

**MINUTES OF REGULAR MEETING
COBB COUNTY BOARD OF COMMISSIONERS
MAY 23, 2023
7:00 PM**

The Regular Meeting of the Cobb County Board of Commissioners was held on Tuesday, May 23, 2023 at 7:00 p.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 – Not present
Commissioner Keli Gambrill
Commissioner Jerica Richardson
Commissioner Monique Sheffield

CALL TO ORDER

Chairwoman Cupid called the meeting to order at 7:04 p.m.

MOTION TO ADD NON-AGENDA ITEMS

Motion by Cupid, second by Richardson, to **approve** the addition of the following non-agenda items (See Item 6-8 of these minutes);

- *To present a proclamation designating May as Mental Health Awareness Month in Cobb County.*
- *To present a proclamation designating May as Foster Care Awareness Month in Cobb County*
- *To present Certificates of Achievement to the East Marietta 17 & Under Boys Basketball Team to recognize their winning the Georgia Recreation and Park Association (GRPA) Class A State Basketball Championship.*

VOTE: **ADOPTED 4-0**, Commissioner Birrell not present (*Commissioner Gambrill's statement is attached and made a part of these minutes*)

Motion by Cupid, second by Richardson, to **approve** the addition of the following non-agenda item to be added to the end of the Consent Agenda;

- *To approve settlement of a workers' compensation claim on behalf of James Ronald Puckett.*

Clerk's Note: *Prior to the vote, Commissioner Gambrill requested the following statements on file in the County Clerk's office be attached to each vote and made a part of these minutes.*

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.

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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.

VOTE: ADOPTED 4-0, Commissioner Birrell not present (Commissioner Gambrell's statement is attached and made a part of these minutes)

PRESENTATIONS

1. **To present a proclamation recognizing Ta'Kari Tatum for his efforts to bring awareness about mental health issues.**

Commissioner Sheffield presented a proclamation recognizing Ta'Kari Tatum for his continued work in bringing awareness to mental illness and his devotion to helping others learn to cope by snapping it.

2. **To present a proclamation designating May 21-27, 2023 as *National Public Works Week* in Cobb County.**

Chairwoman Cupid presented a proclamation designating May 21-27, 2023 as *National Public Works Week* in Cobb County, and recognize the dedicated efforts of Cobb County's engineers, managers, and employees at all levels of government and the private sector who are responsible for planning, designing, rebuilding, improving, and protecting the infrastructure and facilities that are essential to the health, safety and comfort of our citizens.

3. **To present Certificates of Recognition to Chairwoman Cupid's Youth Commission graduating class of 2023.**

Chairwoman Cupid presented Certificates of Recognition to the Youth Commission graduating class of 2023.

4. **To recognize the Georgia Public Health Association (GPHA) award recipients.**

Chairwoman Cupid and Lisa Crossman, Cobb/Douglas Public Health Deputy Director, recognized the Georgia Public Health Association (GPHA) award recipients.

5. **To present a proclamation recognizing the end of the Federal State of Emergency for the pandemic and to thank all the health/health care, other professionals and residents who helped during the past three years.**

Lisa Crossman, Cobb/Douglas Public Health Deputy Director, recognized the end of the Federal State of Emergency for the pandemic and Chairwoman Cupid presented a proclamation.

6. **To present a proclamation designating May as *Mental Health Awareness Month* in Cobb County.**

Commissioner Sheffield presented a proclamation on behalf of Commissioner Birrell to the Cobb Collaborative designating May as *Mental Health Awareness Month* in Cobb County.

7. **To present a proclamation designating May as *Foster Care Awareness Month* in Cobb County**

Commissioner Gambrell presented a proclamation designating May as *Foster Care Awareness Month* in Cobb County.

8. **To present Certificates of Achievement to the East Marietta 17 & Under Boys Basketball Team to recognize their winning the Georgia Recreation and Park Association (GRPA) Class A State Basketball Championship.**

Commissioner Richardson presented Certificates of Achievement to the East Marietta 17&U Boys Basketball team for winning the GRPA Class A State Basketball Championship.

PUBLIC HEARING

9. **To conduct a public hearing on the proposed Cobb County Strategic Plan.**

Jimmy Gisi, Deputy County Manager, requested a public hearing regarding the proposed Cobb County Strategic Plan.

Chairwoman Cupid opened the Public Hearing and asked those wishing to speak to come forward to address the Board. Following 12 speakers, the public hearing was closed.

No official action was taken by the Board.

PUBLIC COMMENT

1. Karen Fin addressed the Board regarding rental housing crisis.
2. Monica Delancy addressed the Board regarding rental assistance.
3. Michael Garza addressed the Board regarding systemic equal education in Cobb.
4. Debbie Fisher addressed the Board regarding the Strategic Plan and Chrysalis Lab's Work Session presentation.
5. Christine Rozman addressed the Board regarding the Atlanta Regional Commission and Chrysalis Lab's Work Session presentation.
6. Leroy Emkin addressed the Board regarding critical race theory.

Commissioner Cupid called for a brief recess at 8:47 p.m.; the meeting reconvened at 8:53 p.m.

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.

Water System

10. **To approve final funding for the work order under the FY21-FY22 Unit Price Contract for Water, Sewer, and Miscellaneous Services with Site Engineering, Inc. for Dunn Hill Acres Dry Sewer Activation, Program No. S1140.**

To **approve** final funding for the work order under the FY21-FY22 Unit Price Contract for Water, Sewer, and Miscellaneous Services with Site Engineering, Inc., a savings to the work order in the amount of \$9,914.47, for Dunn Hill Acres Dry Sewer Activation, Program No. S1140; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

No additional funding is required for the Water System's Dunn Hill Acres Dry Sewer Activation, Program No. S1140.

Decrease Encumbrance:

GAE 51002222213	510-500-5755-8260	S1140-C	\$9,914.47
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Transfer from:

Dunn Hill Acres Dry Sewer Activation

Construction	510-500-5755-8260	S1140-C	\$ 9,914.47
Materials & Supplies	510-500-5755-8265	S1140-M	\$ 1,000.00
Contingency	510-500-5755-8810	S1140-T	<u>\$ 3,350.00</u>
Total			\$14,264.47

Transfer to:

Sanitary Sewer for Septic Tank Subdivisions

Preliminary Estimates	510-500-5755-8005	S2512-Z	\$14,264.47
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11. **To approve an agreement with Geosyntec Consultants, Inc. for consulting services for Glenleigh Park Detention Pond Wall Foundation Failure Repair Design, Program No. SW1994.**

To **approve** an agreement with Geosyntec Consultants, Inc. in the amount of \$184,908.00 for consulting services for Glenleigh Park Detention Pond Wall Foundation Failure Repair Design, Program No. SW1994; **authorize** the corresponding budget transaction; and **further authorize** the Chairwoman to execute the necessary documents.

Funding is available in the Water System's CIP Budget as follows:

Transfer from:

Stormwater Multi-Year Budget

Drainage Contract R&M Service	510-500-5758-6496	SW9999-Z	\$184,908.00
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Transfer to:

Glenleigh Park Detention Pond Wall Foundation Failure Repair Design

Engineering-Basic Fees	510-500-5758-8225	SW1994-E	\$184,908.00
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12. **To approve a construction contract with CaJenn Construction & Rehabilitation Services, Inc. for FY23 Stormwater Drain Rehabilitation, Program No. SW2238.**

To **approve** a construction contract with CaJenn Construction & Rehabilitation Services, Inc., in the amount of \$1,861,960.00, for FY23 Stormwater Drain Rehabilitation, Program No. SW2238; **authorize** the corresponding budget transaction; and **further authorize** the Chairwoman to execute the necessary documents.

Funding is available in the Water System's CIP Budget as follows:

Transfer from:

Stormwater Multi-Year Budget

Drainage Contract R&M Service	510-500-5758-6496	SW9999-Z	\$1,861,960.00
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Transfer to:

FY23 Stormwater Drain Rehabilitation

Construction	510-500-5758-8260	SW2238-C	\$1,861,960.00
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Transportation

13. **To approve Work Order No. G1 to the Master Contract with Crawford, Murphy, and Tilly, Inc., for design and bidding services for Air Traffic Control Tower Equipment Upgrades at Cobb County International Airport – McCollum Field, CCDOT Contract No. 002161.**

To **approve** Work Order No. G1 to the Master Contract with Crawford, Murphy, and Tilly, Inc., in an amount not to exceed \$90,010.00, for design and bidding services for Air Traffic Control Tower Equipment Upgrades at Cobb County International Airport – McCollum Field, CCDOT Contract No. 002161; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Available in the Grant Fund with the following interfund transfer from the Airport Division's FY23 Fund Balance Reserves account:

Decrease Expenditure:	010-050-0720-8852	Airport Fund Balance Reserves	\$90,010.00
Increase Expenditure:	010-050-0720-6594	Interfund Transfer - Expense	\$90,010.00
Increase Revenue:	270-050-A108-4960	Interfund Transfer - Revenue	\$90,010.00
Increase Expenditure:	270-050-A108-6314	Engineering	\$90,010.00

14. **To approve Work Order No. G2 to the Master Contract with Crawford, Murphy, and Tilly, Inc., for Airport Boundary Survey at Cobb County International Airport – McCollum Field, CCDOT Contract No. 002162.**

To **approve** Work Order No. G2 to the Master Contract with Crawford, Murphy, and Tilly, Inc., in an amount not to exceed \$83,866.00, for Airport Boundary Survey at Cobb County International Airport – McCollum Field, CCDOT Contract No. 002162; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Available in the Grant Fund with the following interfund transfer from the Airport Division's FY23 Fund Balance Reserves account:

Decrease Expenditure:	010-050-0720-8852	Airport Fund Balance Reserves	\$83,866.00
Increase Expenditure:	010-050-0720-6594	Interfund Transfer - Expense	\$83,866.00
Increase Revenue:	270-050-A109-4960	Interfund Transfer - Revenue	\$83,866.00
Increase Expenditure:	270-050-A109-6314	Engineering	\$83,866.00

15. **To approve Work Order No. G3 to the Master Contract with Crawford, Murphy, and Tilly, Inc., for design and bidding services for Airport Obstruction Removal at Cobb County International Airport – McCollum Field, CCDOT Contract No. 002163.**

To **approve** Work Order No. G3 to the Master Contract with Crawford, Murphy, and Tilly, Inc., in an amount not to exceed \$64,320.00, for design and bidding services for Airport Obstruction Removal at Cobb County International Airport – McCollum Field, CCDOT Contract No. 002163; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Available in the Grant Fund with the following interfund transfer from the Airport Division's FY23 Fund Balance Reserves account:

Decrease Expenditure:	010-050-0720-8852	Airport Fund Balance Reserves	\$64,320.00
Increase Expenditure:	010-050-0720-6594	Interfund Transfer - Expense	\$64,320.00
Increase Revenue:	270-050-A110-4960	Interfund Transfer - Revenue	\$64,320.00
Increase Expenditure:	270-050-A110-6314	Engineering	\$64,320.00

16. **To approve Work Order No. G4 to the Master Contract with Crawford, Murphy, and Tilly, Inc., for design and bidding services for Runway Lighting and Signage, and to update the Disadvantaged Business Enterprise Program Triennial Goal for Cobb County International Airport – McCollum Field, CCDOT Contract No. 002164.**

To **approve** Work Order No. G4 to the Master Contract with Crawford, Murphy, and Tilly, Inc., in an amount not to exceed \$93,421.00, for design and bidding services for Runway Lighting and Signage, and to update the Disadvantaged Business Enterprise Program Triennial Goal for Federal Fiscal Years 2024-2026 for Cobb County International Airport – McCollum Field, CCDOT Contract No. 002164; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Available in the Grant Fund with the following interfund transfer from the Airport Division's FY23 Fund Balance Reserves account:

Decrease Expenditure:	010-050-0720-8852	Airport Fund Balance Reserves	\$93,421.00
Increase Expenditure:	010-050-0720-6594	Interfund Transfer - Expense	\$93,421.00
Increase Revenue:	270-050-A111-4960	Interfund Transfer - Revenue	\$93,421.00
Increase Expenditure:	270-050-A111-6314	Engineering	\$93,421.00

17. **To approve Change Order No. 1 to the Transit System Award Agreement with First Transit, Inc., for a three-month contract extension for CobbLinc operations, maintenance, and administrative support services, CCDOT Contract No. 001576.**

To **approve** Change Order No. 1 to the Transit System Award Agreement with First Transit, Inc., in an amount not to exceed \$6,416,378.10, for a three-month contract extension for CobbLinc operations, maintenance, and administrative support services, effective July 1, 2023, through September 30, 2023; and **authorize** the Chairwoman to execute the necessary documents.

Available in the approved FY23 Transit Operating Budget, as follows:

Available:	200-050-4802-6327	Operator Service Fees	\$6,416,378.10
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18. **To approve a contract with Gracie Gray Contractors, Inc., for Bells Ferry Road at North Booth Road and approve Change Order No. 1 to said contract, Project No. TR527, CCDOT Contract No. 002041.**

To **approve** a contract with Gracie Gray Contractors, Inc., in an amount not to exceed \$446,076.20, for Bells Ferry Road at North Booth Road, Project No. TR527, CCDOT Contract No. 002041; **approve** Change Order No. 1 to said contract, in the deductive amount of \$96,081.40; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Available in the Public Facility Projects Fund, with the following budget transfers:

Transfer from:	380-050-4612-4612-8761-TR527-C	Preliminary Estimate	\$294,994.80
	380-050-4612-4612-8721-TR527-E	Preliminary Estimate	\$ 40,000.00
	380-050-4612-4612-8741-TR527-R	Preliminary Estimate	\$ 15,000.00
Transfer to:	380-050-4612-4612-8762-TR527-C	Turnkey Construction	\$349,994.80

Public Services Agency

PARKS

19. **To accept grant funds from the Georgia Recreation & Park Association for a Building Opportunities for Out-of-School Time (BOOST) Grant.**

To **accept** the GRPA BOOST Grant (2023) in the amount of \$120,000.00 for Building Opportunities for Out-of-School Time; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman or the PARKS Director, to execute the necessary documents.

Increase Revenue:	270-105-G294-4508	(Local Grants)	\$120,000.00
Increase Expenditure:	270-105-G294-6193	(Recreation Programming)	\$120,000.00

Support Services Agency

Information Services

20. **To authorize the Purchasing Director to purchase technology services greater than \$100,000.00 under provisions of a Texas Department of Information Resources IT Staff Augmentation Contract (DIR ITSAC) with TEKsystems, Inc. for an IT Technical Writer Level 2 for Information Services (IS).**

To **authorize** the Purchasing Director to procure services of a technical writer for Information Services, in an amount not to exceed \$216,672.43, under Texas Department of Information Resources IT Staff Augmentation Contract number DIR-TSO-3577 with TEKsystems; and **further authorize** the corresponding budget transactions.

Available in the Information Services operating budget as follows:

010-035-0400-6326	Professional Services	\$103,416.43
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Property Management

21. **To authorize the advertisement for and conduct of a public hearing for employment of consultant services where contract fees will likely exceed \$100,000.00 to provide Facilities Condition Assessment Services for selected County-owned properties.**

To **authorize** the advertisement and holding of a public hearing prior to the employment of a consultant or consulting firm where contract fees will likely exceed \$100,000.00 to provide Facilities Condition Assessment Services for selected County-owned properties.

Public Safety Agency

Police Department

22. **To approve a Memorandum of Understanding with the Federal Bureau of Investigation reaffirming CCPD's participation in the Atlanta Safe Streets Task Force.**

To **approve** a Memorandum of Understanding with the FBI reaffirming participation in the Atlanta Safe Streets Task Force; and **authorize** the Chief of Police to execute any necessary documents, including subsequent ASSTF Memorandums of Understanding which update FBI or CCPD leadership or add other interested parties, in substantially similar form as reviewed by the County Attorney's office.

23. **To authorize an additional subscription to the county's Microsoft Azure-GOV Cloud storage.**

To **authorize** an additional subscription to the county's Microsoft Azure-GOV Cloud storage; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Funding will be available with the following budget transaction:

Decrease expenditure: 010-130-2100-8852 (Reserves-False Alarm)	\$6,046.00
Increase expenditure: 010-130-2100-6491 (Annual Maintenance & Support Contracts)	\$6,046.00

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.

County Clerk

25. **To approve minutes.**

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

- May 8, 2023 - Agenda Work Session
- May 9, 2023 - BOC Regular Meeting
- May 15, 2023 - Special Called Meeting
- May 16, 2023 - BOC Zoning Hearing

Human Resources

26. **To approve settlement of a workers' compensation claim on behalf of James Ronald Puckett.**

To **approve** a settlement of the Workers' Compensation claim SBWC 2002-028370 on behalf of James Ronald Puckett; and **further authorize** the Human Resources Director and the Workers' Compensation Administrator to execute the necessary settlement documents.

Funding is available in the Workers' Compensation Claims Fund.

CONSENT VOTE: **ADOPTED 4-0**, Commissioner Birrell not present (*Commissioner Gambrell's statement is attached and made a part of these minutes*)

REGULAR AGENDA

Transportation

27. To approve Change Order No. 1 (final) to the contract with D & H Construction Company, Inc., for drainage system repairs on Bracken Court, Project No. B2209, CCDOT Contract No. 001839.

Motion by Cupid, second by Sheffield, to **approve** Change Order No. 1 (final) to the contract with D & H Construction Company, Inc., a savings to the project in the amount of \$58,268.45, for drainage system repairs on Bracken Court, Project No. B2209, CCDOT Contract No. 001839; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

A savings to the 2022 SPLOST Transportation Improvements Program Fund, with the following budget transfer:

Decrease Encumbrance

GAE 34810112228: 348-050-B220-B220-8762-B2209-C Turnkey Construction \$43,268.45

Transfer from: 348-050-B220-B220-8762-B2209-C Turnkey Construction \$43,268.45

Transfer to: 348-050-B220-B220-8005-B2201-A Preliminary Estimate \$43,268.45

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.

Bracken Court is an eligible project/program under the Drainage System Component of the 2022 SPLOST Transportation Improvements (2022 Cobb SPLOST Renewal, pp. 1, 14).

SPLOST Component Summary as of May 3, 2023: Drainage System

Budget: \$10,086,879.47 Encumbered/Expended: \$6,408,578.03

A savings to the Water System DOT Projects - Relocate Lines Adopted CIP Budget, with the following budget transfers:

Decrease Encumbrance

GAE 51010112228: 510-500-5756-6496-W5068-C Drainage Contract R&M Svc. \$15,000.00

Transfer from: Bracken Court – Utility Allow.

510-500-5756-6496-W5068-C Drainage Contract R&M Svc. \$15,000.00

510-500-5756-8265-W5068-M Materials and Supplies \$ 1,500.00

510-500-5756-8810-W5068-T Contingency \$ 300.00

Total: \$16,800.00

Transfer to: DOT Projects - Relocate Lines

510-500-5756-8005-W4069-Z Preliminary Estimate \$16,800.00

VOTE: ADOPTED 4-0, Commissioner Birrell not present (*Commissioner Gambrell's statement is attached and made a part of these minutes*)

28. To approve Change Order No. 1 (final) to the contract with Butch Thompson Enterprises, Inc., for drainage system repairs on Stonewall Drive, and authorize payment to WCV Point CH, LLC for the return of excess cost share contribution, Project No. B2233, CCDOT Contract No. 001827.

Motion by Richardson, second by Gambrill, to **approve** Change Order No. 1 (final) to the contract with Butch Thompson Enterprises, Inc., a savings to the project in the amount of \$48,398.60, for drainage system repairs on Stonewall Drive, Project No. B2233, CCDOT Contract No. 001827; **authorize** payment, in the amount of \$33,090.12, to WCV Point CH, LLC for the return of excess cost share contribution; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

A savings to the 2022 SPLOST Transportation Improvements Program Fund, with the following budget transfer:

Decrease Encumbrance

GAE 34808092226: 348-050-B220-B220-8762-B2233-C Turnkey Construction \$48,398.60

Transfer from: 348-050-B220-B220-8762-B2233-C Turnkey Construction \$48,398.60

Transfer to: 348-050-B220-B220-8761-B2233-C Preliminary Estimate \$48,398.60

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.

Stonewall Drive is an eligible project/program under the Drainage System Component of the 2022 SPLOST Transportation Improvements (2022 Cobb SPLOST Renewal, pp. 1, 14).

SPLOST Component Summary as of May 3, 2023: Drainage System

Budget:	\$10,086,879.47	Encumbered/Expended:	\$6,408,578.03
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Decrease appropriation of funding received from WCV Pointe CH, LLC in the 2022 SPLOST Transportation Improvements Program Fund, as follows:

Decrease Revenue: 348-050-B220-B220-4918-B2233-C Developer Contribution \$33,090.12

Decrease Expenditure: 348-050-B220-B220-8761-B2233-C Preliminary Estimate \$33,090.12

VOTE: **ADOPTED 4-0**, Commissioner Birrell not present (*Commissioner Gambrill's statement is attached and made a part of these minutes*)

29. **To approve Change Order No. 1 (final) to Project No. B2247 to the 2021 Countywide Unit Price Contract with Chatfield Contracting, Inc., for emergency drainage repairs on Valley Reserve Court, CCDOT Contract No. 002006.**

Motion by Gambrill, second by Richardson, to **approve** Change Order No. 1 (final) to Project No. B2247 to the 2021 Countywide Unit Price Contract with Chatfield Contracting, Inc., a savings to the project in the amount of \$128,930.85, for emergency drainage repairs on Valley Reserve Court, CCDOT Contract No. 002006; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

A savings to the 2022 SPLOST Transportation Improvements Program Fund, with the following budget transfer:

Decrease Encumbrance

GAE 34801102331: 348-050-B220-B220-8762-B2247-C Turnkey Construction \$98,930.85

Transfer from: 348-050-B220-B220-8762-B2247-C Turnkey Construction \$98,930.85

Transfer to: 348-050-B220-B220-8005-B2201-A Preliminary Estimate \$98,930.85

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.

Valley Reserve Court is an eligible project/program under the Drainage System Component of the 2022 SPLOST Transportation Improvements (2022 Cobb SPLOST Renewal, pp. 1, 14).

SPLOST Component Summary as of May 3, 2023: Drainage System

Budget:	\$10,086,879.47	Encumbered/Expended:	\$6,408,578.03
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A savings to the Water System DOT Projects – Relocate Lines Adopted CIP Budget, with the following budget transfers:

Decrease Encumbrance

GAE 51001102331: 510-500-5756-6496-W5070-C Drainage Contract R&M Svc. \$30,000.00

Transfer from:	Valley Reserve (Emergency) - Utility Allow.	
	510-500-5756-6496-W5070-C Drainage Contract R&M Svc.	\$30,000.00
	510-500-5756-8265-W5070-M Materials & Supplies	\$ 1,500.00
	510-500-5756-8810-W5070-T Contingency	<u>\$ 600.00</u>
	Total:	\$32,100.00

Transfer to:	DOT Projects - Relocate Lines	
	510-500-5756-8005-W4069-Z Preliminary Estimate	\$32,100.00

VOTE: **ADOPTED 4-0**, Commissioner Birrell not present (*Commissioner Gambrill's statement is attached and made a part of these minutes*)

30. To approve Change Order No. 1 (final) to the contract with Excellere Construction, LLC for drainage system repairs on Owl Creek Drive, Project No. B2273, CCDOT Contract No. 002090.

Motion by Gambrill, second by Richardson, to **approve** Change Order No. 1 (final) to the contract with Excellere Construction, LLC, a savings to the project in the amount of \$22,057.23, for drainage system repairs on Owl Creek Drive, Project No. B2273, CCDOT Contract No. 002090; **authorize** the corresponding budget transaction; and **further authorize** the Chairwoman to execute the necessary documents.

A savings to the 2022 SPLOST Transportation Improvements Program Fund, with the following budget transfer:

Decrease Encumbrance

GAE 34802282329: 348-050-B220-B220-8762-B2273-C Turnkey Construction \$22,057.23

Transfer from: 348-050-B220-B220-8762-B2273-C Turnkey Construction \$22,057.23

Transfer to: 348-050-B220-B220-8005-B2201-A Preliminary Estimate \$22,057.23

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.

Owl Creek Drive is an eligible project/program under the Drainage System Component of the 2022 SPLOST Transportation Improvements (2022 Cobb SPLOST Renewal, pp. 1, 14).

SPLOST Component Summary as of May 3, 2023: Drainage System

Budget:	\$10,086,879.47	Encumbered/Expended:	\$6,408,578.03
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VOTE: **ADOPTED 4-0**, Commissioner Birrell not present (*Commissioner Gambrill's statement is attached and made a part of these minutes*)

31. To approve Change Order No. 2 (final) to the contract with Butch Thompson Enterprises, Inc., for drainage system repairs on Mountain Creek Drive, Project No. D2857, CCDOT Contract No. 001901.

Motion by Richardson, second by Gambrill, to **approve** Change Order No. 2 (final) to the contract with Butch Thompson Enterprises, Inc., a savings to the project in the amount of \$110,363.01, for drainage system repairs on Mountain Creek Drive, Project No. D2857, CCDOT Contract No. 001901; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

A savings to the 2005 SPLOST Transportation Improvements Program Fund, with the following budget transfer:

Decrease Encumbrance

GAE 34007122224: 340-050-7502-D285-8762-D2857-C Turnkey Construction \$93,067.22

Transfer from: 340-050-7502-D285-8762-D2857-C Turnkey Construction \$93,067.22

Transfer to: 340-050-7502-D285-8761-D2857-C Preliminary Estimate \$93,067.22

The 2005 Special Purpose Local Option Sales Tax (SPLOST), adopted by the Board of Commissioners on June 14, 2005, provides for capital improvements and anticipated corresponding budget funding to address, inter alia, Drainage System Improvements.

Mountain Creek Drive is an eligible project/program under the Infrastructure Preservation – Drainage System Improvements Component of the 2005 SPLOST Transportation Improvements (Cobb County 2005 SPLOST, pp. 3, 23).

SPLOST Component Summary as of May 3, 2023: Drainage System Improvements

Budget: \$14,857,863.16 Encumbered/Expended: \$14,785,554.61

A savings to the Water System DOT Projects - Relocate Lines Adopted CIP Budget, with the following budget transfers:

Decrease Encumbrance

GAE 51007122224: 510-500-5756-8260-W5052-C Construction \$17,295.79

Transfer from: Mountain Creek Drive - Utility Allow.

510-500-5756-8260-W5052-C Construction \$17,295.79

510-500-5756-8265-W5052-M Material and Supplies \$ 3,000.00

510-500-5756-8810-W5052-T Contingency \$ 600.00

Total: \$20,895.79

Transfer to: DOT Projects - Relocate Lines

510-500-5756-8005-W4069-Z Preliminary Estimate \$20,895.79

VOTE: ADOPTED 4-0, Commissioner Birrell not present (*Commissioner Gambrill's statement is attached and made a part of these minutes*)

32. To approve Change Order No. 2 (final) to the contract with Excellere Construction, LLC for Bells Ferry Road Sidewalk, Project No. X2748, CCDOT Contract No. 001412.

Motion by Cupid, second by Sheffield, to **approve** Change Order No. 2 (final) to the contract with Excellere Construction, LLC, a savings to the project in the amount of \$47,936.64, for Bells Ferry Road Sidewalk, Project No. X2748, CCDOT Contract No. 001412; **authorize** the corresponding budget transaction; and **further authorize** the Chairwoman to execute the necessary documents.

A savings to the 2016 SPLOST Transportation Improvements Program Fund, with the following budget transfer:

Decrease Encumbrance

GAE 34705242218: 347-050-X270-X270-8762-X2748-C Turnkey Construction \$47,936.64

Transfer from: 347-050-X270-X270-8762-X2748-C Turnkey Construction \$47,936.64

Transfer to: 347-050-X270-X270-8761-X2748-C Preliminary Estimate \$47,936.64

The 2016 Special Purpose Local Option Sales Tax (SPLOST), adopted by the Board of Commissioners on July 22, 2014, provides for capital improvements and anticipated corresponding budget funding to address, inter alia, Sidewalks.

Bells Ferry Road Sidewalk is an eligible project/program under the Pedestrian Improvements – Sidewalks Component of the 2016 SPLOST Transportation Improvements (Cobb County 2016 SPLOST, pp. 7, 14).

SPLOST Project Summary as of May 3, 2023: Bells Ferry Road Sidewalk

Budget:	\$291,638.90	Expended:	\$243,702.26
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VOTE: **ADOPTED 4-0**, Commissioner Birrell not present (*Commissioner Gambrill's statement is attached and made a part of these minutes*)

33. To approve Change Order No. 1 (final) to the contract with Glosson Enterprises, LLC for Jim Owens Road (Lewis Elementary School), Project No. X2801, CCDOT Contract No. 001796.

Motion by Gambrill, second by Richardson, to **approve** Change Order No. 1 (final) to the contract with Glosson Enterprises, LLC, a savings to the project in the amount of \$178,666.05, for Jim Owens Road (Lewis Elementary School), Project No. X2801, CCDOT Contract No. 001796; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

A savings to the 2016 SPLOST Transportation Improvements Program Fund, with the following budget transfer:

Decrease Encumbrance

GAE 34705242219: 347-050-X280-X280-8762-X2801-C Turnkey Construction \$65,006.55

Transfer from: 347-050-X280-X280-8762-X2801-C Turnkey Construction \$65,006.55

Transfer to: 347-050-X280-X280-8761-X2801-C Preliminary Estimate \$65,006.55

The 2016 Special Purpose Local Option Sales Tax (SPLOST), adopted by the Board of Commissioners on July 22, 2014, provides for capital improvements and anticipated corresponding budget funding to address, inter alia, School Zone Improvements.

Jim Owens Road (Lewis Elementary School) is an eligible project/program under the Safety and Operational Improvements - School Zone Improvements Component of the 2016 SPLOST Transportation Improvements (Cobb County 2016 SPLOST, pp. 7, 20).

SPLOST Project Summary as of May 3, 2023: Jim Owens Road (Lewis Elementary School)

Budget: \$729,906.85 Expended: \$659,606.83

A savings to the Water System DOT Projects - Relocate Lines Adopted CIP Budget, with the following budget transfers:

Decrease Encumbrance

GAE 51005242219: 510-500-5756-8260-W4445-C Construction \$113,659.50

Transfer from: Jim Owens Road Widening

510-500-5756-8260-W4445-C	Construction	\$113,659.50
510-500-5756-8265-W4445-M	Materials and Supplies	\$ 7,500.00
510-500-5756-8810-W4445-T	Contingency	\$ 2,440.00
	Total:	\$123,599.50

Transfer to: DOT Projects - Relocate Lines

510-500-5756-8005-W4069-Z	Preliminary Estimate	\$123,599.50
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VOTE: **ADOPTED 4-0**, Commissioner Birrell not present (*Commissioner Gambrill's statement is attached and made a part of these minutes*)

34. To approve a contract with Glosson Enterprises, LLC for Midway Road Sidewalk, Project No. X2707, CCDOT Contract No. 001804.

Motion by Gambrill, second by Richardson, to **approve** a contract with Glosson Enterprises, LLC, in an amount not to exceed \$795,715.65, for Midway Road Sidewalk, Project No. X2707, CCDOT Contract No. 001804; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Available in the 2016 SPLOST Transportation Improvements Program Fund, with the following budget transfers:

Transfer from:	347-050-X270-X270-8761-X2707-C	Preliminary Estimate	\$ 35,000.00
	347-050-X270-X270-8761-X2705-C	Preliminary Estimate	\$443,205.65
Transfer to:	347-050-X270-X270-8762-X2707-C	Turnkey Construction	\$478,205.65

The 2016 Special Purpose Local Option Sales Tax (SPLOST), adopted by the Board of Commissioners on July 22, 2014, provides for capital improvements and anticipated corresponding budget funding to address, inter alia, Sidewalks.

Midway Road Sidewalk is an eligible project/program under the Pedestrian Improvements – Sidewalks Component of the 2016 SPLOST Transportation Improvements (Cobb County 2016 SPLOST, pp. 7, 14). Pedestrian Improvements within Commission District 1 include construction of sidewalks and other pedestrian improvements along roadways in the vicinity of schools, activity centers, multi-modal facilities (transit stops/shelters, etc.), and other congested areas, to include pedestrian bridges where needed.

SPLOST Project Summary as of May 3, 2023: Midway Road Sidewalk

Budget:	\$202,845.97	Expended:	\$116,286.11
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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	\$333,910.00
Transfer to:	Midway Road Sidewalk		
	510-500-5756-8260-W4464-C	Construction	\$317,510.00
	510-500-5756-8265-W4464-M	Materials and Supplies	\$ 10,000.00
	510-500-5756-8810-W4464-T	Contingency	<u>\$ 6,400.00</u>
		Total:	\$333,910.00

VOTE: **ADOPTED 4-0**, Commissioner Birrell not present (*Commissioner Gambrill's statement is attached and made a part of these minutes*)

35. To approve a contract with Ohmshiv Construction, LLC for Powder Springs - Marietta Street at Brownsville Road Traffic Signal, Project No. B2553, CCDOT Contract No. 002024.

Motion by Sheffield, second by Cupid, to **approve** a contract with Ohmshiv Construction, LLC, in an amount not to exceed \$664,889.55, for Powder Springs - Marietta Street at Brownsville Road Traffic Signal, Project No. B2553, CCDOT Contract No. 002024; **authorize** the corresponding budget transaction; 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-B250-B250-8005-B2553-A	Preliminary Estimate	\$664,889.55
Transfer to:	348-050-B250-B250-8762-B2553-C	Turnkey Construction	\$664,889.55

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.

Powder Springs - Marietta Street at Brownsville Road Traffic Signal is an eligible project/program in the Traffic Management, Transportation Technology, and Planning Component of the 2022 SPLOST Transportation Improvements (2022 Cobb 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 May 3, 2023: Powder Springs – Marietta Street Traffic Signal System Preservation

Budget:	\$900,000.00	Expended:	\$637.50
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VOTE: **ADOPTED 4-0**, Commissioner Birrell not present (*Commissioner Gambrill's statement is attached and made a part of these minutes*)

36. To approve Project No. B2305-TO#1 to the 2022 Master Task Order Contract with Gresham Smith for engineering design of Church Road/Plant Atkinson Road at North Church Lane, CCDOT Contract No. 002030.

Motion by Richardson, second by Gambrill, to **approve** Project No. B2305-TO#1 to the 2022 Master Task Order Contract with Gresham Smith, in an amount not to exceed \$103,441.00, for engineering design of Church Road/Plant Atkinson Road at North Church Lane, CCDOT Contract No. 002030; **authorize** the corresponding budget transaction; 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-B230-B230-8005-B2305-A	Preliminary Estimate	\$103,441.00
Transfer to:	348-050-B230-B230-8722-B2305-E	Engineering	\$103,441.00

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, Operational & Safety Improvements.

Church Road/Plant Atkinson Road at North Church Lane is an eligible project/program under the Operational & Safety Improvements Component of the 2022 SPLOST Transportation Improvements (2022 Cobb SPLOST Renewal, pp. 1, 15). SPLOST funds will be used to make operational and safety improvements at intersections and corridors throughout the county.

SPLOST Project Summary as of May 3, 2023: Church Road/Plant Atkinson Road at North Church Lane

Budget:	\$2,248,250.00	Expended:	\$0.00
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VOTE: **ADOPTED 4-0**, Commissioner Birrell not present (*Commissioner Gambrill's statement is attached and made a part of these minutes*)

37. **To approve Project No. B2731-TO#1 to the 2022 Master Task Order Contract with American Engineers, Inc., for engineering design of Barnes Mill Road Sidewalk, CCDOT Contract No. 002051.**

Motion by Cupid, second by Sheffield, to **approve** Project No. B2731-TO#1 to the 2022 Master Task Order Contract with American Engineers, Inc., in an amount not to exceed \$159,530.00, for engineering design of Barnes Mill Road Sidewalk, CCDOT Contract No. 002051; **authorize** the corresponding budget transaction; 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-B270-B270-8005-B2730-A	Preliminary Estimate	\$159,530.00
Transfer to:	348-050-B270-B270-8722-B2731-E	Engineering	\$159,530.00

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, Sidewalk Improvements.

Barnes Mill Road Sidewalk is an eligible project/program under the Sidewalk Improvements Component of the 2022 SPLOST Transportation Improvements (2022 Cobb SPLOST Renewal, pp. 1, 16). SPLOST funding for sidewalk improvements will provide construction of sidewalks and other pedestrian improvements, including pedestrian bridges, along roadways in the vicinity of schools, activity centers, multimodal facilities, and other congested areas.

SPLOST Project Summary as of May 3, 2023: Barnes Mill Road Sidewalk (new project as of 05/23/23)

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

Adjusted Budget:	\$159,530.00
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VOTE: **ADOPTED 4-0**, Commissioner Birrell not present (*Commissioner Gambrill's statement is attached and made a part of these minutes*)

38. **To approve an Intergovernmental Agreement with Cobb County Board of Education for the donation of right-of-way and temporary construction easement for Sewell Mill Road Sidewalk, Project No. X2731.**

Motion by Richardson, second by Gambrill, to **approve** an Intergovernmental Agreement with Cobb County Board of Education for the donation of right-of-way and temporary construction easement on a tract of land identified as project parcel no. 2, tax parcel no. 16082300110, 16th District, Second Section of Cobb County, Georgia, for Sewell Mill Road Sidewalk, Project No. X2731; **authorize** acceptance of the donation of required right-of-way for said project; and **further authorize** the Chairwoman to execute the necessary documents.

VOTE: **ADOPTED 4-0**, Commissioner Birrell not present (*Commissioner Gambrill's statement is attached and made a part of these minutes*)

Support Services Agency

Information Services

39. To authorize the Purchasing Director to purchase a software subscription greater than \$100,000.00 through an OMNIA Partners contract with SHI International Corp. (SHI) for Sprout Social's social media management and engagement software. This is a 2016 SPLOST project, Support Services Technology Improvements Program X0020.

Motion by Cupid, second by Richardson, to **authorize** the Purchasing Director to purchase a software subscription from SHI International Corp., under provisions of OMNIA Partners - IT Solutions Contract Number 2018011-02, in an amount not to exceed \$171,440.00 for a Sprout Social SaaS Implementation Project; **authorize** the effective date beginning May 31, 2023 through May 30, 2028, 2016 SPLOST project X0020; and **further authorize** the corresponding budget transactions.

Funding currently exists in the following location:

347-035-X002-X002-8675-X0020-M	(Computer Software)	\$171,440.00
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The 2016 Special Purpose Local Option Sales Tax (SPLOST), adopted by the Board of Commissioners on July 22, 2014, provides for capital improvements and anticipated corresponding budget funding to address, inter alia, Technology Improvements.

The Sprout Social Implementation Project is an eligible project/program under the 2016 SPLOST. "Business Technology Transformation" is an approved project of the Support Services Technology Improvements Work Program (Cobb County 2016 SPLOST, p. 38) which provides for technical currency and provides systems and solutions that allow employees to focus on mission-critical activities.

2016 SPLOST Project Summary as of May 3, 2023:

Business Technology Transformation X0020

Current Budget:	\$ 2,771,500.00
Encumbrances:	\$ 3,958,845.00
Actual Expenditures:	\$13,530,166.76
Remaining in Program:	\$ 6,282,488.24

VOTE: **ADOPTED 4-0**, Commissioner Birrell not present (*Commissioner Gambrill's statement is attached and made a part of these minutes*)

PUBLIC COMMENT

1. Craig Harfoot addressed the Board regarding affordability.

APPOINTMENTS

40. **To announce the reappointment of Commissioner JoAnn Birrell to the Airport Advisory Board.**

Chairwoman Cupid announced the reappointment of Commissioner JoAnn Birrell to the Airport Advisory Board for a two-year term to expire on December 31, 2024.

ADJOURNMENT

The meeting was adjourned at 9:23 p.m.

A handwritten signature in blue ink, appearing to read 'Angela Cunningham', is written over a horizontal line.

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 Gambrell'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.

Resolution

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 23rd of May 2023

