

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

The Regular Meeting of the Cobb County Board of Commissioners was held on Tuesday, July 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 9:03 a.m.

Clerk's note: Commissioner Birrell and 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 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).

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Page | 2

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 be 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.

Community Development Hearing

Chairwoman Cupid asked if there was anyone in the audience that is opposed to the alcoholic license regarding Rees 427, LLC d/b/a Liquor Store. There being no opposition, the following motion was made:

Motion by Cupid, second by Richardson, to **withdraw** the following item from this agenda.

- *To conduct a hearing regarding the application for alcoholic beverage licenses for Rees 427, LLC d/b/a Liquor Store, 1815 South Cobb Drive., Ste. 105, Marietta, Georgia, 30060, Helen Gilbert, licensee. (See item 42 of these minutes).*

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

MOTION TO ADD NON-AGENDA ITEMS

Motion by Cupid, second by Birrell, to **approve** the addition of the following non-agenda Item to be added to the consent agenda:

- *To review a summary of the appeal hearing conducted by the License Review Board on May 25, 2023, for Rees 427, LLC d/b/a Liquor Store (See Item 28 of these minutes).*

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

Motion by Cupid, second by Birrell, to **approve** the addition of the following non-agenda item to be added to the consent agenda:

- *To approve a Project Agreement with Controlled Access, Inc. for the purchase and installation of mobile camera systems (See Item 29 of these minutes).*

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

PRESENTATIONS

1. **To present a proclamation designating July as *Parks and Recreation Month* in Cobb County.**

Commissioner Sheffield presented a proclamation designating July as *Parks and Recreation Month* in Cobb County.

2. **Withdrawal of request to present the recipient of the 2023 Martha Logue Excellence in Leadership Award on behalf of the Cobb EXCEL Alumni Association.**

This item was withdrawn from the agenda.

PUBLIC HEARING

3. **To conduct a public hearing regarding formation of the proposed Brookcliff Street Light District and authorize creation of the Brookcliff Street Light District.**

Jonathon Yee, Transportation Agency Deputy Director, requested a public hearing regarding the formation of the proposed Brookcliff Street Light District.

Chairwoman Cupid opened the public hearing and asked those wishing to speak to come forward to address the Board. Following ten speakers, the public hearing was closed and the following motion was made:

Motion by Richardson, second by Birrell, to **authorize** the creation of the Brookcliff Street Light District; and **further authorize** the corresponding budget transactions.

Available in the Street Light District Fund approved FY23 Operating Budget, as follows:

Available:	235-050-SLD1-4712/6472	Street Light Energy Revenue/Electricity
	235-050-SLD1-4714/6474	Street Light Fixture Revenue/Fixtures

Appropriate receipt of funding from the Brookcliff Property Owners Association to the Street Light District Fund for installation of new poles, as follows:

Increase Revenue:	235-050-SLD1-4714	Fixture - Street Light District	\$45,778.00
Increase Expenditure:	235-050-SLD1-6474	Street Light District – Fixtures	\$45,778.00

VOTE: **ADOPTED 5-0**

4. To conduct the first public hearing on the 2023 proposed property tax increase as defined by Georgia law.

William Volckmann, Chief Financial Officer, presented information regarding the 2023 proposed property tax increase and requested a Public Hearing be conducted.

Chairwoman Cupid opened the public hearing regarding the FY 2023 proposed property tax increase and asked those wishing to speak to come forward to address the Board. Following 12 speakers, the Public Hearing was closed.

The adoption is scheduled to follow the third public hearing at the Regular Meeting of the Board of Commissioners on July 25, 2023.

A copy of the information presented is attached and made a part of these minutes.

5. To conduct the required public hearing on the FY 2024 Proposed Budget.

William Volckmann, Chief Financial Officer, presented information regarding the proposed FY 2024 Budget and requested a public hearing be conducted.

Chairwoman Cupid opened the public hearing and asked those persons wishing to speak to come forward. Following three speakers, the public hearing was closed.

The Board of Commissioners will consider adoption of the FY 2024 Budget at the July 25, 2023, Regular scheduled Board Meeting.

A copy of the information presented is attached and made a part of these minutes.

Chairwoman Cupid called for a brief recess at 10:58 a.m. through 11:05 a.m.

PUBLIC COMMENT

1. Daniel Larkin addressed the Board regarding the cost of living and property taxes.
2. Hill Wright addressed the Board regarding property taxes.
3. Quantina Scott addressed the Board regarding low-income housing and tax incentives.
4. Kathy Slough addressed the Board regarding the millage rate.
5. Mary Lynne Thomas addressed the Board regarding the noise ordinance.
6. Craig Harfoot addressed the Board regarding property taxes and various matters.

CONSENT AGENDA

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

District Attorney

6. To authorize the application for the 2023 Victims of Crime Act Grant Program for the Cobb Family Advocacy Center.

To **authorize** the application for the 2023 Victims of Crime Act Grant Program for the Cobb Family Advocacy Center.

Should funds be awarded, the District Attorney will submit the necessary agenda item to accept and allocate funds.

Juvenile Court

7. To authorize the acceptance and appropriation of a Criminal Justice Coordinating Council grant award to support the Juvenile Court; authorize the continuation of a full-time Program Coordinator, two full-time Juvenile Probation Officers, a part-time Case Manager and three part-time drivers.

To **authorize** the acceptance and appropriation of grant funds from the CJCC, in the amount of \$500,000.00 for the period of July 1, 2023 through June 30, 2024, to support the Juvenile Court; **authorize** the transfer of all personnel from Unit S136 to S148 in the grant fund; **authorize** the corresponding budget transactions; **authorize** Court Administrator, Adolphus Graves or the Program Coordinator to sign quarterly reimbursements on behalf of the County; and **further authorize** the Chairwoman to execute all necessary documents.

Increase revenue	270-190-S148-4410	CJCC Federal Revenue	\$ 80,000.00
Increase revenue	270-190-S148-4450	CJCC State Revenue	\$ 420,000.00
Increase expenditure	270-190-S148-6012	Salaries	\$ 396,577.00
	270-190-S148-6116	Supplies	\$ 4,984.00
	270-190-S148-6312	Consultant services	\$ 3,349.00
	270-190-S148-6326	Other Fees	\$ 95,090.00
		TOTAL	\$ 500,000.00

Water System

8. **To authorize advertisement for and conduct of a public hearing for employment of consultant services where contract fees will likely exceed \$100,000.00 for South Cobb Water Reclamation Facility Primary Clarifier Rehabilitation and Biosolids Thickening, Program No. T3022.**

To **authorize** the advertisement for and conduct of a public hearing prior to the employment of a consultant or consulting firm where contract fees will likely exceed \$100,000.00 for professional services for South Cobb Water Reclamation Facility Primary Clarifier Rehabilitation and Biosolids Thickening, Program No. T3022.

Transportation

9. **To approve Change Order No. 1 (final) to the contract with Butch Thompson Enterprises, Inc., for Concrete Repairs: Districts 2 and 3, Project No. TR528, CCDOT Contract No. 001977.**

To **approve** Change Order No. 1 (final) to the contract with Butch Thompson Enterprises, Inc., a savings to the project in the amount of \$41,518.08, for Concrete Repairs: Districts 2 and 3, Project No. TR528, CCDOT Contract No. 001977; **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 38009272223: 380-050-4605-4605-8762-TR528-C Turnkey Construction \$41,518.08

Transfer from: 380-050-4605-4605-8762-TR528-C Turnkey Construction \$41,518.08

Transfer to: 380-050-4605-4605-6512-TR528-O Contracted Services \$41,518.08

10. **To adopt a resolution authorizing the submission of a FY23 Section 5307 Grant Program request to the Federal Transit Administration for transit capital, planning, and operating-related projects, and authorize acceptance of allocated Section 5307 Grant Program funding.**

To **adopt** a resolution authorizing the submission of a FY23 Section 5307 Grant Program request to the Federal Transit Administration, in an amount not to exceed \$13,189,278.00, for transit capital, planning, and operating-related projects; **authorize** acceptance of allocated Section 5307 Grant Program funding; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman, or her designee, to execute the necessary documents. A copy of said resolution is attached and made a part of these minutes.

Appropriate receipt of FY23 Federal Transit Administration Section 5307 Grant Program funding to the Transit Grant Fund, as follows:

Increase Revenue:	203-050-T087-4439	FTA 5307 - Capital	\$6,551,423.00
	203-050-T087-4442	FTA 5307 - Operating	\$2,500,000.00
Increase Expenditure:	203-050-T087-8005	Preliminary Estimate	\$9,051,423.00

Local match funding is available in the Transit Grant Fund, with the following interfund transactions:

Available for Transfer:	380-050-4655-6594	Interfund Transfer - Exp.	\$4,137,855.00
Increase Revenue:	203-050-T087-4960	Interfund Transfer - Rev.	\$4,137,855.00
Increase Expenditure:	203-050-T087-8005	Preliminary Estimate	\$4,137,855.00

11. To adopt a resolution authorizing the submission of a FY23 Section 5337 Grant Program amendment request to the Federal Transit Administration for transit operating-related projects, and authorize acceptance of allocated FY23 Section 5337 Grant Program funding.

To **adopt** a resolution authorizing the submission of a FY23 Section 5337 Grant Program amendment request to the Federal Transit Administration, in an amount not to exceed \$745,383.00, for transit operating-related projects; **authorize** acceptance of allocated FY23 Section 5337 Grant Program funding; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman, or her designee, to execute the necessary documents. A copy of said resolution is attached and made a part of these minutes.

Appropriate receipt of FY23 Federal Transit Administration Section 5337 Grant Program funding to the Transit Grant Fund, as follows:

Increase Revenue:	203-050-T086-4448	FTA 5337 - Good Repair	\$596,306.00
Increase Expenditure:	203-050-T086-8005	Preliminary Estimate	\$596,306.00

Appropriate receipt of FY23 Federal Transit Administration Section 5337 Grant Program funding to the Transit Grant Fund, as follows:

Available for Transfer:	380-050-4655-6594	Interfund Transfer - Exp.	\$149,077.00
Increase Revenue:	203-050-T086-4960	Interfund Transfer - Rev.	\$149,077.00
Increase Expenditure:	203-050-T086-8005	Preliminary Estimate	\$149,077.00

12. To adopt a resolution authorizing the submission of a FY23 Section 5339 Grant Program amendment request to the Federal Transit Administration for transit capital projects and authorize acceptance of allocated FY23 Section 5339 Grant Program funding.

To **adopt** a resolution authorizing the submission of a FY23 Section 5339 Grant Program amendment request to the Federal Transit Administration, in an amount not to exceed \$782,968.00, for transit capital projects; **authorize** acceptance of allocated FY23 Section 5339 Grant Program funding; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman, or her designee, to execute the necessary documents. A copy of said resolution is attached and made a part of these minutes.

Appropriate receipt of FY23 Federal Transit Administration Section 5339 Grant Program funding to the Transit Grant Fund, as follows:

Increase Revenue:	203-050-T086-4447	FTA 5339 - Bus & Facilities	\$626,374.00
Increase Expenditure:	203-050-T086-8005	Preliminary Estimate	\$626,374.00

Local match funding is available in the Transit Grant Fund, with the following interfund transactions:

Available for Transfer:	380-050-4655-6594	Interfund Transfer - Exp.	\$156,594.00
Increase Revenue:	203-050-T086-4960	Interfund Transfer - Rev.	\$156,594.00
Increase Expenditure:	203-050-T086-8005	Preliminary Estimate	\$156,594.00

13. **To approve the federal FY2024 - FY2026 Disadvantaged Business Enterprise participation goal of seven percent for the Transit Division.**

To **approve** the federal FY2024 - FY2026 Disadvantaged Business Enterprise participation goal of seven percent for the Transit Division.

14. **To authorize the creation of four new Street Light Districts.**

To **authorize** the creation of four new Street Light Districts for Huntington Woods, Freestone Station, Phase 1, Park View Reserve, and Springside Reserve.

Available in the Street Light District Fund approved FY23 Operating Budget, as follows:

Available: 235-050-SLD1-4712/6472 Street Light Energy Revenue/Electricity

15. **To approve Project No. TR534-TO#1 to the 2022 Master Task Order Contract with Jacobs, Inc., for a traffic study within the general Pinetree Civic Association residential area, CCDOT Contract No. 002173.**

To **approve** Project No. TR534-TO#1 to the 2022 Master Task Order Contract with Jacobs, Inc., for a traffic study within the general Pinetree Civic Association residential area, CCDOT Contract No. 002173; **authorize** the corresponding budget and accounting transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Available with the appropriation of revenue from the Developer to the Public Facility Projects Fund, as follows:

Increase Revenue:	380-050-4612-4612-4918-TR534-A	Developer Contribution	\$100,000.00
Increase Expenditure:	380-050-4612-4612-6322-TR534-O	Planning Studies	\$ 31,127.00
	380-050-4612-4612-8005-TR534-A	Preliminary Estimate	\$ 68,873.00

Transfer cash received from the Developer (CR # 03416510) to the Public Facility Projects Fund, as follows:

Journal Voucher from:	010-050-0781-0781-2070	Developer Deposits	\$100,000.00
Journal Voucher to:	380-050-4612-4612-4918-TR534-A	Developer Contribution	\$100,000.00

Public Services Agency

PARKS

16. **To approve an easement with Cobb EMC to install power service and underground electrical wires at Schmidt Park, located at 9 Anderson Road and 451 Anderson Road, Marietta.**

To **approve** an easement with Cobb EMC to install power service and underground electrical wiring at Schmidt Park; and **further authorize** the Chairwoman to execute the necessary documents.

Library System

17. **To authorize the application for and acceptance of the 2023 PLA Digital Literacy Workshop Incentive: ATT Phase II Grant from the Public Library Association (PLA), a division of the American Library Association (ALA).**

To **authorize** the acceptance of the 2023 PLA Digital Literacy Workshop Incentive: ATT Phase II Grant in the amount of \$6,000.00; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman or Library Director to execute the necessary documents.

Increase Revenue:	270-080-L138-4506	(Other Local Revenue)	\$6,000.00
Increase Expenditure:	270-080-L138-6204	(Other Supplies)	\$6,000.00

18. **To authorize the application for and acceptance of the 2023 PLA Digital Literacy Workshop Incentive: ACP Grant from the Public Library Association (PLA), a division of the American Library Association (ALA).**

To **authorize** the acceptance of the 2023 PLA Digital Literacy Workshop Incentive: ACP Grant in the amount of \$1,500.00; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman or Library Director to execute the necessary documents.

Increase Revenue:	270-080-L100-L111-4506	(Other Local Revenue)	\$1,500.00
Increase Expenditure:	270-080-L100-L111-6204	(Other Supplies)	\$1,500.00

Sustainability Waste and Beautification

19. **To authorize the use of available State Contracts, Sourcewell (formerly NJPA), and GEORGIA-Tractors and Mowers Contract Number 99999-001-SPD0000177-0026, for the procurement of new and replacement vehicles and equipment for the Sustainability, Waste, and Beautification Department.**

To **authorize** the use of available State Contracts, Sourcewell (formerly NJPA), and GEORGIA-Tractors and Mowers Contract Number 99999-001-SPD0000177-0026, for the procurement of new and replacement vehicles and equipment for the Sustainability, Waste, and Beautification Department, in an amount not to exceed \$249,146.36; and **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Funding will be available with the following transactions:

Increase Revenue:	600-700-4960-4980	SWB Fund Balance Appropriation	\$249,146.36
Increase Expenditure:	600-600-4960-8606	Auto, Trucks, Vans	\$91,327.00
Increase Expenditure:	600-700-4960-8415	Construction Equipment	\$157,819.36

Support Services Agency

Support Services Administration

20. **To declare tax parcel #17042300290 to be surplus and authorize a resolution for the conveyance by limited warranty deed to the State of Georgia of approximately 4.87 acres of surplus property located along George McMillan Drive along with a closed portion of Richardson Road currently in use by the Clay National Guard to allow for compliance with new Anti-Terrorism and Force Protection requirements.**

To **declare** tax parcel # 17042300290 to be surplus; **authorize** a resolution for the conveyance by limited warranty deed to the State of Georgia approximately 4.87 acres of surplus property located along George McMillan Drive along with a closed portion of Richardson Road currently in use by the Clay National Guard to allow for compliance with new Anti-Terrorism and Force Protection requirements; **authorize** any necessary corresponding budget transactions; and **authorize** the Chairwoman to execute the resolution and limited warranty deed and any additional necessary documents to effectuate the purpose. A copy of said resolution is attached and made a part of these minutes.

Property Management

21. To authorize emergency procurement of elevator modernization at Police Headquarters, a capital improvement project.

To **authorize** emergency procurement of elevator modernization, in the amount of \$421,335.00, by TK Elevator Corporation, at Police Headquarters, 545 S. Fairground St, Marietta, a capital improvement project; and **further authorize** the corresponding budget transactions.

Funding is available in the project budget as follows:

381-110-PM01-8135-PM2307-A	(Other Capital Expenditures)	\$421,335.00
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Purchasing

22. To approve a contract with Griffin & Strong, P.C. for the conduct of a disparity study of the County's procurement practices.

To **approve** a contract with Griffin & Strong, P.C., in an amount not to exceed \$342,022.00, for the conduct of a disparity study of the County's procurement practices, **authorize** the corresponding budget transactions, and **further authorize** the Chairwoman to execute the necessary documents.

Funding is available with the following budget transaction:

Decrease Expenditure:	010-061-0910-8005	Preliminary Estimates	\$342,022.00
Increase Expenditure:	010-061-0910-8676	Professional Services	\$342,022.00

Public Safety Agency

Police Department

23. To authorize the acceptance of a Public Safety and Community Violence Reduction grant award from the Governor's Office of Planning and Budget.

To **authorize** the acceptance of a Public Safety and Community Violence Reduction grant, from the Governor's Office of Planning and Budget, in the amount of \$1,154,857.00; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Funding will be available with the following transactions:

Increase revenue:	270-130-S149-4496	State Grants	\$1,154,857.00
Increase expenditure:	270-130-S149-8005	Preliminary Estimates	\$1,154,857.00

Community Development

24. **To review a summary of the appeal hearing conducted by the License Review Board on June 22, 2023, for The Karaoke Spot, LLC d/b/a The Karaoke Spot.**

To **affirm** the decision of the License Review Board, following the review of the summary of the appeal hearing of June 22, 2023, to approve the application for a beer, wine and Sunday sales pouring license for The Karaoke Spot, LLC d/b/a The Karaoke Spot, 3895 Cherokee St., Ste. 230, Kennesaw, GA 30144, Dana Abouem, licensee.

Finance

25. **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 Manager

26. **To authorize advertisement for and conduct a public hearing for the employment of consultant services where contract fees will likely exceed \$100,000.00.**

To **authorize** the advertisement for and conduct a public hearing prior to the employment of a consulting firm where fees are likely to exceed \$100,000.00 to develop a service delivery strategy in accordance with O.C.G.A. § 36-70-20 *et seq.*

County Clerk

27. **To approve minutes.**

To approve the minutes from the following meetings:

- June 26, 2023 - Agenda Work Session
- June 27, 2023 - BOC Work Session
- June 27, 2023 - BOC Regular Meeting

Community Development

28. **To review a summary of the appeal hearing conducted by the License Review Board on May 25, 2023, for Rees 427, LLC d/b/a Liquor Store.**

To **affirm** the decision of the License Review Board, following the review of the summary of the appeal hearing of May 25, 2023, to **approve** the application for a liquor, beer, wine and Sunday sales package license for Rees 427, LLC d/b/a Liquor Store, 1815 South Cobb Drive, Ste. 105, Marietta, GA 30060, Helen Gilbert, licensee.

Public Safety Agency

Policy

29. **To approve a Project Agreement with Controlled Access, Inc. for the purchase and installation of mobile camera systems.**

To **approve** a Project Agreement with Controlled Access, Inc. for the purchase and installation of mobile camera systems in the amount of \$105,400.00, and further authorize the Chairwoman to execute all necessary documents.

Funding is available in 270-130-GR73-8470, per initial grant agenda item, approved May 9, 2023.

CONSENT VOTE: ADOPTED 5-0, with *Commissioner Birrell and Commissioner Gambrill in opposition to Item 22* (Statements read by Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes).

REGULAR AGENDA

Sheriff's Office

30. **To authorize the use of the Houston-Galveston Area Council (H-GAC) cooperative purchasing program contract, known as HGACBuy for the procurement of two prisoner transport vans under the 2016 SPLOST Program for the Cobb County Sheriff's Office.**

Motion by Birrell, second by Richardson, to **authorize** the use of Creative Bus Sales, under HGACBUY contract number BT01-21, under Creative Bus Sales, for the procurement of two (2) prisoner transport vans for the Cobb County Sheriff's Office, for an amount not to exceed \$276,460.00; **authorize** the corresponding budget transactions; and **further, authorize** the Chairwoman to execute the necessary documents.

Decrease Expenditure:	347-210-X107-8005-X1070-C (Preliminary Estimates)	\$276,460.00
Increase Expenditure:	347-210-X107-8605-X1070-P (Vehicles)	\$276,460.00

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 Countywide Improvements.

The Sheriff's Office capital equipment purchase is an eligible capital improvement project/program under the 2016 SPLOST. It is an approved project of Countywide Improvements - Sheriff's (Cobb County 2016 SPLOST, pg. 6), which provides for capital equipment replacement, including vehicles.

SPLOST Project Summary as of June 7, 2023:

Sheriff's Office - X107 Equipment/Renovations Budget:	\$28,025,000.00
Encumbrances:	\$ 9,973,127.59
Pre-Encumbrances:	\$ 4,360.50
Actual Expenditures:	\$15,720,211.85
Remaining in Program:	\$ 2,327,300.06

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

Transportation

31. **To approve Change Order No. 2 (final) to the contract with Advanced Sports Construction, LLC for drainage system repairs on Weatherstone Lane, Project No. B2261, CCDOT Contract No. 001893.**

Motion by Richardson, second by Gambrill, to **approve** Change Order No. 2 (final) to the contract with Advanced Sports Construction, LLC, a savings to the project in the amount of \$29,042.00, for drainage system repairs on Weatherstone Lane, Project No. B2261, CCDOT Contract No. 001893; **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:

Decrease Encumbrance

GAE 34811172226: 348-050-B220-B220-8762-B2261-C Turnkey Construction \$29,042.00

Transfer from: 348-050-B220-B220-8762-B2261-C Turnkey Construction \$29,042.00

Transfer to: 348-050-B220-B220-8005-B2201-A Preliminary Estimate \$29,042.00

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, Drainage System.

Weatherstone Lane 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 June 7, 2023: Drainage System

Budget:	\$10,053,789.35	Encumbered/Expended:	\$6,787,990.48
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VOTE: ADOPTED 5-0 *(Statements read by Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes).*

32. **To approve Change Order No. 1 (final) to Project No. B2275 to the 2021 Countywide Unit Price Contract with Chatfield Contracting, Inc., for emergency drainage repairs on East Piedmont Road, CCDOT Contract No. 002093.**

Motion by Birrell, second by Sheffield, to **approve** Change Order No. 1 (final) to Project No. B2275 to the 2021 Countywide Unit Price Contract with Chatfield Contracting, Inc., a savings to the project in the amount of \$50,074.60, for emergency drainage repairs on East Piedmont Road, CCDOT Contract No. 002093; **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 34802142359: 348-050-B220-B220-8762-B2275-C Turnkey Construction \$50,074.60

Transfer from: 348-050-B220-B220-8762-B2275-C Turnkey Construction \$50,074.60

Transfer to: 348-050-B220-B220-8005-B2201-A Preliminary Estimate \$50,074.60

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.

East Piedmont 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 Component Summary as of June 7, 2023: Drainage System

Budget:	\$10,053,789.35	Encumbered/Expended:	\$6,787,990.48
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VOTE: ADOPTED 5-0 (Statements read by Commissioner Birrell and Commissioner Gambrell are attached and made a part of these minutes).

33. **To approve Change Order No. 1 (final) to the contract with Excellere Construction, LLC for drainage system repairs on Somerset Trace, Project No. X2289, CCDOT Contract No. 001668.**

Motion by Richardson, second by Gambrell, to **approve** Change Order No. 1 (final) to the contract with Excellere Construction, LLC, a savings to the project in the amount of \$42,810.38, for drainage system repairs on Somerset Trace, Project No. X2289, CCDOT Contract No. 001668; **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 transfer:

Decrease Encumbrance

GAE 34712132252: 347-050-X220-X220-8762-X2289-C Turnkey Construction \$27,810.38

Transfer from: 347-050-X220-X220-8762-X2289-C Turnkey Construction \$27,810.38

Transfer to: 347-050-X220-X220-8005-X2200-A Preliminary Estimate \$27,810.38

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, Drainage System Improvements.

Somerset Trace is an eligible project/program under the Infrastructure Preservation - Drainage System Improvements Component of the 2016 SPLOST Transportation Improvements (Cobb County 2016 SPLOST, pp. 7, 9).

SPLOST Component Summary as of June 7, 2023: Drainage System Improvements

Budget: \$17,610,628.96 Encumbered/Expended: \$16,620,025.45

Available in the Water System DOT Projects - Relocate Lines Adopted CIP Budget, with the following budget transfers:

Decrease Encumbrance

GAE 51012132252: 510-500-5756-6496-W4463-C Drainage Contract R&M Svc. \$15,000.00

Transfer from: Somerset Trace Drainage

510-500-5756-6496-W4463-C Drainage Contract R&M Svc. \$15,000.00

510-500-5756-8265-W4463-M Material and Supplies \$ 1,500.00

510-500-5756-8810-W4463-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 5-0 (Statements read by Commissioner Birrell and Commissioner Gambrell are attached and made a part of these minutes).

34. **To authorize closure of the 2005 Transportation Improvements Program (TIP), funded primarily by the 2005 Special Purpose Local Option Sales Tax (SPLOST), and authorize reallocation of FY23 expenditures from the 2022 SPLOST TIP Fund to the 2005 SPLOST TIP Fund.**

Motion by Cupid, second by Richardson, to **authorize** closure of the 2005 Transportation Improvements Program (TIP), funded primarily by the 2005 Special Purpose Local Option Sales Tax (SPLOST); **authorize** reallocation of FY23 expenditures from the 2022 SPLOST TIP Fund to the 2005 SPLOST TIP Fund; **authorize** the corresponding budget and accounting transactions; and **further authorize** additional budget and accounting transactions, as needed, to close out the 2005 SPLOST Fund 340.

Available in the 2005 SPLOST Transportation Improvements Program Fund for reallocation of 2022 SPLOST Transportation Improvements Program Fund expenditures, with budget and accounting adjustments.

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

35. **To approve Change Order No. 2 (final) to the contract with Deep South Industrial Services, Inc., for Resurfacing – 2022 Crack Sealing Countywide Thoroughfares, Project No. X2919, CCDOT Contract No. 001912.**

Motion by Cupid, second by Richardson, to **approve** Change Order No. 2 (final) to the contract with Deep South Industrial Services, Inc., an increase to the contract in the amount of \$24,179.74, for Resurfacing – 2022 Crack Sealing Countywide Thoroughfares, Project No. X2919, CCDOT Contract No. 001912; **authorize** the corresponding budget transaction; and **further authorize** the Chairwoman to execute the necessary documents.

Available in the 2016 SPLOST Transportation Improvement Program Fund, with the following budget transfer:

Transfer from:	347-050-X290-X290-8761-X2900-C	Preliminary Estimate	\$24,179.74
Transfer to:	347-050-X290-X290-8762-X2919-C	Turnkey Construction	\$24,179.74

Increase Encumbrance

GAE 34710112224:	347-050-X290-X290-8762-X2919-C	Turnkey Construction	\$24,179.74
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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, Resurfacing.

Resurfacing - 2022 Crack Sealing Countywide Thoroughfares is an eligible project/program under the Infrastructure Preservation - Resurfacing Component of the 2016 SPLOST Transportation Improvements (Cobb County 2016 SPLOST, pp. 7, 8).

SPLOST Component Summary as of June 7, 2023: Resurfacing

Budget:	\$98,004,568.00	Encumbered/Expended:	\$93,871,984.28
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VOTE: **ADOPTED 5-0** (*Statements read by Commissioner Birrell and Commissioner Gambrell are attached and made a part of these minutes*).

36. **To ratify previous action by the County Manager authorizing emergency drainage repairs on Shiloh Drive and approve Project No. B2289 to the 2021 Countywide Unit Price Contract with Advanced Sports Construction, LLC for said repairs, CCDOT Contract No. 002174.**

Motion by Sheffield, second by Birrell, to **ratify** previous action by the County Manager authorizing emergency drainage repairs on Shiloh Drive, in response to voids; **approve** Project No. B2289 to the 2021 Countywide Unit Price Contract with Advanced Sports Construction, LLC, in an amount not to exceed \$189,120.00, for said repairs, CCDOT Contract No. 002174; **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-B220-B220-8005-B2201-A	Preliminary Estimate	\$154,120.00
Transfer to:	348-050-B220-B220-8762-B2289-C	Turnkey Construction	\$154,120.00

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, Drainage System.

Shiloh 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 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 June 7, 2023: Drainage System

Budget:	\$10,053,789.35	Encumbered/Expended:	\$6,787,990.48
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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	\$37,000.00
Transfer to:	Shiloh Drive - Utility Allow.		
	510-500-5756-6496-W5081-C	Drainage Contract R&M Svc.	\$35,000.00
	510-500-5756-8265-W5081-M	Material and Supplies	\$ 1,500.00
	510-500-5756-8810-W5081-T	Contingency	<u>\$ 500.00</u>
		Total:	\$37,000.00

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

37. **To ratify previous action by the County Manager authorizing emergency repairs to a segment of Circle 75 Parkway, and approve a contract with C.W. Matthews Contracting Company, Inc., for Circle 75 Parkway Roadway Restoration, Project No. W2422, CCDOT Contract No. 002171.**

Motion by Richardson, second by Gambrill, to **ratify** previous action by the County Manager authorizing emergency repairs to a segment of Circle 75 Parkway, in response to a water main failure; **approve** a contract with C.W. Matthews Contracting Company, Inc., in an amount not to exceed \$424,164.34, for repairs on Circle 75 Parkway Roadway Restoration, Project No. W2422, CCDOT Contract No. 002171; **authorize** the corresponding budget transaction; and **further authorize** the Chairwoman to execute the necessary documents.

Available in the Water System Adopted CIP Budget, with the following budget transfer:

Transfer from: Unidentified New/Replacement Water Mains		
510-500-5754-8005-W1503-Z	Preliminary Estimate	\$424,164.34
Transfer to: Circle 75 Parkway - Water Emergency		
510-500-5754-8260-W2422-C	Construction	\$424,164.34

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

38. **To approve a Cobb Framework Agreement with the City of Smyrna for preliminary engineering design of State Route 280/South Cobb Drive Improvements, GDOT P.I. No. 0018265, Cobb County Project No. TR539.**

Motion by Richardson, second by Sheffield, to **approve** a Cobb Framework Agreement with the City of Smyrna for preliminary engineering design of State Route 280/South Cobb Drive Improvements, GDOT P.I. No. 0018265, Cobb County Project No. TR539; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Appropriate receipt of revenue from the City of Smyrna to the Public Facility Projects Fund, as follows:

Increase Revenue:	380-050-4655-4655-4506-TR539-E	Other Local Revenue	\$3,300,000.00
Increase Expenditure:	380-050-4655-4655-8721-TR539-E	Preliminary Estimate	\$3,300,000.00

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

Public Services Agency

PARKS

39. **To approve a contract with HEC Construction Solutions, LLC. to provide construction services for interior renovations to the Violet F. Stout Park Barn, under the 2016 PARKS SPLOST Program.**

Motion by Sheffield, second by Birrell, to **approve** a contract with HEC Construction Solutions, LLC to provide construction services related to interior improvements at Violet F. Stout Park Barn, in an amount not to exceed \$473,299.00, 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 fund and 2016 Sheriff's Office SPLOST fund as follows:

347-105-B063-B0632C-8110	(Stout Park)	\$125,000.00
347-210-X107-X1070-C-8110	(Sheriff's Office)	\$348,299.00

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 Improvements.

Stout Park is an eligible project under the 2016 SPLOST (Cobb County 2016 SPLOST, Page 31). These improvements will provide safety and operational enhancements to the barn for the PARKS Department and Sheriff's Office Mounted Patrol.

SPLOST Project Summary as of June 7, 2023 (Stout Park):

Budget:	\$3,400,000.00	Expended to Date:	\$3,173,781.01
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VOTE: **ADOPTED 5-0** (*Statements read by Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes*).

Library Systems

40. To authorize application for the FY2024 Capital Outlay Grant from the Board of Regents, Georgia Public Library Service, for the expansion of the South Cobb Regional Library as part of the 2022 Special Purpose Local Option Sales Tax (SPLOST) Program and Capital Outlay Grant from the Board of Regents, Georgia Public Library Service.

Motion by Sheffield, second by Cupid, to **authorize** the application for the Capital Outlay Grant from the Board of Regents, Georgia Public Library Services, in the amount of \$2,000,000.00 towards the expansion and renovation of the South Cobb Regional Library; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman or Library Director to execute the necessary documents.

Cobb County Public Library has \$733,000.00 designated in the 2022 SPLOST Fund and \$525,000 designated in the District 4 Capital Contingency Fund. Funding for this project is anticipated as follows:

South Cobb Regional Library Project Budget:

2022 SPLOST Funding	\$ 733,000.00
District 4 Capital Contingency	\$ 525,000.00
This Agenda Request	<u>\$2,000,000.00</u>
Projected Budget Balance	\$3,258,000.00

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

Support Services Agency

Information Services

41. **To authorize the purchase of a replacement Uninterruptible Power Supply (UPS) for the data center Disaster Recovery (DR) site. This is a 2016 SPLOST project, Support Services Technology Improvements Program X0010.**

Motion by Cupid, second by Richardson, to **authorize** the purchase of an Uninterruptible Power Supply for the data center disaster recovery site, under provisions of NCPA Contract #01-97 with Prosys Information Systems, in an amount not to exceed \$94,340.87, 2016 SPLOST project X0010; **authorize** the corresponding budget transactions; and **further authorize** the Purchasing Director to execute the necessary documents.

Funding is available in the 2016 SPLOST Technology Improvements Fund with the following budget transfers:

Transfer from:	347-035-X001-8005-X0010-A	(Preliminary Estimates)	\$94,340.87
Transfer to:	347-035-X001-8420-X0010-A	(Computer Hardware)	\$94,340.87

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.

Purchase and installation of an Uninterruptible Power Supply for the data center disaster recovery site is an eligible project/program under the 2016 SPLOST. "Data Center Build and Technology Modernization" is an approved project of the Support Services Technology Improvements Work Program (Cobb County 2016 SPLOST, p. 38) which provides for data center technology architecture in the new Cobb County Data Center.

2016 SPLOST Project Summary as of June 7, 2023:

Data Center Build and Technology Modernization X0010

Current Budget:	\$9,178,771.00
Encumbrances:	\$ 248,907.50
Actual Expenditures:	\$7,667,217.87
Remaining in Program:	\$1,262,645.63

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

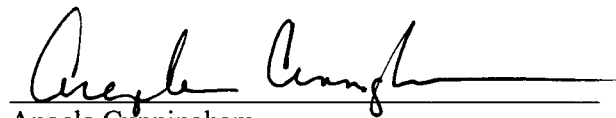
COMMUNITY DEVELOPMENT HEARINGS

42. **Withdrawal of request to conduct a hearing regarding the application for alcoholic beverage licenses for Rees 427, LLC d/b/a Liquor Store, 1815 South Cobb Drive., Ste. 105, Marietta, Georgia, 30060, Helen Gilbert, licensee.**

This hearing was withdrawn from this agenda. A consent item was submitted and approved regarding the alcoholic beverage license. (See item 28 of these minutes)

ADJOURNMENT

The meeting was adjourned at 12:02 p.m.

A handwritten signature in dark 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 be 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

Resolution authorizing the filing of an application with the Federal Transit Administration, an operating administration of the United States Department of Transportation, for federal transportation assistance authorized by Chapter 53 of Title 49 of the U.S. Code, Urbanized Area Formula Grants (49 U.S.C. § 5307) and other federal statutes administered by the Federal Transit Administration.

WHEREAS, the Federal Transit Administration has been delegated authority to award federal financial assistance for a transportation project; and

WHEREAS, the grant or cooperative agreement for federal financial assistance will impose certain obligations upon Cobb County, and may require Cobb County to provide the local share of the project cost; and

WHEREAS, Cobb County has provided or will provide all annual certifications and assurances to the Federal Transit Administration required for the project.

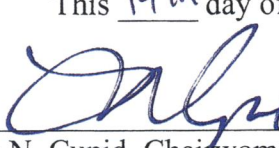
NOW, THEREFORE, BE IT RESOLVED that the Cobb County Board of Commissioners authorize the filing of a Section 5307 funding grant application with the Federal Transit Administration, Department of Transportation, United States of America, in an amount not to exceed \$13,189,278.00 for Transit Capital, Planning and Operating-Related Projects; and

1. That the Chairwoman of the Cobb County Board of Commissioners, or her designee, is authorized to execute and file an application on behalf of Cobb County with the Federal Transit Administration for federal assistance authorized by 49 U.S.C. § 5307, or other federal statutes authorizing a project administered by the Federal Transit Administration.
2. That the Chairwoman of the Cobb County Board of Commissioners, or her designee, is authorized to execute and file with its application the annual certifications and assurances and other documents the Federal Transit Administration requires before awarding a federal assistance grant or cooperative agreement.
3. That the Chairwoman of the Cobb County Board of Commissioners, or her designee, is authorized to execute grant and cooperative agreements with the Federal Transit Administration on behalf of Cobb County.

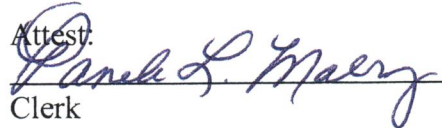
CERTIFICATION

The undersigned duly qualified Chairwoman of the Cobb County Board of Commissioners, acting on behalf of the Cobb County Board of Commissioners, certifies that the foregoing is a true and correct copy of a resolution adopted at a legally convened meeting of the Cobb County Board of Commissioners held on July 11, 2023.

This 19th day of July, 2023


Lisa N. Cupid, Chairwoman
Cobb County Board of Commissioners



Attest:

Pamela L. Maery
Clerk
Cobb County Board of Commissioners

FY23 FTA Section 5307 Program Grant Project List
GRANT BUDGET

Capital Projects (20% Local Match)	Project Cost	Federal Share	Local Share
Transit Center Facilities & Equipment	\$ 1,025,000.00	\$ 820,000.00	\$ 205,000.00
Transit Technology Projects	\$ 1,200,000.00	\$ 960,000.00	\$ 240,000.00
Fare Collection Equipment	\$ 900,000.00	\$ 720,000.00	\$ 180,000.00
Associated Transit Improvements	\$ 100,000.00	\$ 80,000.00	\$ 20,000.00
Transit Planning Program	\$ 25,000.00	\$ 20,000.00	\$ 5,000.00
Education & Training	\$ 3,000.00	\$ 2,400.00	\$ 600.00
Project Management & Inspection Services	\$ 375,000.00	\$ 300,000.00	\$ 75,000.00
Support Vehicles	\$ 90,000.00	\$ 72,000.00	\$ 18,000.00
Subtotal - Capital Projects (80%/20%)	\$ 3,718,000.00	\$ 2,974,400.00	\$ 743,600.00

Operating Projects (20% Local Match)	Project Cost	Federal Share	Local Share
Preventive Maintenance	\$ 2,208,422.00	\$ 1,766,738.00	\$ 441,684.00
Paratransit Operations	\$ 2,262,856.00	\$ 1,810,285.00	\$ 452,571.00
Operating Projects (80%/20%)	\$ 4,471,278.00	\$ 3,577,023.00	\$ 894,255.00

Operating Projects (50% Local Match)	Project Cost	Federal Share	Local Share
Operating Assistance	\$ 3,000,000.00	\$ 1,500,000.00	\$ 1,500,000.00
JARC Route 30	\$ 2,000,000.00	\$ 1,000,000.00	\$ 1,000,000.00
Operating Projects (50%/50%)	\$ 5,000,000.00	\$ 2,500,000.00	\$ 2,500,000.00
Subtotal - Operating Projects	\$ 9,471,278.00	\$ 6,077,023.00	\$ 3,394,255.00

Total - FY23 Section 5307 Grant Program Budget	\$ 13,189,278.00	\$ 9,051,423.00	\$ 4,137,855.00
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Temporary FAIN: GA 2874-2023-2

RESOLUTION

Resolution authorizing the filing of a request with the Federal Transit Administration, an operating administration of the United States Department of Transportation, for federal transportation assistance authorized by Chapter 53 of Title 49 of the U.S. Code (49 U.S.C. § 5337) and other federal statutes administered by the Federal Transit Administration.

WHEREAS, the Federal Transit Administration has been delegated authority to award federal financial assistance for a transportation project; and

WHEREAS, the grant or cooperative agreement for federal financial assistance will impose certain obligations upon Cobb County, and may require Cobb County to provide the local share of the project cost; and

WHEREAS, Cobb County has provided or will provide all annual certifications and assurances to the Federal Transit Administration required for the project.

NOW, THEREFORE, BE IT RESOLVED that the Cobb County Board of Commissioners authorize the filing of a grant amendment request with the Federal Transit Administration, Department of Transportation, United States of America, in an amount not to exceed **\$745,383.00 for Transit Operating-Related Projects**; and

1. That the Chairwoman of the Cobb County Board of Commissioners, or her designee, is authorized to execute and file a request on behalf of Cobb County with the Federal Transit Administration for federal assistance authorized by 49 U.S.C. § 5337 or other federal statutes authorizing a project administered by the Federal Transit Administration.
2. That the Chairwoman of the Cobb County Board of Commissioners, or her designee, is authorized to execute and file with its request the annual certifications and assurances and other documents the Federal Transit Administration requires before awarding a federal assistance grant or cooperative agreement.
3. That the Chairwoman of the Cobb County Board of Commissioners, or her designee, is authorized to execute grant and cooperative agreements with the Federal Transit Administration on behalf of Cobb County.

CERTIFICATION

The undersigned duly qualified Chairwoman of the Cobb County Board of Commissioners, acting on behalf of the Cobb County Board of Commissioners, certifies that the foregoing is a true and correct copy of a resolution adopted at a legally convened meeting of the Cobb County Board of Commissioners held on July 11, 2023

This 19th day of July, 2023

Lisa N. Cupid, Chairwoman
Cobb County Board of Commissioners



Attest:

Paul L. Maly
Clerk
Cobb County Board of Commissioners

FY23 FTA Section 5337 Grant Program Project List
Amended Grant Budget
FAIN GA 2022-027-00

Operating Projects (20% Local Match)	Project Cost	Federal Share	Local Share
Preventive Maintenance	\$ 745,383.00	\$ 596,306.00	\$ 149,077.00
Subtotal - Operating Projects (80%/20%)	\$ 745,383.00	\$ 596,306.00	\$ 149,077.00
Total - FY23 Section 5337 Grant Program Amendment	\$ 745,383.00	\$ 596,306.00	\$ 149,077.00
Total - FY23 Section 5339 Grant Program Amendment			
Total - FY23 Section 5339 Grant Program Amendment	\$ 782,968.00	\$ 626,374.00	\$ 156,594.00
Current Super Grant GA 2022-027-00 Budget			
Current Super Grant GA 2022-027-00 Budget	\$ 1,504,415.00	\$ 1,203,532.00	\$ 300,883.00
Total - Amended GA 2022-027-00 Super Grant Program Budget	\$ 3,032,766.00	\$ 2,426,212.00	\$ 606,554.00

NOTE: If approved, the FY23 FTA Section 5337 Grant Program funds and FY23 FTA Section 5339 Grant Program funds will be requested/ managed together as a single amended Super Grant under FAIN GA 2022-027-01

RESOLUTION

Resolution authorizing the filing of a request with the Federal Transit Administration, an operating administration of the United States Department of Transportation, for federal transportation assistance authorized by Chapter 53 of Title 49 of the U.S. Code (49 U.S.C. § 5339) and other federal statutes administered by the Federal Transit Administration.

WHEREAS, the Federal Transit Administration has been delegated authority to award federal financial assistance for a transportation project; and

WHEREAS, the grant or cooperative agreement for federal financial assistance will impose certain obligations upon Cobb County, and may require Cobb County to provide the local share of the project cost; and

WHEREAS, Cobb County has provided or will provide all annual certifications and assurances to the Federal Transit Administration required for the project.

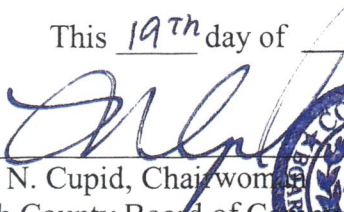
NOW, THEREFORE, BE IT RESOLVED that the Cobb County Board of Commissioners authorize the filing of a grant amendment request with the Federal Transit Administration, Department of Transportation, United States of America, in an amount not to exceed **\$782,968.00 for Transit Capital Projects**; and

1. That the Chairwoman of the Cobb County Board of Commissioners, or her designee, is authorized to execute and file a request on behalf of Cobb County with the Federal Transit Administration for federal assistance authorized by 49 U.S.C. § 5339 or other federal statutes authorizing a project administered by the Federal Transit Administration.
2. That the Chairwoman of the Cobb County Board of Commissioners, or her designee, is authorized to execute and file with its request the annual certifications and assurances and other documents the Federal Transit Administration requires before awarding a federal assistance grant or cooperative agreement.
3. That the Chairwoman of the Cobb County Board of Commissioners, or her designee, is authorized to execute grant and cooperative agreements with the Federal Transit Administration on behalf of Cobb County.

CERTIFICATION

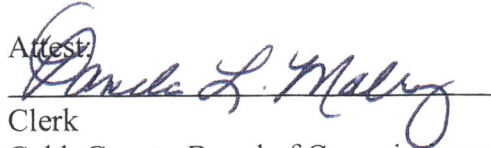
The undersigned duly qualified Chairwoman of the Cobb County Board of Commissioners, acting on behalf of the Cobb County Board of Commissioners, certifies that the foregoing is a true and correct copy of a resolution adopted at a legally convened meeting of the Cobb County Board of Commissioners held on July 11, 2023.

This 19th day of July, 2023


Lisa N. Cupid, Chairwoman
Cobb County Board of Commissioners



Attest:


Pamela L. Maloy
Clerk
Cobb County Board of Commissioners

FY23 FTA Section 5339 Grant Program Project List
Amended Grant Budget
FAIN GA 2022-027-00

Capital Projects (20% Local Match)	Project Cost	Federal Share	Local Share
Fare Collection Equipment	\$ 782,968.00	\$ 626,374.00	\$ 156,594.00
Subtotal - Capital Projects (80%/20%)	\$ 782,968.00	\$ 626,374.00	\$ 156,594.00
Total FY23 Section 5339 Grant Program Amendment	\$ 782,968.00	\$ 626,374.00	\$ 156,594.00
Total - FY23 Section 5337 Grant Program Amendment			
	\$ 745,383.00	\$ 596,306.00	\$ 149,077.00
Current Super Grant GA 2022-027-00 Budget			
	\$ 1,504,415.00	\$ 1,203,532.00	\$ 300,883.00
Total - Amended GA 2022-027-00 Super Grant Program Budget	\$ 3,032,766.00	\$ 2,426,212.00	\$ 606,554.00

NOTE: If approved, the FY23 FTA Section 5337 Grant Program funds and FY23 FTA Section 5339 Grant Program funds will be requested/ managed together as a single amended Super Grant under FAIN GA 2022-027-01

**RESOLUTION FOR THE CONVEYANCE OF 4.87± ACRES ALONG GEORGE
McMILLAN DRIVE TO THE STATE OF GEORGIA, CUSTODY OF THE
DEPARTMENT OF DEFENSE**

WHEREAS, the Clay National Guard has requested to acquire tax parcel number 17-0423-0-029-0 and an adjacent closed portion of Richardson Road in order to increase its Anti-Terrorism and Force Protection posture; and

WHEREAS, the closed portion of Richardson Road has been closed and in use by the Guard since 1968; and

WHEREAS, Cobb County, Georgia acquired tax parcel number 17-0423-0-029-0 during the Georgia McMillan Drive/Atlanta Road Department of Transportation Project which has been completed and this parcel is no longer needed for road purposes; and

WHEREAS, on July 11, 2023, the Cobb County Board of Commissioners declared tax parcel number 17-0423-0-029-0 to be surplus property; and

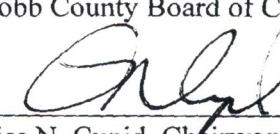
WHEREAS, at that time, the Board of Commissioners approved the conveyance of approximately 4.87 acres to the State of Georgia, custody of Department of Defense, for ten dollars; and

WHEREAS, the conveyance shall be subject to a right of reversion to Cobb County, Georgia, if and when, the commission determines that the Property is no longer being used for a public purpose as defined under O.C.G.A. § 50-16-38(d).

NOW, THEREFORE, BE IT RESOLVED by the Cobb County Board of Commissioners that the Board of Commissioners shall convey approximately 4.87 acres of surplus property to the State of Georgia, custody of the Department of Defense, for the sum of TEN AND NO/100 (\$10.00) DOLLARS subject to a right of reversion of the Property to Cobb County, Georgia.

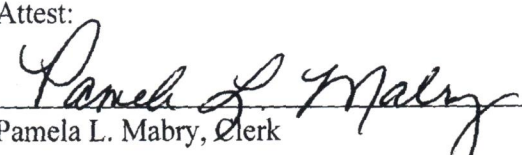
This 19th day of July, 2023.

Cobb County Board of Commissioners


Lisa N. Cupid, Chairwoman
Cobb County Board of Commissioners



Attest:


Pamela L. Mabry, Clerk

APPROVED
PER MINUTES OF
COBB COUNTY
BOARD OF COMMISSIONERS

7/11/23

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 11th of July 2023

