



DeKalb County Government

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

Minutes - Draft

OPS-County Operations Committee

Tuesday, November 30, 2021

3:30 PM

Special Called Meeting

This meeting will be conducted via teleconference (Zoom). Simultaneous public access to the meeting will be available

(1) via live stream on DCTV's webpage,

(2) on DCTVChannel23.TV

Meeting Started At: 3:30 PM

Attendees: Commissioners Terry, Patrick, Bradshaw, Davis Johnson, Cochran-Johnson

Present 3 - Commissioner Ted Terry, Commissioner Steve Bradshaw, and
Commissioner Robert Patrick

I. AGENDA ITEM

New Legislative Items

2021-3274 Commission District(s): All Districts
A Resolution Of The Governing Authority Of DeKalb County, Georgia
To The DeKalb County Delegation Of The General Assembly
Requesting That A Study Committee Be Convened To Review Tax
Abatement Reform

MOTION was made by Steve Bradshaw that this agenda item be recommended for approval. to the Board of Commissioners, due back on 12/14/2021. The motion carried by the following vote:

Yes: 2 - Commissioner Terry, and Commissioner Bradshaw

No: 1 - Commissioner Patrick

-information provided by Commissioner Terry and Dan Baskerville

Question TT: Mr. Baskerville can you remind us where this ended up in the discussion, I assume we want to keep this on the Agenda

Baskerville: a couple of bills were introduced including HB 24 which this resolution references, also HB 66 which gives counties standing in bond validations. There was a study committee created in the off session which primarily dealt with annexations. Depending on how it goes with current pending legislation we may want to request a study committee to also deal with any issues that don't get resolved as part of the legislation on tax abatements but, a couple of the things that are called for this resolution are actively being pursued in legislation, this coming session.

Question TT: But it makes sense for us to continue?

Baskerville: Absolutely, its good to have these positions in your item to have the delegation to try to support as many of them as we can.

2021-3279 Commission District(s): All Districts
A Resolution of the Governing Authority of DeKalb County, Georgia, Requesting that the General Assembly Work to Support Legislation that Allow for Clawback Provisions within Municipal Annexation Agreements

MOTION was made by Robert Patrick, seconded by Steve Bradshaw, that this agenda item be recommended for approval. to the Board of Commissioners, due back on 12/14/2021. The motion carried by the following vote:

Yes: 3 - Commissioner Terry, Commissioner Bradshaw, and Commissioner Patrick

-information provided by Commissioner Patrick

Question TT: we are talking about if there is a major SPLOST project then some annexes?

RP: Or if there were discretionary funds added to a project and the city came along thereafter, it seemed fair that the benefits should be paid back to the unincorporated tax payers that made that happen

Baskerville: I believe there are some provisions in existing law that deal with county compensation for facilities they may lose in an annexation but I don't know if it goes to the specifics Commissioner Patrick is looking at. It may require some tweaking to adhere to current law

M Welch: I agree, we also had one question of county-owned property or county-controlled with a specific whereas of the resolution. We can send this in writing and continue to flush that out but we are seeking clarification if we wanted to limit this to county owned property

RP: if it's alright lets flushed that out

M Welch: we will work with Mr. Baskerville on fleshing out this language., I will send follow up in writing

RP: I know we are under a time restraint; will there be another opportunity to hear this in OPS

Question TT: I think we can move forward pending a change to that section, its not a major concern, correct?

M Welch: We should be able to do that

2021-3280 Commission District(s): All Districts
A Resolution By The Governing Authority Of DeKalb County, Georgia, Requesting the General assembly to Support Legislation related to DeKalb County's Ability to Collect Franchise Fees
MOTION was made by Robert Patrick, seconded by Steve Bradshaw, that this agenda item be recommended for approval. to the Board of Commissioners, due back on 12/14/2021. The motion carried by the following vote:

Yes: 3 - Commissioner Terry, Commissioner Bradshaw, and Commissioner Patrick

-information provided by Dan Baskerville

2021-3281 Commission District(s): All Districts
A Resolution of The Governing Authority of DeKalb County, Georgia, Requesting the General Assembly Support Legislation Creating a Statewide Rental Property Emergency Contact List
MOTION was made by Robert Patrick, seconded by Steve Bradshaw, that this agenda item be withdrawn. The motion carried by the following vote:

Yes: 3 - Commissioner Terry, Commissioner Bradshaw, and Commissioner Patrick

-RP: after speaking with another commissioner, I would like to pull this one back until further consideration

2021-3282 Commission District(s): All Districts
A Resolution of The Governing Authority Of DeKalb County, Georgia, Requesting the General Assembly Support Legislation To Increase Funding Allocations For Mental Health Services Across The Continuum Of Care
MOTION was made by Steve Bradshaw, seconded by Robert Patrick, that this agenda item be recommended for approval. to the Board of Commissioners, due back on 12/14/2021. The motion carried by the following vote:

Yes: 3 - Commissioner Terry, Commissioner Bradshaw, and Commissioner Patrick

-information provided by Commissioner Terry

2021-3283 Commission District(s): All Districts
A Resolution Of The Governing Authority of DeKalb County Requesting That The DeKalb Delegation Of The General Assembly Support Legislation to Amend The Georgia Elections Code To Allow Counties To Use Instant Runoff or "Rank Choice" Voting in Local Elections
MOTION was made by Steve Bradshaw, seconded by Robert Patrick, that this agenda item be recommended for deferral to the Board of Commissioners, due back on 12/14/2021. The motion carried by the following vote:

Yes: 3 - Commissioner Terry, Commissioner Bradshaw, and Commissioner Patrick

-information provided by Commissioner Terry

-Question SB: where has this been done in Georgia?

D Baskerville: state law still controls; the Cities of Atlanta and Johns Creek have written resolutions but those have not been put into action

-Question SB: what is the upside and downside?

TT: the upside is that this saves money;

-MDJ: when you mention New York and California, they don't require 50% +1 in their elections?

TT: they do, they had to keep doing rank-choice until there is a majority

-MDJ: I would like to see more research on this from other jurisdictions. How is the 50%+1 in Georgia distinguished from other jurisdictions nationwide, and what is their process?

-M Welch: we did review this one and found a limited circumstance in which ranked choice voting occurs in Georgia; we would suggest a slight change to note overseas and military circumstances; I would suggest a substitute on this to have this resolution address that

2021-3284

Commission District(s): All Districts

A Resolution of the Governing Authority of DeKalb County Requesting The DeKalb Delegation Of The General Assembly Work To Support Legislation Establishing A State-Wide Eviction Resolution Program.

MOTION was made by Steve Bradshaw, seconded by Robert Patrick, that this agenda item be recommended for approval. to the Board of Commissioners, due back on 12/14/2021. The motion carried by the following vote:

Yes: 3 - Commissioner Terry, Commissioner Bradshaw, and Commissioner Patrick

-Question MDJ: when you say state-wide, I would think that many counties differ in what their needs are. I'm a proponent of local authority over that we can have within us. A statewide resolution may not be suited for us or other counties

-TT: I believe there was concern that once the TLAC money ran out, there wouldn't be available resources to address evictions and this would establish state-wide funding that wouldn't go against the gratuities clause so that there would be a resolution program for counties, in addition to the resources they currently have

-MDJ: when you talk about tenants, you also talk about landlords. The crisis here was the pandemic, which affected many people's ability to pay rent; that's where the government stepped in. We won't always be in this crisis; even in this crisis you have landlords as well who come to court without lawyers. TLAC was successful for the response to the pandemic.

-MDJ: outside of federal funds, where would these funds come from?

TT: the resolution asks for state funds; we can find the money needed; if we wanted to do this we could it just requires a certain approach

-MDJ: if I enter into a contract with you to rent out my home, and that's our agreement. If you do not pay me, and we go to court - you're telling me we should provide a lawyer for you also?

-SB: as someone who used to be a landlord, part of the equation is to make the landlord whole

-D Baskerville: I would like clarification; San Francisco and Atlanta are local things; we may want to speak with the Department of Community Affairs from a practical standpoint. I can help the BOC setup a meeting with DCA

2021-3285 Commission District(s): All Districts
The Governing Authority of DeKalb County Requests The DeKalb Delegation Of The General Assembly Work To Support Legislation Regulating Permission Of Solar Panels Within Homeowners' Associations In The State Of Georgia
MOTION was made by Steve Bradshaw, seconded by Robert Patrick, that this agenda item be recommended holding in committee to the OPS-County Operations Committee. The motion carried by the following vote:

Yes: 3 - Commissioner Terry, Commissioner Bradshaw, and Commissioner Patrick

-information provided by Commissioner Terry

-Question SB: This item would supersede HOA's abilities to make those choices for themselves?

TT: Correct, notwithstanding reasonable restrictions because there could be valid reasons but the general idea is if you own your home and property and you want to generate your own power on your rooftop that is not a nuisance or problem for your neighbor. Maybe someone else doesn't like the way it looks but you should have the freedom to produce your own energy from your home

-Question SB: Okay but before I buy a home in a certain community wouldn't I do the research to know what is allowed and what is not

TT: in a lot of cases solar panels are not even mentioned they will use other conditions in the covenants to require approval.

SB: Wouldn't it be better if HOA's came to this enlightenment without the State imposing this on them?

TT: No, I believe it's been put in ascetics category like restricting house colors or yard restrictions, sort of like a solar panel is a nuance in an essence. The point of this is to say HOA's cannot ban solar panels without reasonable restrictions. Its giving an open ended opportunity for the HOA or residents to make the case.

-RP: Many jurisdictions have their own historic preservation committee or review board and in the past the state has attempted to circumvent that notion of local control. if communities say they don't want it then it should be at their discretion.

-MDJ: before I signed my home contract I understood that there was a HOA that I needed to abide by. Usually if you want to make adjustments you have to come before the HOA for approval, that's all. Secondly we need to question what impact on development would it have if the government is telling you what can or cannot be added to your house.

-Motion to hold this agenda item in committee

2021-3286 Commission District(s): All Districts
A Resolution of The Governing Authority of DeKalb County Requests The DeKalb Delegation Of The General Assembly Support Legislation That Generates Adequate Funding For Victim Advocate Services in the County Judicial System
This agenda item was recommended holding in committee to the OPS-County Operations Committee

Yes: 3 - Commissioner Terry, Commissioner Bradshaw, and Commissioner Patrick

-D Baskerville: The first question I'll receive is does the DA's office support this?SB:

I'm ready to support but we should have the answer to that before we put it forward -

SB: Motion to hold in committee pending information from DA Boston's office

2021-3287 Commission District(s): All Districts
A Resolution of the Governing Authority of DeKalb County, Georgia to the DeKalb County Delegation of the General Assembly Relating to Management of County Infrastructure Located in Public Rights-of-Way

MOTION was made by Steve Bradshaw, seconded by Robert Patrick, that this agenda item be recommended holding in committee to the OPS-County Operations Committee. The motion carried by the following vote:

Yes: 3 - Commissioner Terry, Commissioner Bradshaw, and Commissioner Patrick

-information provided by Commissioner Terry, Dan Baskerville

-Z Williams: in reviewing this, around 2017 it's probably related to a number of water main breaks that occurred when you have utilities digging; this would express our desire to have control who is doing what and when. I believe the context was private utility contractors causing damage to our utility contractors

D Baskerville: the county was able to do things to address this, but other resources were needed

-TT: we're not entire clear on this resolution on whether we need to move forward with this resolution

V Ernstes: tabling an item only delays consideration of it to the end of the meeting. I would ask that items be held in committee

-Motion to update the previously tabled items to being "held in committee"

2021-3288 Commission District(s): All Districts
The Governing Authority of DeKalb County, Georgia, Requests The General Assembly Work To Support Legislation Expanding Medicaid Access To Eligible Georgians

MOTION was made by Robert Patrick, seconded by Steve Bradshaw, that this agenda item be recommended for approval. to the Board of Commissioners, due back on 12/14/2021. The motion carried by the following vote:

Yes: 3 - Commissioner Terry, Commissioner Bradshaw, and Commissioner Patrick

-Information provided by Commissioner Terry

2021-3289 Commission District(s): All Districts
The Governing Authority Of DeKalb County, Georgia, Requests The General Assembly Work Convene A Study Committee To Evaluate The Establishment Of An Independent Redistricting Commission To Operate All Redistricting And Reappointment Requirements Of The State Of Georgia

MOTION was made by Steve Bradshaw, seconded by Robert Patrick, that this agenda item be recommended for approval. to the Board of Commissioners, due back on 12/14/2021. The motion carried by the following vote:

Yes: 3 - Commissioner Terry, Commissioner Bradshaw, and Commissioner Patrick

-information provided by Commissioner Cochran-Johnson

-Question SB: I am generally speaking in support of this construct. Who would elect those to serve on this?

LCJ: it would be up to the group that organizes the commission itself

-Question SB: in terms of the term, this process happens once every 10 years. Would it be staggered terms or one appointee across that term period? I would assume the study committee tackles that

LCJ: it would; I have seen in other instances that appointees serve strictly for that cycle, and put forward a bipartisan effort

-additional information provided by Dan Baskerville

-Question MDJ: Dan, how would those appointments be made if not by elected officials, based upon the Supreme Court's decision on the ethics case?

D Baskerville: if you are referencing the study committee, it would be legislators. The decision you are speaking of was for a local commission, and that is a different scenario than a general assembly study committee. The question is who would do the appointing of committee members, and Commissioner Cochran-Johnson is looking for a non-political way to do this and avoid the politics of such a situation

-LCJ: we need a call to action; you're either fair or you are not. When lines are created to create a particular outcome, that is not in the vein of democracy. I would encourage you and Dentons to work with us to construct a study committee, and reach out to other municipalities regarding a study committee

2021-3290 Commission District(s): All Districts
A Resolution of the Governing Authority of DeKalb County, Georgia To The General Assembly Proposing A County Code Amendment Related To The Equalized Homestead Option Sales And Use Tax Appropriation Procedure

MOTION was made by Steve Bradshaw, seconded by Ted Terry, that this agenda item be recommended for approval. to the Board of Commissioners, due back on 12/14/2021. The motion carried by the following vote:

Yes: 2 - Commissioner Terry, and Commissioner Bradshaw

Abstain: 1 - Commissioner Patrick

-information provided by Commissioner Terry

-information provided by County Attorney Ernestes: I'm not sure if something like this could be done without a referendum at this moment

-TT: I believe this would be a referendum change and let the voters decide

-Question RP: is your expectation that this would become a ballot referendum for 2022?

V Ernestes: that would not be my determination; that is a determination the legislative council will need to determine

-TT: I wouldn't have a problem with this being a referendum vote

-RP: would it be better to hold off on this until next year when we work with municipalities regarding the EHOST?

TT: I would rather not wait on this; this is for people that are struggling and displacement.

-SB: I'm fine supporting this if it will come to a referendum

2021-3291

Commission District(s): All Districts

A Resolution of The Governing Authority of DeKalb County, Requests The DeKalb Delegation Of The General Assembly Support An Amendment To The Georgia Code, § 35-8-8, To Add Legally Permitted Residents To The Criteria Of Peace Officers In The State of Georgia.

MOTION was made by Ted Terry, seconded by Robert Patrick, that this agenda item be recommended holding in committee to the OPS-County Operations Committee. The motion carried by the following vote:

Yes: 3 - Commissioner Terry, Commissioner Bradshaw, and Commissioner Patrick

-Question SB: have you solicited feedback from our Public Safety regarding this?

TT: not at the current moment

SB: I would feel more comfortable with them weighing in on this

RP: perhaps reaching out to the Sheriff's or Police Chief's association, with a statewide voice, regarding this would be helpful -

TT: requests Central Staff invite Sheriff Maddox and Director Lumpkin to discuss this particular item and their opinions

2021-3463

Commission District(s): All Districts

A Resolution of The Governing Authority of DeKalb County, requesting the DeKalb Delegation of the General Assembly Review Public Utility Companies And Monopolies Integrated Resource Plan Processes To Ensure The Enactment Of Environmentally Conscious Polices To Protect Georgia Citizens From Future Effects Of Climate Change

MOTION was made by Robert Patrick, seconded by Steve Bradshaw, that this agenda item be recommended for approval. to the Board of Commissioners, due back on 12/14/2021. The motion carried by the following vote:

Yes: 3 - Commissioner Terry, Commissioner Bradshaw, and Commissioner Patrick

-information provided by Commissioner Terry

-additional information provided by Dan Baskerville

-SB: what is the goal with this resolution?

TT: understanding that the general assembly has not been as accommodating for energy efficiency programs, if we cannot get them to move forward on clean energy policies, then we would have an intervener in the Integrated Resource Plan. If we don't get it next year we would have to wait to 2025

Meeting Ended At: 5:34 PM

MOTION was made by Robert Patrick, seconded by Steve Bradshaw, that this agenda item was adjourned meeting. The motion carried by the following vote:

Yes: 3 - Commissioner Terry, Commissioner Bradshaw, and Commissioner Patrick

Barbara H. Sanders-Norwood CCC, CMC