exercised, any law adopted pursuant to such authority shall be

conditioned on the approval of a majority of the qualified electors of DeKalb County voting at elections held for such purpose when any such law affects the DeKalb County government in any one or more of the following ways:

- (1) Changing the number of members, terms of office, or the manner of electing the members of the governing body of DeKalb County;
- (2) Changing the term of office or the method of electing the chief executive officer of DeKalb County;
- (3) Establishing the powers and duties of the executive or legislative branch of the DeKalb County government; or
- (4) Changing the powers and duties of the executive or legislative branch of the DeKalb County government when such powers and duties have been established by Acts of the General Assembly, pursuant to the authority of the amendment to the Constitution ratified at the 1978 general election as set forth in Georgia Laws 1978, pages 2370—2372.

(Acts 1981, p. 4304, § 1; Acts 1984, p. 4916, §§ 2, 3; Acts 1986, p. 4107, § 4; Acts 1990, p. 3900, § 2; Acts 2012, p. 4610, § 3)

Secs. 24—27. - Reserved.

**Editor's note—** Sections 24—27 were repealed by Acts 1981, p. 4304.

Sec. 28. - Use of voting machines.

If, in the opinion of the ordinary of DeKalb County [now board of commissioners. See O.C.G.A. § 21-2-320] it is practicable to hold any election, whether the same be a referendum, special or general election, provided for by this act by use of voting machines, the ordinary is authorized to hold such election or all or any such election by means of voting machines in accordance with the provisions of the act of the General Assembly approved March 28, 1947 (Ga. L. 1947, p 1203) [now repealed. See O.C.G.A. § 21-2-310 et seq.].

Sec. 29. - Conflicting laws repealed.

All laws and parts of laws in conflict with this act, and all provisions of the act approved August 21, 1906 (Ga. L. 1906, p. 405) creating the office of commissioner of roads and revenues of DeKalb County which are in conflict with this act, are hereby repealed.

## Sec. 30. - Separability clause.

Should any court of this state declare any section, part, paragraph or clause of this act unconstitutional or invalid for any cause or reason, then such decision shall affect only that section, part, paragraph or clause so declared to be unconstitutional and invalid, and shall not affect any other section, part, paragraph or clause of this act.

## ORGANIZATIONAL ACT COMPARATIVE TABLE - ACTS

This table shows the location of the basic act organizing the county governing authority and any amendments thereto.

Adoption Year	Page	Section	Section this Organizational Act
1956	1203	1—30	1—30
1981	4304	1	1—21
			23
1982	4235	1	2
1983	4547	1	9
		2, 3	13
		4	14
1984	4916	1	4
		2, 3	23
1986	4107	1	9

		2	13
		3	<u>13A</u>
		4	23
	5704		17(note)
1987	5013	1	8
1988	4740	1	11
		2	13
		3	15
1989	4863	1	8(1), (2)
1990	3900	1	<u>22A</u>
		2	23(a)(1)
	4296	1	8(3)
	4479	1	9(c)
1991	4334	1	8
1992	H.B. 1577	1	2, 3
	5363	1	9(c)
	6137	1	<u>22A</u> (a)(8)
		2	<u>22A</u> (i)(5)b.



		3	<u>22A</u> (i)(6)a.
	6566	1	2, 3
2002	3544	1	2
		2	3
2007	4073	1	17
		2	18(a)
2008	3897	1 Added	9(a)(20)
		2	11(a), (c)
		3	13(l)
		4	20
2012	4610	1, 7	2(b)—(d)
		2	3
		3	23
2015	<u>3811</u>	1	<u>22A</u>
	<u>3824</u>	1	18
	<u>3826</u>	1	10(d)
		2 Added	<u>10A</u>
<u>2016</u>	4219	1	9

		2	10(c)
		3	18(a)
2018	4170	1	<u>10A</u> (n)(6)

## ORGANIZATIONAL ACT COMPARATIVE TABLE - ORDINANCES

This table shows the location within this Organizational Act of those ordinances included herein.

Ordinance Number	Date	Section	Section this Organizational Act
85-17	7-23-85	I	17
01-02	4-10-01		18(a), (b)
12-03	6-10-03		18(a), (b)



# **DeKalb County Charter Review Handbook**

**DeKalb County Proposed Budget 2020**

# DeKalb County, Georgia - FY20 Recommended Budget Control Sheet

Fund/Department		FY19 Budget	FY20 Base	Base Adjustments	Operating Enhancements	Capital Enhancements	FY20 Total	Change (\$) FY19/20	Change (%) FY 19/20	Fund Pos FY19	Fund Pos FY20
Tax Funds											
General (100)											
4200	Animal Services	5,970,551	5,635,689	366,563	23,100	-	6,025,352	54,801	0.9%	24	24
0200	Board of Commissioners	3,880,619	3,932,820	-	45,316	-	3,978,136	97,517	2.5%	31	31
2200	Budget	998,498	724,977	177,561	9,215	-	911,753	(86,745)	-8.7%	9	8
0100	Chief Executive Officer	3,317,934	3,436,070	90,872	487,667	-	4,014,609	696,675	21.0%	30	26
4000	Child Advocate	2,888,757	2,693,384	268,054	32,977	-	2,994,415	105,658	3.7%	33	31
7800	Citizen Help Center (311)	472,444	458,182	139,520	4,419	-	602,121	129,677	27.4%	10	10
3600	Clerk of Superior Court	7,356,601	7,495,232	-	81,350	-	7,576,582	219,981	3.0%	92	92
7200	Community Service Board	2,134,057	2,134,057	-	-	-	2,134,057	-	0.0%	-	-
9000	Contributions (General Tax)	4,187,683	-	-	-	6,866,195	6,866,195	2,678,512	64.0%	-	-
6900	Cooperative Extension	1,104,769	985,921	48,540	113,755	-	1,148,216	43,447	3.9%	14	13
9300	Debt Service	8,596,337	9,096,851	-	-	-	9,096,851	500,514	5.8%	-	-
4400	DEMA (Emergency Mgt)	1,512,439	674,767	117,324	248,889	-	1,040,980	(471,459)	-31.2%	7	7
7400	DFACS (Dept of Fam & Child Svcs)	1,278,220	1,278,220	-	-	-	1,278,220	-	0.0%	-	-
3900	District Attorney	16,914,905	16,597,181	913,002	434,885	-	17,945,068	1,030,163	6.1%	173	173
5600	Economic Dev. (General Fund)	1,635,000	1,285,000	-	-	-	1,285,000	(350,000)	-21.4%	-	-
2900	Elections	2,807,695	2,850,085	1,895,757	418,947	-	5,164,789	2,357,094	84.0%	14	14
0700	Ethics Board	581,151	578,530	-	5,706	-	584,236	3,085	0.5%	3	3
1100	Facilities	19,668,088	17,944,044	187,662	934,124	-	19,065,830	(602,258)	-3.1%	52	52
2100	Finance	5,986,130	6,037,603	90,765	144,184	-	6,272,552	286,422	4.8%	64	64
4900	Fire (General Fund)	1,743,267	2,009,811	1,582,421	709,155	-	4,301,387	2,558,120	146.7%	20	30
0800	Geographic Information Systems	2,496,939	2,468,265	-	22,870	-	2,491,135	(5,804)	-0.2%	22	22
7100	Health Board	4,740,323	4,740,323	-	149,689	-	4,890,012	149,689	3.2%	-	-
9000	HOST Capital Contributions	-	-	-	-	-	-	-	NA	-	-
1500	Human Resources	4,335,896	4,198,209	147,535	140,137	-	4,485,881	149,985	3.5%	34	35
7500	Human Services	5,804,289	5,792,580	80,000	329,334	-	6,201,914	397,625	6.9%	36	36
0500	Internal Audit	1,672,020	1,553,141	366,592	16,953	-	1,936,686	264,666	15.8%	13	13
1600	IT	23,102,309	23,000,693	202,874	1,675,818	-	24,879,385	1,777,076	7.7%	72	74
3400	Juvenile Court	7,459,640	7,482,705	156,580	125,209	-	7,764,494	304,854	4.1%	80	80
0300	Law	4,665,268	4,118,871	734,569	45,266	-	4,898,706	233,438	5.0%	34	34
6800	Libraries	19,550,853	20,565,287	-	176,022	-	20,741,309	1,190,456	6.1%	239	248
4800	Magistrate Court	3,778,144	3,628,455	311,739	26,697	-	3,966,891	188,747	5.0%	23	23
4300	Medical Examiner	2,878,823	2,950,449	45,235	24,235	-	3,019,919	141,096	4.9%	16	18
9100	Non-Departmental	7,907,392	6,449,714	-	-	-	6,449,714	(1,457,678)	-18.4%	-	-
9700	Pension Allocation	27,189,825	28,588,847	-	882,928	-	29,471,775	2,281,950	8.4%	-	-
5100	Planning & Sustainability	2,505,787	1,398,820	448,716	558,552	-	2,406,088	(99,699)	-4.0%	17	17
4600	Police (General Fund)	7,362,019	6,308,087	(257,932)	232,198	-	6,282,353	(1,079,666)	-14.7%	25	16
4100	Probate Court	1,912,387	2,135,045	-	67,877	-	2,202,922	290,535	15.2%	27	27
2700	Property Appraisal	5,234,942	5,533,764	68,351	70,901	-	5,673,016	438,074	8.4%	70	70
4500	Public Defender	9,344,994	9,556,844	-	122,388	-	9,679,232	334,238	3.6%	90	90
5500	Public Works Director	554,403	534,757	-	5,823	-	540,580	(13,823)	-2.5%	4	4
1400	Purchasing	2,828,943	2,767,602	81,690	189,179	-	3,038,471	209,528	7.4%	31	33
3200	Sheriff	77,276,845	73,407,466	1,206,039	2,740,086	-	77,353,591	76,746	0.1%	753	713
3800	Solicitor	7,809,265	8,048,784	-	111,259	-	8,160,043	350,778	4.5%	90	90
3700	State Court	15,580,033	15,696,396	275,846	492,140	-	16,464,382	884,349	5.7%	195	195
3500	Superior Court	10,235,484	10,799,025	227,210	107,438	-	11,133,673	898,189	8.8%	98	98
2800	Tax Commissioner	8,227,465	8,067,555	521,021	144,978	-	8,733,554	506,089	6.2%	103	103
Total General Fund (100)		357,489,433	345,640,108	10,494,106	12,151,666	6,866,195	375,152,075	17,662,642	4.9%	2,648	2,617
Projected Ending Fund Balance							72,301,175				
Total General Fund (100) Total Bottom Line							447,453,250				

# DeKalb County, Georgia - FY20 Recommended Budget Control Sheet

Fund/Department		FY19 Budget	FY20 Base	Base Adjustments	Operating Enhancements	Capital Enhancements	FY20 Total	Change (\$) FY19/20	Change (%) FY 19/20	Fund Pos FY19	Fund Pos FY20
Fire Fund (270)											
9000	Contributions	-	-	-	-		-	-	NA	-	-
9300	Debt Service	795,262	791,986	-	-		791,986	(3,276)	-0.4%	-	-
4900	Fire	61,217,318	60,432,052	2,794,459	2,171,640		65,398,151	4,180,833	6.8%	705	704
9100	Non-Departmental	5,316,350	5,358,084	-	-		5,358,084	41,734	0.8%	-	-
9700	Pension Allocation	6,948,076	7,305,581	-	225,624		7,531,205	583,129	8.4%	-	-
Total Fire Fund (270)		74,277,006	73,887,703	2,794,459	2,397,264	-	79,079,426	4,802,420	6.5%	705	704
Projected Ending Fund Balance							7,200,096				
Fire Fund (270) Total Bottom Line							86,279,522				
Designated Fund (271)											
9300	Debt Service	154,082	153,447	-	-	-	153,447	(635)	-0.4%	-	-
9000	Contributions	900,000	-	-	-	200,000	200,000	(700,000)	-77.8%	-	-
9100	Non-Departmental	6,058,391	4,755,139	-	-	-	4,755,139	(1,303,252)	-21.5%	-	-
6100	Parks	15,612,585	14,640,819	422,545	212,633	-	15,275,997	(336,588)	-2.2%	110	110
9700	Pension Allocation	2,408,100	2,532,006	-	78,198	-	2,610,204	202,104	8.4%	-	-
5700	Roads & Drainage	16,365,657	16,117,422	230,596	95,019	-	16,443,037	77,380	0.5%	131	131
5400	Transportation	2,340,171	2,233,150	-	89,942	-	2,323,092	(17,079)	-0.7%	17	18
Total Designated Fund (271)		43,838,986	40,431,982	653,141	475,792	200,000	41,760,916	(2,078,070)	-4.7%	258	259
Projected Ending Fund Balance							4,229,040				
Designated Fund (271) Total Bottom Line							45,989,956				
Unincorporated Fund (272)											
5800	Beautification	7,845,369	5,628,368	160,813	548,389	-	6,337,570	(1,507,799)	-19.2%	68	66
5900	Code	3,806,682	4,223,142	571,779	155,159	-	4,950,080	1,143,398	30.0%	62	61
9000	Contributions	-	-	-	-	-	-	-	NA	-	-
9100	Non-Departmental	1,812,912	2,090,048	-	-	2,100,000	4,190,048	2,377,136	131.1%	-	-
9700	Pension Allocation	1,486,618	1,563,132	-	48,276		1,611,408	124,790	8.4%	-	-
5100	Planning & Sustainability	1,605,313	1,478,448	199,038	16,396		1,693,882	88,569	5.5%	18	18
3700	Traffic Court	4,631,777	4,619,073	204,062	48,621	-	4,871,756	239,979	5.2%	55	55
Total Unincorporated Fund (272)		21,188,671	19,602,211	1,135,692	816,841	2,100,000	23,654,744	2,466,073	11.6%	203	200
Projected Ending Fund Balance							3,825,633				
Unincorporated Fund (272) Total Bottom Line							27,480,377				

# DeKalb County, Georgia - FY20 Recommended Budget Control Sheet

Fund/Department	FY19 Budget	FY20 Base	Base Adjustments	Operating Enhancements	Capital Enhancements	FY20 Total	Change (\$) FY19/20	Change (%) FY 19/20	Fund Pos FY19	Fund Pos FY20
Hospital/Grady Fund (273)										
9500 Grady Subsidy	12,934,952	12,934,952	-	-	-	12,934,952	-	0.0%	-	-
9500 Grady Debt	7,455,525	7,455,525	-	-	-	7,455,525	-	0.0%	-	-
9500 Other Professional Services	20,000	20,000	-	-	-	20,000	-	0.0%	-	-
Total Hospital/Grady Fund (273)	20,410,477	20,410,477	-	-	-	20,410,477	-	0.0%	-	-
Projected Ending Fund Balance						2,146,874				
Hospital/Grady Fund (273) Total Bottom Line						22,557,351				
Police Fund (274)										
9000 Contributions	-	-	-	-	-	-	-	NA	-	-
9300 Debt	1,521,250	1,514,982	-	-	-	1,514,982	(6,268)	-0.4%	-	-
9100 Non-Departmental	9,734,721	9,583,680	-	-	-	9,583,680	(151,041)	-1.6%	-	-
9700 Pension Allocation	9,227,736	9,702,539	-	299,650	-	10,002,189	774,453	8.4%	-	-
4600 Police	87,717,377	80,584,920	6,053,559	5,655,627	-	92,294,106	4,576,729	5.2%	911	918
Total Police Fund (274)	108,201,084	101,386,121	6,053,559	5,955,277	-	113,394,957	5,193,873	4.8%	911	918
Projected Ending Fund Balance						21,324,561				
Police Fund (274) Total Bottom Line						134,719,518				
Countywide Debt Fund (410)										
9300 Debt	11,833,817	11,928,875				11,928,875	95,058	0.8%	-	-
Total Countywide Debt Fund (410)	11,833,817	11,928,875	-	-	-	11,928,875	95,058	0.8%	-	-
Projected Ending Fund Balance						2,934				
Countywide Debt Fund (410) Total Bottom Line						11,931,809				
Unincorporated Debt Fund (411)										
9300 Debt	15,360,588	15,353,288				15,353,288	(7,300)	0.0%	-	-
Total Uninc Debt Fund (411)	15,360,588	15,353,288	-	-	-	15,353,288	(7,300)	0.0%	-	-
Projected Ending Fund Balance						953,506				
Unincorporated Debt Fund (411) Total Bottom Line						16,306,794				
Tax Funds Grand Total										
Operations	652,600,063	628,640,766	21,130,957	21,796,840	9,166,195	680,734,758	28,134,695	4.3%	4,725	4,698
Projected Ending Fund Balance						111,983,819	(27)			
Tax Funds Total Bottom Line						792,718,577				
Special Revenue Funds										
Development Fund (201)										
5100 Planning & Sustainability	7,153,000	7,589,244	711,842	881,154		9,182,240	2,029,240	28.4%	56	67
Total Development Fund (201)	7,153,000	7,589,244	711,842	881,154	-	9,182,240	2,029,240	28.4%	56	67
Projected Ending Fund Balance						12,413,591				
Development Fund (201) Total Bottom Line						21,595,831				

# DeKalb County, Georgia - FY20 Recommended Budget Control Sheet

Fund/Department	FY19 Budget	FY20 Base	Base Adjustments	Operating Enhancements	Capital Enhancements	FY20 Total	Change (\$) FY19/20	Change (%) FY 19/20	Fund Pos FY19	Fund Pos FY20
DCTV/PEG Fund (203)										
0100 DCTV / PEG Fund	542,302	548,288	-	848	-	549,136	6,834	1.3%	1	1
Total PEG (Cable TV) (203) less reserves		542,302	548,288	-	848	-	549,136	6,834	1.3%	1
Projected Ending Fund Balance						146,786				
DCTV/PEG Fund (203) Total Bottom Line						695,922				
County Jail Fund (204)										
10000 Fund Cost Centers	1,250,368	1,146,675	-	-	-	1,146,675	(103,693)	-8.3%	-	-
Total County Jail Fund (204)		1,250,368	1,146,675	-	-	-	1,146,675	(103,693)	-8.3%	-
Projected Ending Fund Balance						-				
County Jail Fund (204) Total Bottom Line						1,146,675				
Foreclosure Registry Fund (205)										
05800 Beautification	148,837	151,000	-			151,000	2,163	1.5%	-	-
Total Foreclosure Registry Fund (205) less reserves		148,837	151,000	-	-	-	151,000	2,163	1.5%	-
Projected Ending Fund Balance						140,957				
Foreclosure Registry Fund (205) Total Bottom Line						291,957				
Victim Assistance Fund (206)										
3100 Victims Assistance	1,008,390	1,057,342				1,084,342	75,952	7.5%	-	-
Total Victim Assistance Fund (206)		1,008,390	1,057,342	-	-	-	1,084,342	75,952	7.5%	-
Projected Ending Fund Balance						-				
Victim Assistance Fund (206) Total Bottom Line						1,084,342				
Recreation Fund (207)										
6200 Recreation	908,389	909,152				909,152	763	0.1%	1	1
Total Recreation Fund (207)		908,389	909,152	-	-	-	909,152	763	0.1%	1
Projected Ending Fund Balance						31,851				
Recreation Fund (207) Total Bottom Line						941,003				
Juvenile Services Fund (208)										
3400 Juvenile Court	124,446	119,259				119,259	(5,187)	-4.2%	-	-
Total Juvenile Services Fund (208)		124,446	119,259	-	-	-	119,259	(5,187)	-4.2%	-
Projected Ending Fund Balance						-				
Juvenile Services Fund (208) Total Bottom Line						119,259				

# DeKalb County, Georgia - FY20 Recommended Budget Control Sheet

Fund/Department	FY19 Budget	FY20 Base	Base Adjustments	Operating Enhancements	Capital Enhancements	FY20 Total	Change (\$) FY19/20	Change (%) FY 19/20	Fund Pos FY19	Fund Pos FY20	
Drug Abuse Treatment Fund (209)											
2500 Drug Abuse	271,116	194,022				194,022	(77,094)	-28.4%	-	-	
Total Drug Abuse Treatment Fund (209)		271,116	194,022	-	-	-	194,022	(77,094)	-28.4%	-	-
Projected Ending Fund Balance						-					
Drug Abuse Treatment Fund (209) Total Bottom Line						194,022					
Street Lights Fund (211)											
5400 Transportation (Public Works)	4,740,158	4,743,978	-	1,544		4,745,522	5,364	0.1%	1	1	
Total Street Lights Fund (211) less reserves		4,740,158	4,743,978	-	1,544	-	4,745,522	5,364	0.1%	1	1
Projected Ending Fund Balance						980,775					
Street Lights Fund (211) Total Bottom Line						5,726,297					
Speed Humps Fund (212)											
5700 Public Works - Roads & Drainage	340,383	348,462	-	3,306	-	351,768	11,385	3.3%	2	2	
Total Speed Humps Fund (212)		340,383	348,462	-	3,306	-	351,768	11,385	3.3%	2	2
Projected Ending Fund Balance						1,356,217					
Speed Humps Fund (212) Total Bottom Line						1,707,985					
E-911 Fund (215)											
02600 E-911	12,419,475	12,448,405	370,832	291,197		13,110,434	690,959	5.6%	124	130	
Total E-911 Fund (215)		12,419,475	12,448,405	370,832	291,197	-	13,110,434	690,959	5.6%	124	130
Projected Ending Fund Balance						-					
E-911 Fund (215) Total Bottom Line						13,110,434					
Hotel/Motel Tax Fund (275)											
100000 Hotel/Motel Tax	4,951,685	5,646,724				5,646,724	695,039	14.0%	-	-	
Total Hotel/Motel Fund (275)		4,951,685	5,646,724	-	-	-	5,646,724	695,039	14.0%	-	-
Projected Ending Fund Balance						-					
Hotel/Motel Tax Fund (275) Total Bottom Line						5,646,724					
Rental Car Tax Fund (280)											
10000 Rental Car Tax	597,815	655,283				655,283	57,468	9.6%	-	-	
Total Rental Car Tax Fund (280)		597,815	655,283	-	-	-	655,283	57,468	9.6%	-	-
Projected Ending Fund Balance						-					
Rental Car Tax Fund (280) Total Bottom Line						655,283					
Special Revenue Funds Grand Total											
Operations	34,456,364	35,557,834	1,082,674	1,178,049	-	37,845,557	3,389,193	9.8%	185	202	
Projected Ending Fund Balance						15,070,177					
Special Revenue Funds Total Bottom Line						52,915,734					



# DeKalb County, Georgia - FY20 Recommended Budget Control Sheet

Fund/Department		FY19 Budget	FY20 Base	Base Adjustments	Operating Enhancements	Capital Enhancements	FY20 Total	Change (\$) FY19/20	Change (%) FY 19/20	Fund Pos FY19	Fund Pos FY20
Enterprise Funds											
Water & Sewer Operating Fund (511)											
02100	Finance	10,505,535	9,470,698	1,286,251	117,811		10,874,760	369,225	3.5%	71	112
08000	Water & Sewer	144,521,234	151,336,351	849,188	8,344,764		160,530,303	16,009,069	11.1%	687	683
08000	Transfer R&E	24,110,687	19,613,233				19,613,233	(4,497,454)	-18.7%	-	-
08000	Transfer Sinking Fund	65,941,493	65,887,514				65,887,514	(53,979)	-0.1%	-	-
Total Water & Sewer Operating Fund (511)		245,078,949	246,307,796	2,135,439	8,462,575	-	256,905,810	11,826,861	4.8%	758	795
Projected Ending Fund Balance							80,694,295				
Water & Sewer Operating Fund (511) Total Bottom Line							337,600,105				
Watershed Sinking Fund (514)											
08000	Watershed (less Reserves)	65,984,096	65,887,514	-	-	-	65,887,514	(96,582)	-0.1%	-	-
Total Watershed Sinking Fund (514)		65,984,096	65,887,514	-	-	-	65,887,514	(96,582)	-0.1%	-	-
Projected Ending Fund Balance							90,980,029				
Watershed Sinking Fund (514) Total Bottom Line							156,867,543				
Sanitation Operating Fund (541)											
08100	Sanitation (Less Transfers to CIP)	70,183,939	67,411,998	-	1,475,056		68,887,054	(1,296,885)	-1.8%	632	600
08100	Sanitation (Transfer to CIP)	1,494,274	-	-		1,727,575	1,727,575	233,301	15.6%	-	-
Total Sanitation Operating Fund (541)		71,678,213	67,411,998	-	1,475,056	1,727,575	70,614,629	(1,063,584)	-1.5%	632	600
Projected Ending Fund Balance							9,766,746				
Sanitation Operating Fund (541) Total Bottom Line							80,381,375				
Airport Operating Fund (551)											
08200	Airport (Operations)	5,191,346	4,570,174	258,158	22,047		4,850,379	(340,967)	-6.6%	24	22
08200	Airport (Transfer to Airport CIP)	-				1,750,000	1,750,000	1,750,000	NA	-	-
Total Airport Operating Fund (551)		5,191,346	4,570,174	258,158	22,047	1,750,000	6,600,379	1,409,033	27.1%	24	22
Projected Ending Fund Balance							5,545,490				
Airport Operating Fund (551) Total Bottom Line							12,145,869				
Stormwater Operating Fund (581)											
06700	Stormwater (Operations)	25,361,892	21,345,550	992,692	90,407		22,428,649	(2,933,243)	-11.6%	121	112
06700	Stormwater (Transfer/Capital)	-				525,000	525,000	525,000	NA	-	-
Total Stormwater Operating Fund (581)		25,361,892	21,345,550	992,692	90,407	525,000	22,953,649	(2,408,243)	-9.5%	121	112
Projected Ending Fund Balance							96,812				
Stormwater Operating Fund (581) Total Bottom Line							23,050,461				

DeKalb County, Georgia - FY20 Recommended Budget Control Sheet											
Fund/Department	FY19 Budget	FY20 Base	Base Adjustments	Operating Enhancements	Capital Enhancements	FY20 Total	Change (\$) FY19/20	Change (%) FY 19/20	Fund Pos FY19	Fund Pos FY20	
Enterprise Funds Grand Total											
Operations	413,294,496	405,523,032	3,386,289	10,050,085	4,002,575	422,961,981	9,667,485	2.3%	1,535	1,529	
Projected Ending Fund Balance						187,083,372					
Enterprise Funds Total Bottom Line						610,045,353					
Internal Services Fund											
Fleet - Vehicle Maintenance Fund (611)											
01200 Fleet	30,432,740	32,174,767	931,447	304,761	-	33,410,975	2,978,235	9.8%	141	152	
Total Fleet - Vehicle Maint. Fund (611)	30,432,740	32,174,767	931,447	304,761	-	33,410,975	2,978,235	9.8%	141	152	
Projected Ending Fund Balance						-					
Fleet - Vehicle Maint. Fund (611) Total Bottom Line						33,410,975					
Vehicle Replacement Fund (621)											
01300 Fleet	79,100,249	27,552,546				27,552,546	(51,547,703)	-65.2%	-	-	
Total Vehicle Replacement Fund (621)	76,445,021	27,552,546	-	-	-	27,552,546	(48,892,475)	-64.0%	-	-	
Projected Ending Fund Balance						4,044,811					
Vehicle Replacement Fund (621) Total Bottom Line						31,597,357					
Risk Management Fund (631)											
01000 Risk	108,861,510	121,188,256		(167,663)		121,020,593	12,159,083	11.2%	13	11	
Total Risk Management Fund (631) less reserves	108,861,510	121,188,256	-	(167,663)	-	121,020,593	12,159,083	11.2%	13	11	
Projected Ending Fund Balance						5,054,504					
Risk Management Fund (631) Total Bottom Line						126,075,097					
Workers Compensation Fund (632)											
01000 Workers Comp	6,101,089	7,077,983		7,017		7,085,000	983,911	16.1%	4	5	
Total Workers Compensation Fund (631)	6,101,089	7,077,983	-	7,017	-	7,085,000	983,911	16.1%	4	5	
Projected Ending Fund Balance						-					
Workers Compensation Fund (632) Total Bottom Line						7,085,000					
Internal Services Funds Grand Total											
Operations	221,840,360	187,993,552	931,447	144,115	-	189,069,114	(32,771,246)	-14.8%	158	168	
Projected Ending Fund Balance						9,099,315					
Internal Services Funds Total Bottom Line						198,168,429					

# DeKalb County, Georgia - FY20 Recommended Budget Control Sheet

Fund/Department	FY19 Budget	FY20 Base	Base Adjustments	Operating Enhancements	Capital Enhancements	FY20 Total	Change (\$) FY19/20	Change (%) FY 19/20	Fund Pos FY19	Fund Pos FY20
Revenue Bonds Lease Payment Funds										
Building Authority (Juvenile) Lease Payments (412)										
9300 Debt	3,724,909	3,715,227				3,715,227	(9,682)	-0.3%	-	-
Total Building Authority Lease Payment (412)	3,724,909	3,715,227	-	-	-	3,715,227	(9,682)	-0.3%	-	-
Projected Ending Fund Balance						70,021				
Building Authority Lease Payments (412) Total Bottom Line						3,785,248				
Public Safety & Judicial Facility Authority Fund (413)										
9300 Debt	3,106,494	3,093,694				3,093,694	(12,800)	-0.4%	-	-
Total Pub Safe & Jud Fac Authority (413)	3,106,494	3,093,694	-	-	-	3,093,694	(12,800)	-0.4%	-	-
Projected Ending Fund Balance						24,156				
Pub Safe & Jud Fac Authority (413) Total Bottom Line						3,117,850				
Urban Redevelopment Agency Bonds Fund (414)										
9300 Debt	704,636	691,998				691,998	(12,638)	-1.8%	-	-
Total Urban Redev Agency Bonds (414)	704,636	691,998	-	-	-	691,998	(12,638)	-1.8%	-	-
Projected Ending Fund Balance						103,623				
Urban Redev Agency Bonds (414) Total Bottom Line						795,621				
Revenue Bond Funds Grand Total										
Operations	7,536,039	7,500,919	-	-	-	7,500,919	(35,120)	-0.5%	-	-
Projected Ending Fund Balance						197,800				
Revenue Bond Funds Total Bottom Line						7,698,719				
Operating Funds Grand Total										
Operating Funds Only	1,329,727,322	1,265,216,103	26,531,367	33,169,089	13,168,770	1,338,085,329	8,358,008	0.6%	6,603	6,597
Projected Ending Fund Balance						323,434,483				
Operating Funds Total Bottom Line						1,661,519,812				



# **DeKalb County Charter Review Handbook**

## **DeKalb County Service Delivery Strategy Matrix**



# DeKalb County

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## 2019 Service Delivery Strategy

*Includes the Cities of Atlanta, Avondale Estates, Brookhaven, Chamblee, Clarkston, Decatur, Doraville, Dunwoody, Lithonia, Pine Lake, Stonecrest, Stone Mountain and Tucker*

## DeKalb County Service Delivery Strategy 2019

[illegible]

# DeKalb County Service Delivery Strategy 2019

## Summary of Services in DeKalb County Cities

Planning & Related	Atlanta	Avondale Estates	Brookhaven	Chamblee	Clarkston	Decatur	Doraville	Dunwoody	Lithonia	Pine Lake	Stone Mountain	Tucker	Stonecrest	DeKalb County
Planning / Zoning	D	D	D	D	D	D	D	D	D	D	D	D	D	D
Business & Alcohol License	D	D	D	D	D	D	D	D	D	D	D	D	D	D
Community Development - CDBG	D	D	DC	DC	DC	DC	DC	N/A	DC	N/A	DC	DC	DC	D
Economic Development	D	D	D	D	D	D/A	D/A	D	D	N/A	D	A	D	A
Code Enforcement/Beautification	D	D	D	D	D	D	D	D	D	N/A	D	D	D	D
Public Housing	A	N/A	N/A	N/A	A	A	A	N/A	A	N/A	A	A	A	A
Public Works	Atlanta	Avondale Estates	Brookhaven	Chamblee	Clarkston	Decatur	Doraville	Dunwoody	Lithonia	Pine Lake	Stone Mountain	Tucker	Stonecrest	DeKalb County
Water Treatment / Water Distribution	DC	These services are provided by DeKalb County as an enterprise fund paid for by users fees. There is no fee differential between customers living in incorporated cities and unincorporated DeKalb County.												D
Wastewater Collection & Treatment	DC													D
Sanitation	Atlanta	Avondale Estates	Brookhaven	Chamblee	Clarkston	Decatur	Doraville	Dunwoody	Lithonia	Pine Lake	Stone Mountain	Tucker	Stonecrest	DeKalb County
Refuse Collection	D	D	DC	D	D	D	D	DC	DC	DC	DC	DC	DC	D
Landfill	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	D
Recycling Programs	D	D	DC	D	D	D	D	DC	D/DC	DC	DC	DC	DC	D
Roads & Drainage	Atlanta	Avondale Estates	Brookhaven	Chamblee	Clarkston	Decatur	Doraville	Dunwoody	Lithonia	Pine Lake	Stone Mountain	Tucker	Stonecrest	DeKalb County
Street Construction	D	D	D	D	D	D	D	D	D	D	D	D/DC	DC	D
Street Maintenance	D	D	D	D	D	D	D	D	D	D	D	DC	DC	D
Street Cleaning	D	D	D	D	D	D	D	D	D	D	D	DC	DC	D
Traffic Signaling	D	DC	D	D	D	DC	DC	D	DC	DC	DC	DC	DC	D
Street Signage	D	D	D	D	D	D	D	D	D	D	D	DC	DC	D
Storm Water	D	D	D	D	D	D	D	D	D	D	D	DC	DC	D
Cemetery	D	D	DC	DC	DC	D	DC	DC	DC	DC	D	DC	DC	D
Transportation	Atlanta	Avondale Estates	Brookhaven	Chamblee	Clarkston	Decatur	Doraville	Dunwoody	Lithonia	Pine Lake	Stone Mountain	Tucker	Stonecrest	DeKalb County
Development Permit Reviews	D	D	D	D	D	D	D	D	D	DC	D	D	D	D
Utility Encroachment Permitting	D	D	D	D	DC	D	D	D	DC	DC	D	DC	DC	D
Transportation Planning	D	D	D	D	D	D	D	D	D	D	D	DC	DC	D
Traffic Calming Program	D	D	D	D	D	D	D	D	DC	DC	DC	DC	DC	D
TC - Design and Petition ONLY!	D	D	D	D	D	D	DC	D	DC	DC	D	DC	DC	D
Airport	D	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	D
Leisure Services	Atlanta	Avondale Estates	Brookhaven	Chamblee	Clarkston	Decatur	Doraville	Dunwoody	Lithonia	Pine Lake	Stone Mountain	Tucker	Stonecrest	DeKalb County
Parks	D	D	D	D	D	D	D	D	D/DC	D	D	D	D	D
Recreation Programs	D	D	D	D	D	D	D	D	DC	D	D	D	D	D
Libraries	DC	DC	DC	DC	DC	DC	D/DC	DC	DC	DC	DC	DC	DC	D
Health and Social Services	Atlanta	Avondale Estates	Brookhaven	Chamblee	Clarkston	Decatur	Doraville	Dunwoody	Lithonia	Pine Lake	Stone Mountain	Tucker	Stonecrest	DeKalb County
Physical Health / Environmental Health	N/A	These services are provided by DeKalb County and paid for by general funds. There is no fee differential between customers living in incorporated cities and unincorporated DeKalb County.												D
Hospital	N/A													D
Mental Health / Substance Abuse	N/A													D
Welfare	N/A													D
Senior Services	N/A													D

**D:** Direct (Jurisdiction provides its own service)

**DC:** DeKalb County (The County is the sole provider of service)

**A:** Authority



Service Categories / Cities (Groups of like services)

Sub-Categories / Cities (More detailed services that require additional grouping)



# **DeKalb County Charter Review Handbook**

## **DeKalb County Special Purpose Local Option Sales Tax (SPLOST)**





# DeKalb County Government

Manuel J. Maloof Center  
1300 Commerce Drive  
Decatur, Georgia 30030

## Agenda Item

File ID: 2017-0149

Substitute

9/26/2017

**Public Hearing:** YES D NO

**Department:** Chief Executive Office

**SUBJECT:**

**Commission District(s):** All Commission Districts

Intergovernmental Agreement for distribution of SPLOST proceeds and Resolution to call for an election for EHOST and SPLOST

**Information Contact:** Michael Thurmond Chief Executive Officer

**Phone Number:** 404-371-4881

**PURPOSE:**

To consider approval of the Intergovernmental Agreement with the Cities related to the distribution of special purpose local option sales and use tax (SPLOST) proceeds and approval of the Resolution calling for a referendum on November 7, 2017 to impose SPLOST and an equalized homestead options sales use tax (EHOST) in DeKalb County.

**NEED/IMPACT:**

Approval of the attached Intergovernmental Agreement and Resolution in connection with EHOST and SPLOST promotes the health safety and welfare of the citizens of DeKalb County.

**Attachment I** is the Resolution and Intergovernmental Agreement.

**Attachment II** is a copy of the 12 Resolutions and Intergovernmental Agreements adopted by the cities wholly located in DeKalb County. (Given the voluminous nature of Attachment II, the clerk is being given the only paper copy for the minutes)

**FISCAL IMPACT:**

SPLOST is expected to generate approximately \$636 million dollars over 6 years county-wide.

**RECOMMENDATION:**

Adopt and approve (1) the attached Intergovernmental Agreement and Resolution, in substantially final form; (2) authorize the County Attorney to prepare final Execution Copies of each of the necessary documents for signature by the various parties; and (3) authorize the Chief Executive Officer to execute all necessary documents.

**A RESOLUTION OF THE DEKALB COUNTY, GEORGIA GOVERNING AUTHORITY TO SUSPEND THE CURRENT HOMESTEAD OPTION SALES AND USE TAX AND LEVY AN EQUALIZED HOMESTEAD OPTION SALES AND USE TAX; TO IMPOSE A ONE PERCENT SPECIAL PURPOSE LOCAL OPTION SALES AND USE TAX; SPECIFY THE PURPOSES FOR WHICH THE PROCEEDS OF SUCH TAXES ARE TO BE USED; REQUEST THE ELECTION SUPERINTENDENT TO CALL AN ELECTION OF THE VOTERS OF DEKALB COUNTY TO APPROVE THE IMPOSITION OF SUCH SALES AND USE TAXES; APPROVE THE FORM OF BALLOT TO BE USED IN SAID ELECTIONS; AND FOR OTHER PURPOSES.**

**WHEREAS**, Part 2 of Article 2A of Chapter 8 of Title 48 of the Official Code of Georgia Annotated allows suspension of the homestead option sales and use tax authorized by O.C.G.A. § 48-8-102 (the "HOST") and replacement of such tax with the imposition of an equalized homestead option sales and use tax (the "EHOST") for the purpose of reducing the ad valorem property tax millage rates levied by the county and municipalities on homestead properties; and

**WHEREAS**, Part 1 of Article 3 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated authorizes the imposition of a county one percent sales and use tax (the "SPLOST") for the purpose, inter alia, of financing certain county and municipal capital outlay projects which include those set forth herein; and

**WHEREAS**, pursuant to O.C.G.A. § 48-8-109.2, the referendum election to determine whether to impose an EHOST must be held in conjunction with the referendum election to approve a SPLOST, and unless both sales and use taxes are approved, neither shall become effective and HOST will continue without interruption; and

**WHEREAS**, the Governing Authority of DeKalb County, Georgia (the "Governing Authority") has determined that it is in the best interest of the citizens of DeKalb County, Georgia (the "County") to suspend HOST and impose an EHOST to apply 100% of the proceeds collected from the tax to reduce ad valorem property tax millage rates; and that it is further in the best interest of the County to impose a one percent SPLOST in a special district within the County to raise approximately \$636,762,352 over six (6) years for the purpose of funding certain County and Municipal capital outlay projects, described in Exhibit A and Exhibit B, respectively, attached hereto (the "County Projects" and the "City Projects" or collectively the "Projects"); and

**WHEREAS**, the Governing Authority mailed written notice (the "Notice") to the Mayor in each municipality located within the County, except that portion of the City of Atlanta in the County, which is excluded from receiving SPLOST proceeds at this time pursuant to O.C.G.A. § 48-8-109.S(t) regarding the imposition of the SPLOST (hereinafter the "Municipalities"); and

**WHEREAS**, the Notice contained the date, time, place, and purpose of a meeting at which designated representatives of the County and the Municipalities met and discussed the possible projects for inclusion in the referendum, including municipally owned and operated projects; and

**WHEREAS**, the Notice was delivered or mailed at least 10 days prior to the date of the meeting, and the meeting was held at least 30 days prior to the issuance of a call for the referendum; and

**WHEREAS**, the County has entered into an intergovernmental agreement with all Municipalities wholly located in the special district as allowed by O.C.G.A. § 48-8-109.S(e); and

**WHEREAS**, the residents of the City of Atlanta in DeKalb County, Georgia will vote in the referendum election for EHOST and SPLOST because (i) those residents are electors in the special district as that term is defined in O.C.G.A. § 48-8-109.2 and (ii) O.C.G.A. § 48-8-109.S(t) states that the City of Atlanta will be entitled to a disbursement of SPLOST proceeds, with no further voter approval, but only if and when the current tax imposed in the City of Atlanta under Article 4 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated expires;

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Authority of DeKalb County, Georgia, as follows:

- A. Assuming the questions of imposing a County EHOST and SPLOST are approved by the voters of the special district in the election hereinafter referred to, the imposition of a one percent (1%) equalized homestead option sales and use tax shall be authorized and levied for the purposes allowed by state law and as specified in O.C.G.A. § 48-8-109.1 *et seq.*
- B. Assuming the questions of imposing a County EHOST and SPLOST are approved by the voters of the special district in the election hereinafter referred to, a special purpose local option sales and use tax shall be imposed for the term, purposes and costs as follows:
  1. In order to finance the cost of the Projects, a SPLOST in the amount of one percent (1%) on all sales and uses in the County is hereby authorized to be levied and collected within the special district created in the County as provided in Part I of Article 3 of Chapter 8 of Title 48 of the Official Code of Georgia, except the SPLOST shall not be levied and collected within the boundaries of any municipality wholly or partially located within a special district levying a tax provided for in Article 4 of Chapter 8 of Title 48 of the Official Code of Georgia.
  2. SPLOST shall be imposed for a period of time not to exceed six (6) years for the purpose of raising approximately \$636,762,352.
  3. Proceeds of such tax are to be used to fund the cost of the Projects. The Projects consist of "County Projects" and "City Projects." The County Projects, the City Projects, and the estimated costs thereof are set forth in Exhibit A, and Exhibit B, respectively, attached hereto and incorporated herein by reference. The County and Municipalities acknowledge that the costs shown for each project described in Exhibits A and B are estimated amounts. If a County Project has been satisfactorily completed at a cost less than the estimated cost listed for that project in Exhibit A, the County may apply the remaining unexpended funds to any other County project in Exhibit A.

Pursuant to O.C.G.A. § 48-8-109.S(e), proceeds of the SPLOST shall be distributed between the unincorporated portions of the County and the Municipalities according to the provisions of the Intergovernmental Agreement attached hereto as Exhibit C.

## C. General Obligation Debt.

## I. DeKalb County:

- i. The County is hereby authorized to issue general obligation debt in one or more series (the "County Debt"), for the County Projects secured by the portion of the proceeds of the SPLOST received by the County, in a maximum aggregate principal amount of \$40,000,000. The proceeds of the County Debt, if issued, shall be used to pay a portion of the costs of the County Projects, and the costs of issuing the County Debt. The County Debt shall bear interest from the date of issuance of the County Debt or from such other date as may be designated by the County prior to the issuance of the County Debt, at a rate(s) to be determined in a supplemental resolution to be adopted by the County prior to the issuance of the County Debt, which rate shall not exceed five percent (5%) per annum. The amount of principal to be paid in each year during the life of the County Debt shall be as follows:

<b>Year</b>	<b><u>Amount</u></b>
2019	\$0
2020	\$0
2021	\$10,000,000
2022	\$10,000,000
2023	\$10,000,000
2024	\$10,000,000

11. The proceeds of the County Debt shall be deposited by the County in separate funds or accounts. The SPLOST proceeds received by the County in any year pursuant to the imposition of such tax, shall first be used for paying debt service requirements on the County Debt for any such year before such proceeds are applied to any of the County Projects authorized above. Proceeds of the SPLOST received by the County, not required to be deposited in the separate fund in any year for the payment of principal and interest on the County Debt coming due in the current year, shall be deposited in a separate fund to be maintained by the County and applied towards funding the County Projects to the extent such projects have not been funded with County Debt proceeds.

## 2. City of Brookhaven:

1. Assuming that the imposition of the SPLOST is approved by the voters of the County in the election herein referred to, the City of Brookhaven has authorized the issuance of its general obligation debt (the "Brookhaven Debt"), secured by the portion of the proceeds of such SPLOST payable to the City of Brookhaven, in a maximum aggregate principal amount of up to

\$34,295,000 pursuant to a resolution adopted by the City of Brookhaven on September 19, 2017. The proceeds of the Brookhaven Debt, if issued, shall be used to pay all or a portion of the City of Brookhaven Projects (as set forth in Exhibit B attached hereto), the costs of issuing the Brookhaven Debt and capitalized interest. The Brookhaven Debt shall bear interest from the first day of the month during which the Brookhaven Debt is to be issued or from such other date as may be designated by the City of Brookhaven prior to the issuance of the Brookhaven Debt, which rates shall not exceed two point eight percent (2.8 %) per annum. The actual rate or rates shall be determined in a resolution to be adopted by the City of Brookhaven prior to the issuance of the Brookhaven Debt. The maximum amount of principal to be paid in each year during the life of such Brookhaven Debt shall be as follows:

<b>Year</b>	<b>Amount</b>
2019	\$5,505,000
2020	\$5,590,000
2021	\$5,670,000
2022	\$5,755,000
2023	\$5,845,000
2024	\$5,930,000

11. The proceeds of the Brookhaven Debt shall be deposited in a separate account or accounts for the purposes set forth above, and any interest earnings on such proceeds shall be similarly applied.

### 3. City of Clarkston:

1. Assuming that the imposition of the SPLOST is approved by the voters of the County in the election herein referred to, the City of Clarkston has authorized the issuance of its general obligation debt (the "Clarkston Debt") (in whole or in part and in one or more series), secured by the portion of the proceeds of such SPLOST payable to the City of Clarkston, in a maximum aggregate principal amount of up to \$8,735,000 pursuant to a resolution adopted by the City of Clarkston on September 5, 2017. The proceeds of the Clarkston Debt, if issued, shall be used to pay a portion of the City of Clarkston Projects (as set forth in Exhibit B attached hereto), the costs of issuing the Clarkston Debt and capitalized interest. The Clarkston Debt shall bear interest from the first day of the month during which the Clarkston Debt is to be issued or from such other date as may be designated by the City of Clarkston prior to the issuance of the Clarkston Debt, which rates shall not exceed five percent (5.0%) per annum. The maximum amount of principal to be paid in each year during the life of such Clarkston Debt shall be as follows:

<b>Year</b>	<b>Amount</b>
2019	\$730,000
2020	\$750,000
2021	\$780,000
2022	\$2,070,000
2023	\$2,155,000
2024	\$2,250,000

- n. The proceeds of the Clarkston Debt shall be deposited in a separate account or accounts for the purposes set forth above, and any interest earnings on such proceeds shall be similarly applied.

4. City of Decatur

1. Assuming that the imposition of such SPLOST is approved by the voters of the County in the election herein referred to, the City of Decatur has authorized the issuance of its general obligation debt (the "Decatur Debt") (in whole or in part and in one or more series), secured by the portion of the proceeds of such SPLOST payable to the City of Decatur, in a maximum aggregate principal amount of up to \$7,000,000. The proceeds of the Decatur Debt, if issued, shall be used to pay a portion of the City of Decatur Projects (as set forth in Exhibit B attached hereto), the costs of issuing the Decatur Debt and capitalized interest. The Decatur Debt shall bear interest from the first day of the month during which the Decatur Debt is to be issued or from such other date as may be designated by the City of Decatur prior to the issuance of the Decatur Debt, which rates shall not exceed five percent (5.0 %) per annum. The maximum amount of principal to be paid in each year during the life of such Decatur Debt shall be as follows:

<b>Year</b>	<b>Amount</b>
2019	\$1,060,000
2020	\$1,095,000
2021	\$1,125,000
2022	\$1,180,000
2023	\$1,240,000
2024	\$1,300,000

- ii. The proceeds of the Decatur Debt shall be deposited in a separate account or accounts for the purposes set forth above, and any interest earnings on such proceeds shall be similarly applied.

5. City of Dunwoody

- i. The City of Dunwoody wishes to issue general obligation debt in conjunction with the imposition of the SPLOST (the "Dunwoody Debt"). The principal amount of the Dunwoody Debt to be issued shall not exceed \$36,000,000. The purpose for which the Dunwoody Debt is to be issued shall be to pay all or a portion of the cost for the capital outlay projects of the City of Dunwoody (as set forth in Exhibit B attached hereto), the costs of issuing the Dunwoody Debt, and capitalized interest. The maximum rate or rates of interest on such Dunwoody Debt shall not exceed six percent (6.0%) per annum. The maximum amount of principal to be paid in each year during the life of the Dunwoody Debt shall be as follows:

<b>Year</b>	<b>Amount</b>
2019	\$6,000,000
2020	\$6,000,000
2021	\$6,000,000
2022	\$6,000,000
2023	\$6,000,000
2024	\$6,000,000

If more than one-half of the votes cast in the County and more than one half of the votes cast in the City of Dunwoody are in favor of imposition of the SPLOST, then the authority to issue debt on behalf of the City of Dunwoody in accordance with Article IX, Section V, Paragraph I of the Constitution is given to the governing authority of the City of Dunwoody; otherwise such debt shall not be issued. If the authority to issue such debt is so approved by the voters, then such debt may be issued by the governing authority of the City of Dunwoody without further approval by the voters.

11. The proceeds of the Dunwoody Debt shall be deposited by the City of Dunwoody in separate funds or accounts. The SPLOST proceeds received by the City of Dunwoody in any year pursuant to the imposition of such tax, shall first be used for paying debt service requirements on the Dunwoody Debt for any such year before such proceeds are applied to any of the City of Dunwoody capital outlay projects (as set forth in Exhibit B attached hereto). Proceeds of the SPLOST not required to be deposited in the separate fund in any year for the payment of principal and interest on the Dunwoody Debt coming due in the current year shall be deposited in a separate fund to be maintained by the City of Dunwoody and applied towards funding the City of Dunwoody capital outlay projects (as set forth in Exhibit B attached hereto) to the extent such projects have not been funded with Dunwoody Debt proceeds.

6. City of Stonecrest

1. Assuming that the imposition of the SPLOST is approved by the voters of the County in the election herein referred to, the City of Stonecrest has authorized the issuance of its general obligation debt (the "Stonecrest Debt") (in whole or in part and in one or more series), secured by the portion of the proceeds of such SPLOST payable to the City of Stonecrest, in a maximum aggregate principal amount of up to \$25,515,000 pursuant to a resolution adopted by the City of Stonecrest on September 21, 2017. The proceeds of the Stonecrest Debt, if issued, shall be used to pay all or a portion of the City of Stonecrest Capital Improvement Projects (as set forth in Exhibit B attached hereto), the costs of issuing the Stonecrest Debt and capitalized interest. The Stonecrest Debt shall bear interest from the first day of the month during which the Stonecrest Debt is to be issued or from such other date as may be designated by the City of Stonecrest prior to the issuance of the Stonecrest Debt, which rates shall not exceed three point seventy-five percent (3.75%) per annum. The actual rate or rates shall be determined in a resolution to be adopted by the City of Stonecrest prior to the issuance of the Stonecrest Debt. The maximum amount of principal to be paid in each year during the life of such Stonecrest Debt shall be as follows:

<b>Year</b>	<b>Amount</b>
2019	\$3,995,000
2020	\$4,095,000
2021	\$4,195,000
2022	\$4,300,000
2023	\$4,410,000
2024	\$4,520,000

- ii. The proceeds of the Stonecrest Debt shall be deposited in a separate account or accounts for the purposes set forth above, and any interest earnings on such proceeds shall be similarly applied.
7. Any brochures, listings, or other advertisements issued by the governing authority of the County, the City of Brookhaven, the City of Clarkston, the City of Decatur, the City of Dunwoody, or the City of Stonecrest or by any other person, firm, corporation or association with the knowledge and consent of such governing authorities, shall be deemed to be a statement of intention of such governing authorities concerning the use of the proceeds of the related debt described above, and such statement of intention shall be binding upon such governing authorities in the expenditure of such debt or interest received from such debt to the extent provided in O.C.G.A. § 36-82-1.



D. Call for the Election; Ballot Form; Notice.

1. The Board of Elections of DeKalb County is hereby requested to call an election in all voting precincts in the County on the 7th day of November, 2017, for the purpose of submitting to all of the qualified voters of the County the questions set forth in paragraph 2 below.
2. The ballots to be used in the EHOST and SPLOST referendum election shall have written or printed thereon substantially the following:

**NOTICE TO ELECTORS:** Unless **BOTH** the equalized homestead option sales and use tax (EHOST) AND the special purpose local option sales and use tax (SPLOST) are approved, then neither sales and use tax shall become effective.

( ) **YES** Shall an equalized homestead option sales and use tax be levied and the regular homestead option sales and use tax be suspended within the special district within DeKalb County for the purposes of reducing the ad valorem property tax millage rates levied by the County and municipalities on homestead properties?

( ) **YES** Shall a special 1 percent sales and use tax be imposed in the special district of DeKalb County for a period of time not to exceed 6 years and for the raising of an estimated amount of \$636,762,352 for the purpose of: **(A) DeKalb County** projects to be funded from DeKalb County's share of the proceeds to (1) plan, design, construct, demolish, add to, acquire, relocate, renovate, replace, repair, improve, furnish, and equip projects for (a) transportation purposes to include roads, bridges, sidewalks, bicycle paths, road repaving, public transit, rails, airports, buses, and other road, street, and bridge purposes and (b) public safety purposes to include fire stations and police facilities, and (2) repair capital outlay projects, and (3) pay expenses incident to accomplish all of the foregoing (collectively the "DeKalb County Projects"); **(B) Avondale Estates** projects to be funded from the City of Avondale Estates' share of the proceeds related to (1) transportation, including the planning, acquisition, construction, repair or improvement of roads, streets, bridges, bicycle paths, and sidewalks, (2) road resurfacing and paving, (3) public safety facilities and related capital equipment used in the operation thereof, and (4) paying expenses incident to accomplishing the foregoing; **(C) Brookhaven Capital Improvement Projects** to be funded from its share of the proceeds

	<p>related to (1) the construction or repair of City roads, streets, bridges, bicycle paths, and sidewalks, (2) acquisition of real property and the construction of public safety facilities and equipment; (3) maintenance of existing capital assets subject to the 15% cap authorized by statute; and (4) paying expenses incident to accomplishing the foregoing (collectively the "City of Brookhaven Projects"); <b>(D) Chamblee</b> capital outlay projects related to transportation improvements, including roads, streets and bridge purposes, sidewalks, bicycle and pedestrian paths, intersection improvements, streetscapes as well as payment of expenses incident to accomplishing the foregoing; <b>(E) Clarkston</b> capital outlay projects to be funded from its share of the proceeds related to transportation, including the planning, acquisition, construction and repair of roads, streets, bridges, bicycle paths, and sidewalks, and paying expenses incident to accomplishing the foregoing (collectively the "City of Clarkston Projects"); <b>(F) Decatur</b> projects to be funded from the City of Decatur's share of the proceeds related to (1) debt service for the acquisition, through installment purchase, of Fire Station No. 1, the Leveritt Public Works Building, and the Decatur Recreation Center from the Urban Redevelopment Agency of the City of Decatur; (2) debt service for the acquisition, through installment purchase, of the Beacon Municipal Complex from the Urban Redevelopment Agency of the City of Decatur, including the Beacon stormwater projects, but not including the administrative facilities for the City Schools of Decatur; (3) transportation improvements to the Atlanta Avenue/W. Howard Avenue/W, College Avenue intersection; and, (4) bicycle, pedestrian improvements and traffic calming improvements (collectively the "City of Decatur Projects"); <b>(G) Doraville</b> related to transportation improvement projects including, but not limited to Infrastructure Preservation (road resurfacing, replacement and rehabilitation of bridges and drainage systems); Pedestrian and Bicycle Path Improvements (addition of sidewalks, streetscapes, bike lanes, and multi-use trails); Congestion Relief (intersection improvements, road widenings, traffic management, and signal upgrades); Safety and Operational Improvements (addition/extension of turn lanes, elimination of sight distance problems and other safety concerns, as well as widened lanes and shoulders); Public Safety Facilities</p>
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	<p>and Related Capital Equipment; and Repairs of Capital Outlay Projects up to 15% of the total tax collected by the City of Doraville; <b>(H) Dunwoody</b> related to transportation improvement projects including, but not limited to Infrastructure Preservation (road resurfacing, replacement and rehabilitation of bridges and drainage systems); Pedestrian and Bicycle Path Improvements (addition of sidewalks, streetscapes, bike lanes, and multi-use trails}; Congestion Relief (intersection improvements, road widenings, traffic management, and signal upgrades); Safety and Operational Improvements (addition/extension of turn lanes, elimination of sight distance problems and other safety concerns, as well as widened lanes and shoulders); Public Safety Facilities and Related Capital Equipment; and Repairs of Capital Outlay Projects up to 15% of the total tax collected by Dunwoody (collectively the "City of Dunwoody Projects"); <b>(n Lithonia</b> to construct, demolish, add to, acquire, relocate, renovate, replace, repair, improve, furnish, and equip projects for (I) transportation purposes to include roads, sidewalks, bicycle paths, road repaving and other road and street purposes; and (2) public safety purposes to include funding of related capital equipment; and for (3) the repair of capital outlay projects and paying expenses incident to accomplish the foregoing; <b>(J) Pine Lake</b> capital improvement projects to be funded from the City of Pine Lake's share of the proceeds related to (I} the renovation/expansion/relocation of public safety facilities, purchase of a police vehicle and police dash cameras, (2) rebuilding of Oak Road from Forrest Street to Spring Street, along with road and street repair and improvements including paving, curb resetting and storm water outlet repair/installation on local surface streets on a priority basis according to need, and (3) renovation, and/or repairs of city hall, public works restroom facilities and gate repairs to public works building; <b>(K) Stonecrest</b> Capital Improvement Projects to be funded from its share of the proceeds related to (1) the construction, repaving, improvement or repair of City roads, streets, bridges, bicycle paths, and sidewalks, (2) acquisition of real property and the construction and equipping of public safety facilities; (3) improvement, renovation and repairs to City parks and other existing capital improvements; (4) paying expenses incident to accomplishing the foregoing (collectively the "City of Stonecrest Projects"); <b>(L) Stone Mountain</b></p>
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	<p>transportation improvements, including, but not limited to, roads, streets, bridges, and sidewalks; police vehicles and related equipment, fire facilities and related equipment, renovation and repairs of park buildings and facilities as well as payment of expenses incident to accomplishing the foregoing; and <b>(M) Tucker</b> projects to be funded from its share of the proceeds consisting of (1) at least 65% of the proceeds for roads and drainage; (2) at least 20% of the proceeds for multi-modal transportation consisting of sidewalks, paths, and bikeways; and (3) up to 15% for projects for fire facilities and Citywide safety equipment, capital outlay projects for the parks and recreation system, and capital outlay projects for public facilities (collectively the "City of Tucker Projects")?</p> <p>If imposition of the taxes is approved by the voters, such vote shall also constitute approval of the issuance of general obligation debt of <b>DeKalb County, Georgia</b> in the principal amount of \$40,000,000 for a portion of the above DeKalb County Projects, to pay capitalized interest incident thereto, and to pay expenses incident to accomplish the foregoing.</p> <p>If imposition of the taxes is approved by a majority of the voters within the <b>City of Brookhaven</b>, such vote shall also constitute approval of the issuance of general obligation debt of the City of Brookhaven in the principal amount not to exceed \$34,295,000 for a portion of the City of Brookhaven Projects.</p> <p>If imposition of the taxes is approved by a majority of the voters within the <b>City of Clarkston</b>, such vote shall also constitute approval of the issuance of general obligation debt of the City of Clarkston in the principal amount not to exceed \$8,735,000 for a portion of the City of Clarkston Projects.</p> <p>If imposition of the taxes is approved by a majority of the voters within the <b>City of Decatur</b>, such vote shall also constitute approval of the issuance of general obligation debt of the City of Decatur in the principal amount not to exceed \$7,000,000 for the portion of the City of Decatur Projects related to transportation improvement and bicycle and pedestrian improvement projects.</p>
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If imposition of the taxes is approved by a majority of the voters within the **City of Dunwoody**, such vote shall also constitute approval of the issuance of general obligation debt of the City of Dunwoody in the principal amount not to exceed \$36,000,000 for the above-described City of Dunwoody Projects.

If imposition of the taxes is approved by a majority of the voters within the **City of Stonecrest**, such vote shall also constitute approval of the issuance of general obligation debt of the City of Stonecrest in the principal amount not to exceed \$25,515,000 for a portion of the City of Stonecrest Projects.

3. It is hereby requested that the election be held by the Board of Elections of DeKalb County in accordance with the election laws of the State of Georgia, including, without limitation, the election laws relating to special elections. It is hereby further requested that the Board of Elections of DeKalb County canvass the returns, declare the results of the election, and certify the result to the Secretary of State and to the Commissioner of Revenue.
  4. The Board of Elections of DeKalb County is hereby authorized and requested to publish a notice of election as required by law in the newspaper in which Sheriffs advertisements for the County are published once a week for four weeks immediately preceding the date of the election. The notice of the election shall be in substantially the form attached hereto as Exhibit D.
- E. The Clerk of the DeKalb County Governing Authority is hereby authorized and directed to deliver a copy of the resolution to the Board of Elections of DeKalb County, with a request that the Board of Elections of DeKalb County issue the call for an election.
- F. The proper officers and agents of DeKalb County are hereby authorized to take any and all further actions as may be required in connection with the imposition of the EHOST and SPLOST.

**ADOPTED** by the DeKalb County Board of Commissioners, this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
**KATHIE GANNON**  
Presiding Officer

**ADOPTED** by the Chief Executive Officer of DeKalb County, this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
**MICHAEL L. THURMOND**  
Chief Executive Officer

ATTEST:

\_\_\_\_\_  
**BARBARA SANDERS-NORWOOD, CCC**  
Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
**OVERTIS HICKS BRANTLEY**  
County Attorney

# **EXHIBIT A**

## **County Projects**

County Project List	
<b>Revenue</b>	<b>388,042,978</b>
<b>1. Transportation Purposes</b>	
1A. Road Resurfacing.	151,250,000
1B. Federal and State Transportation Project Matching Funds for Transportation Purposes.	25,550,000
1C. Pedestrian Improvements.	1-1,150,000
1D. Transportation Enhancements which include, but are not limited to, intersection upgrades, widening of narrow lanes, and improvements to roadway alignment, safety lighting, and sight distance	9,000,000
1E. Multi Use Trails.	7,000,000
1F. Bridge Repairs and Improvements	7,000,000
1G. Sidewalks to Schools, Transit, and Other Locations	-1,000,000
1H. Traffic Signal Improvements,	2,350,000
1I. Community Improvement District Matching Funds for Transportation Purposes,	1,500,000
1J. Corridor Beautification,	1,250,000
1K. Public Transportation Shelters	150,000
1L. Transportation Project Management	9,701,071
1M. Commission District Transportation Projects.	7,056,673
<b>2. Public Safety Facilities and Related Capital Equipment</b>	
2A. Replace existing fire station(s) and construct new fire station(s) and related capital equipment.	41,151,612
2B. Repair fire stations and related capital equipment	3,100,000
2C. Upgrade Fire Radio System.	1,500,000
2D. Purchase Fire Quick Response Units	2,000,000
2E. Repair and replace police precinct(s) and public safety facilities,	2,856,675
2F. Police Vehicles.	5,606,300
2G. Repair or replace Bobby Burgess Building,	27,300,000
2H. Planning and design for public safety training facility.	1,200,000
<b>3. Repair of Capital Outlay Projects</b>	
<b>Parks and Recreation Repairs</b>	
3A. Athletic Fields.	11,650,000
3B. Renovate athletic and recreation facilities including but not limited to roofs, shelters, and pavilions.	8,400,000
3C. Parks, playgrounds, and recreational areas.	6,900,000
3D. Pools and other aquatic facilities.	3,950,000
3E. Resurfacing trails and paved areas.	3,000,000
3F. Golf Courses.	1,000,000
3G. Tennis Court Resurfacing.	2,150,000
3H. Stream Bank Restoration / Drainage and Stormwater Improvements,	200,000
<b>General Repairs</b>	
3I. County Courthouse Administrative Complex Including Parking.	16,500,000
3J. General Senior Center Repairs.	1,000,000
3K. Repair of County Owned Health Care Facilities.	1,000,000
3L. General Library Repairs.	1,500,000
<b>4. General Administrative Costs</b>	
4A. General Administrative Cost for All Projects on Project List.	5,820,644
<b>Expenditures</b>	<b>388,042,978</b>



# **EXHIBIT B**

## **City Projects**

**DEKALB COUNTY 2018 SPLOST**  
**City of Atlanta**  
**SPLOST Project List by Category**

<b>Project Category</b>	<b>Total Project Costs</b>
<b>Local Road Resurfacing/Paving</b> -	\$2,106,616
<b>Transportation Improvements</b> - Including, in no particular order of priority: : US 278 engineering design, acquisition of right of way and construction of improvement ::; sidewalk improvements	\$2,200,000
<b>Public Safety</b> - Including, in no particular order of priority: : purchase of fully equipped patrol vehicles and radio communication equipment	\$349,435
<b>TOTAL</b>	<b>\$4,656,051</b>

City of Brookhaven, GA  
**Special Purpose Local Option Sales Tax (SPLOST)**  
**(2018-2023)**

Exhibit A - Six Year

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<i>a</i> Project Title	<i>b</i> Note	<i>c</i> Recommended SPLOST Funding
Pavement Management	1	\$ 14,000,000
Existing Capital Asset Maintenance	2	7,078,569
Transportation Improvements	3	<b>11,111,889</b>
Public Safety Facilities & Equipment	4	15,000,000
	5	
Total		\$ 47,190,458

County Estimate Six-Year SPLOST                      \$ 47,190,458

Notes:

1. \$4M in 2018; \$2M annually 2019-2023
2. Limited to 15% of the SPLOST per State legislation

## EXHIBIT "8"

### CITY OF CHAMBLEE PROJECTS

100% OF THE PROCEEDS (\$25,470,494.00) WILL BE USED FOR CAPITAL OUTLAY PROJECTS CONSISTING OF ROAD, STREET, AND BRIDGE PURPOSES, INCLUDING, BUT NOT LIMITED TO, CONSTRUCTION OF ROADS, STREETS, BRIDGES, SIDEWALKS, BICYCLE AND PEDESTRIAN PATHS, INTERSECTION IMPROVEMENTS, STREETSCAPES, BRIDGE REPAIR, PATCHING, LEVELING, MILLING WIDENING, SHOULDER PREPARATION, CULVERT REPAIR AND OTHER REPAIRS NECESSARY FOR THE PRESERVATION OF ROADS, STREETS, BRIDGES SIDEWALKS AND BICYCLE AND PEDESTRIAN PATHS, IMPROVEMENTS TO SURFACE-WATER DRAINAGE FROM ROADS, STREETS, BRIDGES, SIDEWALKS AND BICYCLE AND PEDESTRIAN PATHS; ACQUISITION OF RIGHTS OF WAY FOR ROADS, STREETS, BRIDGES, SIDEWALKS AND BICYCLE PATHS; RELOCATION OF UTILITIES FOR ROADS, STREETS, BRIDGES SIDEWALKS AND BICYCLE AND PEDESTRIAN PATHS AND RENOVATION AND IMPROVEMENT OF ROADS, STREETS, BRIDGES, SIDEWALKS AND BICYCLE PATHS, INCLUDING RESURFACING.

## CITY OF CLARKSTON 2017 SPLOST SUMMARY

**TRANSPORTATION PROJECTS - Intersection Improvements, Signaling, Bridges and Dam Replacement up to and including the following projects in no particular priority order:**

**\$ 4,717,481 43.2%**

20 Year Transportation Plan  
PATH Trail & Road Diet/Green Street Projects  
Intersection Improvements- Church St @ Glendale Rd  
Intersection Improvements- Northern Ave@ Mell Ave and Church St  
East Ponce de Leon/Church St Sidewalks  
Montreal Rd Pedestrian Improvements  
Market Street Sidewalks - from Rowland St to Market Crossing  
Bridge Rehabilitation on Casa Drive  
Replace Dam on Norman Rd Dam@ Clarkston Lake

**ROADS PROJECTS - Milling & Asphalt Resurfacing, Road Diets and Streetscape Improvements up to and including the following projects in no particular order:**

**\$ 6,202,053 56.8%**

Milling & resurfacing Casa Drive from Mell Avenue to Dead End  
Milling & resurfacing Mell Ave from E. Ponce de Leon to Casa Drive  
Milling & resurfacing N. Decatur Rd to Erskine Rd  
Milling & resurfacing Market St to Dead End  
Milling & resurfacing Brockett Rd from US Hwy 78 off/on ramps to East  
Milling & resurfacing Market St to Church St  
Milling & resurfacing Carroll Park Drive  
Milling & resurfacing Vaughn St from Market St to Montreal Rd  
Road Diet East Ponce de Leon to Montreal (at South Fork Creek bridge crossing)  
PATH Trail & Road Diet/Green Street Projects  
City Streetscape Project  
Forty Oaks Forest Driveway Improvements

**Totals**

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**\$ 10,919,534 100.0%**

## EXHIBIT B

### City of Decatur Projects

Project Title	SPLOST Funding
<b>Debt Service</b>	
Debt service for the acquisition of Fire Station No. 1, the Leveritt Public Works Building, and the Decatur Recreation Center from the Urban Redevelopment Agency of the City of Decatur through payment of installment payments under the Agreement of Sale dated December 15, 2010 between the City of Decatur and the Urban Redevelopment Agency of the City of Decatur.	\$4,600,000
Debt service for the acquisition of the Beacon Municipal Complex from the Urban Redevelopment Agency of the City of Decatur through payment of installment payments under the Agreement of Sale dated May 1, 2013 between the City of Decatur and the Urban Redevelopment Agency of the City of Decatur, including the Stormwater Projects, but not including the administrative facilities for the City Schools of Decatur.	\$8,900,000
<b>Transportation</b>	
Improvements to the Atlanta Avenue/W. Howard Avenue/W. College Avenue intersection.	\$5,920,000
Bicycle, pedestrian and traffic calming improvements	\$1,109,218
Total	\$20,529,218

Doraville

September 7, 2017

**EXHIBIT "8"**  
**City Projects**

The percentages below are based on Doraville's estimated proceeds from the SPLOST, which are \$9,449,554.

Capital improvement projects related to Doraville related to transportation improvement projects including, but not limited to Infrastructure Preservation (road resurfacing, replacement and rehabilitation of bridges and drainage systems); Pedestrian and Bicycle Path Improvements (addition of sidewalks, streetscapes, bike lanes, and multi-use trails); Congestion Relief (intersection improvements, road widenings, traffic management, and signal upgrades); Safety and Operational Improvements (addition/extension of turn lanes, elimination of sight distance problems and other safety concerns, as well as widened lanes and shoulders:

**\$7,087,168.5 (75% of the estimated proceeds)**

Public Safety Facilities and Related Capital Equipment: **\$944,955.40 (10% of estimated proceeds)**

Repairs of Capital Outlay Projects: **\$1,417,433.99 (15% of the estimated proceeds)**

EXHIBIT B  
DUNWOODY 2017 SPLOST PROJECT UST

Item #	Purpose	Funding
	Transportation improvement projects including, but not limited to Infrastructure Preservation (road resurfacing, replacement and rehabilitation of bridges and drainage systems); Pedestrian and Bicycle Path Improvements (addition of sidewalks, streetscapes, bike lanes, and multi-use trails); Congestion Relief (intersection improvements, road widenings, traffic management, and signal upgrades); Safety and Operational Improvements (addition/extension of turn lanes, elimination of sight distance problems and	
1	other safety concerns, as well as widened lanes and shoulders)	\$36,787,543
2	Public Safety Facilities and Related Capital Equipment	\$6,000,000
3	Repairs of Capital Outlay Projects	\$1,200,000
	Total	\$43,987,543



**EXHIBIT A****Pine Lake City Projects to be Funded by SPLOST**

Six year tax--anticipated collection of \$653,189

Projects will be prioritized *as* funds are received with total expenditures per project not exceeding the following budgeted figures and non-transportation/non-public safety capital repair projects not to exceed 15% of total receipts.

\$300,000	Renovation/Expansion/Relocation of Public Safety and Courtroom Facilities
\$ 20,000	PoliceDash Cameras
\$ 70,000	Renovation/Repairs of City Hall
\$ 5,000	Restroom for Public Works Building
\$150,000	Rebuild of Oak Road from Forrest Street to Spring Street
\$168,500	Road/street repair and improvements including paving, curb resetting and stonn water outlet repair and installation for all local surface streets, on a priority basis
\$ 45,000	Police vehicle
\$ 7,000	Public works enhanced gate repairs

DEKALB COUNTY 2017 SPLOST  
CITY OF LITHONIA PROPOSED PROJECT LIST

PROJECT CATEGORIES*	Recommended <b>SPLOST</b> Expenditures
<i>Proposed Total SPLOST Expenditures</i>	\$ <b>1,784,215.00</b>
<b>TRANSPORTATION IMPROVEMENTS</b>	\$ 1,076,000.00
Max Cleland Blvd/Stone Mountain St Intersection ( Road resurface ; pedestrian facilities & signalization); Crosswalk installation & repairs	
Installation/Repair of Sidewalks/Trails in the following area s: Conyers Street ; Bruce Street, Klondike Road, Johnson & Cagle Streets; Parkway Drive; Park Drive; Ida Street; and Wiggins Street	
Resurfacing of roadways	
Traffic signalization improvements at intersection of Main St & Klond ike Rd	
<b>INFRASTRUCTURE IMPROVEMENTS</b>	\$ <b>352,004 .00</b>
Repair & Install street light fixtures	
Gateway signage improvements	
Wayfinding signage (Main Street, Lithonia Park, Bruce Street Park)	
Landscaping at Gateways and other areas; trash receptacles	
Checking/Upgrading water pressures in f re hydrants	
<b>PUBLIC SAFETY (POLICE SERVICES &amp; PUBLIC WORKS)</b>	\$ 137,000.00
<b>POLICE SERVICES</b>	
Police Vehicles w/equipment, police vests	
<b>PUBLIC WORKS</b>	
Street Sweeper/Sewer Vac Vehicle	
<b>FACILITIES IMPROVEMENTS</b>	\$ 130,000.00
Install handicap railing at city hall entrance	
Repair/replace steps at city hall entrance	
Park improvements, e.g. lighting, bathrooms, et, .	
<b>MAINTENANCE, OPERATIONS &amp; RELATED PROJECT COSTS</b>	\$ <b>89,211.00</b>
<b>GRAND TOTAL SPLOST PROJECTS 2018-2023</b>	\$ <b>1,784,215.00</b>

**\*NOTE:** It is projected that the City of Lithonia Will receive about \$1.78 Min SPLOST funds over six years. The proposed SPLOST Project list mayrequire additional funding sources to cover any costs that exceed the available SPLOST proceeds.

**EXHIBIT B**  
**CITY OF STONE MOUNTAIN**  
**2017 SPLOST PROJECT LIST**

O.C.G.A. Chpt 8 of Title 48 Qualifying Statute	Project Category	Recommended SPLOST Funding	% of Total
	<b>Transportation</b>		
A	Improvements/Resurfacing Baltic Court, Ridge Avenue, Churchhill Court/Leland Drive, Main Street, Peppewood Lane, Redwood Court, Zachary Court, Lucille Street, Ridge Avenue, Rosewood Drive, Ridgemere Court, Sexton Drive, Vela Street, Leon Street, Cemetery Circle, VFW Drive, Zachary Drive, Other Street Improvements including Storm Water Utility projects relative to street rehab, Signs, Signs, Crosswalks	4,410,238	77.5%
	<b>Public Safety</b>		
H	Radio Communications Equipment, Acquisition of Police Vehicles/Equipment purchased through GMA Lease dated May 4, 2017, Other Police Equipment	252,048	7.5%
H	Fire Facilities and Related Capital Equipment	176,472	
	<b>Parks/Capital Outlay</b>		
E	Repair, improve equipment/restrooms/buildings/facilities at McCurdy Park; Repair, improve equipment/restrooms/buildings/facilities, resurface tennis courts, resurface basketball courts at Medlock Park; Repair, improve equipment/restrooms/buildings/facilities, resurface basketball courts at Leila Mason Park, other capital outlay improvements relative to parks and recreation	853,898	15%
	Total)	5,692,656	100.0%

**EXHIBIT "B"**

<b>STONECREST CITYPROJECTS</b>		
<b>Project Title</b>	<b>Note</b>	<b>Estimated Project Cost Funding</b>
Resurfacing/ Street Paving	1	\$10,000,000
Transportation Improvements Design and Planning (TIO)	2	\$500,000
Transportation Improvements	3	\$18,039,000
Parks and Recreation	4	\$5,000,000
Bicycle and Pedestrian (Multi-Modal) Improvements		\$3,240,000
Capital Improvements - Public Safety (Fire and Police Facilities and Services) - City Hall		\$7,161,000
Construction and Program Management	5	\$3,820,000
<b>Stonecrest Estimated Six-Year SPLOST Total</b>		<b>\$47,760,000</b>

NOTES:

1. Based on street assessment completed by DeKalb County.
2. Transportation Improvements Design and Planning will be completed to develop and validate the project list thru a publicly driven process.
3. Transportation Improvements will be prioritize based upon criteria that will be developed during the TJD Plan.
4. Includes the development of a Parks and Recreation Master Plan.
5. SPLOST Program and Construction Management fees for professional services to third parties for six years to manage the City SPLOST program and construction projects; and, the fees payable to the Department of Revenue for the collection and remittance of the City's SPLOST revenues.
6. The cost of each Project reflected herein is an estimate only and is subject to change in the discretion of the governing body of the City of Stonecrest because of a change in the Project's priority and/or the Projects actual cost.

# EXHIBIT "B" II

## TUCKER SPLOST PROJECT LIST

In accordance with the restrictions of Equalized Homestead Option Sales Tax Act of 2015 and any future amendments, Tucker designates the following project list for the 2017 ballot referendum (the "City of Tucker Projects"):

Up to maximum of hundred percent (100%) of the proceeds for:

- (a) at least sixty-five percent (65%) of the proceeds for roads and drainage,
- (b) at least twenty percent (20%) multi-modal transportation consisting of, sidewalks, paths, and bikeways,
- (c) projects for fire facilities and Citywide safety equipment; and

up to a maximum 15% of the proceeds for capital outlay projects consisting of:

- (d) the parks and recreation system and public facilities.

**EXHIBIT C**  
Intergovernmental  
Agreement

**INTERGOVERNMENTAL AGREEMENT FOR THE USE AND DISTRIBUTION  
OF PROCEEDS FROM THE ONE PERCENT SPECIAL PURPOSE  
LOCAL OPTION SALES TAX**

**THIS AGREEMENT** is made and entered into this 26<sup>th</sup> day of September, 2017 by and between DeKalb County, a political subdivision of the State of Georgia (hereinafter the "County"), and the City of Avondale Estates, the City of Brookhaven, the City of Chamblee, the City of Clarkston, the City of Decatur, the City of Doraville, the City of Dunwoody, the City of Lithonia, the City of Pine Lake, the City of Stonecrest, the City of Stone Mountain, and the City of Tucker, municipal corporations of the State of Georgia {hereinafter collectively the "Municipalities" and, individually, as the context requires, "Municipality"). This Agreement does not include the portion of the City of Atlanta located in DeKalb County, which is specifically excluded from the levy and receipt of SPLOST proceeds at this time pursuant to O.C.G.A. § 48-8-109.S(f).

**WITNESSETH:**

**WHEREAS**, the parties to this Agreement consist of the County and the Municipalities;  
and

**WHEREAS**, the parties anticipate that the DeKalb County Governing Authority will approve and sign a resolution requesting the DeKalb County Board of Registrations and Elections to call a Referendum on the issue of the imposition of a Special Purpose Local Option Sales Tax (the "SPLOST") and an Equalized Homestead Option Sales Tax (the "EHOST"); and

**WHEREAS**, O.C.G.A. § 48-8-110 et seq. (the "Act"), authorizes the levy of a one percent County Special Purpose Local Option Sales Tax (the "SPLOST") for the purpose of financing capital outlay projects, as that term is defined and described by the Act ("capital outlay projects" or "projects"), for the use and benefit of the County and qualified municipalities within the County; and

**WHEREAS**, the County and Municipalities met to discuss possible projects for inclusion in the SPLOST referendum on the 31<sup>st</sup> day August, 2017; and

**WHEREAS**, the County and the Municipalities have reviewed O.C.G.A. § 48-8-109.5(e) and agreed upon a method to request the State Revenue Commissioner for the Georgia Department of Revenue ("Revenue Commissioner") to strictly divide the SPLOST proceeds so that payments to the County and the Municipalities account for annexations and new cities created after the most recent decennial census; and

**WHEREAS**, the County and the Municipalities are authorized to enter into this Agreement by Georgia law, specifically including Article IX, Section III, Paragraph I of the Constitution of the State of Georgia and O.C.G.A. § 48-8-109.S(e).

**NOW, THEREFORE**, in consideration of the mutual promises and understandings made in this Agreement, and for other good and valuable consideration, the County and the Municipalities consent and agree as follows:

## **Section 1. Projects**

- (A) All capital outlay projects, to be funded in whole or in part from County SPLOST proceeds, are listed in Exhibit A, which is attached hereto and made part of this Agreement.
- (B) The capital outlay projects, to be funded in whole or in part from the Municipalities' SPLOST proceeds, are listed in Exhibit B, which is attached hereto and made part of this Agreement.

## **Section 2. Representations and mutual covenants**

- (A) The County makes the following representations and warranties which may be specifically relied upon by all parties as a basis for entering this Agreement:
  - (i) The County is a political subdivision duly created and organized under the Constitution of the State of Georgia; and
  - (ii) The governing authority of the County is duly authorized to execute, deliver and perform this Agreement; and
  - (iii) This Agreement is a valid, binding, and enforceable obligation of the County; and
  - (iv) The County will take all actions necessary to call an election to be held in all voting precincts in the County on the ~~th~~ day of November, 2017, for the purpose of submitting to the voters of the County for their approval, the question of whether or not a SPLOST shall be imposed on all sales and uses within the special district of DeKalb County for a period of six (6) years, commencing on the 1st day of April, 2018, to raise an estimated \$636,762,352 to be used for funding the projects specified in Exhibit A and Exhibit B; and
  - (v) Each County project funded by SPLOST proceeds shall be maintained as a public facility and in public ownership.
  - (vi) Upon the request of a Municipality by official Resolution of the Governing Authority of the Municipality, the County will take all actions necessary to add language to the referendum ballot presented to voters residing in the requesting Municipality to submit to those voters for their approval, the question of whether or not the requesting Municipality shall be authorized to issue general obligation debt of the Municipality in a not to exceed amount to be identified by the Municipality in its requesting Resolution.



- (8) Each of the Municipalities, on its own behalf, makes the following representations and warranties, which may be specifically relied upon by all parties as a basis for entering this Agreement:
  - (i) The Municipality is a municipal corporation duly created and organized under the Laws of the State of Georgia; and
  - (ii) The governing authority of the Municipality is duly authorized to execute, deliver and perform this Agreement; and
  - (iii) This Agreement is a valid, binding, and enforceable obligation of the Municipality; and
  - (iv) The Municipality is a qualified municipality as defined in O.C.G.A. § 48-8-110 (4); and
  - (v) The Municipality is located entirely within the geographic boundaries of the special tax district created in the County; and
  - (vi) Each Municipality's projects funded by SPLOST proceeds shall be maintained as public facilities and in public ownership.
- (C) It is the intention of the County and Municipalities to comply in all applicable respects with O.C.G.A. §§ 48-8-109.1 *et seq.* and 48-8-110 *et seq.* and all provisions of this Agreement shall be construed in light of the applicable provisions found in O.C.G.A. §§ 48-8-109.1 *et seq.* and 48-8-110 *et seq.*
- (D) The County and Municipalities agree to promptly proceed with the acquisition, construction, equipping, installation, and execution of the projects specified in Exhibit A and Exhibit B of this Agreement, or any other capital outlay projects as defined and authorized under O.C.G.A. §§ 48-8-109.1 *et seq.* and 48-8-110 *et seq.* that are approved for such purposes hereafter.
- (E) The County and the Municipalities agree to maintain thorough and accurate records concerning their respective receipt and expenditure of SPLOST proceeds.

### **Section 3. Conditions Precedent**

- (A) The obligations of the County and Municipalities pursuant to this Agreement are conditioned upon the adoption of a resolution of the County calling for the imposition of the EHOST and SPLOST in accordance with the provisions of O.C.G.A. § 48-8-109.1 *et seq.* and O.C.G.A. § 48-8-110 *et seq.*
- (B) This Agreement is further conditioned upon the approval of the proposed imposition of the EHOST and SPLOST by the voters of the County in a referendum to be held in accordance with the provisions of O.C.G.A. § 48-8-109.1 *et seq.* and O.C.G.A. § 48-8-110 *et seq.*

- (C) This Agreement is further conditioned upon the collecting of the SPLOST revenues by the Revenue Commissioner and transferring same to the County and Municipalities in conformity with the requirements of O.C.G.A. § 48-8-109.1 *et seq.* and O.C.G.A. § 48-8-110 *et seq.*

#### **Section 4. Effective Date and Term of the Tax**

The SPLOST, subject to approval in an election to be held on November 7, 2017, shall continue for a period of six (6) years with collections beginning on April 1, 2018 or the date the Revenue Commissioner specifies as the collection start date.

#### **Section 5. Effective Date and Term of this Agreement**

This Agreement shall commence upon the date of its execution and shall terminate upon the later of:

- (i) The official declaration by the DeKalb County Board of Registration and Elections of the failure of the election described in this Agreement;
- (ii) The expenditure by the County and all of the Municipalities of the last dollar of money collected from the Special Purpose Local Option Sales Tax after the expiration of the Special Purpose Local Option Sales Tax; or
- (iii) The completion of all projects described in Exhibit A and Exhibit B or approved for development with SPLOST proceeds hereafter.

#### **Section 6. County SPLOST Fund; Separate Accounts; No Commingling**

- (A) A special fund or account shall be created by the County and designated as the 2017 DeKalb County Special Purpose Local Option Sales Tax Fund ("SPLOST Fund"). The County shall select a bank with an office or branch physically located within DeKalb County which shall act as a depository and custodian of the SPLOST Fund upon such terms and conditions as may be acceptable to the County.
- (B) Each Municipality shall create a special fund to be designated as the 2017 "*municipality name*" Special Purpose Local Option Sales Tax Fund. Each municipality shall select a bank with an office or branch physically located within DeKalb County which shall act as a depository and custodian of the SPLOST proceeds received by each Municipality upon such terms and conditions as may be acceptable to the Municipality.
- (C) All SPLOST proceeds shall be maintained by the County and each Municipality in the separate accounts or funds established pursuant to this Section. SPLOST proceeds shall not be commingled with other funds of the County or

Municipalities and shall be used exclusively for the purposes detailed in this Agreement. No funds other than SPLOST proceeds and accrued interest shall be placed in such funds or accounts.

## **Section 7. Procedure for Disbursement of SP LOST Proceeds**

- (A) Pursuant to O.C.G.A. § 48-8-115, proceeds of the SPLOST shall be collected by the Revenue Commissioner and one percent (1%) of the amount of the SPLOST proceeds collected beginning April 1, 2018 shall be paid into the general fund of the state treasury in order to defray the costs of administration.
- (8) The remaining ninety-nine percent (99%) of the amount collected from the SPLOST (the "SPLOST proceeds") beginning April 1, 2018 shall be distributed to the County and each Municipality by the Revenue Commissioner pursuant to the percentages set forth below and the parties agree that such percentages shall remain unchanged until the expiration of this six (6) year Special Purpose Local Option Sales Tax:

<b>City/County</b>	<b>Distribution Percentage</b>
Avondale Estates	0.445%
Brookhaven	7.411%
Chamblee	4.000%
Clarkston	1.801%
Decatur	3.224%
Doraville	1.484%
Dunwoody	6.908%
Lithonia	0.294%
Pine Lake	0.108%
Stone Mountain	0.894%
Stonecrest	7.500%
Tucker	4.991%
Unincorporated-DeKalb	60.940%

The above-described distribution percentages shall be set forth in a Tax Certificate of Distribution, the form of which is attached hereto as Exhibit C, to be forwarded to the Revenue Commissioner at a date and time of his/her choosing. In the event of an annexation of previously unincorporated areas of the County by a Municipality or in the event of the creation and voter approval of a new municipality within the previously unincorporated areas of the County, the County agrees to fund and develop projects within such newly incorporated areas in the same manner, at the same rate and subject to the same standards of priority as similar projects are funded and developed at that time in the unincorporated area of the County.

- (C) Upon receipt by the County or Municipality of SPLOST proceeds collected by the Revenue Commissioner, the County and each Municipality shall immediately deposit said proceeds in a separate fund established by each government entity in accordance with Section 6 of this Agreement. The monies in each SPLOST fund shall be held and applied to the cost of acquiring, constructing, installing, and executing, which includes project management, oversight auditing, and reporting, the County's and the Municipalities' respective capital outlay projects listed in Exhibit A and Exhibit B.
- (D) Should any Municipality cease to exist as a legal entity before all funds are distributed under this Agreement, that Municipality's share of the funds subsequent to dissolution shall be paid to the County as part of the County's share unless an Act of the Georgia General Assembly makes the defunct Municipality part of another successor municipality. If such an act is passed, the defunct Municipality's share shall be paid to the successor Municipality in addition to all other funds to which the successor Municipality would otherwise be entitled.

## **Section 8. Expenses**

The County shall be responsible for the cost of holding the SPLOST election.

## **Section 9. Audits**

During the term of this Agreement, the distribution and use of all SPLOST proceeds deposited in the SPLOST Fund and each Municipal SPLOST fund shall be audited in accordance with O.C.G.A. § 48-8-121 (a)(2) by the County's auditor for the County projects and by each Municipality's auditor for the respective Municipality's projects. The County and each Municipality receiving SPLOST proceeds shall be responsible for the cost of their respective audits.

## **Section 10. Notices**

All notices, consents, waivers, directions, requests or other instruments or communications provided for under this Agreement shall be deemed properly given when delivered personally or sent by registered or certified United States mail, postage prepaid to the following addresses. The parties agree to give each other non-binding duplicate email notice. Future changes in address shall be effective upon written notice being given by the City to the County Executive Assistant or by the County to the City Manager via certified first class U.S. mail, return receipt requested.

**DeKalb County:**

Chief Executive Officer  
Executive Assistant  
DeKalb County, Georgia  
1300 Commerce Drive  
Decatur, Georgia 30030

With a copy to:

County Attorney  
DeKalb County, Georgia  
1300 Commerce Drive  
Decatur, Georgia 30030

**City of Avondale Estates:**

Mr. Clai Brown  
City Manager  
21 N. Avondale Plz.  
Avondale Estates, GA 30002-13

With a copy to:

Robert E. Wilson, Esq.  
Wilson, Morton & Downs LLC  
125 Clairmont Avenue, Ste. 420  
Decatur, GA 30030

**City of Brookhaven:**

Mr. Christian Sigman  
City Manager  
4362 Peachtree Road  
Brookhaven, GA 30319

With copy to:

Chris Balch  
Balch Law Group  
1270 Carolina St., Suite D120-315  
Atlanta, GA 30307

**City of Chamblee:**

Jon Walker  
City Manager  
5468 Peachtree Road  
Chamblee, GA 30341-2398

With copy to:

Joe L. Fowler  
Fowler, Hein, Cheatwood &  
Williams, P.A.  
2970 Clairmont Road, Suite 220  
Atlanta, GA 30329

**City of Clarkston:**

Keith Barker  
City Manager  
1055 Rowland Street  
Clarkston, GA 30021-1711

With copy to:

Stephen G. Quinn  
Wilson, Morton & Downs LLC  
125 Clairmont Ave., Ste. 420  
Decatur, GA 30030

**City of Decatur:**

Peggy Merriss  
City Manager  
509 N. McDonough Street  
Decatur, GA 30030

With copy to:

Bryan Downs  
Wilson, Morton & Downs LLC  
125 Clairemont Ave., Ste. 420  
Decatur, GA 30030

**City of Doraville:**

Regina Williams-Gates  
Interim City Manager  
3725 Park Avenue  
Doraville, GA 30340-1197

With copy to:

Cecil C. McLendon, Esq.  
3725 Park Avenue  
Doraville, GA 30340

**City of Lithonia:**

Cheryl Foster  
City Administrator  
6920 Main Street  
Lithonia, GA 30058

With copy to:

Winston A. Denmark, Esq.  
Fincher Denmark LLC  
8024 Fair Oaks Court  
Jonesboro, GA 30236

**City of Stone Mountain:**

Ms. ChaQuias Miller Thornton  
City Manager  
875 Main Street  
Stone Mountain, GA 30083

With copy to:

Joe L. Fowler  
Fowler, Hein, Cheatwood  
& Williams, P.A.  
2970 Clairmont Road, Suite 220  
Atlanta, GA 30329

**City of Dunwoody:**

Eric Linton  
City Manager  
41 Perimeter Ctr. East, Suite 250  
Dunwoody, GA 30346

With copy to:

Cecil McLendon, Esq.  
41 Perimeter Center East, Suite 250  
Dunwoody, GA 30346

**City of Pine Lake:**

Valerie Caldwell  
City Manager  
462 Clubhouse Drive  
Pine Lake, Georgia 30072

With copy to:

Laurel E. Henderson  
Sumner Meeker LLC  
14 East Broad Street  
Newnan, GA 30263

**City of Stonecrest:**

Michael C. Harris  
City Manager  
3120 Stonecrest Blvd.  
Stonecrest, GA 30038

With copy to:

Thompson Kurrie, Jr.  
Coleman Talley LLP  
3475 Lenox Road, NE, Suite 400  
Atlanta, GA 30326

**City of Tucker:**

Tami Hanlin  
City Manager  
4119 Adrian Street  
Tucker, GA 30084

With copy to:

Brian Anderson  
Anderson Legal Counsel  
4119 Adrian Street  
Tucker, GA 30084

**Section 11. Entire Agreement**

This Agreement, including any attachments or exhibits, constitutes all of the understandings and agreements existing between the County and the Municipalities with respect to the distribution and use of the proceeds from the Special Purpose Local Option Sales Tax. Furthermore, this Agreement supersedes all prior agreements, negotiations and communications of whatever type, whether written or oral, between the parties hereto with respect to distribution and use of said SPLOST. No representation oral or written not incorporated in this Agreement shall be binding upon the County or the Municipalities.

**Section 12. Amendments**

This Agreement shall not be amended or modified except by agreement in writing executed by the County and the Municipalities.

### **Section 13. Severability, Non-Waiver, Applicable Law, and Enforceability**

If a court of competent jurisdiction renders any provision of this Agreement (or portion of a provision) to be invalid or otherwise unenforceable, that provision or portion of the provision will be severed and the remainder of this Agreement will continue in full force and effect as if the invalid provision or portion of the provision were not part of this Agreement. No action taken pursuant to this Agreement should be deemed to constitute a waiver of compliance with any representation, warranty, covenant or agreement contained in this Agreement and will not operate or be construed as a waiver of any subsequent breach, whether of a similar or dissimilar nature. This Agreement is governed by the laws of the State of Georgia without regard to conflicts of law principles thereof. Should any provision of this Agreement require judicial interpretation, it is agreed that the arbitrator or court interpreting or construing the same shall not apply a presumption that the terms hereof shall be more strictly construed against one party by reason of the rule of construction that a document is to be construed more strictly against the party who itself or through its agent prepared the same, it being agreed that the agents of all parties have participated in the preparation hereof.

### **Section 14. Compliance with**

During the term of this Agreement, the County and each Municipality shall comply with all State law applicable to the use of the SPLOST proceeds, specifically including O.C.G.A. § 48-8-110, et seq.

### **Section 15. Impute Resolution**

Any controversy or claim arising out of or relating to this Agreement, or the breach thereof, shall be settled by arbitration administered by the American Arbitration Association in accordance with its Commercial Arbitration Rules and judgment on the award rendered by the arbitrator(s) may be entered in any court having jurisdiction thereof.

- (A) Claims shall be heard by a single arbitrator, unless the claim amount exceeds \$500,000, in which case the dispute shall be heard by a panel of three arbitrators. Where the claim is to be heard by single arbitrator, the arbitrator shall be selected pursuant to the list process provided for in the Commercial Arbitration Rules unless the parties to the arbitration are able to select an arbitrator independently by mutual agreement. The arbitrator shall be a lawyer with at least 10 years of active practice in commercial law and/or local government law. Where the claim is to be heard by a panel of three arbitrators, selection shall occur as follows. Within 15 days after the commencement of arbitration, the city or cities party to the arbitration shall select one person to act as arbitrator and the County shall select one person to act as an arbitrator. The two selected arbitrators shall then select a third arbitrator within ten days of their appointment. If the arbitrators selected by the parties are unable or fail to agree upon the third arbitrator, the third arbitrator shall be selected by the American Arbitration Association. This third arbitrator shall be a former judge in the State or Superior Courts of Georgia or a former federal district judge.



- (B) The arbitration shall be governed by the laws of the State of Georgia.
- (C) The standard provisions of the Commercial Rules shall apply.
- (D) Arbitrators will have the authority to allocate the costs of the arbitration process among the parties, but will only have the authority to allocate attorneys' fees if a particular law permits them to do so, specifically including O.C.G.A. § 9-15-14.
- (E) The award of the arbitrators shall be accompanied by a written opinion that includes express findings of fact and conclusions of law.

#### **Section 16. No Consent to Breach**

No consent or waiver, express or implied, by any party to this Agreement, to any breach of any covenant, condition or duty of another party shall be construed as a consent to or waiver of any future breach of the same.

#### **Section 17. Counterparts**

This Agreement may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

**IN WITNESS WHEREOF**, the County and the Municipalities acting through their duly authorized agents have caused this Agreement to be signed, sealed and delivered for final execution by the County on the date indicated herein.

**DEKALB COUNTY, GEORGIA**

\_\_\_\_\_(SEAL)  
**MICHAEL L. THURMOND**  
Chief Executive Officer

**ATTEST:**

\_\_\_\_\_  
**BARBARA SANDERS-NORWOOD,CCC**  
Clerk to the Board of Commissioners  
and Chief Executive Officer

**APPROVED AS TO SUBSTANCE:**

**APPROVED ASTO FORM AND  
LEGAL VALIDITY:**

\_\_\_\_\_  
**ZACHARY L.WILLIAMS**  
Chief Operating Officer

\_\_\_\_\_  
**OVERTIS HICKS BRANTLEY**  
County Attorney

**CITY OF AVONDALE ESTATES,  
GEORGIA**

Attest:

\_\_\_\_\_(SEAL)

Mayor

\_\_\_\_\_

Municipal Clerk

**APPROVED AS TO SUBSTANCE:**

**APPROVED AS TO FORM AND  
LEGAL VALIDITY:**

\_\_\_\_\_

City Manager

\_\_\_\_\_

City Attorney

**CITY OF BROOKHAVEN, GEORGIA**

Attest:

\_\_\_\_\_(SEAL)

Mayor

\_\_\_\_\_

Municipal Clerk

**APPROVED AS TO SUBSTANCE:**

**APPROVED AS TO FORM  
AND LEGAL VALIDITY:**

\_\_\_\_\_

City Manager

\_\_\_\_\_

City Attorney

**CITY OF CHAMBLEE, GEORGIA**

Attest:

\_\_\_\_\_(SEAL)

Mayor

\_\_\_\_\_

Municipal Clerk

**APPROVED AS TO SUBSTANCE:**

**APPROVED AS TO FORM  
AND LEGAL VALIDITY:**

\_\_\_\_\_

City Manager

\_\_\_\_\_

City Attorney

**CITY OF CLARKSTON, GEORGIA**

Attest:

\_\_\_\_\_(SEAL)

Mayor

\_\_\_\_\_

Municipal Clerk

**APPROVED AS TO SUBSTANCE:**

**APPROVED AS TO FORM  
AND LEGAL VALIDITY:**

\_\_\_\_\_

City Manager

\_\_\_\_\_

City Attorney

**CITY OF DECATUR, GEORGIA**

Attest:

\_\_\_\_\_(SEAL)

Mayor

\_\_\_\_\_

Municipal Clerk

**APPROVED AS TO SUBSTANCE:**

**APPROVED AS TO FORM  
AND LEGAL VALIDITY:**

\_\_\_\_\_

City Manager

\_\_\_\_\_

City Attorney

**CITY OF DORAVILLE, GEORGIA**

Attest:

\_\_\_\_\_(SEAL)

Mayor

\_\_\_\_\_

Municipal Clerk

**APPROVED AS TO SUBSTANCE:**

**APPROVED AS TO FORM  
AND LEGAL VALIDITY:**

\_\_\_\_\_

City Manager

\_\_\_\_\_

City Attorney



**CITY OF DUNWOODY, GEORGIA**

Attest:

\_\_\_\_\_(SEAL)

Mayor

\_\_\_\_\_

Municipal Clerk

**APPROVED AS TO SUBSTANCE:**

**APPROVED AS TO FORM  
AND LEGAL VALIDITY:**

\_\_\_\_\_

City Manager

\_\_\_\_\_

City Attorney

**CITY OF LITHONIA, GEORGIA**

Attest:

\_\_\_\_\_(SEAL)

Mayor

\_\_\_\_\_

Municipal Clerk

**APPROVED AS TO SUBSTANCE:**

**APPROVED AS TO FORM  
AND LEGAL VALIDITY:**

\_\_\_\_\_

City Manager

\_\_\_\_\_

City Attorney

**CITY OF PINE LAKE, GEORGIA**

Attest:

\_\_\_\_\_(SEAL)

Mayor

\_\_\_\_\_

Municipal Clerk

**APPROVED AS TO SUBSTANCE:**

**APPROVED AS TO FORM  
AND LEGAL VALIDITY:**

\_\_\_\_\_

City Manager

\_\_\_\_\_

City Attorney

**CITY OF STONE MOUNTAIN,  
GEORGIA**

Attest:

\_\_\_\_\_(SEAL)

Mayor

\_\_\_\_\_

Municipal Clerk

**APPROVED AS TO SUBSTANCE:**

**APPROVED AS TO FORM  
AND LEGAL VALIDITY:**

\_\_\_\_\_

City Manager

\_\_\_\_\_

City Attorney

**CITY OF STONECREST, GEORGIA**

Attest:

\_\_\_\_\_(SEAL)

Mayor

\_\_\_\_\_

Municipal Clerk

**APPROVED AS TO SUBSTANCE:**

**APPROVED AS TO FORM  
AND LEGAL VALIDITY:**

\_\_\_\_\_

City Manager

\_\_\_\_\_

City Attorney

September 26, 2017

**CITY OF TUCKER, GEORGIA**

Attest:

\_\_\_\_\_(SEAL)

Mayor

\_\_\_\_\_

Municipal Clerk

**APPROVED AS TO SUBSTANCE:**

**APPROVED AS TO FORM  
AND LEGAL VALIDITY:**

\_\_\_\_\_

City Manager

\_\_\_\_\_

City Attorney

**EXHIBIT "A"**  
**County Projects**

COUNTY PROJECT LIST

**Revenue** **388,042,1178**

**1. Transportation purposes**

1A Road Resurfacing.	151,250,000
1B. Federal and State Transportation Project	
Matching Funds for Transportation Purposes.	25,550,000
1C. Pedestrian Improvements.	1, -1 -150,000
1D. Transportation Enhancements which include, but are not limited to intersection upgrades, widening of narrow lanes, and improvements to roadway alignment, safety lighting, and sight distance	9,000,000
1E. Multi Use Trails.	7,000,000
1F. Bridge Repairs and Improvements	7,000,000
1G. Sidewalks to Schools, Transit and Other Locations.	-1,000,000
1H. Traffic Signal Improvements.	2,350,000
1I. Community Improvement District Matching Funds for Transportation Purposes.	1,500,000
1J. Corridor Beautification.	1,250,000
1K. Public Transportation Shelters	150,000
1L Transportation Project Management	9,701,074
1M Commission District Transportation Projects.	7,056,673

**2. Public Safety Facilities and Related Capital Equipment**

2A. Replace existing fire station(s) and construct new fire station(s) and related capital equipment.	41,151,612
2B. Repair fire stations and related capital equipment.	3,100,000
2C. Upgrade Fire Radio System.	1,500,000
2D. Purchase Fire Quick Response Units.	2,000,000
2E. Repair and replace police precinct(s) and public safety facilities.	2,856,675
2F. Police Vehicles.	5,606,300
2G Repair or replace Bobby Burgess Building.	27,300,000
2H. Planning and design for public safety training facilities.	1,200,000

**3. Repair of Capital Outlay Projects**

**Parks and Recreation Repairs**

3A. Athletic Fields.	11,650,000
3B. Renovate athletic and recreation facilities including but not limited to roofs, shelters, and pavilions.	8,400,000
3C. Parks, playgrounds, and recreational areas	6,900,000
3D. Pools and other aquatic facilities.	3,950,000
3E. Resurfacing trails and Paved areas.	3,000,000
3F. Golf Courses.	1,000,000
3G. Tennis Court Resurfacing.	2,150,000
3H. Stream Bank Restoration / Drainage and Stormwater Improvements.	200,000

**General Repairs**

3I. County Courthouse Administrative Complex Including Parking.	16,500,000
3J. General Senior Center Repairs.	1,000,000
3K. Repair of County Owned Health Care Facilities.	1,000,000
3L. General Library Repairs.	1,500,000

**4. General Administrative Costs**

4A. General Administrative Cost for All Projects on Project List.	5,820,644
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<u>Expenditures</u>	<u>388,042.978</u>
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**EXHIBIT "B"**  
City Projects

DEKALB COUNTY 2018 SPLOST  
City of Atlanta Estates  
SPLOST Project List by Category

Project Category	Total Project Costs
<b>Road Resurfacing/Paving</b>	\$2,106,616
<b>Transportation Improvements</b> - Including, in no particular order of priority: US 278 engineering design, acquisition of right of way and construction of improvements; sidewalk improvements	\$2,200,000
<b>Public Safety</b> - Including, in no particular order of priority: purchase of full) equipped patrol vehicles and radio communication equipment	\$349,435
<b>TOTAL</b>	<b>54,656,051</b>

City of Brookhaven, GA  
Special Purpose Local Option Sales Tax (SPLOST)  
(2018-2023)

Exhibit A - Six Year

Page 5 of 5

Project Title	Note	Recommended SPLOST Funding
Pavement Management	1	\$ 14,000,000
Existing Capital Asset Maintenance	2	7,078,569
Transportation Improvements	3	11,111,889
Public Safety Facilities & Equipment	4	15,000,000
	5	
Total		\$ 47,190,458

County Estimate Six-Year SPLOST \$ 47,190,458

Notes:

1. \$4M in 2018; \$2M annually 2019-2023
2. limited to 15% of the SPLOST per State legislation

## EXHIBIT "B"

### CITY OF CHAMBLEE PROJECTS

100% OF THE PROCEEDS (\$525,470,494.00) WILL BE USED FOR CAPITAL OUTLAY PROJECTS CONSISTING OF ROAD, STREET, AND BRIDGE PURPOSES, INCLUDING, BUT NOT LIMITED TO, CONSTRUCTION OF ROADS, STREETS, BRIDGES, SIDEWALKS, BICYCLE AND PEDESTRIAN PATHS, INTERSECTION IMPROVEMENTS, STREETSCAPES, BRIDGE REPAIR, PATCHING, LEVELING, MILLING WIDENING, SHOULDER PREPARATION, CULVERT REPAIR AND OTHER REPAIRS NECESSARY FOR THE PRESERVATION OF ROADS, STREETS, BRIDGES, SIDEWALKS AND BICYCLE AND PEDESTRIAN PATHS, IMPROVEMENTS TO SURFACE-WATER DRAINAGE FROM ROADS, STREETS, BRIDGES, SIDEWALKS AND BICYCLE AND PEDESTRIAN PATHS; ACQUISITION OF RIGHTS OF WAY FOR ROADS, STREETS, BRIDGES, SIDEWALKS AND BICYCLE PATHS; RELOCATION OF UTILITIES FOR ROADS, STREETS, BRIDGES, SIDEWALKS AND BICYCLE AND PEDESTRIAN PATHS AND RENOVATION AND IMPROVEMENT OF ROADS, STREETS, BRIDGES, SIDEWALKS AND BICYCLE PATHS, INCLUDING RESURFACING.

## CITY OF CLARKSTON 2017 SPLOST SUMMARY

**TRANSPORTATION PROJECTS - Intersection Improvements, Signaling, Bridges and Dam Replacement up to and including the following projects in no particular priority order:**

\$ 4,717,481 43.2%

20 Year Transportation Plan

PATH Trail & Road Diet/Green Street Projects

Intersection Improvements- Church St @ Glendale Rd

Intersection Improvements- Northern Ave @ Mell Ave and Church St

East Ponce de Leon/Church St Sidewalks

Montreal Rd Pedestrian Improvements

Market Street Sidewalks - from Rowland St to Market Crossing

Bridge Rehabilitation on Casa Drive

Replace Dam on Norman Rd Dam @ Clarkston lake

**ROADS PROJECTS - Milling & Asphalt Resurfacing, Road Diets and Streetscape Improvements up to and including the following projects in no particular order:**

\$ 6,202,053 56.8%

Milling & resurfacing Casa Drive from Mell Avenue to Dead End

Milling & resurfacing Mell Ave from E. Ponce de Leon to Casa Drive

Milling & resurfacing N. Decatur Rd to Erskine Rd

Milling & resurfacing Market St to Dead End

Milling & resurfacing Brockett Rd from US Hwy 78 off/on ramps to East

Milling & resurfacing Market St to Church St

Milling & resurfacing Carroll Park Drive

Milling & resurfacing Vaughn St from Market St to Montreal Rd

Road Diet East Ponce de Leon to Montreal (at South Fork Creek bridge crossing)

PATH Trail & Road Diet/Green Street Projects

City Streetscape Project

Forty Oaks Forest Driveway Improvements

**Totals**

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\$ 10,919,534 100.0%

## EXHIBIT B

### City of Decatur Projects

Project Title	SPLOST Funding
<b>Debt Service</b>	
Debt service for the acquisition of Fire Station No. 1, the Leveritt Public Works Building, and the Decatur Recreation Center from the Urban Redevelopment Agency of the City of Decatur through payment of installment payments under the Agreement of Sale dated December 15, 2010 between the City of Decatur and the Urban Redevelopment Agency of the City of Decatur.	\$4,600,000
Debt service for the acquisition of the Beacon Municipal Complex from the Urban Redevelopment Agency of the City of Decatur through payment of installment payments under the Agreement of Sale dated May 1, 2013 between the City of Decatur and the Urban Redevelopment Agency of the City of Decatur, including the Stormwater Projects, but not Including the administrative facilities for the City Schools of Decatur.	\$8,900,000
<b>Transportation</b>	
Improvements to the Atlanta Avenue/W. Howard Avenue/W. College Avenue Intersection.	\$5,920,000
Bicycle, pedestrian and traffic calming improvements	\$1,109,218
Total	<b>\$20,529,218</b>

Doraville

**EXHIBIT "B"**  
City Projects

The percentages below are based on Doraville's estimated proceeds from the SPLOST, which are \$9,449,554.

Capital improvement projects related to Doraville related to transportation improvement projects including, but not limited to Infrastructure Preservation (road resurfacing, replacement and rehabilitation of bridges and drainage systems); Pedestrian and Bicycle Path Improvements (addition of sidewalks, streetscapes, bike lanes, and multi-use trails); Congestion Relief (intersection improvements, road widenings, traffic management, and signal upgrades); Safety and Operational Improvements (addition/extension of turnlanes, elimination of sight distance problems and other safety concerns, as well as widened lanes and shoulders):  
**\$7,087,165.5 (75% of the estimated proceeds)**

Public Safety Facilities and Related Capital Equipment: **\$944,955.40 (10% of estimated proceeds)**

Repairs of Capital Outlay Projects: **\$1,417,433.99 (15% of the estimated proceeds)**



## EXHIBITS

### DUNWOODY 2017 SPLOST PROJECT LIST

Item #	Purpose	Funding
	Transportation improvement projects including, but not limited to Infrastructure Preservation (road resurfacing, replacement and rehabilitation of bridges and drainage systems); Pedestrian and Bicycle Path Improvements (addition of sidewalks, streetscapes, bike lanes, and multi-use trails); Congestion Relief (intersection improvements, road widenings, traffic management, and signal upgrades); Safety and Operational Improvements (addition/extension of turn lanes, elimination of sight distance problems and	
1	othersafety concerns, as well as widened lanes and shoulders)	\$36,787,543
2	Public Safety Facilities and Related Capital Equipment	\$6,000,000
3	Repairs of Capital Outlay Projects	\$1,200,000
	Total	\$43,987,543

## EXHIBIT A

**Pine Lake City Projects to be Funded by SPLOST**

Six year tax-anticipated collection of \$653,189

Projects will be prioritized as funds are received with total expenditures per project not exceeding the following budgeted figures and non-transportation/non-public safety capital repair projects not to exceed 15% of total receipts.

\$300,000	Renovation/Expansion/Relocation of Public Safety and Courtroom Facilities
\$ 20,000	Police Dash Cameras
\$ 70,000	Renovation/Repairs of City Hall
\$ 5,000	Restroom for Public Works Building
\$150,000	Rebuild of Oak Road from Forrest Street to Spring Street
\$168,500	Road/street repair and improvements including paving, curb resetting and storm water outlet repair and installation for all local surface streets, on a priority basis
\$ 45,000	<b>Police</b> vehicle
\$ 7,000	Public works enhanced gate repairs

DEKALB COUNTY 2017 SPLOST  
CITY OF LITHONIA PROPOSED PROJECT LIST

PROJECT CATEGORIES*	Recommended SPLOST Expenditures
<i>Proposed Total SPLOST Expenditures</i>	\$ 1,784,215.00
<b>TRANSPORTATION IMPROVEMENTS</b>	\$ 1,076,000.00
Max Cleland Blvd/Stone Mountain St Intersection I Road resurface; pedestrian facilities & signalization); Crosswalk Installation & repairs	
Installation/Repair of Sidewalks/Trails in the following areas: Conyers Street; Bruce Street, Klondike Road; Johnson & Cagle Streets; Parkway Drive; Park Drive; Ida Street; and Wiggins Street	
Resurfacing of roadways	
Traffic signalization Improvements at Intersection of Main St & Klondike Rd	
<b>INFRASTRUCTURE IMPROVEMENTS</b>	\$ 352,004.00
Repair & Install street light fixtures	
Gateway signage Improvements	
Wayfinding signage (Main Street, Lithonia Park, Bruce Street Park)	
Landscaping at Gateways and other areas; trash receptacles	
Checking/Upgrading water pressures in fire hydrants	
<b>PUBLIC SAFETY (POLICE SERVICES &amp; PUBLIC WORKS)</b>	\$ 137,000.00
<b>POLICE SERVICES</b>	
Police Vehicles w/equipment, police vests	
<b>PUBLIC WORKS</b>	
Street Sweeper/Sewer Vac Vehicle	
<b>FACILITIES IMPROVEMENTS</b>	\$ 130,000.00
Install handicap railing at city hall entrance	
Repair/replace steps at city hall entrance	
Park improvements, e.g. lighting, bathrooms, etc.	
<b>MAINTENANCE, OPERATIONS &amp; RELATED PROJECT COSTS</b>	\$ 89,211.00
<b>GRAND TOTAL SPLOST PROJECTS 2018-2023</b>	<b>\$ 1,784,215.00</b>

•NOTE: It is projected that the City of Lithonia will receive about \$1.78 M in SPLOST funds over six years. The proposed SPLOST Project list may require additional funding sources to cover any costs that exceed the available SPLOST proceeds.

**EXHIBIT B**  
CITY OF STONE MOUNTAIN  
2017 SPLOST PROJECT LIST

o.c.G.A. Cbpt 8 of TiUe 48 Qualifying Statute	Project	Recommended SPLOST Funding	% of Total
	<b>Transportation</b>		
A	Improvements/Resurfacing Baltic Court, Ridge Avenue, Churchhill Court/Leland Drive, Main Street, Peppewood Lane, Redwood Court, Zachary Court, Lucille Street, Ridge Avenue, Rosewood Drive, Ridgemere Court, Sexton Drive, Vela Street, Leon Street Cemetery Circle, VFW Drive, Zachary Drive, Other Street Improvements including Stonn Water Utility projects relative to street rehab, Signs, Signs, Crosswalks	4,410,238	11.5%
	<b>Public Safety</b>		
H	Radio Communications Equipment, Acquisition of Police Vehicles/Equipment purchased through OMA Lease dated May 4, 2017, Other Police Equipment	252,048	7.5%
H	Fire Facilities and Related Capital Equipment	176,472	
	<b>Parks and Recreation</b>		
E	Repair, improve equipment/restrooms/buildings/facilities at McCurdy Park; Repair, improve equipment/restrooms/buildings/facilities, resurface tennis courts, resurface basketball courts at Medlock Park; Repair, improve equipment/restrooms/buildings/facilities, resurface basketball courts at Leila Mason Park, other capital outlay improvements relative to parks and recreation	853,898	1.5%
	<b>Total</b>	<b>5,692,656</b>	<b>100.0%</b>

EXHIBIT "B"

STONECREST CITY PROJECTS		
Project Title	Note	Estimated Project Cost Funding
Resurfacing/ Street Paving	1	<u>\$10,000,000</u>
Transportation Improvements Design and Planning (TID)	2	\$500,000
Transportation Improvements	3	\$18,039,000
Parks and Recreation	4	\$5,000,000
Bicycle and Pedestrian (Multi-Modal) Improvements		\$3,240,000
Capital Improvements - Public Safety (Fire and Police Facilities and Services] - City Hall		\$7,161,000
Construction and Program Management	5	\$3,820,000
Stonecrest Estimated Six-Year SPLOST Total		<b>\$47,760,000</b>

NOTES:

1. Based on street assessment completed by DeKalb County.
  2. Transportation Improvements Design and Planning will be completed to develop and validate the project list thru a publicly driven process.
  3. Transportation Improvements will be prioritize based upon criteria that will be developed during the TIO Plan.
  4. Includes the development of a Parks and Recreation Master Plan.
- S. SPLOST Program and Construction Management fees for professional services to third parties for six years to manage the City SPLOST program and construction projects; and, the fees payable to the Department of Revenue for the collection and remittance of the City's SPLOST revenues.
- 6. The cost of each Project** reflected herein is an estimate only and **is subject to change** in the discretion of the **governing body of the City of Stonecrest because of a change** in the Project's priority and/or the Projects actual cost.

# EXHIBIT "B"

## TUCKER SPLOST PROJECT LIST

In accordance with the restrictions of Equalized Homestead Option Sales Tax Act of 2015 and any future amendments, Tucker designates the following project list for the 2017 ballot referendum (the "City of Tucker Projects"),

Up to maximum of hundred percent (100%) of the proceeds for:

- (a) at least sixty-five percent (65%) of the proceeds for roads and drainage,
- (b) at least twenty percent (20%) multi-modal transportation consisting of,  
sidewalks, paths, and bikeways,
- (c) projects for fire facilities and Citywide safety equipment; and

up to a maximum 15% of the proceeds for capital outlay projects consisting of:

- (d) the parks and recreation system and public facilities.

**EXHIBIT "C"**

**SPECIAL PURPOSE LOCAL OPTION SALES AND USE TAX  
 CERTIFICATE OF DISTRIBUTION  
 UNDER EQUALIZED HOMESTEAD OPTION SALES TAX**

TO: State Revenue Commissioner

Pursuant to O.C.G.A. § 48-8-109.5(e) of Part 2 of Article 2A of Chapter 8 Of Title 48 of the Official Code of Georgia Annotated, the "Equalized Homestead Option Sales Tax Act of 2015", relating to the distribution of proceeds of the tax under Part 1 of Article 3 of said chapter, the County Special Purpose Local Option Sales & Use Tax, the governing authorities for DeKalb County and all municipalities located within the special district coterminous with the boundaries of DeKalb County, except that portion of the City of Atlanta in DeKalb County, hereby certify that the proceeds of the combination county/city special purpose local option sales and use tax generated in such district shall be strictly divided in the following percentage amounts as determined by the attached intergovernmental agreement between the parties named below. Such proceeds shall be distributed by the State Revenue Commissioner as follows:

City of Avondale Estates, Georgia shall receive	<u>0.445</u> %
City of Brookhaven, Georgia shall receive	<u>7.411</u> %
City of Chamblee, Georgia shall receive	<u>4.000</u> %
City of Clarkston, Georgia shall receive	<u>1.801</u> %
City of Decatur, Georgia shall receive	<u>3.224</u> %
City of Doraville, Georgia shall receive	<u>1.484</u> %
City of Dunwoody, Georgia shall receive	<u>6.908</u> %
City of Lithonia, Georgia shall receive	<u>0.294</u> %
City of Pine Lake, Georgia shall receive	<u>0.108</u> %
City of Stonecrest, Georgia shall receive	7.500 %
City of Stone Mountain, Georgia shall receive	<u>0.894</u> %
City of Tucker, Georgia shall receive	<u>4.991</u> %
County of DeKalb, Georgia shall receive	<u>60.940</u> %

This certificate shall continue in effect until April 1, 2024.

September 26, 2017

As required by O.C.G.A. § 48-8-109.S(t), this certificate specifically excludes that portion of the City of Atlanta located in DeKalb County.

Executed on behalf of the governing authorities of the county and municipalities located wholly within the special district of DeKalb County, this \_\_\_\_\_ day of \_\_\_\_\_ 20

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**MAYOR, CITY OF AVONDALE ESTATES**

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**MAYOR, CITY OF BROOKHAVEN**

---

**MAYOR, CITY OF CHAMBLEE**

---

**MAYOR, CITY OF CLARKSTON**

---

**MAYOR, CITY OF DECATUR**

---

**MAYOR, CITY OF DORAVILLE**

---

**MAYOR, CITY OF DUNWOODY**

---

**MAYOR, CITY OF LITHONIA**



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MAYOR, CITY OF PINE LAKE

---

MAYOR, CITY OF STONE MOUNTAIN

---

MAYOR, CITY OF STONECREST

---

MAYOR, CITY OF TUCKER

---

CHIEF EXECUTIVE OFFICER  
DEKALB COUNTY, GEORGIA

# **EXHIBIT D**

## **Notice of Election**

## NOTICE OF ELECTION

## TO THE QUALIFIED VOTERS OF DEKALB COUNTY, GEORGIA

NOTICE IS HEREBY GIVEN that on the 7<sup>th</sup> day of November, 2017, an election will be held at the regular polling places in all of the election districts of DeKalb County, Georgia, (the "County"), at which time there will be submitted to the qualified voters of the County for their determination two questions. The first question will be whether an equalized homestead option sales and use tax (the "EHOST") be levied and the regular homestead option sales and use tax be suspended within the special district of the County for the purposes of reducing the ad valorem property tax millage rates levied by the County and municipal governments on homestead properties. The second question will be whether a one percent county special purpose local option sales and use tax (the "SPLOST") shall be imposed on all sales and uses in the special district created in the County for a period of six (6) years for the raising of approximately \$636,762,352 for the purpose of funding certain County and Municipal capital outlay projects ("the Projects") specified in the form of the ballot set forth below.

If imposition of the taxes is approved by the voters, such vote shall also constitute approval of the issuance of general obligation debt of **DeKalb County, Georgia** secured by the portion of the proceeds of the SPLOST received by the County, in a maximum aggregate principal amount of \$40,000,000 (the "County Debt"). The proceeds of the County Debt, if issued, shall be used to pay a portion of the costs of the DeKalb County Projects (as set forth in the form of the ballot below) and the costs of issuing the County Debt. The County Debt shall bear interest from the date of issuance of the County Debt or from such other date as may be designated by the County prior to the issuance of the County Debt, at a rate or rates to be determined in a supplemental resolution to be adopted by the County prior to the issuance of the County Debt, which rate shall not exceed five percent (5%) per annum. The amount of principal to be paid in each year during the life of the County Debt shall be as follows:

Year	Amount
2019	\$0
2020	\$0
2021	\$10,000,000
2022	\$10,000,000
2023	\$10,000,000
2024	\$10,000,000

If imposition of the taxes is approved by a majority of the voters within the **City of Brookhaven**, such vote shall also constitute approval of the issuance of general obligation debt of the City of Brookhaven secured by the portion of the proceeds of the SPLOST payable to the City of Brookhaven in a maximum aggregate principal amount of up to \$34,295,000 (the "Brookhaven Debt"). The proceeds of the Brookhaven Debt, if issued, shall be used to pay all or a portion of the City of Brookhaven Projects (as set forth in the form of the ballot below), costs of issuing the Brookhaven Debt and capitalized interest. The Brookhaven Debt shall bear interest from the first day of the month during which the Brookhaven Debt is to be issued or from such other date as may be designated by the City of Brookhaven prior to the issuance of the Brookhaven Debt, which

rates shall not exceed two point eight percent (2.8%) per annum. The actual rate or rates shall be determined in a supplemental resolution to be adopted by the City of Brookhaven prior to the issuance of the Brookhaven Debt. The maximum amount of principal to be paid in each year during the life of such Brookhaven Debt shall be as follows:

<b>Year</b>	<b><u>Amount</u></b>
2019	\$5,505,000
2020	\$5,590,000
2021	\$5,670,000
2022	\$5,755,000
2023	\$5,845,000
2024	\$5,930,000

If the imposition of the taxes is approved by a majority of the voters within the **City of Clarkston**, such vote shall also constitute approval of the issuance of general obligation debt of the City of Clarkston secured by the portion of the proceeds of the SPLOST payable to the City of Clarkston in a maximum aggregate principal amount of up to \$8,735,000 (the "Clarkston Debt") (in whole or in part and in one or more series). The proceeds of the Clarkston Debt, if issued, shall be used to pay a portion of the City of Clarkston Projects (as set forth in the form of the ballot below), costs of issuing the Clarkston Debt and capitalized interest. The Clarkston Debt shall bear interest from the first day of the month during which the Clarkston Debt is to be issued or from such other date as may be designated by the City of Clarkston prior to the issuance of the Clarkston Debt, which rates shall not exceed five percent (5.0%) per annum. The maximum amount of principal to be paid in each year during the life of such Clarkston Debt shall be as follows:

<b>Year</b>	<b><u>Amount</u></b>
2019	\$730,000
2020	\$750,000
2021	\$780,000
2022	\$2,070,000
2023	\$2,155,000
2024	\$2,250,000

If the imposition of the taxes is approved by a majority of the voters within the **City of Decatur**, such vote shall also constitute approval of the issuance of general obligation debt of the City of Decatur secured by the portion of the proceeds of the SPLOST payable to the City of Decatur, in a maximum aggregate principal amount of up to \$7,000,000 (the "Decatur Debt") (in whole or in part and in one or more series). The proceeds of the Decatur Debt, if issued, shall be used to pay a portion of the City of Decatur Projects (as set forth in the form of the ballot below), the costs of issuing the Decatur Debt and capitalized interest. The Decatur Debt shall bear interest from the first day of the month during which the Decatur Debt is to be issued or from such other date as may be designated by the City of Decatur prior to the issuance of the Decatur Debt, which

rates shall not exceed five percent (5.0%) per annum. The maximum amount of principal to be paid in each year during the life of such Decatur Debt shall be as follows:

Year	Amount
2019	\$1,060,000
2020	\$1,095,000
2021	\$1,125,000
2022	\$1,180,000
2023	\$1,240,000
2024	\$1,300,000

If the imposition of the taxes is approved by a majority of the voters within the **City of Dunwoody**, such vote shall also constitute approval of the issuance of general obligation debt of the City of Dunwoody secured by the portion of the proceeds of the SPLOST payable to the City of Dunwoody, in a maximum aggregate principal amount not to exceed \$36,000,000 (the "Dunwoody Debt"). The purpose for which the Dunwoody Debt is to be issued shall be to pay all or a portion of the cost for the capital outlay projects of the City of Dunwoody (as set forth in the form of the ballot below), the cost of issuing the Dunwoody Debt, and capitalized interest. The maximum rate or rates of interest on such Dunwoody Debt shall not exceed six percent (6.0%) per annum. The maximum amount of principal to be paid in each year during the life of the Dunwoody Debt shall be as follows:

Year	Amount
2019	\$6,000,000
2020	\$6,000,000
2021	\$6,000,000
2022	\$6,000,000
2023	\$6,000,000
2024	\$6,000,000

If the imposition of the taxes is approved by a majority of the voters within the **City of Stonecrest**, such vote shall also constitute approval of the issuance of general obligation debt of the City of Stonecrest secured by the portion of the proceeds of the SPLOST payable to the City of Stonecrest in a maximum aggregate principal amount of up to \$25,515,000 (the "Stonecrest Debt") (in whole or in part and in one or more series). The proceeds of the Stonecrest Debt, if issued, shall be used to pay all or a portion of the City of Stonecrest Capital Improvement Projects (as set forth in the form of ballot below), the costs of issuing the Stonecrest Debt and capitalized interest. The Stonecrest Debt shall bear interest from the first day of the month during which the Stonecrest Debt is to be issued or from such other date as may be designated by the City of Stonecrest prior to the issuance of the Stonecrest Debt, which rates shall not exceed three point seventy-five percent (3.75%) per annum. The actual rate or rates shall be determined in a resolution to be adopted by the City of Stonecrest prior to the issuance of the Stonecrest Debt. The maximum amount of principal to be paid in each year during the life of such Stonecrest Debt shall be as follows:

<b>Year</b>	<b>Amount</b>
2019	\$3,995,000
2020	\$4,095,000
2021	\$4,195,000
2022	\$4,300,000
2023	\$4,410,000
2024	\$4,520,000

The ballots to be used at said election shall have written or printed thereon substantially the following:

**NOTICE TO ELECTORS:** Unless **BOTH** the equalized homestead option sales and use tax (EHOST) AND the special purpose local option sales and use tax (SPLOST) are approved, then neither sales and use tax shall become effective.

<input type="radio"/> <b>YES</b>	Shall an equalized homestead option sales and use tax be levied and the regular homestead option sales and use tax be suspended within the special district within DeKalb County for the purposes of reducing the ad valorem property tax millage rates levied by the County and municipal governments on homestead <u>properties?</u>
<input type="radio"/> <b>NO</b>	

<input type="radio"/> <b>YES</b>	Shall a special 1 percent sales and use tax be imposed in the special district of DeKalb County for a period of time not to exceed 6 years and for the raising of an estimated amount of \$636,762,352 for the purpose of: <b>(A) DeKalb County</b> projects to be funded from DeKalb County's share of the proceeds to (1) plan, design, construct, demolish, add to, acquire, relocate, renovate, replace, repair, improve, furnish, and equip projects for (a) transportation purposes to include roads, bridges, sidewalks, bicycle paths, road repaving, public transit, rails, airports, buses, and other road, street, and bridge purposes and (b) public safety purposes to include fire stations and police facilities, and (2) repair capital outlay projects, and (3) pay expenses incident to accomplish all of the foregoing (collectively the "DeKalb County Projects"); <b>(8) Avondale Estates</b> projects to be funded from the City of Avondale Estates' share of the proceeds related to (1) transportation, including the planning, acquisition, construction, repair or improvement of roads, streets, bridges, bicycle paths, and sidewalks, (2) road <u>resurfacing and paving</u> , (3) public safety facilities and
<input type="radio"/> <b>NO</b>	

	<p>related capital equipment used in the operation thereof, and (4) paying expenses incident to accomplishing the foregoing; (C) <b>Brookhaven</b> Capital Improvement Projects to be funded from its share of the proceeds related to (1) the construction or repair of City roads, streets, bridges, bicycle paths, and sidewalks, (2) acquisition of real property and the construction of public safety facilities and equipment; (3) maintenance of existing capital assets subject to the 15% cap authorized by statute; and (4) paying expenses incident to accomplishing the foregoing (collectively the "City of Brookhaven Projects"); (D) <b>Chamblee</b> capital outlay projects related to transportation improvements, including roads, streets and bridge purposes, sidewalks, bicycle and pedestrian paths, intersection improvements, streetscapes as well as payment of expenses incident to accomplishing the foregoing; (E) <b>Clarkston</b> capital outlay projects to be funded from its share of the proceeds related to transportation, including the planning, acquisition, construction and repair of roads, streets, bridges, bicycle paths, and sidewalks, and paying expenses incident to accomplishing the foregoing (collectively the "City of Clarkston Projects"); (F) <b>Decatur</b> projects to be funded from the City of Decatur's share of the proceeds related to (1) debt service for the acquisition, through installment purchase, of Fire Station No. 1, the Leveritt Public Works Building, and the Decatur Recreation Center from the Urban Redevelopment Agency of the City of Decatur; (2) debt service for the acquisition, through installment purchase, of the Beacon Municipal Complex from the Urban Redevelopment Agency of the City of Decatur, including the Beacon stormwater projects, but not including the administrative facilities for the City Schools of Decatur;</p> <p>(3) transportation improvements to the Atlanta Avenue/W. Howard Avenue/W, College Avenue intersection; and, (4) bicycle, pedestrian improvements and traffic calming improvements (collectively the "City of Decatur Projects"); (G) <b>Doraville</b> related to transportation improvement projects including, but not limited to Infrastructure Preservation (road resurfacing, replacement and rehabilitation of bridges and drainage systems); Pedestrian and Bicycle Path Improvements (addition of sidewalks, streetscapes, bike lanes, and multi-use trails); Congestion Relief (intersection <u>improvements, road widenings, traffic management, and</u></p>
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T signal upgrades); Safety and Operational Improvements (addition/extension of turn lanes, elimination of sight distance problems and other safety concerns, as well as widened lanes and shoulders); Public Safety Facilities and Related Capital Equipment; and Repairs of Capital Outlay Projects up to 15% of the total tax collected by the City of Doraville; **(H) Dunwoody** related to transportation improvement projects including, but not limited to Infrastructure Preservation (road resurfacing, replacement and rehabilitation of bridges and drainage systems); Pedestrian and Bicycle Path Improvements (addition of sidewalks, streetscapes, bike lanes, and multi-use trails); Congestion Relief (intersection improvements, road widenings, traffic management, and signal upgrades); Safety and Operational Improvements (addition/extension of turn lanes, elimination of sight distance problems and other safety concerns, as well as widened lanes and shoulders); Public Safety Facilities and Related Capital Equipment; and Repairs of Capital Outlay Projects up to 15% of the total tax collected by Dunwoody (collectively the "City of Dunwoody Projects"); **(I) Lithonia** to construct, demolish, add to, acquire, relocate, renovate, replace, repair, improve, furnish, and equip projects for (1) transportation purposes to include roads, sidewalks, bicycle paths, road repaving and other road and street purposes; and (2) public safety purposes to include funding of related capital equipment; and for (3) the repair of capital outlay projects and paying expenses incident to accomplish the foregoing; **(J) Pine Lake** capital improvement projects to be funded from the City of Pine Lake's share of the proceeds related to (1) the renovation/expansion/relocation of public safety facilities, purchase of a police vehicle and police dash cameras, (2) rebuilding of Oak Road from Forrest Street to Spring Street, along with road and street repair and improvements including paving, curb resetting and storm water outlet repair/installation on local surface streets on a priority basis according to need, and (3) renovation, and/or repairs of city hall, public works restroom facilities and gate repairs to public works building; **(K) Stonecrest** Capital Improvement Projects to be funded from its share of the proceeds related to (1) the construction, repaving, improvement or repair of City roads, streets, bridges, bicycle paths, and sidewalks, (2) acquisition of real property and the construction and equipping of public safety facilities; (3) improvement,



	<p>renovation and repairs to City parks and other existing capital improvements; (4) paying expenses incident to accomplishing the foregoing (collectively the "City of Stonecrest Projects"); <b>(L) Stone Mountain</b> transportation improvements, including, but not limited to, roads, streets, bridges, and sidewalks; police vehicles and related equipment, fire facilities and related equipment, renovation and repairs of park buildings and facilities as well as payment of expenses incident to accomplishing the foregoing; and <b>(M) Tucker</b> projects to be funded from its share of the proceeds consisting of (1) at least 65% of the proceeds for roads and drainage; (2) at least 20% of the proceeds for multi-modal transportation consisting of sidewalks, paths, and bikeways; and (3) up to 15% for projects for fire facilities and Citywide safety equipment, capital outlay projects for the parks and recreation system, and capital outlay projects for public facilities (collectively the "City of Tucker Projects")?</p> <p>If imposition of the taxes is approved by the voters, such vote shall also constitute approval of the issuance of general obligation debt of <b>DeKalb County, Georgia</b> in the principal amount of \$40,000,000 for a portion of the above DeKalb County Projects, to pay capitalized interest incident thereto, and to pay expenses incident to accomplish the foregoing.</p> <p>If imposition of the taxes is approved by a majority of the voters within the <b>City of Brookhaven</b>, such vote shall also constitute approval of the issuance of general obligation debt of the City of Brookhaven in the principal amount not to exceed \$34,295,000 for a portion of the City of Brookhaven Projects.</p> <p>If imposition of the taxes is approved by a majority of the voters within the <b>City of Clarkston</b>, such vote shall also constitute approval of the issuance of general obligation debt of the City of Clarkston in the principal amount not to exceed \$8,735,000 for a portion of the City of Clarkston Projects.</p> <p>If imposition of the taxes is approved by a majority of the voters within the <b>City of Decatur</b>, such vote shall also constitute approval of the issuance of general obligation debt of the City of Decatur in the principal <u>amount</u> not to</p>
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exceed \$7,000,000 for the portion of the City of Decatur Projects related to transportation improvement and bicycle and pedestrian improvement projects.

If imposition of the taxes is approved by a majority of the voters within the **City of Dunwoody**, such vote shall also constitute approval of the issuance of general obligation debt of the City of Dunwoody in the principal amount not to exceed \$36,000,000 for the above-described City of Dunwoody Projects.

If imposition of the taxes is approved by a majority of the voters within the **City of Stonecrest**, such vote shall also constitute approval of the issuance of general obligation debt of the City of Stonecrest in the principal amount not to exceed \$25,515,000 for a portion of the City of Stonecrest Projects.

Notwithstanding any other provision of law to the contrary, the statement and ballot questions above shall precede any and all other special election ballot questions which are to appear on the same ballot. O.C.G.A. § 48-8-109.4.

All persons desiring to vote in favor of levying the taxes shall vote "Yes", and persons opposed to the levying of the taxes shall vote "No". If more than one-half of the votes are cast in favor of levying the taxes, then both of the taxes shall be levied in accordance with applicable state law, otherwise the taxes may not be levied.

The last day to register to be eligible to vote in this election is October 10, 2017. The referendum will be held in all the regular polling precincts and election districts of DeKalb County, Georgia. The polls will open at 7:00 AM and close at 7:00 PM.

Those residents qualified to vote at said election shall be determined in all respects in accordance with the election laws of the State of Georgia.

This notice is given pursuant to a resolution of the DeKalb County Governing Authority and the DeKalb County Board of Elections and Registration.

This \_\_\_\_ day of \_\_\_\_\_, 2017

H. Maxine Daniels, Elections Supervisor  
For: The DeKalb County Board of Registration and Elections

**PLEASE PUBLISH:** [in the Champion once a week for four weeks immediately preceding the election)



# **DeKalb County Charter Review Handbook**

## **Historical Charter Review Documents**

31

SENATE BILL 346

By: Senator Bell of the 5th

LC 7 45605

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.  
5 Laws 1956, p. 3237), as amended, so as to establish the form 31  
6 of government of DeKalb County and to fix the powers and 32  
7 duties of the officers constituting the governing authority 33  
8 of DeKalb County and to revise extensively the aforesaid Act 34  
9 in connection therewith; to provide for other matters  
10 relative to the foregoing; to provide for a referendum; to 35  
11 provide effective dates; to provide for severability; to 36  
12 repeal conflicting laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA: 37

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.  
18 Laws 1956, p. 3237), as amended, is hereby amended by 43  
19 striking Sections 1 through 24 in their entirety and 44  
20 substituting in lieu thereof new Sections to read as  
21 follows:

22 "Section 1. Governing authority. (a) There is 45  
23 hereby created the Board of Commissioners of DeKalb 46  
24 County to be elected and organized as hereinafter 47  
25 provided. There is hereby created the office of Chief 48  
26 Executive Officer of DeKalb County, and said Chief 49  
27 Executive Officer, who shall not be a member of the 50  
28 Commission, shall be elected as hereinafter provided. 51

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 <sup>GR-A-C</sup> Section 2. The Commission. <sup>(a)</sup> The Commission 60  
 9 shall consist of seven members. There shall be five 61  
 10 district commissioners and two at-large commissioners. 62  
 11 <sup>CA-b</sup> (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 Radan Road. 110  
 2 Tract 233 that portion south and west of Radan 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.

G4 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<sup>46</sup> 3           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   172  
7           oneself as a member of the Commission or as Chief   173  
8           Executive, the seat of the member of the Commission or   174  
9           the Chief Executive so qualifying shall thereby become   175  
10          vacant as of the date of such qualification.  
GA<sup>47</sup> 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   179  
15          immediately prior to taking office. The Chief Executive   180  
16          shall be elected by a majority of the electors voting   181  
17          from the county at large. The Chief Executive shall be   182  
18          nominated and elected pursuant to Code Title 34 known as   183  
19          the 'Georgia Election Code,' as now or hereafter   184  
20          amended.  
21          (b) The first Chief Executive shall be elected as   185  
22          provided in subsection (a) hereof at the general   186  
23          election of 1984, and shall take office on the first day   187  
24          of January, 1985, for a term of four years. Future   188  
25          successors shall be elected at the general election   189  
26          immediately preceding the expiration of the term of   190  
27          office and shall take office on the first day of January   191  
28          immediately following the election for a term of four   192  
29          years. Each Chief Executive shall serve until the   193  
30          successor is elected and qualified.  
31          (c) Any person elected Chief Executive shall not   194  
32          be eligible to serve more than two consecutive full   195  
33          terms of office. In the event a person fills a vacancy   196  
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<sup>46</sup> 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 34, 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 254  
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 257  
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 (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	299
16	comprehensive development plan and by the adoption	300
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 C... (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 376

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 ~~Com~~ 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.

34<sup>1</sup> 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 ~~Corr-~~ 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~~ 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  
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 (12) of subsection (a) of Section 9 of this Act.

GA<sup>file</sup>

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 826  
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 19,444-107

Section 19. Department of finance. (a) The

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

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

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

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

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

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

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

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

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

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

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



1 requirements and advise the Chief Executive and the 664  
2 Commission on financial matters.  
3 (11) 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 CA      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 CA      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 920  
 3 by any taxpayer in said county in accordance with the 921  
 4 provisions of Section 23-1714 of the Code of Georgia of 922  
 5 1933. Provided, however, that the provisions of this 923  
 6 Section shall not be applicable to any contract which 924  
 7 has been approved, prior to execution, performance and 925  
 8 payment thereon, by a majority of the Commission by a 926  
 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 929  
 14 2370-2372, which amendment authorized the General 930  
 15 Assembly to provide by law for the form of government of 931  
 16 DeKalb County and to provide for the various officers, 932  
 17 bodies, branches, or agencies by or through which the 933  
 18 county's governmental powers shall be exercised, it is 934  
 19 the purpose of this Section to specify the exclusive 935  
 20 method by which the various provisions of this Act may 936  
 21 hereafter be amended and to limit the powers of the 937  
 22 Commission in connection therewith. The exclusive 938  
 23 method of amendment of the various provisions of this 939  
 24 Act shall be as follows: 940

25 (1) Sections 1, 3, 4, 5, 6, 11, 13, 14, 15, 941  
 26 16, and 23 of this Act and subsections (a) and (c) 942  
 27 of Section 2 of this Act and subsection (a) of 943  
 28 Section 9 of this Act may be amended only by Acts 944  
 29 of the General Assembly, and any such Act shall be 945  
 30 conditioned for its effectiveness on the approval 946  
 31 of a majority of the qualified electors of DeKalb 947  
 32 County voting at an election held for such purpose.

33 (2) Section 19 of this Act may be amended 948  
 34 only by Acts of the General Assembly, except as 949

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  
 32 election to be published once a week for two weeks 974  
 33 immediately preceding the date thereof in the official organ 975

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.

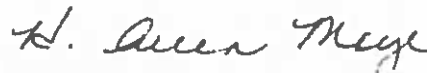
The report is the result of the well-reasoned and thoroughly debated efforts of the entire GRC. Its recommendations represent, in each instance, the majority position of the Commission. Compromise was not unknown to the Commission, but no member was ever asked to compromise his honestly maintained convictions.

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	<p>Representative Joe Burton  Representative Hank Elliott  Representative Bill Mangum  Representative Cas Robinson  Representative Tommy Tolbert  Representative Doug Vandiford  Representative Betty Jo Williams</p> <p>Senator Tom Scott  Senator Jim Tysinger</p>
August 20, 1979 GRC	<p>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</p>
August 27, 1979 GRC	<p>Walt Russell, Chairman of the Board of Commissioners,  DeKalb County</p>
August 28, 1979 GRC	<p>Public Hearing  District 3, Southwest DeKalb High School</p>
August 30, 1979 GRC	<p>Public Hearing  District 4, Redan High School</p>
September 4, 1979 GRC	<p>Public Hearing  District 1, Peachtree High School</p>
September 5, 1979 GRC	<p>Public Hearing  District 2, DeKalb County Courthouse Auditorium</p>

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  
Rhoda Russell  
Whitfield Smith  
Gia Spielberg  
Larry Taulbee  
John Wilcox

- Harbours Report -

At the time the Report was prepared in April 1979, the Dekalb 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 - <sup>it was</sup> ~~it was~~ established for the purpose of initiating ~~some~~ action to improve <sup>the</sup> government - ~~it was~~ not organized simply to study ~~Dekalb's~~ 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 1972, 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 which 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 <sup>five</sup> ~~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 Willard's office - which resulted in the ~~creation of the County Attorney's office~~ <sup>County Attorney</sup>.

Interview with 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~~<sup>re-election</sup> since 1956 has been ~~selected~~<sup>re-elected</sup>. 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 ~~these~~<sup>the</sup> 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.

*In October 1977*  
*(S. J. R. Report)* ~~Thus~~, 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 ~~last few months~~ <sup>last few years</sup> is whether this clear separation of functions ~~can~~ <sup>could</sup> be accomplished within the framework of a government which ~~is~~ <sup>was</sup> 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~~ <sup>strong</sup> 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;

2) rebuttal  
or rebuttal

### As An Example

2) rebuttal or rejoinder

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

**Dr. E. J. Egan**

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, I 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 sign us.

~~Thank you,~~

1. ~~THE~~ THE DeKalb Democrat Party has gone on Record OF APPROVING THE IMPLEMENTATION OF THE GRC Proposal.
2. THE Republican Legislature is THE HOUSE and SENATE HAVE Agreed TO ~~WAVE~~ <sup>SIGN</sup> THE LEGISLATION
3. THE Democrat ~~Legislators~~ Legislators HAVE NOT ~~AGREED~~ <sup>AGREED</sup> TO SIGN THE LEGISLATION
4. Open the floor for Discussion & Questions.
5. THANK YOU.



Max Cleland  
SECRETARY OF STATE  
404-594-2001

Secretary of State

Atlanta  
30331

April 1, 1983

COMMISSIONER  
119 STATE CAPITOL  
1064 156-20-2

DWIGHT

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





*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 Melford of 13<sup>th</sup>  
Chairman

Thomas Murphy  
Speaker of the House

Edison Williams  
Clerk of the House

Joe Price  
President of the Senate

Hamilton H. Whiting  
Secretary of the Senate

Received Sam Seader  
Secretary, Executive Department

This 22<sup>nd</sup> day of March 1983

Approved

Joe Tate  
Governor

This 29<sup>th</sup> 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

And Passed

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

And Passed

Ayes 52

Nays 0

Hamilton H. Whiting  
Secretary of the Senate  
Reps. Robinson of the 56th/Aaron  
of the 56th, and Williams of the  
By 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 (Ca. L. 1981, p. 4304), is amended by striking from said amandatory Act, approved April 9, 1981 (Ca. 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 amandatory Act approved April 9, 1981 (Ca. 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 introduced at the regular 1983 session  
of the General Assembly of Georgia, a bill  
to amend an Act entitled, *supplemental  
and amendatory of the laws relating to the  
governing authority of DeKalb County  
and creating a chairman and board of  
commissioners of said county*, approved  
March 8, 1978 (GA L. 1978, p. 337), as  
amended, particularly by an Act ap-  
proved April 9, 1981 (GA L. 1981, p.  
1261), and an Act approved April 12, 1982  
(GA L. 1982, p. 723), and for other  
purposes.  
This 17th day of November 1983.  
Frank Redding  
Representative, 50th District  
18-9038 02/23-17

STATE OF GEORGIA }  
COUNTY OF DEKALB } ss:

Personally appeared before the undersigned, a notary  
public within and for said county and State,

Gerald Wm. Crane Jr., 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  
(by) Linda L. Orr Agent

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 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 \$1,500, 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).

5.

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**



Max Cleland  
SECRETARY OF STATE  
HQA11534 1981

Secretary of State

Atlanta  
30333  
April 1, 1981

COMMUNICATIONS  
SECTION  
104157-22

TO: CLERK, BOARD OF COUNTY COMMISSIONERS, DEKALE 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 us.

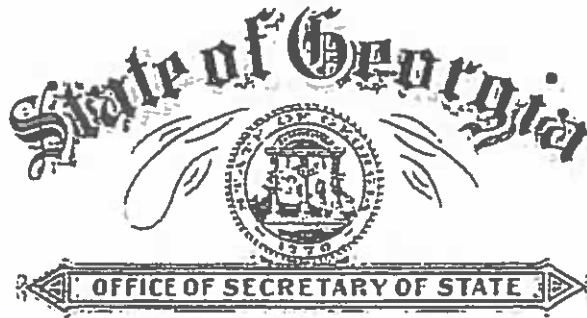
Sincerely yours,

*Max Cleland*  
Max Cleland  
Secretary of State

MC:jb

An Equal Opportunity Employer





*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 13<sup>21</sup>  
Chairman

Thomas Murphy  
Speaker of the House

William Wilson  
Clerk of the House

Joe Price  
President of the Senate

Hamilton K. Whiting  
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 2-8-83

Read 3rd time 2-18-83

Ayes 110

And Passed

Nays 0

William Wilson  
Clerk of the House

IN SENATE

Read 1st time 2-21-83

Read 2nd time 3-3-83

Read 3rd time 3-4-83

And Passed

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  
Hereby given that there will  
be introduced at the regular 1983 session  
of the General Assembly of Georgia, a bill  
to amend an Act creating, reorganizing,  
and consolidating the laws relating to the  
governing authority of DeKalb County  
and creating a chairman and board of  
members of said county, approved  
March 8, 1982 (GA L. 1982 p. 327), as  
amended, particularly by an Act ap-  
proved April 2, 1983 (GA L. 1983 p.  
1284), and an Act approved April 12, 1983  
(GA L. 1983 p. 623), and for other  
purposes.  
This 17th day of December 1983.  
Frank Redding  
Representative, 20th District  
18-0028 12/20/83

STATE OF GEORGIA }  
COUNTY OF DEKALB } ss:

Personally appeared before the undersigned, a notary  
public within and for said county and State,  
Gerald M. Crane, CC, 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 M. Crane Publisher  
(by) s/ Linda L. Orr Attest

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 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 ten (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.<sup>1</sup> 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.

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<sup>1</sup>It 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.

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### **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.

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**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.

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**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.

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**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.

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**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.

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### **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 20<sup>th</sup> 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
<b>Policy making authority</b>	
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	Commission Approval Avg.		
Policy making authority					
Commission Appoints CEO	100%	No			
CEO can make structural changes to departments/Commission Approval	100%	Yes	61%		Yes
CEO Votes w/Commission	100%	No			
Presiding commission officer from commission membership	100%	Yes			
CEO has veto power over ordinances and resolutions/Commission override	100%	Yes	100%		Yes

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

# Powers for County Exec Form (Personnel)

DeKalb Only:

Personnel	Activity	Action DeKalb
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
<b>Personnel</b>				
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	100%	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
<b>Budgeting Authority</b>				
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
<b>Purchasing Authority</b>				
CEO Sets Purchasing Rule-Making for Departments	65%	Yes		
Commission Can Make Contracts	77%	No		
CEO makes Contracts(Commission Approval (Over \$100,000 or similar amount)	88%	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:

<b>Audit Powers</b>	
Commission Investigation/Subpoena	No
Commission Sophisticated Audit Powers	No

# Powers for County Exec Form

## (Audit Powers)

Comparison:

Activity	Action Avg.	Action DeKalb	Commission Approval Avg.	Commission Approval DeKalb
<b>Audit Powers</b>				
Commission Investigation/Subpoena	80%	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