

**MINUTES OF REGULAR MEETING
COBB COUNTY BOARD OF COMMISSIONERS
JUNE 13, 2023
9:00 AM**

The Regular Meeting of the Cobb County Board of Commissioners was held on Tuesday, June 13, 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:

Commissioner JoAnn Birrell
Commissioner Keli Gambrill
Commissioner Jerica Richardson
Commissioner Monique Sheffield

Chairwoman Lisa Cupid - Not Present

CALL TO ORDER

Vice Chair Richardson called the meeting to order at 9:04 a.m.

PRESENTATIONS

1. **To present a proclamation to the Town Center CID and the Town Center Community Alliance for their partnership with the County for Aviation Park.**

Commissioner Birrell presented a proclamation to the Town Center CID and the Town Center Community Alliance in recognition of their partnership with the County for Aviation Park.

PUBLIC HEARING

2. **To conduct a public hearing and approve the Chattahoochee Corridor Plan Certificate of Compliance for construction of a single-family residence at 81 Sherwood Lane.**

Jessica Guinn, Community Development Agency Director, requested a public hearing regarding a Chattahoochee Corridor Certificate of Compliance for construction of a single-family residence at 81 Sherwood Lane.

Vice Chair Richardson opened the public hearing and asked those wishing to speak to come forward to address the Board. Following one speaker, the public hearing was closed and the following motion was made:

Motion by Richardson, second by Birrell, to **approve** the Chattahoochee Corridor Certificate of Compliance for construction of a single-family residence at 81 Sherwood Lane, in Land Lot 75, of the 1st District, Cobb County, GA; subject to the rules and guidelines of the Metropolitan River Protection Act and all applicable Cobb County development standards and regulations.

VOTE: ADOPTED 4-0, Chairwoman Cupid not present (*Statements of Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes*)

3. **To conduct a public hearing prior to expending \$100,000.00 or more for engineering design services for 2022 SPLOST Transportation Improvements Program sidewalk projects.**

Drew Raessler, Transportation Agency Director, requested a public hearing prior to expending \$100,000.00 or more for engineering design services for 2022 SPLOST Transportation Improvements Program sidewalk projects.

Vice Chair Richardson opened the public hearing and asked those wishing to speak to come forward to address the Board. Following one speaker, the public hearing was closed.

No official action was taken by the Board.

4. **To conduct the first public hearing to solicit comments and input on the proposed amendments to Chapter 134 (Zoning) of the Official Code of Cobb County.**

Brian Johnson, Sr. Associate County Attorney, presented an overview and requested a public hearing to solicit comments and input regarding the proposed amendments to Chapter 134 (Zoning) of the Official Code of Cobb County.

Vice Chair Richardson opened the Public Hearing and asked those wishing to speak to come forward to address the Board. Following two speakers, the public hearing was closed.

No official action was taken by the Board.

Clerk's Note: *Commissioner Birrell submitted a letter from the East Cobb Civic Association to be added to the record, the letter is attached and made a part of these minutes.*

PUBLIC COMMENT

1. Daniel Larkin addressed the Board regarding Zoning and tax increases.
2. Matt Stigall addressed the Board regarding housing supply and mobility.
3. Craig Harfoot addressed the Board regarding sidewalks and apartment affordability.

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

Commissioner Birrell's statement

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

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

Commissioner Gambrill's statement

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

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

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

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

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

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

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

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

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

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

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

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

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

CONSENT AGENDA

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

- Support Services Consent Item 24, *withdrawn from the agenda* (See item 24 of these minutes)
- Community Development Consent Item 32, *pulled for a hearing* (See item 32 of these minutes)

District Attorney

5. **To authorize the District Attorney to apply to the Criminal Justice Coordinating Council for grant funds under the FY2021/2022 Project Safe Neighborhoods Violence Reduction Microgrant Program.**

To **authorize** the District Attorney to apply to the Criminal Justice Coordinating Council for grant funds under the FY2021/2022 Project Safe Neighborhoods Violence Reduction Microgrant Program; **authorize** the corresponding budget transactions; **authorize** the District Attorney's Office and Finance Department to sign programmatic and finance reports; and **further authorize** the Chairwoman to execute the necessary documents.

Funding will be available with the following transactions:

Increase Revenue:	270-170-F079-4811 Criminal Justice Coordinating Council	\$15,000.00
Increase Expenditure:	270-170-F079-6166 Office Supplies	\$15,000.00

6. **To authorize a time extension of the grant term from the Criminal Justice Coordinating Council, Metro Atlanta Cold Case Sexual Assault Task Force.**

To **authorize** the extension of the grant term from the Criminal Justice Coordinating Council, Metro Atlanta Cold Case Sexual Assault Task Force through September 30, 2023.

Superior Court Administration

7. To authorize the acceptance and appropriation of a Criminal Justice Coordinating Council grant award to support the Drug Treatment Court Program.

To **authorize** the acceptance of grant funds from the Criminal Justice Coordinating Council, in the amount of \$242,537.00, for the period July 1, 2023, through June 30, 2024, to support the Drug Treatment Court; authorize the transfer of all personnel from Unit S131 to S143 in the grant fund; **authorize** the creation of one (1) Part-time Drug Screen Technician, grade 105P; authorize the corresponding budget transactions; **authorize** Court Administrator Christopher Hansard or Accountability Courts Director Jennifer Tillery to sign quarterly reimbursement requests on behalf of the County; and **further authorize** the Chairwoman to execute the necessary documents.

Funding is available in the Grant Fund's budget with the following appropriations:

Increase Revenue:	270-225-S143-4467	CJCC	\$242,537.00
Increase Expenditure:	270-225-S143-6012	Salaries	\$168,766.00
	270-225-S143-6020	Supplies	\$ 68,285.00
	270-225-S143-6400	Training/Travel	\$ 5,486.00
		TOTAL	\$242,537.00

8. To authorize the acceptance and appropriation of a Criminal Justice Coordinating Council grant award to support the Mental Health Court Program.

To **authorize** the acceptance of grant funds from the Criminal Justice Coordinating Council, in the amount of \$207,764, for the period July 1, 2023, through June 30, 2024, to support the Mental Health Court; **authorize** the transfer of all personnel from Unit S132 to S144 in the grant fund; authorize the corresponding budget transactions; **authorize** Court Administrator Christopher Hansard or Accountability Courts Director Jennifer Tillery to sign quarterly reimbursement requests on behalf of the County; and **further authorize** the Chairwoman to execute the necessary documents.

Funding is available in the Grant Fund's budget with the following appropriations:

Increase Revenue:	270-225-S144-4467	CJCC	\$207,764.00
Increase Expenditure:	270-225-S144-6012	Salaries	\$158,888.00
	270-225-S144-6020	Supplies	\$ 43,390.00
	270-225-S144-6400	Training/Travel	\$ 5,486.00
		TOTAL	\$207,764.00

9. **To authorize the acceptance and appropriation of a Criminal Justice Coordinating Council grant award to support the Veterans Accountability and Treatment Court Program.**

To **authorize** the acceptance of grant funds from the Criminal Justice Coordinating Council, in the amount of \$222,333.00, for the period July 1, 2023 through June 30, 2024, to support the Veterans Accountability and Treatment Court; **authorize** the transfer of all personnel from Unit S133 to S145 in the grant fund; **authorize** the corresponding budget transactions; **authorize** Court Administrator Christopher Hansard or Accountability Courts Director Jennifer Tillery to sign quarterly reimbursement requests on behalf of the County; and **further authorize** the Chairwoman to execute the necessary documents.

Funding is available in the Grant Fund's budget with the following appropriations:

Increase Revenue:	270-225-S145-4467	CJCC	\$222,333.00
Increase Expenditure:	270-225-S145-6012	Salaries	\$155,967.00
	270-225-S145-6326	Professional Services	\$ 44,880.00
	270-225-S145-6020	Supplies	\$ 16,000.00
	270-225-S145-6400	Training/Travel	\$ 5,486.00
		TOTAL:	\$222,333.00

Juvenile Court

10. **To authorize the acceptance and appropriation of a Criminal Justice Coordinating Council grant award to support the Juvenile Drug Treatment Court Program.**

To **authorize** the acceptance and appropriation of grant funds from the Criminal Justice Coordinating Council for the Cobb County Juvenile Drug Treatment Court Program, in the amount of \$92,084.00, for the period of July 1, 2023 through June 30, 2024; **authorize** Juvenile Court Administrator, Adolphus Graves or Juvenile Drug Court Coordinator, Donta Justice to sign quarterly reimbursement requests on behalf of Cobb County; and **further authorize** the Chairwoman to execute the necessary documents.

Increase revenue	270-190-S146-4467	CJCC	\$92,084.00
Increase expenditure	270-190-S146-6326	Contract Services	\$74,915.00
	270-190-S146-6320	Drug Testing Supplies	\$12,000.00
	270-190-S146-6400	Travel/Training	\$ 5,169.00
		TOTAL	\$92,084.00

11. To authorize the acceptance and appropriation of a Criminal Justice Coordinating Council grant award to support the Cobb County Family Treatment Court.

To **authorize** the acceptance and appropriation of grant funds from the Criminal Justice Coordinating Council, in the amount of \$78,858.00, for the period of July 1, 2023 through June 30, 2024; **authorize** Juvenile Court Administrator, Adolphus Graves or Drug Court Coordinator, Emma Walton to sign quarterly reimbursement requests on behalf of Cobb County; and **further authorize** the Chairwoman to execute the necessary documents.

Increase revenue	270-190-S147-4467	CJCC	\$ 78,858.00
Increase expenditure	270-190-S147-6326	Contract Services	\$54,000.00
	270-190-S147-6320	Drug testing supplies	\$18,000.00
	270-190-S147-6400	Travel/Training	\$ 6,858.00
		TOTAL	\$78,858.00

State Court Administration

12. To authorize the acceptance and appropriation of a grant from the Georgia Accountability Court Funding Committee and authorize the DUI Court to retain the position of Surveillance Officer.

To **authorize** the acceptance of the grant funds from the Georgia Accountability Court Funding Committee; **authorize** the DUI Court to maintain the position of the Surveillance Officer for the period of July 1, 2023 through June 30, 2024; **authorize** the transfer of all authorized personnel expenses from Unit S130 to S142 in the grant fund; **authorize** the funding of expenses for training, substance abuse treatment, and drug testing; **authorize** the corresponding budget transactions in the amount of \$69,523.00; and **further authorize** the Chairwoman, Judge Eric A. Brewton, or Darcy Kamau to execute the necessary documents.

Appropriate Grant Revenue	Criminal Justice Coordinating Council	270-220-S142-4467	\$69,523.00
Appropriate Expenditures	Professional Services	270-220-S142-6326	\$36,744.00
Appropriate Expenditures	Salary/Benefits	270-220-S142-6018	\$22,891.00
Appropriate Expenditures	Travel/Training	270-220-S142-6400	\$9,888.00

Water System

13. **To approve a unit price contract with Pure Technologies U.S., Inc. dba Wachs Water Services for FY23 UPC for Inspection and Exercising of Water Valves, Program No. FY23WValves-2.**

To **approve** a unit price contract with Pure Technologies U.S., Inc. dba Wachs Water Services for FY23 UPC for Inspection and Exercising of Water Valves, Program No. FY23WValves-2, and **authorize** the Chairwoman to execute the necessary documents.

Funding, in the amount of \$500,000.00, is available in the Water System's System Maintenance Water Line-R&M Service FY23 Adopted Operating Budget, Fund 500, Department 500, Unit 5400, and Object 6520.

14. **To authorize the Chairwoman to execute a Right-of-Way Permit with the United States Department of the Interior National Park Service for the operation and maintenance of an existing sanitary sewer line located within Kennesaw Mountain National Battlefield Park.**

To **authorize** the Chairwoman to execute a Right-of-Way Permit with the United States Department of the Interior National Park Service for the operation and maintenance of an existing sanitary sewer line located within Kennesaw Mountain National Battlefield Park.

15. **To approve a work order under the FY23 Stormwater Management Unit Price Contract with W.E. Contracting Co., Inc. for 4682 Mahonia Way, Program No. SW2254.**

To **approve** a work order under the FY23 Stormwater Management Unit Price Contract with W.E. Contracting Co., Inc., in the amount of \$84,755.00, for 4682 Mahonia Way, Program No. SW2254; **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	\$84,755.00
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Transfer to:

4682 Mahonia Way

Drainage Contract R&M Service	510-500-5758-6496	SW2254-C	\$84,755.00
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16. **To approve a work order under the FY23 Stormwater Management Unit Price Contract with D & H Construction Company for 1589 Debbie Drive, Program No. SW2255.**

To **approve** a work order under the FY23 Stormwater Management Unit Price Contract with D & H Construction Company, in the amount of \$78,883.20, for 1589 Debbie Drive, Program No. SW2255; **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	\$78,883.20
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Transfer to:

1589 Debbie Drive

Drainage Contract R&M Service	510-500-5758-6496	SW2255-C	\$78,883.20
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17. **To approve an Agreement with the Cobb County-Marietta Water Authority for Cedarcrest Road Water Main Improvements to transfer water main assets.**

To **approve** an Agreement with Cobb County-Marietta Water Authority for Cedarcrest Road Water Main Improvements to transfer assets and **further authorize** the Chairwoman to execute the necessary document.

18. **To approve a work order under the FY23 Stormwater Management Unit Price Contract with W.E. Contracting Co., Inc. for 1586 Sprayberry Drive, Program No. SW2256.**

To **approve** a work order under the FY23 Stormwater Management Unit Price Contract with W.E. Contracting Co., Inc. in the amount of \$164,296.00, for 1586 Sprayberry Drive, Program No. SW2256; **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	\$164,296.00
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Transfer to:

1586 Sprayberry Drive

Drainage Contract R&M Service	510-500-5758-6496	SW2256-C	\$164,296.00
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19. **To approve additional funding for the work order under the FY23 Stormwater Unit Price Contract with D & H Construction Company for 00 Pheasant Drive, Program No. SW2247.**

To **approve** additional funding for the work order under the FY23 Stormwater Unit Price Contract with D & H Construction Company, in the amount of \$91,850.00, for 00 Pheasant Drive, Program No. SW2247; **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	\$91,850.00
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Transfer to:

00 Pheasant Drive

Drainage Contract R&M Service	510-500-5758-6496	SW2247-C	\$91,850.00
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Transportation

20. **To authorize modification of the existing Purchase Order with Creative Bus Sales, Inc., for specification changes of CobbLinc paratransit vehicles.**

To **authorize** modification of the existing Purchase Order with Creative Bus Sales, Inc., in an amount not to exceed \$213,707.00, for specification changes of CobbLinc paratransit vehicles.

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

Transfer from:	203-050-T065-8005	Preliminary Estimate	\$ 87,997.00
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Transfer to:	203-050-T065-8612	Transit Buses	\$ 87,997.00
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Transfer from:	203-050-T069-8005	Preliminary Estimate	\$125,710.00
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Transfer to:	203-050-T069-8612	Transit Buses	\$125,710.00
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21. To approve the Third Amendment to Intergovernmental Agreement with the Atlanta-Region Transit Link Authority relating to operation of the Xpress commuter bus service in Cobb County through September 30, 2023, and approve a new Intergovernmental Agreement with the Atlanta-Region Transit Link Authority for the continuation of Xpress commuter bus service effective October 1, 2023 through September 30, 2024.

To **approve** the Third Amendment to Intergovernmental Agreement with the Atlanta-Region Transit Link Authority relating to operation of the Xpress commuter bus service in Cobb County through September 30, 2023; **approve** a new Intergovernmental Agreement with the Atlanta-Region Transit Link Authority for continuation of Xpress commuter bus service, effective October 1, 2023 through September 30, 2024; and **authorize** the Chairwoman to execute the necessary documents.

22. To approve Supplemental Agreement No. 1 to the contract with Glosson Enterprises, LLC for Windy Hill Road Transit Americans with Disabilities Act Sidewalk Improvements, Project No. T068, CCDOT Contract No. 001662.

To **approve** Supplemental Agreement No. 1 to the contract with Glosson Enterprises, LLC, in an amount not to exceed \$406,020.00, for the addition of County Services Parkway to Windy Hill Road Transit Americans with Disabilities Act Sidewalk Improvements, Project No. T068, CCDOT Contract No. 001662; **approve** a contract time extension through December 29, 2023; **authorize** the corresponding budget transaction; and **further authorize** the Chairwoman to execute the necessary documents.

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

Transfer from:	203-050-T068-8005	Preliminary Estimate	\$406,020.00
Transfer to:	203-050-T068-8762	Turnkey Construction	\$406,020.00
Increase Encumbrance			
GAE 20309132216:	203-050-T068-8762	Turnkey Construction	\$406,020.00

Public Services Agency

Library System

23. **To authorize the acceptance of 2023 supplemental funding for the 1,000 Books Before Kindergarten initiative from the Board of Regents, Georgia Public Library Service.**

To **authorize** the acceptance of the 2023 Georgia Public Library Service 1,000 Books Before Kindergarten funding in the amount of \$3,000.00; **authorize** the corresponding budget transactions; and **further authorize** the Chairwomen or Library Director to execute the necessary documents.

Increase Revenue:	270-080-S138-4455	Department of Education	\$3,000.00
Increase Expenditure:	270-080-S138-6601	Other Miscellaneous Expenses	\$3,000.00

Support Services Agency

24. **Withdrawal of request to find tax parcel #17042300290 to be surplus and convey by quitclaim deed to the Department of the Army 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.**

This item was withdrawn from the agenda.

Information Services

25. **To authorize the Purchasing Director to purchase technology greater than \$100,000.00, under provisions of a Georgia Department of Administrative Services (DOAS) Contract, with Prosys Information Systems, for the Cisco Collaboration Flex Enterprise Agreement (Flex EA).**

To **authorize** the Purchasing Director to purchase a 3-year Cisco Collaboration Flex Enterprise Agreement, in an amount not to exceed \$221,755.32 annually, under provisions of Georgia Department of Administrative Services Contract #99999-SPD-T20120501-0006 GA Networking Equipment and IT Infrastructure Products with Prosys Information Systems and **further authorize** the corresponding budget transactions.

Available in the Information Services Operating budget as follows:

010-035-0400-6491	(Software Maintenance)	\$221,755.32
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Police Department

26. To approve a revised agenda item of the Sub-Grant Agreement with the Atlanta Regional Commission for a Video Integration Center.

To **approve** a revised agenda item of the Sub-Grant Agreement with the Atlanta Regional Commission for a Video Integration Center, **approve** project related state contracts which exceed \$100,000.00, and **further authorize** the Chairwoman to execute all necessary documents.

Fire and Emergency Services

27. To authorize the Purchasing Director to purchase lightweight firefighting garments, or single layer gear from Municipal Emergency Services (MES), in an amount greater than \$100,000.00, under the provisions of Sourcewell contact #03620-FDX.

To **authorize** the Purchasing Director to purchase lightweight firefighting garments or single layer gear from Municipal Emergency Services (MES), in an amount not to exceed \$578,220.50, under provisions of Sourcewell contract #03620-FDX, and **further authorize** the corresponding budget transactions.

Funding is available in the Fire Fund's Operating Budget in Personal Protective Equipment:

230-130-196-1000-6256	Personal Protective Equipment	\$578,220.50
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28. To authorize the acceptance of sponsorship contributions and approve the construction of LGE Community Credit Union building at Safety Village.

To **authorize** the acceptance of sponsorship contributions of \$125,000.00; **approve** the construction of LGE Community Credit Union at The Safety Village; **authorize** the construction to be performed by the Cobb County Property Management department; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Funding is available with an appropriation of contributions in the Safety Village Construction Fund as follows:

Increase Revenue:	383-110-SVEB-4920	Gifts and Donations	\$125,000.00
Increase Expenditure:	383-110-SVEB-8005	Preliminary Estimates	\$125,000.00

Community Development

29. **To review a summary of the appeal hearing conducted by the License Review Board on May 11, 2023, for The L Room Event Venue, LLC d/b/a The L Room Event Venue.**

To **affirm** the decision of the License Review Board, following the review of the summary of the appeal hearing of May 11, 2023, to approve the application for a beer and wine Bottlehouse license The L Room Event Venue, LLC d/b/a The L Room Event Venue, 2217 Roswell Rd., Marietta, GA 30062, Antionette Lloyd, licensee.

30. **To review a summary of the appeal hearing conducted by the License Review Board on May 11, 2023, for 360 Food Group, LLC d/b/a Coaches Corner.**

To **affirm** the decision of the License Review Board, following the review of the summary of the appeal hearing of May 11, 2023, to approve the application for a liquor, beer, wine and Sunday Sales pouring license for 360 Food Group, LLC d/b/a Coaches Corner, 3910 Canton Rd., Marietta, GA 30066, Diamond Henderson, licensee.

31. **To review a summary of the appeal hearing conducted by the License Review Board on May 25, 2023, for James and U Group, Inc. d/b/a House of Ming.**

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 pouring license for James and U Group, Inc. d/b/a House of Ming, 3101 Roswell Rd., Ste. 116, Marietta, GA 30062, Minkyung Yu, licensee.

32. **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.**

This item was pulled from this Agenda for a hearing at a later date.

Economic Development

33. To approve a Business Investment Grant for Lotus Skin Institute, LLC from the Cobb County Entrepreneurship and Innovation Incentive Program.

To **approve** a Business Investment Grant for Lotus Skin Institute, LLC in the amount of \$5,000.00 from the Entrepreneurship and Innovation Incentive Program; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Funding is available in the Grant Fund as follows:

Increase Revenue	270-030-L016-4508	\$5,000.00
Increase Expenditure	270-030-L016-6601	\$5,000.00

34. To approve a Business Investment Grant for Resultz Only Fitness from the Cobb County Entrepreneurship and Innovation Incentive Program.

To **approve** a Business Investment Grant for Resultz Only Fitness in the amount of \$10,000.00 from the Entrepreneurship and Innovation Incentive Program; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Funding is available in the Grant Fund as follows:

Increase Revenue	270-030-L016-4508	\$10,000.00
Increase Expenditure	270-030-L016-6601	\$10,000.00

35. To approve a Business Investment Grant for Zoet Beauty Supply, LLC from the Cobb County Entrepreneurship and Innovation Incentive Program.

To **approve** a Business Investment Grant for Zoet Beauty Supply, LLC in the amount of \$5,000.00 from the Entrepreneurship and Innovation Incentive Program; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Funding is available in the Grant Fund as follows:

Increase Revenue	270-030-L016-4508	\$5,000.00
Increase Expenditure	270-030-L016-6601	\$5,000.00

Human Resources

36. **To approve the revision of the Compensation Policy, Education Incentive Pay Policy, Nepotism Policy, Parental Leave Policy, Performance Appraisal Policy, and Progressive Discipline Procedures; and approve the adoption of the Americans with Disabilities Act (ADA) Policy.**

To **approve** the revision of the Compensation Policy, Education Incentive Pay Policy, Nepotism Policy, Parental Leave Policy, Performance Appraisal Policy, and Progressive Discipline Procedures; and **approve** the adoption of the Americans with Disabilities Act (ADA) Policy. A copy of each approved policy is attached and made a part of these minutes.

Finance

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

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

CDBG

38. **To approve Cooperation Agreements between Cobb County and each of the following cities: the City of Acworth, the City of Austell, the City of Kennesaw, the City of Powder Springs, and the City of Smyrna for participation as an Urban County under the Community Development Block Grant program.**

To **approve** Cooperation Agreements between Cobb County and each of the following cities: the City of Acworth, the City of Austell, the City of Kennesaw, the City of Powder Springs, and a Joint Agreement for the City of Smyrna for participation as an Urban County under the CDBG Program; and **authorize** the Chairwoman to execute the necessary documents.

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CobbWorks

39. To revise the funding associated with the FY 2023 Dislocated Worker as an Adult Program Grant, previously approved by the Board of Commissioners.

To **authorize** the revised funding for the FY 2023 Dislocated Worker as an Adult Program Grant; authorize the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Reverse Previous Transactions

Decrease Revenue:	276-120-WF23-4430-WF23TR-P	Federal Grant Revenue	\$700,000.00
Decrease Expenditure:	276-120-WF23-WF23TR-P	Program Expenses	\$630,000.00
Decrease Expenditure:	276-120-WF23-WF23TR-A	Administrative Expenses	<u>\$ 70,000.00</u>
			\$700,000.00

Revised Transactions

Decrease Expenditure:	276-120-WF23-WF23DW-P (See below)	Program Expenses	\$630,000.00
Decrease Expenditure:	276-130-WF23-WF23DW-A (See below)	Administrative Expenses	\$ 70,000.00
Increase Expenditure:	276-120-WF23-WF23TR-P (See below)	Program Expenses	\$630,000.00
Increase Expenditure:	276-120-WF23-WF23TR-A (See below)	Administrative Expenses	<u>\$ 70,000.00</u>
			\$700,000.00

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Continuation of Item 39 Funding

WF23	6116	\$ 3,425.00
WF23	6122	\$ 1,986.00
WF23	6168	\$ 196.00
WF23	6174	\$ 3,920.00
WF23	6312	\$281,728.00
WF23	6326	\$ 31,583.00
WF23	6348	\$ 980.00
WF23	6382	\$ 232.00
WF23	6384	\$ 2,317.00
WF23	6392	\$ 1,372.00
WF23	6395	\$229,367.00
WF23	6396	\$ 1,808.00
WF23	6432	\$ 2,416.00
WF23	6438	\$ 980.00
WF23	6476	\$ 6,687.00
WF23	6532	\$ 5,082.00
WF23	6534	\$13,572.00
WF23	6536	\$ 1,960.00
WF23	6581	\$37,786.00
WF23	6584	\$ 2,152.00
WF23	6588	\$ 392.00
WF23	6621	\$ 59.00
WF23	6116	\$ 380.00
WF23	6122	\$ 221.00
WF23	6168	\$ 22.00
WF23	6174	\$ 436.00
WF23	6302	\$ 2,396.00
WF23	6312	\$54,390.00
WF23	6326	\$ 3,510.00
WF23	6348	\$ 109.00
WF23	6382	\$ 25.00
WF23	6384	\$ 257.00
WF23	6392	\$ 153.00
WF23	6396	\$ 201.00
WF23	6432	\$ 268.00
WF23	6438	\$ 109.00
WF23	6476	\$ 744.00
WF23	6532	\$ 565.00
WF23	6534	\$ 1,508.00
WF23	6536	\$ 218.00
WF23	6581	\$ 4,199.00
WF23	6584	\$ 239.00
WF23	6588	\$ 44.00
WF23	6621	\$ 6.00
Total		\$700,00.00

County Clerk

40. To approve minutes.

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

- May 22, 2023 - Agenda Work Session
- May 23, 2023 - BOC Works Session
- May 23, 2023 - BOC Regular Meeting

CONSENT VOTE: **ADOPTED 4-0**, Chairwoman Cupid not present (*Statements of Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes*)

REGULAR AGENDA

Transportation

41. To approve Change Order No. 1 (final) to Project No. X2524-TO#1 to the 2020 Master Task Order Contract with AECOM Technical Services, Inc., for Traffic Signal Timing, CCDOT Contract No. 001555.

Motion by Ricardson, second by Gambrill, to **approve** Change Order No. 1 (final) to Project No. X2524-TO#1 to the 2020 Master Task Order Contract with AECOM Technical Services, Inc., a savings to the project in the amount of \$3,370.06, for Traffic Signal Timing, CCDOT Contract No. 001555; **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 34705252123:	347-050-X250-X250-8722-X2524-E	Engineering	\$3,370.06
Transfer From:	347-050-X250-X250-8722-X2524-E	Engineering	\$3,370.06
Transfer To:	347-050-X250-X250-8721-X2523-E	Preliminary Estimate	\$3,370.06

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, Traffic Management, Traffic Signals, and Planning.

Traffic Signal Timing is an approved project/program in the Congestion Relief and Mobility Improvements - Traffic Management, Traffic Signals, and Planning Component of the 2016 SPLOST Transportation Improvements (Cobb County 2016 SPLOST, pp. 7, 23).

SPLOST Project Summary as of May 3, 2023: Adaptive Traffic Signal System/MaxView Signal System

Budget:	\$89,880.00	Expended:	\$86,509.94
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VOTE: **ADOPTED 4-0**, Chairwoman Cupid not present, with exception to Consent Items 24 and 32, which were withdrawn from this agenda (*Statements of Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes*)

42. To approve a contract with Chatfield Contracting, Inc., for drainage system repairs on Shadowlake Lane, Project No. B2208, CCDOT Contract No. 001851.

Motion by Richardson, second by Gambrill, to **approve** a contract with Chatfield Contracting, Inc., in an amount not to exceed \$193,198.75, for drainage system repairs on Shadowlake Lane, Project No. B2208, CCDOT Contract No. 001851; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

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

Transfer from:	348-050-B220-B220-8005-B2201-A	Preliminary Estimate	\$173,198.75
Transfer to:	348-050-B220-B220-8762-B2208-C	Turnkey Construction	\$173,198.75

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.

Shadowlake 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 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 May 3, 2023: Drainage System

Budget:	\$10,086,879.47	Encumbered/Expended:	\$6,408,578.03
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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	\$22,000.00
Transfer to:	Shadowlake Lane Drainage - Utility Allow.		
	510-500-5756-6496-W5077-C	Drainage Contract R&M Svc.	\$20,000.00
	510-500-5756-8265-W5077-M	Materials and Supplies	\$ 1,500.00
	510-500-5756-8810-W5077-T	Contingency	\$ 500.00
		Total:	\$22,000.00

VOTE: **ADOPTED 4-0**, Chairwoman Cupid not present (*Statements of Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes*)

43. To approve a contract with D & H Construction Company, Inc., for drainage system repairs on Lakeridge Drive, Project No. B2234, CCDOT Contract No. 001932.

Motion by Richardson, second by Gambrill, to **approve** a contract with D & H Construction Company, Inc., in an amount not to exceed \$196,169.00, for drainage system repairs on Lakeridge Drive, Project No. B2234, CCDOT Contract No. 001932; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

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

Transfer from:	348-050-B220-B220-8005-B2201-A	Preliminary Estimate	\$176,169.00
Transfer to:	348-050-B220-B220-8762-B2234-C	Turnkey Construction	\$176,169.00

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.

Lakeridge 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 May 3, 2023: Drainage System

Budget:	\$10,086,879.47	Encumbered/Expended:	\$6,408,578.03
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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	\$22,000.00
Transfer to:	Lakeridge Drive Drainage - Utility Allow.		
	510-500-5756-6496-W5078-C	Drainage Contract R&M Svc.	\$20,000.00
	510-500-5756-8265-W5078-M	Materials and Supplies	\$ 1,500.00
	510-500-5756-8810-W5078-T	Contingency	<u>\$ 500.00</u>
		Total:	\$22,000.00

VOTE: **ADOPTED 4-0**, Chairwoman Cupid not present (*Statements of Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes*)

44. To ratify previous action by the County Manager authorizing emergency drainage repairs on Rivendell Court and approve Project No. B2288 to the 2021 Countywide Unit Price Contract with Chatfield Contracting, Inc., for said repairs, CCDOT Contract No. 002166.

Motion by Birrell, second by Sheffield, to **ratify** previous action by the County Manager authorizing emergency drainage repairs on Rivendell Court, in response to a sinkhole; **approve** Project No. B2288 to the 2021 Countywide Unit Price Contract with Chatfield Contracting, Inc., in an amount not to exceed \$248,295.00, for said repairs, CCDOT Contract No. 002166; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

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

Transfer from:	348-050-B220-B220-8005-B2201-A	Preliminary Estimate	\$223,295.00
Transfer to:	348-050-B220-B220-8762-B2288-C	Turnkey Construction	\$223,295.00

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.

Rivendell 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 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 May 3, 2023: Drainage System

Budget:	\$10,086,879.47	Encumbered/Expended:	\$6,408,578.03
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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	\$28,000.00
Transfer to:	Rivendell Court Drainage - Utility Allow.		
	510-500-5756-6496-W5079-C	Drainage Contract R&M Svc.	\$25,000.00
	510-500-5756-8265-W5079-M	Materials and Supplies	\$ 2,500.00
	510-500-5756-8810-W5079-T	Contingency	\$ 500.00
		Total:	\$28,000.00

VOTE: **ADOPTED 4-0**, Chairwoman Cupid not present (*Statements of Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes*)

45. **To approve a contract with Smart Road Technology, LLC for Powder Springs Road at Hopkins Road/Carter Road Signal Rebuild, Project No. E5042, CCDOT Contract No. 002106.**

Motion by Sheffield, second by Birrell, to **approve** a contract with Smart Road Technology, LLC, in an amount not to exceed \$368,910.25, for Powder Springs Road at Hopkins Road/Carter Road Signal Rebuild, Project No. E5042, CCDOT Contract No. 002106; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

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

Transfer from:	345-050-E005-E504-8761-E5042-C	Preliminary Estimate	\$328,026.00
	345-050-E005-E504-6198-E5042-C	Traffic Control Supplies	\$ 12,810.21
	345-050-E004-E403-8786-E4030-U	Utility Relocation	\$ 28,074.04
Transfer to:	345-050-E005-E504-8771-E5042-O	Construction - Signalization	\$368,910.25

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

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

SPLOST Project Summary as of May 3, 2023: Powder Springs Road at Hopkins Road/Carter Road Signal Rebuild

Budget:	\$340,836.21	Expended:	\$0.00
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Adjusted SPLOST Project Summary, following requested budget transfer:

Adjusted Budget:	\$368,910.25
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VOTE: **ADOPTED 4-0**, Chairwoman Cupid not present (*Statements of Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes*)

46. To approve Change Order No. 1 (final) to the contract with W.E. Contracting Company, Inc., for drainage system repairs on Ridgewood Creek Drive, Project No. B2225, CCDOT Contract No. 001807.

Motion by Birrell, second by Sheffield, to **approve** Change Order No. 1 (final) to the contract with W.E. Contracting Company, Inc., a savings to the project in the amount of \$33,505.00, for drainage system repairs on Ridgewood Creek Drive, Project No. B2225, CCDOT Contract No. 001807; **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 34801102329: 348-050-B220-B220-8762-B2225-C Turnkey Construction \$33,505.00

Transfer from: 348-050-B220-B220-8762-B2225-C Turnkey Construction \$33,505.00

Transfer to: 348-050-B220-B220-8005-B2201-A Preliminary Estimate \$33,505.00

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.

Ridgewood 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**, Chairwoman Cupid not present (*Statements of Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes*)

47. **To approve Change Order No. 1 (final) to Project No. B2268 to the 2021 Countywide Unit Price Contract with Chatfield Contracting, Inc., for emergency drainage repairs on Eagles Crest Drive, CCDOT Contract No. 002065.**

Motion by Gambrill, second by Sheffield, to **approve** Change Order No. 1 (final) to Project No. B2268 to the 2021 Countywide Unit Price Contract with Chatfield Contracting, Inc., a savings to the project in the amount of \$93,705.44, for emergency drainage repairs on Eagles Crest Drive, CCDOT Contract No. 002065; **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 34801242338: 348-050-B220-B220-8762-B2268-C Turnkey Construction \$93,705.44

Transfer from: 348-050-B220-B220-8762-B2268-C Turnkey Construction \$93,705.44

Transfer to: 348-050-B220-B220-8005-B2201-A Preliminary Estimate \$93,705.44

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.

Eagles Crest 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**, Chairwoman Cupid not present (*Statements of Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes*)

48. **To approve Change Order No. 1 (final) to Project No. B2277 to the 2021 Countywide Unit Price Contract with Advanced Sports Construction, LLC for emergency drainage repairs on Pilot Mountain Way, CCDOT Contract No. 002094.**

Motion by Sheffield, second by Birrell, to **approve** Change Order No. 1 (final) to Project No. B2277 to the 2021 Countywide Unit Price Contract with Advanced Sports Construction, LLC, a savings to the project in the amount of \$27,287.36, for emergency drainage repairs on Pilot Mountain Way, CCDOT Contract No. 002094; **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 34802142360: 348-050-B220-B220-8762-B2277-C Turnkey Construction \$27,287.36

Transfer from: 348-050-B220-B220-8762-B2277-C Turnkey Construction \$27,287.36

Transfer to: 348-050-B220-B220-8005-B2201-A Preliminary Estimate \$27,287.36

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.

Pilot Mountain Way 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**, Chairwoman Cupid not present (*Statements of Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes*)

49. **To approve the recommended ranking of the three most qualified firms for engineering design of Big Shanty Road Widening, State P.I. No. 0019616, Cobb County Project No. B2431.**

Motion by Birrell, second by Sheffield, to **approve** the recommended ranking of the three most qualified firms for engineering design of Big Shanty Road Widening, State P.I. No. 0019616, Project No. B2431; and **authorize** negotiations for final scope of services and fees beginning with the top-ranked firm, Gresham Smith.

VOTE: **ADOPTED 4-0**, Chairwoman Cupid not present (*Statements of Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes*)

50. To approve Project No. B2437-TO#1 to the 2022 Master Task Order Contract with Kimley-Horn and Associates, Inc., for engineering design of Johnson Ferry Road at Shallowford Road Intersection Improvements, CCDOT Contract No. 002150.

Motion by Richardson, second by Birrell, to **approve** Project No. B2437-TO#1 to the 2022 Master Task Order Contract with Kimley-Horn and Associates, Inc., in an amount not to exceed \$495,292.30, for engineering design of Johnson Ferry Road at Shallowford Road Intersection Improvements, CCDOT Contract No. 002150; **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-B240-B240-8005-B2430-A	Preliminary Estimate	\$495,292.30
Transfer to:	348-050-B240-B240-8722-B2437-E	Engineering	\$495,292.30

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, Federal/State/Local Match Improvements.

Johnson Ferry Road at Shallowford Road Intersection Improvements is an eligible project/program under the Federal/State/Local Match Improvements Component of the 2022 SPLOST Transportation Improvements (2022 Cobb SPLOST Renewal, pp. 1, 21, 23). SPLOST funding for the Federal/State/Local Match Improvements will be used to leverage available matching funds to deliver key operational and safety improvements to the county's transportation system.

SPLOST Project Summary as of May 3, 2023: Johnson Ferry Road at Shallowford Road Intersection Improvements (new project as of 06/13/23)

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

Adjusted Budget:	\$495,292.30
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VOTE: **ADOPTED 4-0**, Chairwoman Cupid not present (*Statements of Commissioner Birrell and Commissioner Gambrell are attached and made a part of these minutes*)

Public Services Agency

PARKS

51. To approve Change Order No. 1 (Deductive) to the contract with Tri Scapes, Inc. for the Violet F. Stout Park project under the 2016 PARKS SPLOST Program.

Motion by Sheffield, second by Birrell, to **approve** Change Order No. 1 to the contract with Tri Scapes, Inc. for Construction of Phase 1 of the Stout Park Master Plan under the 2016 PARKS SPLOST Program, representing a total credit in the amount of \$125,000.00; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

This reflects a savings to the 2016 PARKS SPLOST Funds as follows:

Decrease Encumbrance:

GAE 34709132245	347-105-X063-X0632-C-8125	(Stout Park)	\$125,000.00
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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.

General park improvements as included in the approved Master Plan for Equestrian Center/Community Center for Stout Park is an eligible project under the 2016 SPLOST (Cobb County 2016 SPLOST, Page 31). Phase 1 of the Master Plan will allow horse owners to enjoy access to the property with roadway improvements, parking, and restroom facilities.

SPLOST Project Summary as of May 5, 2023 (Stout Park):

Budget:	\$3,400,000.00	Expended to Date:	\$3,296,510.01
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VOTE: **ADOPTED 4-0**, Chairwoman Cupid not present (*Statements of Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes*)

Support Services Agency

52. To approve a Purchase and Sale Agreement for the acquisition of real property comprised of two single-story office buildings on approximately 10 acres, located at 1828 West Oak Parkway and 1975 West Oak Circle, Marietta, Georgia; approve the payment of associated land acquisition costs; and approve repurposing renovation costs.

Motion by Richardson, second by Birrell, to **approve** a Purchase and Sale Agreement for the acquisition of real property comprised of two single story office buildings on approximately 10 acres, located at 1828 West Oak Parkway and 1975 West Oak Circle, Marietta, Georgia, in the form substantially similar to that presented and as prepared by the County Attorney's Office; **approve** the payment of associated land acquisition costs; **approve** repurposing renovation costs; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the Purchase and Sale Agreement and all other necessary documents and take all other action necessary or appropriate to accomplish the foregoing purposes.

Funding will be available from the ARPA Fund with the following transactions:

Decrease Expenditure:	279-055-ARRP-8820	ARPA Undesignated Contingency	\$9,537,660.00
Increase Expenditure:	279-055-ARRP-6594	Interfund Transfer Expense	\$9,537,660.00
Increase Revenue:	010-125-0655-4960	Interfund Transfer Revenue	\$9,537,660.00
Increase Expenditure:	010-125-0655-8015	Site Acquisition	\$8,132,000.00
Increase Expenditure:	010-125-0655-8810	Designated Contingency	\$ 40,660.00
Increase Expenditure:	010-125-0655-8110	Renovation of Buildings	\$1,365,000.00

Actual site acquisition cost is an estimate. Additional costs associated with title search, title insurance premium, surveys, prorated taxes, closing costs, and any other necessary expenses will be disclosed in the settlement statement. A contingency of 0.5% of the purchase price of the property is included.

VOTE: **ADOPTED 4-0**, Chairwoman Cupid not present (*Statements of Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes*)

Property Management

53. **To approve an Agreement with Johnson Controls, Inc., for engineering services for the ARPA- funded Healthy County Building Initiative to implement COVID-19 mitigation and prevention in various County facilities.**

Motion by Richardson, second by Gambrill, to **approve** an Agreement with Johnson Controls, Inc., in the amount of \$530,000.00, for engineering services for the ARPA-funded Healthy County Building Initiative to implement COVID-19 mitigation and prevention in various County facilities; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Funding is available in the ARPA budget with the following transfer:

Transfer from:	279-499-C102-8005	Preliminary Estimates	\$530,000.00
Transfer to:	279-499-C102-8120	Prof Svcs - Bldgs & Structures	\$530,000.00

VOTE: **ADOPTED 4-0**, Chairwoman Cupid not present (*Statements of Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes*)

APPOINTMENTS

54. **To approve the reappointment of Karen Hallacy to the Development Authority of Cobb County.**

Motion by Richardson, second by Birrell, to **approve** the reappointment of Karen Hallacy to the Development Authority of Cobb County for a four-year term to expire on March 13, 2026.

VOTE: **ADOPTED 4-0**, Chairwoman Cupid not present (*Statements of Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes*)

55. **To approve the reappointment of Bob Voyles to the Cobb-Marietta Coliseum and Exhibit Hall Authority.**

Motion by Richardson, second by Gambrill, to **approve** the reappointment of Bob Voyles to the Cobb-Marietta Coliseum and Exhibit Hall Authority for a four-year term to expire on April 30, 2027.

VOTE: **ADOPTED 4-0**, Chairwoman Cupid not present (*Statements of Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes*)

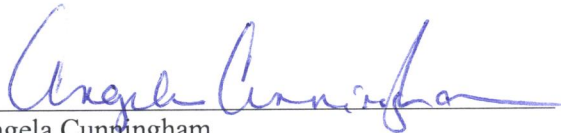
MOTION TO CONDUCT EXECUTIVE SESSION

MOTION: Motion by Richardson, second by Birrell, to **approve** the call of an Executive Session to discuss matters which may be discussed in Executive Session.

VOTE: **ADOPTED 4-0**, Chairwoman Cupid not present (*Statements of Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes*)

ADJOURNMENT

The meeting was adjourned at 10:20 a.m.



Angela Cunningham
Deputy County Clerk
Cobb County Board of Commissioners

Mabry, Pamela

From: Birrell, JoAnn
Sent: Monday, June 12, 2023 10:35 AM
To: Mabry, Pamela; Rowland, Justin; Board of Commissioners
Cc: Guinn, Jessica; Johnson, Brian; Stone, Robin
Subject: FW: ECCA recommendation on proposed code amendments

ECCA President and Vice President would like to submit this letter for the record at the public hearing tomorrow. Neither of them can make the meeting and were not notified until they looked at the Agenda I would suggest posting these online in advance of the hearing and sending out to HOA groups

JoAnn K. Birrell
District 3 Commissioner
770-528-3318
joann.birrell@cobbcounty.org
Please sign up for my weekly newsletter at www.cobbcounty.org/birrell

From: Vice President ECCA <vicepresidentecca@gmail.com>
Sent: Sunday, June 11, 2023 7:37 PM
To: Richardson, Jerica <Jerica.Richardson@cobbcounty.org>; Birrell, JoAnn <JoAnn.Birrell@cobbcounty.org>; Gambrill, Keli <Keli.Gambrill@cobbcounty.org>; Cupid, Lisa <Lisa.Cupid@cobbcounty.org>; Sheffield, Monique <Monique.Sheffield@cobbcounty.org>; Stone, Robin <Robin.Stone@cobbcounty.org>; McMorris, Jackie <Jackie.McMorris@cobbcounty.org>; Johnson, Brian <Brian.Johnson@cobbcounty.org>
Cc: Guinn, Jessica <Jessica.Guinn@cobbcounty.org>
Subject: ECCA recommendation on proposed code amendments

Dear Madam Chair, Commissioners and County Manager,

ECCA has just discovered new proposed 2023 Code Amendments on the Cobb County Board of Commissioners, Board Meeting Agenda for June 13, 2023. The heading page for the proposed 2023 Code Amendments states: Package 1, Version 1 – distributed on May 11, 2023. Distributed to whom; the Commissioners, the Staff, Whom? Despite ECCA's repeated attempts to find out when any new code amendments will be brought forward, no attempt to notify us that changes were going to be proposed was made.

There is no mention of new code amendments or publication of these amendments anywhere on the website that we can find. Nothing in Community Development or any of the email blasts from the Commissioners or the County. Even the agenda does not indicate what department is sponsoring these amendments.

Finding the hearings for proposed Code Amendments on the Agenda for the upcoming Cobb County Board of Commissioners meeting for Tuesday, June 13, 2023, does not "feel like" prior notice, nor "open and transparent" governing. This is more like hide and seek.

ECCA missed the fact that the County has already had one public hearing on the proposed Code Amendments at the Planning Commission, June 6, 2023. ECCA did not find it on the Agenda fast enough. In reviewing that video, there were no comments from the public; maybe because no

one had any comments, or maybe because no one knew about the proposed Code Amendments being heard.

ECCA has noted in the past the lack of notification to the public about upcoming Code Amendments; and therefore, the perceived lack of "transparency in governing" by the County's officials. We've made these comments both in writing and even from the dais during previous BOC meetings and yet the problem persists.

We recommend that these amendments be held until notification is given to the public that they exist, not hidden away in a meeting agenda.

For personal reasons, neither of us can attend the Cobb County BOC Meeting on Tuesday. We ask that you please enter our email into the record during this meeting.

Regards,

Richard S. Grome, President
East Cobb Civic Association, Inc.

Jill Flamm, Vice President
East Cobb Civic Association, Inc.

CAUTION: This email originated outside Cobb County Government. Please exercise caution when opening links/attachments in this email .

Commissioner Birrell's statement

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

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

Commissioner Gambrill's statement

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

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

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

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

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

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

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

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

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

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

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



Education Incentive Pay Policy

Effective Date: December 2015

BOC Amended: 9/2017; 8/2020; 05/2023; 06/2023

Owner	Board of Commissioners (BOC)
Reviewer(s)	Director of Public Safety, Sheriff, Chief Deputy Sheriff
Approver(s)	Board of Commissioners (BOC)
Related Policies	Personnel Payroll, Compensation
Related Standards	N/A
Storage Location	iCobb
Last Review Date	October 2020 May 2023 <u>June 2023</u>
Next Review Date	October 2022 May 2025 <u>June 2025</u>
Review Cycle	Every 2 years

1. PURPOSE

To assist in the recruitment and retention of employees working in specifically identified public safety positions by providing incentive pay to employees who attain higher education degrees.

2. SCOPE

Educational Incentive Pay will be available to eligible **full-time** employees of the Department of Public Safety and the Sheriff's Office as outlined below. Once an employee's eligibility has been confirmed, disbursements are made on a quarterly basis provided they remain employed through the last day of the month the disbursements are calculated. The incentive will be added to the last check of April, July, October, and January.

The Educational Incentive Pay will not be subject to retirement or pension plan contributions by the employee. The Educational Incentive Pay will not be considered as additional income and/or count towards the employee's retirement or pension plan and will not be included in calculating an employee's pay rate for overtime compensation. Incentive Pay is subject to all applicable federal, state and local taxes.

3. GOVERNING LAWS, REGULATIONS & STANDARDS

Not applicable.

4. POLICY

A. Eligibility – All **Eligible full-time** employees working in the positions identified below who received an applicable degree.

- 911 Emergency Communications:** All positions requiring POST certification.
- DPS:** All sworn positions requiring POST certification
- Fire & Emergency Services:** All sworn positions, Deputy Fire Marshall, Fire Protection Engineer, and EMS Training Coordinator and **Safety Village Director** positions
- Police Department:** All sworn positions requiring POST Certification, Certified Senior Crime Scene Technicians, Certified Crime Scene Technicians
- Sheriff's Office:** All sworn positions requiring POST certification, Detention Officers, Certified Senior Crime Scene Technicians, and Certified Crime Scene Technicians



Education Incentive Pay Policy

6. **Animal Services:** ACO I, ACO II, ACTI, ACO Supervisor, ACO Manager, and ACO Specialist positions
7. **Emergency Management Agency:** EMA Director, EMA Deputy Director, EMA Specialist, and EMA Volunteer Coordinator positions with Georgia Emergency Management Certification

B. Educational Benefit

1. Associates \$1,000 per year (\$250 per quarter)
2. Bachelor's \$2,000 per year (\$500 per quarter)
3. Master's \$3,000 per year (\$750 per quarter)

Employees may only receive the educational benefit for the highest degree attained.

C. Eligibility Requirements

1. The employee must provide a "SEALED OFFICIAL TRANSCRIPT" to the Department of Public Safety or Sheriff's Office for verification of a degree. All transcripts will be forwarded to Human Resources and maintained in the employee's permanent personnel file.
2. Employees must have received their degree from a regionally or nationally accredited school. The school must be accredited through an institutional accrediting agency as recognized by the U.S. Secretary of Education.

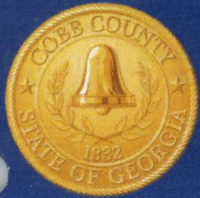
5. NON-COMPLIANCE

~~Violations of this policy may include one or more of the following:~~

- ~~1. Disciplinary action according to applicable County policies;~~
- ~~2. Termination of employment; and/or~~
- ~~3. Legal action according to applicable laws and contractual agreements.~~

REVISION HISTORY

Version ID	Revision Date	Author	Reason for Revision
	12-2015		Adoption
	09-2017		Revision
	08-2020		Revision
v. 1.0.2020	10-2020	HR	Reformat
v. 1.0.2023	06.2023	Public Safety; Sheriff's Office	Revision



Nepotism Policy

Effective Date: January 1987

BOC Amended: 8/1989; 12/1990; 6/1992; 5/1995; 12/1996; 4/1997; 3/2017; 6/2023

Owner	Board of Commissioners
Reviewer(s)	Human Resources Department
Approver(s)	Human Resources Director Chief Human Resources Officer; Human Resources Division Managers
Related Policies	No Harassment and No Discrimination Policy Conduct and Performance Policy
Related Standards	N/A
Storage Location	iCobb
HR Last Review Date	November 2020 April 2023 <u>June 2023</u>
HR Next Review Date	November 2022 April 2025 <u>June 2025</u>
HR Review Cycle	2 years

1. PURPOSE

The County seeks to promote a work environment free from ~~To provide regulations concerning the employment of relatives within the same department. In adopting a nepotism policy, the County has several legitimate interests it is attempting to solve, such as preventing conflicts of interest, avoiding the appearance or existence of favoritism, avoiding family conflicts, and preventing sexual harassment in the workplace.~~

2. SCOPE

This policy affects Board of Commissioners' employees, including full-time, part-time, and temporary employees. If you have questions regarding this policy, contact Human Resources.

3. DEFINITIONS

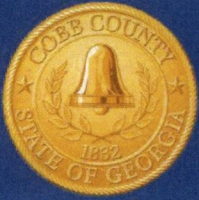
Direct chain-of-command relationship applies to Department of Public Safety employees. For the purposes of Police and Fire & Emergency Services, the direct chain of command includes all ranks up to and including Police Major and Fire Battalion Chief. For the purposes of E-911, the direct chain of command includes all ranks up to and including Assistant Director.

Family member is defined as spouse, common-law spouse, domestic partner, child, parent, brother, sister, step-parent, stepchild, step-brother, stepsister, grandparent, grandchild, aunt, uncle, niece, nephew, half-brother, half-sister, son-in-law, or daughter-in-law. These relationships shall include those arising from adoption.

Personnel actions include, but are not limited to, hiring, promotions/assessments, pay raises, transfers, duty assignments, disciplinary and/or corrective actions, and workplace investigations.

Secondary Employment of an Official Capacity applies to sworn or certified (i.e., P.O.S.T. certification or certification by the State of Georgia) employees of the Department of Public Safety and is defined as work for an employer other than the department during off-duty hours involving the performance of duties in the employee's certified capacity.

Work Location is defined as the geographic location where an employee is ordinarily assigned or reports to work or as otherwise designated by management.



Nepotism Policy

4. POLICY

This policy is intended to ensure that employees who are family members will not directly supervise or report to one another, will not participate in personnel actions or investigations involving another family member, and will not otherwise exercise influence over another family member's employment.

Cobb County prohibits (1) the hiring or continued employment of a family member to work on the same shift and in the same work location as another family member, (2) the hiring or continued employment of a family member that would result in a supervisory/subordinate or direct chain-of-command relationship, (3) the participation by a family member in a workplace investigation of an employment matter or in proposing or effecting any personnel actions involving another family member, and (4) family members performing Secondary Employment of an Official Capacity for the same employer at the same location during the same hours of a family member.

5. PROCEDURES

A. Disclosure of Family Member Relationships. Applicants for employment must disclose the identity of family members working for Cobb County, and those who work in the department for which they are applying. Employees who become family members following their employment must immediately disclose the identity of other family members working in the same department.

Employees in the same department who plan to marry must immediately notify the Department/Agency Director ~~as soon as possible, but in any event no later than the date of their marriage~~, to allow for the department to make sufficient arrangements consistent with this policy.

Applicants or employees who fail to disclose their relationships with family members employed with Cobb County and in the same department may be subject to disqualification, corrective action, or disciplinary action, up to and including termination.

B. Family Member Relationships Arising After Employment. In the event employees become family members after their dates of employment, the following procedures shall apply:

(1) If the new family member relationship results in a supervisory or chain-of-command conflict, the department has discretion to make employment decisions and/or ~~assignments~~ reassignments consistent with Section 5 of this policy.

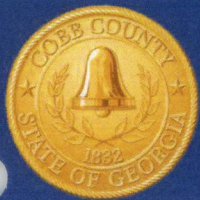
(2) If no supervisory or chain-of-command conflict exists, the department has discretion to make employment decisions and/or ~~assignments~~ reassignments. ~~consistent with Section 5 of this policy.~~

(3) Where feasible, the department may transfer or reassign any family member (~~other than those already employed on the effective date of this revision~~) to avoid any direct supervision, and to comply with this policy within thirty (30) days, and shall provide at least a ten (10) day notice to the employee of the new assignment.

(4) If a transfer or reassignment cannot be arranged, either person may resign. If neither person chooses to resign, the less senior employee with the department shall be separated from his/her employment.

C. Secondary Employment. The department shall not approve a request to engage in Secondary Employment of an Official Capacity where one family member would supervise another family member or where family members would work for the same employer at the same location during the same hours.

D. If an investigation and/or personnel action involves a family member under the chain of command of another family member (who would ordinarily be the decision-maker), the higher-ranking, decision-making employee shall recuse him/herself from any involvement in the personnel action and investigation.



Nepotism Policy

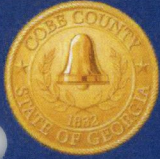
6. EXCEPTIONS

Exceptions to this policy must be justified and approved in advance by the Board of Commissioners.

7. NON-COMPLIANCE

Violations of this policy may include disciplinary action according to applicable County policies.

Version ID	Revision Date	Author	Reason for Revision
	01-1987		Adoption
	08-1989		Revision
	12-1990		Revision
	06-1992		Revision
	05-1995		Revision
	12-1996		Revision
	04-1997		Revision
	03-2017		Revision
v.1.0.2020	09-2020		Reformat
<u>v.1.0.2023</u>	<u>06-2023</u>	<u>Human Resources</u>	<u>Revision</u>



Parental Leave Policy

Effective Date: October 2019

BOC Amended: 6/2023

Owner	Board of Commissioners (BOC)
Reviewer(s)	Chief Human Resources Officer; Human Resources Division Managers
Approver(s)	Board of Commissioners (BOC)
Related Policies	N/A
Related Standards	N/A
Storage Location	iCobb
HR Last Review Date	November 2020 <u>June 2023</u>
HR Next Review Date	November 2022 <u>June 2025</u>
HR Review Cycle	Every 2 years

1. PURPOSE

To provide regulations concerning paid parental leave enabling employees to care for and bond with their newborn or newly adopted child.

2. SCOPE

This policy affects All Full-Time Employees. If you have questions regarding this policy, contact Human Resources.

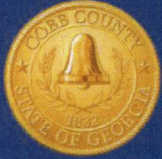
3. POLICY

Paid parental leave is granted to employees following the birth of an employee's child or the placement of a child with an employee in connection with adoption. An employee may receive up to six (6) weeks of paid parental leave during any "rolling" 12- month period, measured backward from the date that any Parental Leave was utilized, which will run concurrently with Family and Medical Leave Act (FMLA), as applicable during any "rolling" 12- month period, measured backward from the date that any FMLA leave is to be used. FMLA leave for the birth or placement of a child for adoption must be concluded within 12 months of the birth or placement.

- All eligible employees must be employed full-time with at least one (1) full year of service, having worked at least 1,250 hours during the last 12 consecutive months.
- Employee must have given birth to a child, ~~be the spouse of the individual who has given birth to a child, or adopted a child (adopted child must be age 17 or younger).~~ **be the natural or adoptive parent of the child.**

4. PROCEDURES

- A. The employee will provide their supervisor with notice of the request for leave at least 30 days prior to the proposed date of the leave (or if the leave was not foreseeable, as soon as possible). The employee must complete the necessary leave forms and provide all required documentation as stated in Cobb County's Leave of Absence Policy.



Parental Leave Policy

- B. Employee parents of the same child working in the same department **AND same work location** may not use paid parental leave at the same time.
- C. Each week of paid parental leave is compensated at 100 percent of the employee's regular, straight-time weekly pay, to be paid on Cobb County's regularly scheduled pay dates.
- D. Approved paid parental leave may be taken at any time during the three-month period immediately following the birth, adoption or placement of the child for adoption. Paid parental leave may not be used or extended beyond the three-month time frame. **Any unused paid parental leave will be forfeited at the end of the three-months.**
- ~~E. Employees must take paid parental leave in a three-month period from the date of the qualified event. Any unused paid parental leave will be forfeited at the end of the three-months.~~
- ~~E. F.~~ Paid parental leave taken under this policy will run concurrently with leave under FMLA; thus, any leave taken under this policy that falls under the definition of circumstances qualifying for leave due to the birth or placement of a child due to adoption, the leave will be counted toward the 12 weeks of available FMLA leave per a 12-month period. All other requirements and provisions under FMLA will apply. The total amount of leave granted to the employee under FMLA will not exceed 12 weeks during the 12-month FMLA period.
- ~~F. G.~~ After the paid parental leave is exhausted, the balance of FMLA leave (if applicable) will be compensated through employee's accrued sick, annual, or compensatory leave. Upon exhaustion of accrued sick, annual or compensatory leave, any remaining leave will be unpaid leave.
- ~~G. H.~~ If a holiday occurs while the employee is on paid parental leave, such day will be charged to holiday pay; however, such holiday pay will not extend the total paid leave entitlement.
- ~~H. I.~~ Upon termination of employment with Cobb County, any unused paid parental leave for which the employee was eligible will not be paid out.

5. EXCEPTIONS

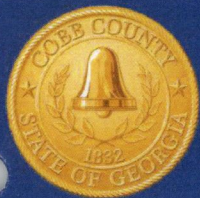
Exceptions to this policy must be justified and approved in advance by the Board of Commissioners.

6. NON-COMPLIANCE

Violations of this policy may include disciplinary action according to applicable County policies.

REVISION HISTORY

Version ID	Revision Date	Author	Reason for Revision
	10-2019		Adoption
v.1.0.2020	10-2020		Reformat
<u>v.1.0.2023</u>	<u>06-2023</u>	<u>Human Resources</u>	<u>Revision</u>



Performance Appraisal Policy

Effective Date: September 1986

BOC Amended: 9/1991; 6/1992; 11/1994; 12/1996; 1/2013; 9/2021, 4/2023; 06/2023

Owner	Board of Commissioners (BOC)
Reviewer(s)	Human Resources
Approver(s)	Human Resources Director Chief Human Resources Officer; Human Resources Division Managers
Related Policies	Compensation Policy
Related Standards	N/A
Storage Location	iCobb
IS Last Review Date	September 2021 <u>June 2023</u>
IS Next Review Date	September 2023 <u>June 2025</u>
IS Review Cycle	Every two years

1. PURPOSE

To provide regulations concerning performance appraisal procedures for County employees.

2. SCOPE

This policy affects all ~~Board of Commissioners'~~ Cobb County Employees. If you have questions regarding this policy, contact Human Resources.

3. DEFINITIONS

Evaluation Rating Period (a.k.a. "common rating period.") – timeframe in which employee performance is evaluated. All County employees will have their performance evaluated for the period of Jan. 1 and Dec. 31 of each year.

Performance Appraisal – the final document which summarizes an employee's performance throughout the common rating period. For the purpose of this policy, the following terms are interchangeable: appraisal, evaluation, year-end evaluation.

Performance Appraisal System – the County approved method in which all employees will be evaluated during the common rating period.

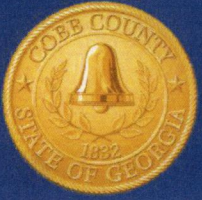
4.-3. POLICY

It is the policy of the County that the job performance of each employee shall be evaluated periodically by the employee's immediate supervisor, which should then be documented within the final annual performance appraisal form at the end of each evaluation period.

5.-4. PROCEDURES

A. The performance appraisal consists of ~~a written~~ an evaluation of the employee's job performance, the supervisor's documentation, ~~and~~ and performance goals. ~~It also includes performance goals for the next evaluation period.~~ The appraisal may also be used to identify the employee's training needs.

B. Using the job performance documentation which has been ~~written~~ maintained during the year, the supervisor will rate the employee's performance using the appropriate rating scale based on the appraisal method being used.



Performance Appraisal Policy

C. Performance appraisals shall be completed and submitted annually, ~~based on the evaluation year outlined by the Department. However, All~~ appraisals must be completed and submitted to Human Resources no later than January 31 for the previous ~~of each~~ evaluation year. **Failure to submit performance appraisals will result in employees not receiving merit, when available. Employees must have been employed prior to October 1 of the previous calendar year in order to be eligible for a merit increase.**

D. Supervisors are encouraged to keep informal written records of significant events and examples of job performance for the employees under their supervision.

E. Employees who disagree with their appraisal should submit in writing (which includes emails) to their supervisor the reason for disagreement, within five (5) business days of receiving the appraisal. If no change is made after supervisory consideration, the employee may take his/her concerns to the next management level. If the employee remains in disagreement, he/she may take his/her concerns to the Department/Agency Head who is responsible for the final disposition of the appraisal.

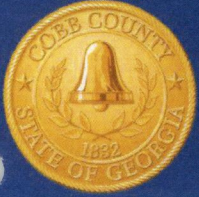
F. Progress discussions will be conducted with employees by their supervisors at least twice ~~once~~ during the rating period, ~~although at least two (2) are recommended.~~ **It is recommended that progress discussions submitted electronically via the performance appraisal system do not replace in-person progress discussion meetings with employees.**

G. The Human Resources Department is responsible for:

1. Ensuring that all supervisors are trained on the County's Performance Appraisal System, ~~including the use of the appraisal form process and providing refresher training as necessary;~~
2. Ensuring that all employees are trained on the County's Performance Appraisal System and process, within ninety (90) days of hire date;
3. Communicating and sending timely reminders to Departments regarding time frames, due dates and general information pertaining to the County's Performance Appraisal System,
4. Monitoring the overall system results and revising the system as necessary.
5. Following up with supervisors to ensure employees who receive an overall **needs improvement rating, or the equivalent** ~~rating of "Needs Improvement"~~ for the evaluation period are issued a Performance Improvement Plan (PIP), and that their ongoing performance is being regularly evaluated to ensure the plan is met. If the plan is not met, further disciplinary action, up to and including termination, may be warranted. Please contact Employee Relations for guidance.

H. The Head of each department is responsible for:

1. Ensuring that all supervisors in the department have **received** ~~attended a training session on use of the Performance Appraisal System. forms prior to the supervisors completing the forms;~~
2. Ensuring that an employee's immediate supervisor is designated as the rater who completes the employee's performance appraisal ~~form~~;
3. Ensuring that the review of completed appraisals ~~forms~~ **are** is conducted appropriately within the department, before **being** ~~the forms are~~ sent to the Human Resources Department.



Performance Appraisal Policy

4. Ensuring that supervisors who fail to adequately evaluate their staff, or maliciously include inaccurate information in the performance appraisal, are issued disciplinary action pursuant to applicable County policies.

6. ~~5.~~ EXCEPTIONS

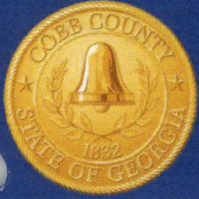
Exceptions to this policy must be justified and approved in advance by the County Manager and/or the Board of Commissioners.

7. ~~6.~~ NON-COMPLIANCE

Violations of this policy may include disciplinary action according to applicable County policies.

REVISION HISTORY

Version ID	Date of Change	Author	Rationale
	09-1986		Adoption
	09-1991		Revision
	06-1992		Revision
	11-1994		Revision
	12-1996		Revision
	11-2013		Revision
V.1.0.2020	09-2020	Human Resources	Reformat
V.1.0.2021	09-2021	Human Resources	Revision
<u>V.1.0.2023</u>	<u>06/2023</u>	<u>Human Resources</u>	<u>Revision</u>



Progressive Discipline Procedures Policy

Effective Date: June 1992

BOC Amended: 9/1998; 4/2006; 4/2023; 06/2023

Owner	Board of Commissioners
Reviewer(s)	Human Resources
Approver(s)	Human Resources Director Chief Human Resources Officer, Human Resources Division Managers
Related Policies	Conduct and Performance Policy
Related Standards	Rules and Standards of the Cobb County Civil Service Board
Storage Location	iCobb
IS Last Review Date	November 2020 June 2023
IS Next Review Date	November 2022 June 2025
IS Review Cycle	Every 2 years

1. PURPOSE

To provide guidance to supervisors regarding progressive discipline procedures that are designed to direct the behavior of employees.

2. SCOPE

Board of Commissioners' Employees. If you have questions regarding this policy, contact Human Resources.

3. GOVERNING LAWS, REGULATIONS & STANDARDS

Guidance	Section
Cobb County Code of Ordinances	Part II; Chapter 22 – Personnel
And all other applicable laws and regulations	

4. DEFINITIONS

A. Verbal Warning/Counseling Session: A structured meeting with the employee regarding behavioral issues or performance deficiencies. Documentation of this meeting should be kept in the supervisory/local file.

B. Written Reprimand: A written disciplinary document issued to an employee due to significant or continuing inappropriate behavior or performance deficiencies. Final document placed in employee's official personnel file.

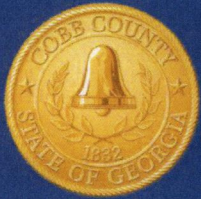
C. Suspension: A disciplinary action that removes an employee from the work-place **and places them in an unpaid status** for a specified period of time. Documentation of suspensions are maintained the employee's official personnel file. **Employees are not permitted to utilize paid leave when placed on suspension.**

D. Demotion: A disciplinary action that moves an employee to a job on a lower pay grade, if a position is available that the employee can be moved to. Pay is permanently reduced to an amount within the lower job's pay grade range. Documentation of the demotion is placed in the employee's official personnel file.

E. Dismissal/Termination: A disciplinary action that ends an individual's employment with Cobb County Government.

5. POLICY

When corrective or disciplinary action is deemed necessary, the type of discipline will be determined by the nature and circumstances of the violation. Under appropriate circumstances, progressive steps of discipline



Progressive Discipline Procedures Policy

should be utilized to assist employees in addressing problems and to nurture their growth. Disciplinary action should not be intended to degrade the employee, but rather to assist the employee or to correct a problem. Discipline should be progressive when appropriate; however, some violations warrant immediate suspension or dismissal without prior disciplinary action.

6. PROCEDURES

A. Appropriate corrective or disciplinary action may be administered by an employee's supervisor, division manager, Department/Agency Head, depending on the step, or level, of discipline.

B. Appropriate corrective or disciplinary action should be determined based on factors, including, but not limited to, the nature, severity, or frequency of the violation; the degree of deviation from expectations; the discipline taken by the decision-maker for the same or similar violations; and the individual's employment record.

C. Corrective or disciplinary action may take place in several forms. When progressive action is determined to be appropriate, the steps may include some, but not necessarily all, of the following steps of discipline:

1. **Verbal Warnings or Counseling Sessions** may take place in situations that are less serious in nature and are not recurring. Efforts to determine and resolve the cause of the problem should be made at this stage. ~~The Employee(s)~~ should be advised that they are s/he is receiving a formal warning. Documentation of the verbal warning or counseling session should be made and maintained in departmental files.

2. **Written Reprimands** are generally used to address situations that are less serious in nature but have recurred, even after a verbal counseling session, and in situations that are more serious in nature than those warranting only a verbal warning or counseling session. Copies of written reprimands should be distributed to the employee, to Human Resources for inclusion in the employee's file, and maintained in the departmental file.

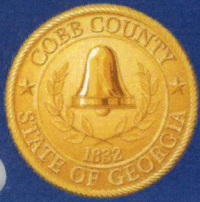
3. **Suspensions** are more severe actions that should be used for the constructive improvement of employees. Suspensions should be issued when it is determined that an additional warning or reprimand is not appropriate or when an incident is too severe for a warning, but not sufficiently severe for demotion or dismissal.

a. Depending on the circumstances, suspensions may vary in length, but ordinarily may not exceed thirty (30) days. Suspension notices should indicate the reason(s) for the discipline, the dates of the suspension, and the employee's right of appeal, if any.

b. If a suspension does not produce the desired results, consideration should be given to a lengthier suspension, demotion, or dismissal of the employee. Copies of suspensions should be distributed to the employee, to Human Resources for inclusion in the employee's file, and maintained in the departmental file.

4. **Demotions** are ~~corrective or progressive~~ disciplinary actions that result in a change of the employee's assignment from a position in one classification to a position in another classification with a lower pay grade. Demotion may be used when ~~an employee(s)~~ is are unable to successfully perform in their ~~his/her~~ current position but may be capable of performing satisfactorily in another position. Demotion may also be used to remove an individual from a supervisory position based on performance or conduct issues that make the employee an unfit supervisor. Demotion may also be appropriate for other serious or recurring conduct and/or performance deficiencies. Copies of demotion letters should be distributed to the employee, to Human Resources for inclusion in the employee's file, and maintained in the departmental file.

5. **Dismissals** should result when the employee commits an extremely serious offense(s) or fails to perform a critical duty, for which immediate discharge is warranted; **OR** when other disciplinary measures have been attempted but failed; **OR** when ~~the employee(s)~~ are unable ~~is unfit~~ to perform their ~~his/her~~ assigned duties;



Progressive Discipline Procedures Policy

OR when the employee(s) abandons their his duties or position; **OR** where the employee's continued employment poses a threat to the security and well-being of the County or its employees. Examples of conduct that will ordinarily result in immediate dismissal are, including, but not limited to:

- a. Violation of the Drug-Free Workplace Policy;
- b. Fighting on County property;
- c. Carrying a weapon without a business purpose on County property;
- d. Theft or embezzlement;
- e. Intentional harassment;
- f. Falsification of records;
- g. Threats or acts of violence;
- h. Gross insubordination; and,
- i. Destruction or misuse of County property.

~~Copies of dismissal letters should be distributed to the employee, to Human Resources for inclusion in the employee's file, and maintained in the departmental file.~~

D. Before imposing written reprimands, suspensions, demotions, or dismissals, Department/Agency Heads or their designees should contact Human Resources (**Employee Relations Specialist**) and/or the County Attorney's Office for review and advice. **Copies of disciplinary documents should be distributed to the employee, to Human Resources for inclusion in the employee's file, and maintained in the departmental file.**

E. Corrective or disciplinary action should be conducted privately with the employee. Those in attendance should be limited to the decision-maker and a member of management.

F. In certain cases, an investigation may be necessary to determine whether disciplinary action is appropriate. In these cases, the employee may be placed on **paid** administrative leave for a period not to exceed ten (10) working days. For administrative leave to continue beyond ten (10) days, the Department/Agency must consult with Human Resources and/or the County Attorney's Office and must obtain approval from the County Manager.

G. Civil Service employees cannot be suspended without pay for more than thirty (30) calendar days in one calendar year without approval of the Civil Service Board. A suspension may be extended for up to ninety (90) additional calendar days only with the approval of the Civil Service Board.

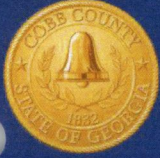
7. EXCEPTIONS

Exceptions to this policy must be justified and approved in advance by the Board of Commissioners.

8. NON-COMPLIANCE

Violations of this policy may include disciplinary action according to applicable County policies.

Version ID	Revision Date	Author	Reason for Revision
	06-1992		Adoption
	09-1998		Revision
	04-2006		Revision
v.1.0.2020	11-2020		Reformat
<u>v.1.0.2023</u>	<u>06-2023</u>		<u>Revision</u>



Americans with Disabilities Act (ADA) Policy

Effective Date: June 13, 2023

Owner	Board of Commissioners (BOC)
Reviewer(s)	Human Resources
Approver(s)	Board of Commissioners (BOC)
Related Policies	N/A
Related Standards	N/A
Storage Location	iCobb
HR Last Review Date	<u>June 2023</u>
HR Next Review Date	<u>June 2025</u>
HR Review Cycle	Every 2 years

1. PURPOSE

Cobb County and its employees are subject to the provisions of Title I of the Americans with Disabilities Act (ADA) prohibiting unlawful discrimination against qualified individuals with disabilities. Specifically, Title I of the ADA prohibits discrimination in job application procedures, hiring, advancement, discharge, compensation, job training, and other terms, conditions, and privileges of employment.

The ADA Amendments Act (ADAAA) became effective January 1, 2009, outlining significant changes to the definition of "disability." These changes apply to all titles of the ADA, including Title I (employment practices of private, state and local employers with 15 or more employees, etc.); Title II (programs and activities of state and local government entities); and Title III (private entities that are considered places of public accommodation).

Furthermore, it is the policy of the County to give qualified employees with disabilities reasonable accommodations (when necessary), provided however, that any accommodation made does not impose undue hardship to the County. This policy establishes guidelines when making requests for reasonable accommodations and sets forth avenues for doing so.

2. SCOPE

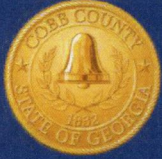
This policy affects all Board of Commissioners' Employees. If you have questions regarding this policy, contact Human Resources.

3. DEFINITIONS

Reasonable accommodation - a modification or adjustment to a job, the work environment or the routine method of doing things, that enables a qualified individual with a disability to attain the same level of performance and to satisfy all job-necessary elements of the employment assignment applicable (or enjoy equal benefits and privileges of employment) to any similarly-situated employee who does not have a disability.

Qualified individual with a disability - a person who has a physical or mental condition which substantially limits one or more major life activities and who can perform the essential functions of the job with or without reasonable accommodation.

Undue hardship - an accommodation which would require substantial difficulty or expense or fundamentally alter [or disrupt] operations.



Americans with Disabilities Act (ADA) Policy

4. POLICY

It is the policy of the County to administer its human resources management program to comply with the provisions of Title I of the ADA (1990).

Human Resources/Employee Relations is responsible for the overall direction, coordination and technical assistance regarding matters relating to ADA, Title I compliance.

5. PROCEDURES

- A. Otherwise qualified individuals may request reasonable accommodation from the County due to their disability. In accordance with the ADA, all requests will be thoroughly reviewed to determine if they can be approved or if they represent an undue hardship on the County.
- B. To request a reasonable accommodation, employee(s) must submit requests for reasonable accommodation in writing via the **Request for Reasonable Accommodation Form** (*located on iCobb under Forms*) and submit it to their manager, supervisor, or directly to HR for review.

If a request is submitted to the immediate supervisor, the supervisor must immediately forward the request to HR for review to expedite the accommodation process.

Requests for reasonable accommodation must include documentation from the attending health care provider which identifies the current disability being treated, any work-related limitation or restrictions and the estimated or actual duration utilizing the **Medical Documentation Form** (*located on iCobb under Forms*). This form must be completed and submitted directly to HR along with the Accommodation Request prior to any request approval/denial.

Employees may grant permission for authorized HR officials to communicate directly with the attending health care provider concerning the requested accommodation. Permission is granted when an employee voluntarily submits in writing an authorization for release of information to authorized officials.

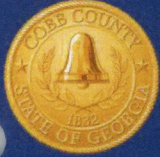
- C. Supervisors or other designated officials are to meet with employees as soon as possible to initially discuss reasonable accommodation requests. Supervisors should contact HR for guidance.

Supervisors or other designated officials should confirm discussions in writing to the employee within five (5) work days.

Any written materials resulting from discussions that identify an employee's disability or medical condition must be handled as directed in this policy.

During initial discussions, supervisors or other designated officials are prohibited from committing to approve reasonable accommodation requests. Supervisors must contact HR for guidance and approval.

- D. Reasonable accommodations may consist of temporary and modified duty assignments and permanent reassignments.
- E. Requests for reasonable accommodation will be reviewed based on a careful assessment of the following: organizational needs, available resources, the impact of disabilities on essential functions of the position; and relevant medical information concerning disabilities to be accommodated.



Americans with Disabilities Act (ADA) Policy

- F. If disabilities or medical conditions are apparent, employees may be placed in modified work environments, given modified duties, or be temporarily reassigned during the review period, if such accommodations are possible without undue hardship.
- G. Reasonable accommodation requests that a supervisor or manager feels should be denied due to undue hardship must include detailed documentation of accommodations considered and reasons for denial. Supervisors must contact HR for guidance.
- H. Written approval from appropriate authorized officials must be received in HR prior to implementing reasonable accommodations resulting in change in employment status, a change in the terms and conditions of employment, or a change in the essential functions of a position. Examples include but are not limited to temporary or permanent reassignments; significant modification of work schedules or environments; or changes in work duties and responsibilities.
- I. The following outlines an overview of ADA Requirements regarding the procedure for handling medical information.

The ADA does not limit the nature or extent of post-job-offer medical exams and inquiries. It does, however, place very strict limits on the use of information resulting from such exams and inquiries. These limits apply also to information resulting from exams or inquiries made of employees.

The Equal Employment Opportunity Commission (EEOC) cites the following language in its Technical Assistance Manual for the Americans with Disabilities Act:

"...All information obtained from post-offer-medical examinations and inquiries must be collected and maintained on separate forms, in separate medical files and must be treated as a confidential medical record. Therefore, the employer should not place any medical-related material in an employee's personnel file. The employer should take steps to guarantee the security of the employee's medical information..."

For the purpose of this procedure, a medical document is determined to be any document that provides any level of detail concerning a general or specific disability or medical condition. Examples include, but are not limited to:

- (a) Employee Statements of Health;
- (b) Long/Short Term Disability Benefit Claim Forms;
- (c) Employee Health Expense Reports;
- (d) Health Benefit Plan Disability Certification;
- (e) Physician's Service Reports;
- (f) Evidence of Insurability;
- (g) Doctor's statements related to employee absences (sick leave approvals);
- (h) Doctor's release (return to work) statements);
- (i) Infections Disease Reports;
- (j) Incident Reports (where there is an identified work-related injury);
- (k) Workers' Compensation Forms; and,
- (l) Family Leave material containing medical information.

Compliance with the ADA requires that medical (disability-related) information be handled in a confidential manner. To assure compliance, the following restrictions apply to accessing and retaining medical information:

- (a) All accommodation request information must be forwarded to Human Resources.



Americans with Disabilities Act (ADA) Policy

(b) Supervisors and managers may maintain summary logs or other documents necessary to record employee attendance or performance, even if such information is related to a disability. The document cannot, however, identify generally or specifically, the nature of the disability or illness.

(c) Medical files are maintained in HR and should be marked "Confidential" and are kept separate from personnel files.

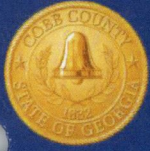
- J. Employees may be separated from employment based on inability to perform the essential functions of the position and no reasonable accommodation is available.
- K. This policy does not restrict the authority of management to discipline or separate employees based on failure to meet standards of performance or conduct, or failure to follow procedures for reporting and approval of absences, however, HR should be contacted for assistance prior to separating employees as indicated in this policy.
- L. Any employee or job applicant who believes that he/she has been discriminated against because of their disability should file a complaint as outlined in the No Harassment and No Discrimination Policy.
- M. No applicant or employee will be subject to coercion, intimidation, retaliation, or unlawful interference for registering complaints or for his/her participation in an investigation of any alleged violation of this policy.

6. NON-COMPLIANCE

Violations of this policy may include disciplinary action according to applicable County policies.

REVISION HISTORY

Version ID	Revision Date	Author	Reason for Revision
v. 1.0-2023	06-2023	Human Resources	Adoption



Compensation Policy

Effective Date: February 1995

BOC Amended: 10/1998; 2/2007; 3/2010; 11/2013; 11/2014; 10/2015; 9/2016; 3/2017; 9/2017; 10/2018; 6/2019; 10/2019; 1/2020; 5/2020; 11/2020; 09/2022; 10/2022; 4/2023; 06/2023

Owner	Board of Commissioners (BOC)
Reviewer(s)	Chief Human Resources Officer, Human Resources Division Managers
Approver(s)	Board of Commissioners (BOC)
Related Policies	Employment; Performance Appraisal
Related Standards	N/A
Storage Location	iCobb
HR Last Review Date	October 2022 <u>June 2023</u>
HR Next Review Date	October 2024 <u>June 2025</u>
HR Review Cycle	Every 2 years

1. PURPOSE

To provide regulations concerning the compensation of approved county positions.

2. SCOPE

This policy applies to full-time and part-time positions. If you have questions regarding this policy, contact Human Resources.

3. DEFINITIONS

Market Control Point (MCP) - represents a fair and competitive salary based on market pay levels and indicates that internal salary progression for individual employees is reasonable and promotes pay equity. For certain classifications, the market control point is the midpoint of the range.

Grade and Step Plan - A salary structure with standard progression rates based on acceptable performance. This structure is established for sworn/certified classifications.

Sworn - Employees who are employed in positions requiring active Georgia POST Peace Officer Certification or active certification from the Georgia Firefighter Standards and Training Council and/or State of Georgia Emergency Medical Technician Certification. Sworn employees must take the oath of office to hold such position and have authorized powers such as power of arrest.

4. POLICY

The Compensation Plan is designed as a fair and equitable method of payment for employees in the county. The plan shall establish a **basic salary schedules** as approved by the Board of Commissioners. The salary ranges will include minimum and maximum rates of pay for all positions included in the classification plans. The compensation of each employee is the product of the basic salary structure and the components that shall be used to adjust employee compensation.

A. Compensation Plan Structure Adjustments

Cobb County has established a Classification and Pay Schedule for all graded classifications. Each year the Board of Commissioners will decide on the applicability and the ability of Cobb County to apply an adjustment to the salary structure. These adjustments will be considered based on various factors that may include indexes, market reviews, and budgetary constraints. Structure adjustments will



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be implemented through a percentage increase which will be applied equally to all salary ranges.

As part of the County's compensation plan, the Board of Commissioners has implemented a Grade and Step Plan for certain graded sworn positions to provide a structure for movement within a salary range and across grades.

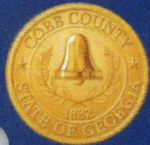
B. Merit Award Adjustments

The merit award adjustment will be used to reward employees for job performance. When deemed appropriate, the Board of Commissioners may approve Merit Award Adjustments for all employees as part of the annual budget process.

1. Increases are awarded to employees whose job performance either meets or exceeds ~~is described as either "meets" or "exceeds"~~ performance expectations. The performance appraisal instrument is essential to administering this process effectively. The merit award program is based upon the principle that performance that is described as either meeting or exceeding performance expectations ~~meets or exceeds~~ should be rewarded, because such performance is a greater contribution to the jurisdiction than performance that needs improvement or does not meet expectations, ~~unsatisfactory or needs improvement~~.
 - i. Merit award adjustments for non-step employees are a percentage of the Market Control Point (MCP) of the grade/range for the employee's base pay, classification.
 - ii. Merit award adjustments as part of the Grade and Step plan will move employees to the next step of their grade. ~~(excluding those serving in the working test for the classifications of Deputy Sheriff I, Firefighter I, and Police Officer I).~~
2. The job performance of all employees is reviewed and appraised once a year. Under the "common review date" plan, all appraisals will be completed and submitted to Human Resources by January 31. Employees must have been employed a minimum of 90 days in prior to October 1 of the previous calendar year in order to be eligible for a merit increase. Merit increases become effective the first full bi-weekly in March for all eligible employees. Employees who do not have a performance evaluation for the previous year on file with Human Resources by January 31 are not eligible for a merit increase.
3. For non-step employees, ~~if~~ if a merit increase would cause an employee to exceed the salary range on the merit effective date, then the employee shall be provided non-cumulative payment(s) which shall not increase the employee's base salary or rate of pay.

C. Starting Rates for New Employees

1. In most cases, a new employee will be paid the minimum rate of pay for the position. The minimum rate of pay for each position is based on the assumption that a new employee meets the minimum qualifications stated in the class specification. In the event that qualified applicants cannot be located for a given position, consideration should be given to holding the position and creating a lower level position which will reflect lower level duties and corresponding lower entrance requirements.
2. If a selected candidate exceeds the minimum qualifications stated in the class specification and will not accept appointment at the minimum rate of pay for the position, the candidate may be appointed at a higher rate within the salary range with the approval of the Chief



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Human Resources Officer, ~~Human Resources Director~~, upon verification that the request will not result in a salary inequity. However, every effort should be made to recruit a qualified candidate who will accept appointment at the minimum rate of pay for the position.

3. Persons beginning employment covered under the Grade and Step plan will begin at step one of the relevant classification. These new employees will be eligible to advance to the next classification after satisfactorily completing the working test period for the entry classification.
4. Experienced employees entering an entry classification under the lateral programs authorized by the County Manager will have base pay calculated on eligible service. The lateral employee will then be placed in a step that is consistent with the current salary guidelines.
5. Difficulty of recruitment may require payment of a higher rate of pay. If difficulty of recruitment at the minimum rate of pay for a class specification persists, consideration may be given to assigning a higher pay rate or reevaluation of the position to determine if a higher pay grade is indicated. Positions above the minimum rate must be secured within the framework of the budget of the department employing the individual.

D. Employee Transfers

An employee may be transferred to another department in a position with the same pay grade, and such transfer will not change the employee's pay or the date from which eligibility for consideration for a merit increase shall be counted.

E. Promotional Increases

1. When an employee is promoted or advanced to a position in a higher grade, the employee's salary will increase at least to the minimum of the new grade. If an employee is promoted or advanced to a position one grade or more higher, the increase will be at least the minimum of the new grade or at least a percentage increase of the MCP that will not create a salary inequity that cannot be justified. The maximum increase will be 15% of the MCP unless an equity adjustment is warranted. The County Manager, with the recommendation of the **Chief Human Resources Officer** ~~Human Resources Director~~ and the requesting management, is granted the authority to make the appropriate adjustment to the salaries of the incumbents to avoid any inequity. No employee's salary will be set below the minimum or increased above the maximum of a salary range.
 - (a) Typical promotions are one to four pay grades. On the rare occasion where a promotion is more than four pay grades, the maximum 15% increase is not sufficient without causing an inequity with other incumbents. In these instances, the County Manager, with the recommendation of the Human Resources Director, is granted the authority to approve the promotional increase requested by management. Such approval must be documented in a letter of justification from management and placed in the employee's file.

Procedures for determining a promotional increase are:

- i. The department head will recommend the amount of the promotional increase within the standards stated in this policy.



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- ii. The **Chief Human Resources Officer** ~~Human Resources Director~~ will ensure that the standards of these policies are met before processing the recommended change.
 - iii. The decision regarding a promotional increase will reflect the promoted employee's experience, seniority and performance in comparison with other employees' backgrounds in the same job or in the same department. Final approval for promotional salary rates and pay adjustments will be determined by the **Chief Human Resources Officer** ~~Human Resources Director~~ upon verification the adjustment will not result in a salary inequity.
2. Employees working in classifications with a Grade and Step plan who are promoted to another classification within the grade and step plan will have their salary adjusted to the corresponding salary rate for their step on the promotion classification. i.e. Police Officer II at Step 5 promoted to Police Sergeant will receive a pay adjustment to the current corresponding amount approved for Step 5 for Police Sergeant.

F. Effects of Demotion

When an employee is demoted to a lower position, the employee shall be paid at a rate which is within the approved range for the position. The rate of pay will be set by the County Manager in consultation with the **Chief Human Resources Officer** ~~Human Resources Director~~, taking into consideration the circumstances surrounding, and the reasons for, the demotion. Typically, demotions will follow the promotional policy in reverse and the employee's salary amount should be reduced by the amount it was increased when the promotion occurred. An employee who is demoted in a reduction in force action shall have his/her salary reduced to a point on the lower range which will cause a 5% reduction in compensation. All salary adjustments are limited to the salary range approved for the position.

G. Pay Plan Improvements

Whenever a new or different scale of salaries is made applicable to a class of positions, persons employed in these positions will receive salary adjustments as follows:

1. All employees whose salaries are below the minimum rates for the new grades will be brought to the minimum of the new grades in the proposed compensation plan.
2. Employees whose salaries are currently at or above the new range maximums will receive no adjustment in the implementation. Their base salaries shall be "frozen" until such time as the pay structure is adjusted upward and their current salaries are incorporated.

H. Supplemental Salaries

Specialty Pay: Any additional pay that is given in consideration for advanced knowledge, qualifications and/or certifications needed to effectively execute the official responsibilities and duties of their assigned position, and/or are exposed to above than average exposure to hazards in the execution of their official duties and/or responsibilities.

Specialty Pay does not refer to normal activities of the Public Safety function, which foundationally has specific qualifications, certifications, and/or meet yearly requirements to continue to hold such position.



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These are qualifications, certifications, and/or yearly requirements which are universal to the Public Safety job function and are a foundational requirement for all personnel who are in like positions.

Example: Police officers must hold a Georgia POST certification and meet certain yearly criteria to continue to have official powers of arrest in the state of Georgia. Also, all Public Safety personnel are inherently exposed to a certain amount of danger and hazards which are endemic to Public Safety.

Categories of Specialty Pay:

1. Category I: Advanced Skill/Knowledge criteria- Each position is assessed to determine if the individual needs to have an advanced knowledge and/or certification to adequately execute the duties of the position. These positions would receive either a 5% or a 10% **(of the MCP for their individual pay grade)** SP, based on the determination made within this policy.
 - a. The following positions are allowed 5% SP within Category I:
 - i. Investigators/Recruiting and Background and general investigations at CCPD, CCSO, and CCFD.
 - ii. Crisis Response Team
 - iii. Mobile Field Force
 - iv. Fire Communications Specialist
 - v. Paramedics non-ALS Station
 - vi. CIU
 - vii. Community Affairs
 - viii. Ranger Unit
 - ix. PIO
 - x. Homeland Security Unit
 1. Includes officers/deputies assigned full-time as a Federal Task Force Officer
 - xi. Tactical Dispatch
 - xii. Civilian Training Officers
 - xiii. Crisis Negotiation Team (CNT)
 - b. The following positions are allowed 10% SP within Category I:
 - i. Certified Training Instructors assigned to CCFD Training Unit, Safety Village, DPS Training, Sheriff's Office Advanced Training or NCGLEA, or E911
 - ii. Specialty Investigators
 - iii. CCPD Persons Unit
 - iv. CCPD SVU
 - v. CCPD STEP Investigators
 - vi. CCPD TBCU Investigators
 - vii. CCSO Fraud and Forgery
 - viii. CCSO Fugitive Apprehension
 - ix. Field Training Officers (FTOs), Jail Training Officers (JTO), Post Certified Training Officers (CTO 911)
 - x. Firefighter III
 - xi. Paramedics ALS Station
 - xii. Fire Executive Officer
2. Category II: Additional Hazardous Exposure and advanced skill/knowledge/certification - Each position is assessed to determine if the individual's position will expose the employee to additional hazards beyond foundational hazards endemic to their job function in order to execute their official duties and are expected to obtain and maintain an advanced skill/knowledge/certification to execute their official duties.

Example: *Explosive Ordinance Disposal (EOD)*.

- a. The following positions are allowed 10% SP within Category II:



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- i. EOD
- ii. SWAT
- iii. Dive Team
- iv. Hazardous Material Response Team
- v. K-9
- vi. CCPD and CCSO Motor Unit
 - 1. Personnel must be assigned to Motor Unit full-time to receive this Specialty Pay (SP).
- vii. Technical Rescue Team
- viii. VIPER
- ix. MCS Organized Crime/Narcotics Unit
 - 1. Personnel must be assigned full-time to receive this Specialty Pay (SP)
- x. FAST
- xi. Mounted Patrol
 - 1. Personnel must be assigned to Mounted Unit full-time to receive this Specialty Pay (SP)
- xii. Medial Operations Team

ii. Employees will receive only one (1) SP pay designation in the event personnel meet required criteria in more than one SP area, with the exception of FTOs/JTOs/CTOs/Medical Operations Team Members/FF IIIs.

Example 1: If a person is assigned to SWAT and also as a DPS Instructor, both having a 10% SP designation, the person would only get 10% and not 20%.

Example 2: If a person is a FTO/JTO and also assigned to CCPD EOD, that person could receive 20% in SP based on their FTO/JTO status.

Example 3: If a person is assigned to the Medical Operations Team or is appointed as FF III and is certified as a Paramedic, that person could receive 20% in Specialty Pay based upon their station assignment.

iii. Sworn and civilian employees assigned to the Adult Detention Center up to and including the rank of Lieutenant will receive specialty pay in the amount of \$1.30 per hour.

iv. Sworn employees appointed to Deputy Sheriff III will receive specialty pay in the amount of \$1.40 per hour.

v. Sworn employees assigned to the K-9 unit will receive compensation for 1 hour per day at their regular rate of pay for the care of the canine.
Specialty pay will be discontinued in the event the employee is reassigned to a different position not eligible for specialty pay.

I. Shift Differential

Shift Differential is defined as additional pay received by full-time employees for working non-traditional hours that are generally less desirable or more hazardous. Shift differential shall not apply to 24-hour shifts. This policy outlines guidelines to be utilized in determining shifts and calculating pay for applicable employees.

- a. Shift Definition: Departments utilize a number of different shifts. Therefore, the



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following are guidelines utilized by department heads to determine shift assignment for employees under this policy. The department head will have final authority regarding shift designation.

- i. Day Shift is defined as official shift assignment in which the majority of the total regularly scheduled hours falls between 8AM and 4PM. Shifts that are evenly split between morning shift hours and day shift hours (i.e. 4AM to 12PM) will be considered day shift for the purposes of this policy.
 - ii. Evening Shift is defined as official shift assignment in which the majority of the total regularly scheduled hours falls between 4PM and 12AM. Shifts that are evenly split between day shift hours and evening shift hours (i.e. 12PM to 12AM) will be considered evening shift for the purposes of this policy.
 - iii. Morning Shift is defined as official shift assignment in which the majority of the total regularly scheduled hours falls between 12AM and 8AM. Shifts that are evenly split between evening shift hours and morning shift hours (i.e. 6PM to 6AM) will be considered morning shift for the purposes of this policy.
- b. Only full-time employees are eligible to receive shift differential. Part time employees are not eligible to receive shift differential.
- c. Shift Differential Pay shall apply as follows:
 - i. Employees assigned to day shift shall not receive shift differential pay.
 - ii. Employees assigned to evening shift shall receive an additional \$0.50 per hour for all hours worked including hours outside their normally scheduled shift. This shall include on-call, standby pay, and leave pay.
 - iii. Employees assigned to morning shift shall receive an additional \$1.00 per hour for all hours worked including hours outside their normally scheduled shift. This shall include on-call, standby pay, and leave pay.
 - iv. Shift transfers must occur only after the required HR transaction deadline notice has been met so that pay rates can be adjusted in advance of such transfer. A copy of all shift transfer orders must be provided to Human Resources in advance of the HR transaction deadline.

J. Non-Cumulative Payments

The Board of Commissioners may approve payments to employees as single or multiple non-cumulative payments that do not adjust base salary. Such payments will be based on available funding in accordance with eligibility criteria. Such payments will be administered as determined by the Board of Commissioners.

5. EXCEPTIONS

Exceptions to this policy must be justified and approved in advance by the Board of Commissioners.

6. NON-COMPLIANCE

Violations of this policy may include disciplinary action according to applicable County policies.



Compensation Policy

REVISION HISTORY

Version ID	Revision Date	Author	Reason for Revision
	02-1995		Adoption
	10-1998		Revision
	02-2007		Revision
	03-2010		Revision
	11-2013		Revision
	11-2014		Revision
	10-2015		Revision
	09-2016		Revision
	03-2017		Revision
	09-2017		Revision
	10-2018		Revision
	06-2019		Revision
	10-2019		Revision
	01-2020		Revision
	05-2020		Revision
v.1.0.2020	11-2020	Human Resources	Reformat
v.1.0.2022	09-2022	Human Resources	Revision
v.1.1.2022	10-2022	Human Resources	Revision
v. 1.0.2023	06-2023	Human Resources	Revision

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 13th of June 2023

