

**MINUTES OF REGULAR MEETING
COBB COUNTY BOARD OF COMMISSIONERS
APRIL 11, 2023
9:00 AM**

The Regular Meeting of the Cobb County Board of Commissioners was held on Tuesday, April 11, 2023 at 9:00 a.m. in the second-floor public meeting room at 100 Cherokee Street, Cobb County Building, Marietta, Georgia. Present and comprising a quorum of the Board were:

Chairwoman Lisa Cupid
Commissioner JoAnn Birrell
Commissioner Keli Gambrill
Commissioner Jerica Richardson
Commissioner Monique Sheffield

CALL TO ORDER

Chairwoman Cupid called the meeting to order at 9:04 a.m.

PRESENTATIONS

1. **To present a proclamation designating April 23 - 29, 2023, as *Crime Victims' Rights Week* in Cobb County.**

Chairwoman Cupid presented a proclamation designating April 23 - 29, 2023, as *Crime Victims' Rights Week* in Cobb County.

2. **To present a Certificate of Recognition to 911 Emergency Communications (Evening A shift).**

Chairwoman Cupid presented a Certificate of Recognition to 911 Emergency Communications (Evening A shift).

3. **To present a proclamation designating April 9-15, 2023 as *National Public Safety Telecommunicator's Week* in Cobb County.**

Chairwoman Cupid presented a proclamation designating April 9-15, 2023 as *National Public Safety Telecommunicator's Week* in Cobb County.

4. **To present a proclamation designating April 10 - 14, 2023 as *Community Development Week* in Cobb County.**

Chairwoman Cupid presented a proclamation designating April 10 – 14, 2023 as *Community Development Week* in Cobb County.

5. **To present a proclamation designating the month of April 2023 as *Fair Housing Month* in Cobb County.**

Chairwoman Cupid presented a proclamation designating the month of April 2023 as *Fair Housing Month* in Cobb County.

6. **To present a proclamation designating April as *National Child Abuse Prevention Month*.**

Commissioner Gambrill presented a proclamation designating April as *National Child Abuse Prevention Month* in Cobb County.

PUBLIC HEARING

7. **To conduct a public hearing prior to expending \$100,000.00 or more for engineering design services for: South Cobb Drive (SR 280) Traffic Safety Improvements, Project No. B2435; Cobb Parkway (SR 3/US 41) at Black Acre Trail/Third Army Road Intersection Realignment, Project No. B2436; Johnson Ferry Road at Shallowford Road Intersection Improvements, Project No. B2437; Cobb Parkway (SR 3/US 41) Pedestrian Bridge, Project No. TR535; and Swift-Cantrell Park Traffic Signal Installation, Project No. TR536.**

Drew Raessler, Transportation Agency Director, requested a public hearing prior to expending \$100,000.00 or more for engineering design services for: South Cobb Drive (SR 280) Traffic Safety Improvements, Cobb Parkway (SR 3/US 41) at Black Acre Trail/Third Army Road Intersection Realignment, Johnson Ferry Road at Shallowford Road Intersection Improvements, Cobb Parkway (SR 3/US 41) Pedestrian Bridge, and Swift-Cantrell Park Traffic Signal Installation.

Chairwoman Cupid opened the Public Hearing and asked those wishing to speak to come forward to address the Board. Following one speaker, the public hearing was closed.

No official action was taken by the Board.

8. To conduct a public hearing prior to the establishment of a contract where the fees will likely exceed \$100,000.00 for a consulting firm to conduct a disparity study of the County's procurement practices.

Roger Ball, Purchasing Director, requested a public hearing prior to the establishment of a contract where the fees will likely exceed \$100,000.00 for a consulting firm to conduct a disparity study of the County's procurement practices.

Chairwoman Cupid opened the public hearing and asked those wishing to speak to come forward. Following one speaker, the public hearing was closed.

No official action was taken by the Board.

PUBLIC COMMENT

1. Kevin Redmon addressed the Board regarding DEI program importance.
2. Kristie Miner addressed the Board regarding epidemic of sudden deaths.
3. Craig Harfoot addressed the Board regarding miscellaneous matters.

CONSENT AGENDA

MOTION: Motion by Cupid, second by Richardson, to **approve** the following items on the Consent Agenda, *as revised*; and **authorize** execution of the necessary documents by the appropriate County personnel.

Clerk's Note: Commissioner Birrell and Commissioner Gambrell requested the following statements that are on file in the County Clerk's office be attached to each vote and made a part of these minutes:

Commissioner Birrell's statement

I do not support the Home Rule Challenge of the majority of this board. It is unconstitutional and illegal. I voted against the amended map three times in 2022 (1/25/22, 10/11/22 and 10/25/22).

I have a duty to represent my constituents and will not have my vote suppressed as I was duly elected on November 8, 2022 under the state map (HB 1154) voted on by the Georgia General Assembly in February 2022 and signed into law by Governor Kemp on March 2, 2022 and certified by the Board of Elections on November 15, 2022.

Commissioner Gambrill's statement

When the Board first entered Executive Session in March 2022 to discuss the "Home Rule" challenge, I challenged the County Attorney's Office on the premise and requested outside counsel to be sought.

While the County Attorney's Office claims the Association of County Commissioners of Georgia (ACCG) provided legal advice, I too am in receipt of the documents from the ACCG regarding Home Rule, to which it clearly defines the limit of this Board's Constitutional powers as to redistricting. I also contend that the Board of Commissioners did not follow the Home Rule challenge in its entirety.

In addition, the Georgia Supreme Court has ruled that the GA Constitution limits legislative action by the Board of Commissioners to matters for which no provision has been made by general law.

Furthermore, the "Home Rule" powers granted to the Board of Commissioners do not extend to any matters which the Georgia General assembly by general law has preempted, like the redistricting map here in Cobb Co. Commissioners of Wayne Co. v. Smith 240 Ga. 540 (1978); Brophy v. McCranie 264 Ga. 187 (1994).

In fact, even in Federal Court in Georgia, the court has ruled the General Assembly is the only legislative body with the power to enact redistricting legislation for the counties; therefore, where the General Assembly failed to enact reapportionment legislation for a certain county, although it was entitled to consideration as an expression of county policy, a reapportionment plan proposed by a county was not a legislatively enacted plan requiring deferential treatment and the district court was required to fashion a reapportionment plan. Bodker v. Taylor, 2002 U.S. Dist. LEXIS 27447 (N.D. Ga. June 5, 2002).

In January, Georgia State Attorney General, Chris Carr stated that the Cobb County Commission's move to amend its electoral redistricting map is "inappropriate and not legally binding."

Per the letter dated December 22, 2022, from C. Ryan Germany, General Counsel for the Office of the Secretary of State, " you should not consider the ministerial function of filing the Amendment with our office or the publishing of the Amendment to the a comment on whether the Amendment is allowable under state law or a proper exercise of the authority by the Cobb County Commission, nor should you rely on this to attempt to establish the validity of the Amendment." "In fact" he continues " it appears that the Amendment is very likely an unauthorized exercise of authority by the Cobb County Commissioner that does not comply to Georgia Law or the State Constitution.

With the majority of this Board actions on October 25, 2022 and the resulting filing and recording with the Office of the Secretary of State on October 26, 2022, the boundaries of the districts from which county commissioners were elected in Districts 1 and 3 were changed (14) days prior to the General Election, and eight (8) days after early voting had begun using district boundaries for Districts 1 and 3 as approved by the Governor.

Furthermore, the Board of Elections certified the election of Commissioners in District 1 and 3 using the map as approved by the Governor on March 2, 2022 on November 15, 2022 and not the maps that the Board of Commissioners made effective on October 26, 2022.

In a letter dated October 3, 2022 Deputy Legislative Counsel D. Stuart Morelli, "It is practically indisputable that a county home rule resolution or ordinance changing the boundaries of the districts from which county commissioners are elected would be an action affecting the procedure for the election of the county's governing authority. O.C.G.A. 36-35-4.1, no such statutory authority exists for Georgia counties.

In January, I was unjustifiably removed from this dais and prevented from representing my constituents and carrying out the duties I was elected to perform, based on an opinion that is not supported by law or policies of this Board.

Quotes by DaShanne Stokes, "Leadership by deception isn't leadership. It's fraud. Truth is hard, propaganda is cheap."

While I am here representing my constituents and fulfilling my duties as an elected official, I hereby request the clerk to attach this statement to each vote that is recorded herein

Water System

9. **To authorize the Chairwoman to execute a grant of sewer easement and hold harmless agreement with Kenneth Parsons Lynch, III and Sarah Lynch Mefford, as Co-Trustees of the Kenneth Parsons Lynch Revocable Trust.**

To **authorize** the Chairwoman to execute a grant of sewer easement and hold harmless agreement with Kenneth Parsons Lynch, III and Sarah Lynch Mefford, as Co-Trustees of the Kenneth Parsons Lynch Revocable Trust.

10. **To approve a Public Private Partnership Memorandum of Understanding between the Georgia Department of Transportation (GDOT) and Cobb County for GDOT Project I-285/I-20 West Interchange, GDOT P.I. 0013918, Program No. C0167.**

To **approve** a Public Private Partnership Memorandum of Understanding between the Georgia Department of Transportation and Cobb County for GDOT Project I-285/I-20 West Interchange, GDOT P.I. 0013918, Program No. C0167, and **authorize** the Chairwoman to execute the necessary documents.

11. **To approve a Public Private Partnership Memorandum of Understanding between the Georgia Department of Transportation (GDOT) and Cobb County for GDOT Project I-285 Express Lane West, Phase 1, GDOT P.I. 0017124, Program No. W4470.**

To **approve** a Public Private Partnership Memorandum of Understanding between the Georgia Department of Transportation and Cobb County for GDOT I-285 Express Lane West, Phase 1, GDOT P.I. 0017124, Program No. W4470, and **authorize** the Chairwoman to execute the necessary documents.

12. **To authorize the acceptance of a contribution from the Master Gardener Volunteers of Cobb County, Inc. for the Water System's Wildlife and Rain Garden Demonstration Site.**

To **authorize** the acceptance of a contribution in the amount of \$250.00 from the Master Gardener Volunteers of Cobb County, Inc. for the Water System's Wildlife and Rain Garden Demonstration Site; **authorize** corresponding budget transaction; and **further authorize** the Chairwoman to execute any necessary documents.

Funding will be made available with the following appropriations:

Increase Revenue Appropriations		
Other Local Revenue	500-500-5100-4506	\$250.00
Increase Expense Appropriations		
Landscaping Supplies	500-500-5114-6178	\$250.00

Transportation

13. **To approve a multi-year contract with Public Facilities & Services, Inc., for Cleaning Services for Bus Stops, Shelters, Park-and-Ride Lots, and Administrative Office Grounds, CCDOT Contract No. 002125.**

To **approve** a three-year contract, to include two one-year renewal options, with Public Facilities & Services, Inc., for Cleaning Services for Bus Stops, Shelters, Park-and-Ride Lots, and Administrative Office Grounds, CCDOT Contract No. 002125; **authorize** the corresponding budget transaction for year one contracted services, in an amount not to exceed \$986,133.00; and **further authorize** the Chairwoman to execute the necessary documents.

Federal and local match funding for year one of the multi-year contract with Public Facilities & Services, Inc., is available in the approved Transit Grant Fund, with the following budget transfer:

Transfer from:	203-050-T085-8005	Preliminary Estimate	\$986,133.00
Transfer to:	203-050-T085-6326	Professional Services	\$986,133.00

14. **To approve Project No. T086-TO#2 to the 2022 Master Task Order Contract with WSP USA, Inc., for CobbLine Fleet Inspections and Thermal Event Assessments, CCDOT Contract No. 002116.**

To **approve** Project No. T086-TO#2 to the 2022 Master Task Order Contract with WSP USA, Inc., in an amount not to exceed \$266,065.50, for CobbLine Fleet Inspections and Thermal Event Assessments, CCDOT Contract No. 002116; **authorize** the corresponding budget transaction; and **further authorize** the Chairwoman to execute the necessary documents.

Federal and local match funding is available in the Transit Grant Fund, with the following budget transfer:

Transfer from:	203-050-T086-8005	Preliminary Estimate	\$266,065.50
Transfer to:	203-050-T086-6326	Professional Services	\$266,065.50

15. **To approve Change Order No. 1 (final) to the contract with Glosson Enterprises, LLC for Concrete Repairs: Districts 1 and 4, Project No. TR528, CCDOT Contract No. 001976.**

To **approve** Change Order No. 1 (final) to the contract with Glosson Enterprises, LLC, a savings to the project in the amount of \$33,424.82, for Concrete Repairs: Districts 1 and 4, Project No. TR528, CCDOT Contract No. 001976; **authorize** the corresponding budget transaction; and **further authorize** the Chairwoman to execute the necessary documents.

A savings to the Public Facility Projects Fund, with the following budget transfer:

Decrease Encumbrance			
GAE 38009132217:	380-050-4605-4605-8762-TR528-C	Turnkey Construction	\$33,424.82
Transfer from:	380-050-4605-4605-8762-TR528-C	Turnkey Construction	\$33,424.82
Transfer to:	380-050-4605-4605-6512-TR528-O	Contracted Services	\$33,424.82

Public Services Agency

PARKS

16. **To approve a Memorandum of Understanding with Atlanta Youth Tennis & Education Foundation for programming at Fair Oaks Tennis Center.**

To **approve** a Memorandum of Understanding with Atlanta Youth Tennis & Education Foundation (AYTEF) to define the programming and usage at Fair Oaks Tennis Center located at 1460 West Booth Road Extension, Marietta, Ga 30008; and **authorize** the Chairwoman to execute the necessary documents.

Support Services Agency

Property Management

17. **To approve a contract with S. Edwards, LLC, d/b/a ARX Commercial, for roof replacement at Cobb & Douglas Public Health Headquarters, a capital improvement project.**

To **approve** a contract with S. Edwards, LLC, d/b/a ARX Commercial, in the amount of \$489,266.00, for roof replacement at Cobb & Douglas Public Health Headquarters, located at 1650 County Services Pkwy, Marietta; **authorize** a contingency, in the amount of \$48,926.00; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Funding is available in the Property Management Capital Improvement budget as follows:

381-110-PM03-8111-PM2301-A (Roofing installations) \$538,192.00

Create GAE as follows:

Create Line 1 in the amount of \$489,266.00

Create Line 2 in the amount of \$ 48,926.00

18. **To authorize installation of HVAC chiller equipment at Superior Court, a capital improvement project.**

To **authorize** installation of HVAC chiller equipment, in the amount of \$425,508.00, by Maxair Mechanical, Inc., at Superior Court, located at 70 Haynes Street, Marietta, **authorize** execution by Purchase Order through the Purchasing Department; **authorize** a contingency, in the amount of \$42,550.00; and **further authorize** the corresponding budget transactions.

Funding is available in the Property Management Capital Improvement budget as follows:

381-110-PM01-8435-P2202-A (HVAC)	\$425,508.00
381-110-PM01-8135-P2202-A (Other Capital Exp-Contingency)	\$ 42,550.00

19. **To approve Supplemental Agreement No. 1 to the contract with Garland/DBS, Inc., for exterior work at Powder Springs Station.**

To **approve** Supplemental Agreement No. 1, in the amount of \$19,233.21, to the contract with Garland/DBS, Inc., for exterior work at Powder Springs Station, located at 1150 Powder Springs Street, Marietta; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Funding is available in the Property Management Capital Improvement budget as follows:

381-110-PM02-8111-PM2308-A (Roofing installations)	\$19,223.21
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Increase GAE 01009142125 in the amount of \$19,223.21

Public Safety Agency

20. **To approve a Memorandum of Understanding between Cobb County and the Atlanta Regional Commission for the acceptance of equipment, software, and maintenance.**

To **approve** the Memorandum of Understanding between Cobb County and the Atlanta Regional Commission for the acceptance of equipment, software, and maintenance with a total value not to exceed \$779,295.00 and **authorize** the Chairwoman to execute the necessary documents.

Fire and Emergency Services

21. **To authorize the acceptance of an in-kind donation from the Cobb Professional Fire Fighters Local 2563.**

To **authorize** the acceptance of an in-kind donation from the Cobb Professional Fire Fighters Local 2563; and **further authorize** the Chairwoman to execute the necessary documents.

911 Emergency Communications

22. **To approve a Radio System User's License Agreement with Life University's Campus Police Department, for access to the Cobb County Regional Radio System.**

To **approve** a Radio System User's License Agreement with Life University to provide access to the Cobb County Regional Radio System; **authorize** the corresponding budget transactions, and **further authorize** the Chairwoman to execute the necessary documents.

The user fees received from Life University will be appropriated in the General Fund as follows:
010-130-1900-4506 (Other Local Revenue)

Medical Examiner

23. **To approve a Memorandum of Understanding (MOU) between the Federal Drug Enforcement Administration (DEA) and the Cobb County Medical Examiner's Office, which allows participation in sharing information for input into the National Forensic Laboratory Information System (NFLIS) following all HIPPA guidelines.**

To **approve** this Memorandum of Understanding between the Drug Enforcement Administration and Cobb County Medical Examiner's Office for the purpose of information gathering and sharing, and **further authorize** the Chairwoman to execute the necessary documents.

Finance

24. **To adopt a resolution adopting all budget amendments set forth in agenda items on this date.**

To **adopt** a resolution adopting all budget amendments set forth in agenda items on this date. A copy of said resolution is attached and made a part of these minutes.

CDBG

25. **To accept and allocate additional funding for the Community Services Block Grant program provided by the Georgia Department of Human Services.**

To **accept** and allocate additional funding for the Community Services Block Grant program provided by the Georgia Department of Human Services; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

The budget appropriations, account for the additional funds in the amount of \$76,194.82.

26. **To accept allocations based upon the final grant award for Community Development Block Grant, HOME Investment Partnerships Act, and Emergency Solutions Grant programs.**

To **accept** allocations based upon the final grant award for Community Development Block Grant, HOME Investment Partnerships Act, and Emergency Solutions Grant programs; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

The funding levels and final budget structure, as depicted in Attachments A, B, and C are based on final allocations of PY2023 funding for CDBG, HOME, and ESG.

CDBG Program	\$3,365,472.00
HOME Program	\$1,605,088.00
ESG Program	\$277,436.00
Total	\$5,247,996.00

County Clerk

27. **To approve minutes.**

To **approve** the minutes from the following meetings:

- March 27, 2023 - Agenda Work Session
- March 28, 2023 - BOC Work Session
- March 28, 2023 - BOC Regular Meeting
- March 30, 2023 - HB489 Meeting

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CONSENT VOTE: **ADOPTED 5-0** (*Statements of Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes*)

REGULAR AGENDA

Water System

28. To approve a work order under the FY23 Stormwater Management Unit Price Contract with Ray Campbell Contracting Company, Inc. for 4728 North View Road, Program No. SW2243.

Motion by Birrell, second by Sheffield, to **approve** a work order under the FY23 Stormwater Management Unit Price Contract with Ray Campbell Contracting Company, Inc., in the amount of \$71,388.00, for 4728 North View Road, Program No. SW2243; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Transfer from:

Stormwater Multi-Year Budget

Drainage Contract R&M Service	510-500-5758-6496	SW9999-Z	\$33,695.00
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Transfer to:

4728 North View Road

Drainage Contract R&M Service	510-500-5758-6496	SW2243-C	\$33,695.00
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Funding is available in the 2022 SPLOST Transportation Improvements Program Fund, with the following budget transfer:

Transfer from:

Preliminary Estimates	348-050-B220-B220-8005-B2287-A	\$37,693.00
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Transfer to:

Turnkey Construction	348-050-B220-B220-8762-B2287-C	\$37,693.00
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The 2022 Special Purpose Local Option Sales Tax (SPLOST), adopted by the Board of Commissioners on July 14, 2020, provides for capital improvements, and anticipated corresponding budget funding to address, inter alia, Drainage System.

4728 North View Road is an eligible project/program under the Drainage System Component of the 2022 SPLOST Transportation Improvements (2022 Cobb SPLOST Renewal, pp. 1, 14). SPLOST funding for drainage system improvements will provide for the repair and replacement of existing drainage facilities within the county right-of-way.

SPLOST Component Summary as of March 1, 2023: Drainage System

Budget:	\$10,086.879.47	Encumbered/Expended	\$5,297,397.15
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VOTE: **ADOPTED 5-0** (*Statements of Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes*)

Transportation

29. **To ratify previous action by the County Manager authorizing emergency drainage repairs on Chimney Swift Circle, and approve Project No. B2283 to the 2021 Countywide Unit Price Contract with Chatfield Contracting, Inc., for said repairs, CCDOT Contract No. 001632.**

Motion by Birrell, second by Sheffield, to **ratify** previous action by the County Manager authorizing emergency drainage repairs on Chimney Swift Circle, in response to sinkholes; approve Project No. B2283 to the 2021 Countywide Unit Price Contract with Chatfield Contracting, Inc., in an amount not to exceed \$174,901.50, for said repairs, CCDOT Contract No. 001632; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Available in the 2022 SPLOST Transportation Improvements Program Fund, with the following budget transfer:

Transfer from:	348-050-B220-B220-8005-B2201-A	Preliminary Estimate	\$149,901.50
Transfer to:	348-050-B220-B220-8762-B2283-C	Turnkey Construction	\$149,901.50

The 2022 Special Purpose Local Option Sales Tax (SPLOST), adopted by the Board of Commissioners on July 14, 2020, provides for capital improvements, and anticipated corresponding budget funding to address, inter alia, Drainage System.

Chimney Swift Circle is an eligible project/program under the Drainage System Component of the 2022 SPLOST Transportation Improvements (2022 Cobb SPLOST Renewal, pp. 1, 14). SPLOST funding for drainage system improvements will provide for the repair and replacement of existing drainage facilities within the county right-of-way.

SPLOST Component Summary as of March 1, 2023: Drainage System

Budget:	\$10,086,879.47	Encumbered/Expended:	\$5,297,397.15
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Available in the Water System DOT Projects – Relocate Lines Adopted CIP Budget, with the following budget transfers:

Transfer from:	DOT Projects - Relocate Lines		
	510-500-5756-8005-W4069-Z	Preliminary Estimate	\$27,000.00
Transfer to:	Chimney Swift Circle - Utility Allow.		
	510-500-5756-6496-W5075-C	Drainage Contract R&M Svc.	\$25,000.00
	510-500-5756-8265-W5075-M	Materials and Supplies	\$ 1,500.00
	510-500-5756-8810-W5075-T	Contingency	<u>\$ 500.00</u>
		Total:	\$27,000.00

VOTE: ADOPTED 5-0 (*Statements of Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes*)

VOTE: ADOPTED 5-0 (*Statements of Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes*)

31. **To approve a contract with Brooks-Berry-Haynie and Associates, Inc., for Traffic Signal Upgrades at various locations, Project Nos. E5044, E5045, E5046, B2551, and B2552, CCDOT Contract No. 002043.**

Motion by Gambrill, second by Richardson, to **approve** a contract with Brooks-Berry-Haynie and Associates, Inc., in an amount not to exceed \$462,131.50, for Traffic Signal Upgrades for: Due West Road at Midway Road, Project No. E5044; Akers Mill Road at Overton Park Drive, Project No. E5045; Cumberland Parkway at Adams Lake Boulevard, Project No. E5046; Windy Ridge Parkway at Circle 75 Parkway, Project No. B2551; and Cumberland Boulevard at Akers Mill Road (South), Project No. B2552, CCDOT Contract No. 002043; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Available in the 2011 SPLOST Transportation Improvements Program Fund, with the following budget transfers:

Transfer from:	345-050-E005-E504-8761-E5044-C	Preliminary Estimate	\$125,000.00
	345-050-E005-E504-8761-E5045-C	Preliminary Estimate	\$ 2,307.50
Transfer to:	345-050-E005-E504-8771-E5044-O	Construction - Signalization	\$127,307.50
Transfer from:	345-050-E005-E504-8761-E5045-C	Preliminary Estimate	\$ 46,479.00
Transfer to:	345-050-E005-E504-8771-E5045-O	Construction - Signalization	\$ 46,479.00
Transfer from:	345-050-E005-E504-8761-E5046-C	Preliminary Estimate	\$ 96,852.92
	345-050-E005-E504-8761-E5045-C	Preliminary Estimate	\$ 8,587.08
Transfer to:	345-050-E005-E504-8771-E5046-O	Construction - Signalization	\$105,440.00

The 2011 Special Purpose Local Option Sales Tax (SPLOST), adopted by the Board of Commissioners on December 14, 2010, provides for capital improvements and anticipated corresponding budget funding to address, inter alia, Traffic Management, Traffic Signal Timing, and Planning.

Traffic Signals is an eligible project/program in the Congestion Relief and Mobility Improvements - Traffic Management, Traffic Signal Timing, and Planning Component of the 2011 SPLOST Transportation Improvements (Cobb County 2011 SPLOST, pp. 10, 22). Traffic Signals improvements include the upgrade of traffic signal infrastructure and optimization of traffic signal operation.

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To approve a contract with Brooks-Berry-Haynie and Associates, Inc., for Traffic Signal Upgrades at various locations, Project Nos. E5044, E5045, E5046, B2551, and B2552, CCDOT Contract No. 002043 (Cont.)

SPLOST Project Summary as of March 1, 2023: Due West Road at Midway Road Traffic Signal Upgrade (E5044)

Budget:	\$125,000.00	Expended:	\$0.00
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Adjusted SPLOST Project Summary, following requested budget transfer:

Adjusted Budget:	\$127,307.50
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SPLOST Project Summary as of March 1, 2023: Akers Mill Road at Overton Park Drive Traffic Signal Upgrade (E5045)

Budget:	\$60,000.00	Expended:	\$0.00
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SPLOST Project Summary as of March 1, 2023: Cumberland Parkway at Adams Lake Boulevard Traffic Signal Upgrade (E5046)

Budget:	\$96,852.92	Expended:	\$0.00
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Adjusted SPLOST Project Summary, following requested budget transfer:

Adjusted Budget:	\$105,440.00
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Available in the 2022 SPLOST Transportation Improvements Program Fund, with the following budget transfers:

Transfer from:	348-050-B250-B250-8005-B2550-A	Preliminary Estimate	\$136,810.00
Transfer to:	348-050-B250-B250-8771-B2551-O	Construction - Signalization	\$136,810.00

Transfer from:	348-050-B250-B250-8005-B2550-A	Preliminary Estimate	\$ 46,095.00
Transfer to:	348-050-B250-B250-8771-B2552-O	Construction - Signalization	\$ 46,095.00

The 2022 Special Purpose Local Option Sales Tax (SPLOST), adopted by the Board of Commissioners on July 14, 2020, provides for capital improvements, and anticipated corresponding budget funding to address, inter alia, Traffic Management, Transportation Technology, and Planning.

To approve a contract with Brooks-Berry-Haynie and Associates, Inc., for Traffic Signal Upgrades at various locations, Project Nos. E5044, E5045, E5046, B2551, and B2552, CCDOT Contract No. 002043 (Cont.)

Traffic Signal System Preservation is an eligible project/program in the Traffic Management, Transportation Technology, and Planning Component of the 2022 SPLOST Transportation Improvements (Cobb County 2022 SPLOST Renewal, pp. 1, 18). SPLOST funding for Traffic Management, Transportation Technology, and Planning will be used to replace and upgrade the county's traffic signal infrastructure, install traffic signals at locations that satisfy traffic signal warrant(s) as established in the current version of the Manual on Uniform Traffic Control Devices, optimize the operations of the traffic system, improve the county's transportation technology systems, and develop long/short-term planning strategies.

SPLOST Project Summary as of March 1, 2023: Windy Ridge Parkway at Circle 75 Parkway Traffic Signal Upgrade (B2551 - new project as of 04/11/23)

Budget:	\$0.00	Expended:	\$0.00
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Adjusted SPLOST Project Summary, following requested budget transfer:

Adjusted Budget:	\$136,810.00
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SPLOST Project Summary as of March 1, 2023: Cumberland Boulevard at Akers Mill Road (South) Traffic Signal Upgrade (B2552 - new project as of 04/11/23)

Budget:	\$0.00	Expended:	\$0.00
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Adjusted SPLOST Project Summary, following requested budget transfer:

Adjusted Budget:	\$46,095.00
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VOTE: **ADOPTED 5-0** (*Statements of Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes*)

32. **To authorize revision of the FY23 Federal Transit Administration Carbon Reduction Program grant budget for transit capital projects to utilize insurance proceeds received for a federally funded capital asset.**

Motion by Cupid, second by Richardson, to **authorize** revision of the FY23 Federal Transit Administration Carbon Reduction Program grant budget for transit capital projects to utilize insurance proceeds received for a federally funded capital asset; and **further authorize** the corresponding budget transactions.

Reduce receipt of FY23 Carbon Reduction Program grant funding in the Transit Grant Fund, as follows:

Decrease Revenue:	203-050-T065-4439	FTA 5307 - Capital	\$63,296.00
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Appropriate receipt of insurance settlement proceeds and transfer revenue to the Transit Grant Fund, as follows:

Increase Revenue:	202-050-4851-4930	Insurance Recoveries	\$55,440.00
Increase Expenditure:	202-050-4851-6594	Interfund Transfer - Expense	\$55,440.00

Increase Revenue:	203-050-T065-4960	Interfund Transfer - Revenue	\$55,440.00
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Additional local share funding is available in the Transit Grant Fund, with the following interfund transfer from the Public Facility Projects Fund:

Available:	380-050-4655-6594	Interfund Transfer - Expense	\$7,856.00
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Increase Revenue:	203-050-T065-4960	Interfund Transfer - Revenue	\$7,856.00
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VOTE: **ADOPTED 4-1**, Commissioner Gambrill opposed (*Statements of Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes*)

Public Services Agency

PARKS

33. To approve a contract with The Surface Masters, Inc. to provide construction services for Parking Lot Resurfacing – West Cobb Aquatic Center under the 2022 PARKS SPLOST Program.

Motion by Sheffield, second by Birrell, to **approve** a contract with The Surface Masters, Inc. to resurface the parking lot at West Cobb Aquatic Center, in an amount not to exceed \$182,912.00, under the 2022 PARKS SPLOST Program; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Funding is available for the 2022 PARKS SPLOST fund as follows:

348-105-B065-B0655C-8762 (Paving)	\$198,322.34
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The 2022 SPLOST, adopted by the Board of Commissioners on July 14, 2020, provides for capital improvements and anticipated corresponding budget funding to address, inter alia, PARKS Improvements.

PARKS Paving (Countywide) is an eligible project under the 2022 SPLOST (Cobb County 2022 SPLOST, Page 31). The resurfacing will re-establish the quality of the existing parking lot as well as avoid more expensive repairs in the future.

SPLOST Project Summary as of March 1, 2023:

Paving Budget:	\$1,000,000.00	Expended to Date:	\$198,322.34
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VOTE: **ADOPTED 5-0** (*Statements of Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes*)

34. To approve a contract with Axis Infrastructure, LLC for Professional Services for the Design, Cost Estimating, Bidding Assistance and Construction Administration services for a bridge and associated boardwalk at Leone Hall Price Park located at 4715 Stilesboro Road, Kennesaw, GA. 30152, under the 2016 PARKS SPLOST Program.

Motion by Gambrill, second by Richardson, to **approve** a contract with Axis Infrastructure, LLC in an amount not to exceed \$97,750.00, for Professional Services for Design, Cost Estimating, Bidding Assistance and Construction Administration Services for Leone Hall Price Park Bridge and associated boardwalk under the 2016 PARKS SPLOST Program; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Funding is available in the 2016 PARKS SPLOST Program as follows:

347-105-X060-X0600-E-8035 (Price Park) \$97,750.00

The 2016 SPLOST, adopted by the Board of Commissioners on July 22, 2014, provides for capital improvements and anticipated corresponding budget funding to address, inter alia, Parks, Recreation and Cultural Affairs Improvements.

Price Park is an eligible project under the 2016 PARKS SPLOST Program (Cobb County 2016 SPLOST, Page 30). The new bridge and boardwalk will provide park patrons with safe access to the South side of the park to enjoy walking and viewing nature.

SPLOST Project Summary as of March 1, 2023:

Budget:	\$1,149,000.00	Expended to Date:	\$448,997.50
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VOTE: ADOPTED 5-0 *(Statements of Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes)*

35. **To approve a contract with ABC Concrete Finishers, Inc. to provide construction services for Concrete Cart Path Replacement at Cobblestone Golf Course under the 2022 PARKS SPLOST Program.**

Motion by Gambrill, second by Richardson, to **approve** a contract with ABC Concrete Finishers, Inc. to replace concrete cart paths at Cobblestone Golf Course, in an amount not to exceed \$215,430.97, under the 2022 PARKS SPLOST Program; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Funding is available in the 2022 PARKS SPLOST fund as follows:

348-105-B061-B0616 C	(Cobblestone Golf Course)	\$215,430.97
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The 2022 SPLOST, adopted by the Board of Commissioners on July 14, 2020, provides for capital improvements and anticipated corresponding budget funding to address, inter alia, PARKS Improvements.

Cobblestone Golf Course is an eligible project under the 2022 SPLOST (Cobb County 2022 SPLOST, Page 35). Replacing the cart paths will restore the safety and stability of the paths.

SPLOST Project Summary as of March 1, 2023:

Paving Budget:	\$250,000.00	Expended to Date:	\$34,569.03
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VOTE: ADOPTED 5-0 *(Statements of Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes)*

County Attorney

36. To adopt a Resolution authorizing Cobb County to settle the below litigation case as to Defendants Teva, Allergan, Walmart, Walgreens and CVS (collectively referred to as “New Opioid Settlements”), to agree to the terms of a Memorandum of Understanding between the State of Georgia and Georgia subdivisions regarding the New Opioid Settlements, the form of which is identical in all material respects to the “State of Georgia and Local Governments: Memorandum of Understanding (MOU) Concerning National Distributor and Johnson & Johnson Opioid Settlements” previously agreed to by the County, and to enter into that MOU with the State of Georgia; to authorize Finance to create a segregated bank account and unit and designated fund for receipt of settlement proceeds; and authorize County Attorney H. William Rowling, Jr., to execute all necessary settlement documents.

Motion by Cupid, second by Richardson, to **adopt** a Resolution authorizing Cobb County to settle the below litigation case as to Defendants Teva, Allergan, Walmart, Walgreens and CVS, to agree to the terms of a Memorandum of Understanding between the State of Georgia and Georgia subdivisions regarding the New Opioid Settlements, the form of which is expected to be identical in all material respects to the “State of Georgia and Local Governments: Memorandum of Understanding (MOU) Concerning National Distributor and Johnson & Johnson Opioid Settlements” previously agreed to by the County, and to enter into that MOU with the State of Georgia; **authorize** Finance to create a segregated bank account and unit and designated fund for receipt of settlement proceeds; and **further authorize** County Attorney H. William Rowling, Jr., to execute all necessary settlement documents. A copy of said resolution is attached and made a part of these minutes.

Settlement funds will be received and placed in a segregated bank account and unit and designated fund.

VOTE: **ADOPTED 4-1**, Commissioner Gambrill (*Statements of Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes*)

PUBLIC COMMENT

APPOINTMENTS

37. To approve the reappointment of Patti Lee to the Civil Services Board.

Motion by Cupid, second by Richardson, to **approve** the reappointment of Patti Lee to the Civil Services Board for a four-year term to expire on March 31, 2027.

VOTE: **ADOPTED 5-0** (*Statements of Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes*)

38. **To announce the appointment of Dr. Jaha Howard to the Transit Advisory Board.**

Chairwoman Cupid **announced** the appointment of Dr. Jaha Howard to the Transit Advisory Board for a two-year term to expire on February 13, 2025. This appointment will replace Ronald Roberts.

39. **To announce the reappointment of Alice Summerour to the Board of Zoning Appeals.**

Commissioner Birrell **announced** the reappointment of Alice Summerour to the Board of Zoning Appeals for a four-year term to expire on December 31, 2026.

Clerk's Note: Chairwoman Cupid called for a brief recess at 10:35 a.m. through 10:50 a.m.

COMMUNITY DEVELOPMENT HEARINGS

40. **To conduct an appeal hearing, pursuant to the appeal filed by the opposition, regarding OM Enterprises 9, LLC d/b/a Benson Food Mart, 2338 Benson Poole Rd., Smyrna, Georgia 30082, Arumkumar Mehta, licensee, regarding the License Review Board's decision recommending approval of the beer, wine and Sunday sales package licenses for Benson Food Mart.**

Bill Rowling, County Attorney, opened the appeal hearing, pursuant to the appeal filed by the opposition, regarding the License Review Board's recommendation to approve the beer, wine and Sunday sales package licenses for OM Enterprises 9, LLC d/b/a Benson Food Mart, 2338 Benson Poole Rd., Smyrna, Georgia 30082, Arumkumar Mehta, licensee.

Chairwoman Cupid requested a count of those in favor and those opposed to this application; 17 attendees were in support and zero in opposition.

Jamie Wingler, attorney for the Business License Division, presented an overview and opening remarks.

Parks Huff, attorney for the applicant, presented opening remarks.

Mr. Wingler called Ms. Ellisia Webb, Business License Division Manager, to testify; Mr. Huff questioned Ms. Webb

Mr. Huff called the applicant, Sonny Mehta, for questioning and tendered letters of support. The Board questioned Mr. Mehta.

Mr. Huff provided closing remarks.

The Board asked additional questions and the following motion was made:

Motion by Sheffield, second by Birrell, to **uphold** the administrative denial of the application for the beer, wine and Sunday sales package licenses for OM Enterprises 9, LLC d/b/a Benson Food Mart, 2338 Benson Poole Rd., Smyrna, Georgia 30082, Arumkumar Mehta, licensee.

VOTE: **ADOPTED 4-1**, Commissioner Gambrill opposed (*Statements of Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes*)

**MINUTES OF REGULAR MEETING
COBB COUNTY BOARD OF COMMISSIONERS
APRIL 11, 2023
9:00 AM**

Page | 23

41. To conduct an appeal hearing, pursuant to the appeal filed by the opposition, regarding El Atoron Corporation d/b/a El Barco Marisqueria, 2200 Powder Springs Road, Ste. 100, Marietta, GA 30064, Yureli Juarez Diaz, licensee, regarding the License Review Board's decision recommending approval of the beer and Sunday sales pouring licenses for El Barco Marisqueria.

Bill Rowling, County Attorney, stated the applicant would like to address the Board, regarding withdrawal of the Cobb County beer and Sunday Sales pouring license application for El Atoron Corporation d/b/a El Barco Marisqueria, 2200 Powder Springs Road, Ste. 100, Marietta, GA 30064, Yureli Juarez Diaz, licensee.

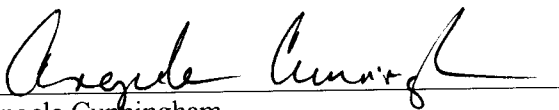
The applicant requested to withdraw her application and the following motion was made:

Motion by Sheffield, second by Cupid, to **withdraw without prejudice** the Cobb County beer and Sunday Sales pouring license application for El Atoron Corporation d/b/a El Barco Marisqueria, 2200 Powder Springs Road, Ste. 100, Marietta, GA 30064, Yureli Juarez Diaz, licensee.

VOTE: **ADOPTED 5-0** (*Statements of Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes*)

ADJOURNMENT

The meeting was adjourned at 11:38 a.m.


Angela Cunningham
Deputy County Clerk
Cobb County Board of Commissioners

Commissioner Birrell's statement

I do not support the Home Rule Challenge of the majority of this board. It is unconstitutional and illegal. I voted against the amended map three times in 2022 (1/25/22, 10/11/22 and 10/25/22).

I have a duty to represent my constituents and will not have my vote suppressed as I was duly elected on November 8, 2022 under the state map (HB 1154) voted on by the Georgia General Assembly in February 2022 and signed into law by Governor Kemp on March 2, 2022 and certified by the Board of Elections on November 15, 2022.

Commissioner Gambrill's statement

When the Board first entered Executive Session in March 2022 to discuss the "Home Rule" challenge, I challenged the County Attorney's Office on the premise and requested outside counsel to be sought.

While the County Attorney's Office claims the Association of County Commissioners of Georgia (ACCG) provided legal advice, I too am in receipt of the documents from the ACCG regarding Home Rule, to which it clearly defines the limit of this Board's Constitutional powers as to redistricting. I also contend that the Board of Commissioners did not follow the Home Rule challenge in its entirety.

In addition, the Georgia Supreme Court has ruled that the GA Constitution limits legislative action by the Board of Commissioners to matters for which no provision has been made by general law. Furthermore, the "Home Rule" powers granted to the Board of Commissioners do not extend to any matters which the Georgia General assembly by general law has preempted, like the redistricting map here in Cobb Co. Commissioners of Wayne Co. v. Smith 240 Ga. 540 (1978); Brophy v. McCranie 264 Ga. 187 (1994).

In fact, even in Federal Court in Georgia, the court has ruled the General Assembly is the only legislative body with the power to enact redistricting legislation for the counties; therefore, where the General Assembly failed to enact reapportionment legislation for a certain county, although it was entitled to consideration as an expression of county policy, a reapportionment plan proposed by a county was not a legislatively enacted plan requiring deferential treatment and the district court was required to fashion a reapportionment plan. Bodker v. Taylor, 2002 U.S. Dist. LEXIS 27447 (N.D. Ga. June 5, 2002). In January, Georgia State Attorney General, Chris Carr stated that the Cobb County Commission's move to amend its electoral redistricting map is "inappropriate and not legally binding."

Per the letter dated December 22, 2022, from C. Ryan Germany, General Counsel for the Office of the Secretary of State, "you should not consider the ministerial function of filing the Amendment with our office or the publishing of the Amendment to the a comment on whether the Amendment is allowable under state law or a proper exercise of the authority by the Cobb County Commission, nor should you rely on this to attempt to establish the validity of the Amendment." "In fact" he continues "it appears that the Amendment is very likely an unauthorized exercise of authority by the Cobb County Commissioner that does not comply to Georgia Law or the State Constitution.

With the majority of this Board's actions on October 25, 2022 and the resulting filing and recording with the Office of the Secretary of State on October 26, 2022, the boundaries of the districts from which county commissioners were elected in Districts 1 and 3 were changed (14) days prior to the General Election, and eight (8) days after early voting had begun using district boundaries for Districts 1 and 3 as approved by the Governor.

Furthermore, the Board of Elections certified the election of Commissioners in District 1 and 3 using the map as approved by the Governor on March 2, 2022 on November 15, 2022 and not the maps that the Board of Commissioners made effective on October 26, 2022.

In a letter dated October 3, 2022 Deputy Legislative Counsel D. Stuart Morelli, "It is practically indisputable that a county home rule resolution or ordinance changing the boundaries of the districts from which county commissioners are elected would be an action affecting the procedure for the election of the county's governing authority. O.C.G.A. 36-35-4.1, no such statutory authority exists for Georgia counties.

In January, I was unjustifiably removed from this dais and prevented from representing my constituents and carrying out the duties I was elected to perform, based on an opinion that is not supported by law or policies of this Board.

Quotes by DaShanne Stokes, "Leadership by deception isn't leadership. It's fraud. Truth is hard, propaganda is cheap."

While I am here representing my constituents and fulfilling my duties as an elected official, I hereby request the clerk to attach this statement to each vote that is recorded herein.

COBB COUNTY BOARD OF COMMISSIONERS

RESOLUTION

ADOPTING ALL BUDGET AMENDMENTS SET
FORTH IN AGENDA ITEMS ON THIS DATE

WHEREAS, Georgia Law, O.C.G.A. § 36-81-3 (b), requires each unit of government to operate under an annual balanced budget adopted by ordinance or resolution; and

WHEREAS, Cobb County Code 2-49 provides for revisions to the adopted budget during the year only by formal action of the commission in a regular meeting; and

WHEREAS, in official opinion date February 24, 1999, the Attorney General of the State of Georgia concluded that all amendments to the budgets of local government must be adopted by ordinance or resolution;

NOW, THEREFORE, BE IT RESOLVED the Cobb County Board of Commissioners does hereby adopt all such budget amendments as are set forth in agenda items which are adopted by the Board of Commissioners without change this date, as well as other such budget amendments as shall be specifically detailed in motions adopted by the Board of Commissioners this date.

This 11th of April 2023

Resolution Authorizing Cobb County to Enter Into the Settlement Agreements with Teva, Allergan, CVS, Walgreens and Walmart; Agreeing to be the Terms of State of Georgia and Local Governments: Memorandum of Understanding Concerning National Settlements with Teva, Allergan, Walmart, CVS and Walgreens; and Authorizing Entry Into that MOU with the State of Georgia.

WHEREAS, in 2018, the County Board of Commissioners authorized Cobb County (the "County") to enter into an engagement agreement with Crueger Dickinson LLC, Simmons Hanly Conroy LLC and von Briesen & Roper, s.c., (the "Law Firms") to pursue litigation against certain manufacturers, distributors, and retailers of opioid pharmaceuticals (the "Opioid Defendants") in an effort to hold the Opioid Defendants financially responsible for the impact of the Opioid Epidemic on the County and to secure resources necessary to combat the opioid epidemic;

WHEREAS, on behalf of the County, the Law Firms filed a lawsuit against the Opioid Defendants in 2018 and have been litigating against Opioid Defendants since that time;

WHEREAS, in November 2021, the County Board of Commissioners approved and authorized the settlement and release of the County's claim against Defendants McKesson Corporation, Cardinal Health, Inc., AmerisourceBergen Corporation, Johnson & Johnson, Janseen Pharmaceuticals, Inc., Ortho-McNeil-Janssen Pharmaceuticals, Inc., and Janssen Pharmaceutica, Inc. (collectively referred to as the "National Distributor and J&J Settlements") in exchange for the consideration set forth in the Settlement Agreements and according to the terms set forth in the State of Georgia and Local Governments: Memorandum of Understanding (MOU) Concerning National Distributor and Johnson & Johnson Opioid Settlements ("2022 Allocation MOU");

WHEREAS, since the National Distributor and J&J Settlements were entered, Defendants Teva, Allergan, CVS, Walgreens, and Walmart (collectively referred to as the "New Settling Defendants") have resulted in new proposed nationwide settlements of state and local government claims involved in the Litigation;

WHEREAS, the proposed terms of those proposed nationwide settlements have been set forth in the Teva Settlement Agreement, Allergan Settlement Agreement, Walgreens Settlement Agreement, Walmart Settlement Agreement, and CVS Settlement Agreement (collectively "New Settlement Agreements");

WHEREAS, copies of the New Settlement Agreements, as well as summaries of the main terms of the New Settlement Agreements, are available at <https://nationalopioidsettlement.com/>;

WHEREAS, the New Settlement Agreements provide, among other things, for the payment of a certain sum to settling government entities in Georgia, including to the State of Georgia and Participating Subdivisions, as that term is defined in the New Settlement Agreements, upon occurrence of certain events as defined in the New Settlement Agreements ("State Opioid Funds");

WHEREAS, the Law Firms have engaged in extensive discussions with counsel for the Participating Subdivisions and the State Attorney General's Office ("AGO") as to how the State Opioid Funds will be allocated, which has resulted in the proposed State of Georgia and Local Governments: Memorandum of Understanding Concerning National Settlements with Teva Pharmaceutical Industries Ltd., Allergan Finance, LLC, Walmart Inc., CVS Health Corporation and CVS Pharmacy, Inc., and Walgreen Co. ("2023 Allocation MOU"), which is an agreement between all of the entities identified in the Allocation MOU;

WHEREAS, a copy of the 2023 Allocation MOU has been provided to the County;

WHEREAS, the 2023 Allocation MOU is identical in all material respects to the 2022 Allocation MOU previously agreed to by the County;

WHEREAS, if the County elects to become a Participating Subdivision in the New Settlement Agreements, it will receive the benefits associated with the New Settlement Agreements and 2023 Allocation MOU, provided the County (a) approves the New Settlement Agreements; (b) executes the Participation Forms stating the County's intention to be bound by the New Settlement Agreements; (c) approves the 2023 Allocation MOU; and (d) executes the Acknowledgement and Agreement to be Bound to Memorandum of Understanding necessary to execute the 2023 Allocation MOU;

WHEREAS, the intent of this Resolution is to authorize the County to enter into the New Settlement Agreements by executing the Participation Forms and to enter into the 2023 Allocation MOU by executing the Acknowledgement and Agreement to be Bound to Memorandum of Understanding necessary to execute the 2023 Allocation MOU;

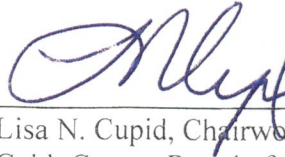
NOW, THEREFORE, BE IT RESOLVED: the County Board of Commissioners hereby approves and authorizes the settlement and release of the County's claims against the New Settling Defendants in exchange for the consideration set forth in the New Settlement Agreements, 2023 Allocation MOU and all exhibits thereto, and directs County Attorney, H. William Rowling, Jr., to execute the following documents:

1. The Participation Forms to the New Settlement Agreements and any and all documents ancillary thereto, which can be executed via DocuSign (the preferred method).
2. The 2023 Allocation MOU by executing the Acknowledgement and Agreement to be Bound to Memorandum of Understanding.

BE IT FURTHER RESOLVED: authorizing Finance to create a segregated bank account and unit and designated fund for receipt of settlement proceeds

BE IT FURTHER RESOLVED: that all actions heretofore taken by the Board of Commissioner and other appropriate public officers and agents of the County with respect to the matters contemplated under this Resolution are hereby ratified, confirmed and approved.

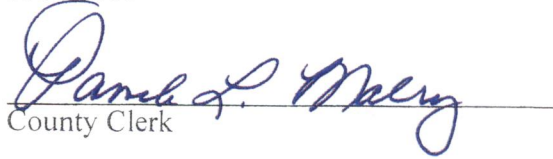
Adopted by the Cobb County Board of Commissioners this 11th day of April, 2023.



Lisa N. Cupid, Chairwoman
Cobb County Board of Commissioners



ATTEST:



County Clerk

APPROVED
PER MINUTES OF
COBB COUNTY
BOARD OF COMMISSIONERS

4/11/23