

**MINUTES OF REGULAR MEETING
COBB COUNTY BOARD OF COMMISSIONERS
NOVEMBER 28, 2023
7:00 PM**

The Regular Meeting of the Cobb County Board of Commissioners was held on Tuesday, November 28, 2023 at 7:00 p.m. in the second-floor public meeting room at 100 Cherokee Street, Cobb County Building, Marietta, Georgia. Present and comprising a quorum of the Board were:

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

CALL TO ORDER

Chairwoman Cupid called the meeting to order at 7:02 p.m.

PRESENTATIONS

1. **To recognize the Superior Pets for Patriotic Vets program and celebrate 250 pet adoptions.**

Commissioner Birrell recognized the Superior Pets for Patriotic Vets program and their 250th pet adoption.

2. **To present a donation to SafePath as part of Gambrill's Great Pumpkin Contest.**

Commissioner Gambrill presented a donation to SafePath as part of Gambrill's Great Pumpkin Contest.

3. **To recognize Zareenah Ahmed for her achievements as a senior at Walton High School.**

Chairwoman Cupid and Commissioner Richardson recognized Zareenah Ahmed for winning the *Woman of Technology Girl of the Year 2023 Award*.

PUBLIC COMMENT

1. Denny Wilson addressed the Board regarding various matters.
2. Jerry French addressed the Board regarding MSLOST.
3. Donna Gallahe addressed the Board regarding high density housing.
4. Sophia Faroege addressed the Board regarding spending of tax dollars.
5. Donald Barth addressed the Board regarding spending of tax dollars.
6. Tyler Bigler addressed the Board regarding developer required parking.

Clerk's Note: *Prior to adding the Non Agenda Items, 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 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.

MOTION TO ADD NON-AGENDA ITEMS

Motion by Richardson, second by Birrell, to **approve** the addition of the following agenda item to the end of the Consent Tab:

- *To authorize the settlement of Ashton Burley's ante-litem. (See item 16 of these minutes)*

VOTE: **ADOPTED 5-0** *(Commissioner Birrell and Commissioner Gambrill's statements are made a part of these minutes).*

Motion by Richardson, second by Birrell, to **approve** the addition of the following agenda item to the end of the Consent Tab:

- *To authorize the settlement of workers' compensation claim on behalf of Daniel Ouedraogo (See item 17 of these minutes)*

VOTE: **ADOPTED 5-0** *(Commissioner Birrell and Commissioner Gambrill's statements are made a part of these minutes).*

CONSENT AGENDA

MOTION: Motion by Cupid, second by Richardson, to **approve** the following items on the Consent Agenda, *as revised*; with the exception of Item 14 (See item 14 of these minutes), *which was withdrawn from the agenda*; and **authorize** execution of the necessary documents by the appropriate County personnel.

Superior Court Administration

4. **To approve a contract with Georgia Probation Management, Inc. to provide misdemeanor probation services for the Superior Court.**

To **approve** a contract with Georgia Probation Management, Inc., upon the express written consent of the Superior Court's Chief Judge to provide misdemeanor probation services for the Superior Court, and **further authorize** the Chairwoman to execute the necessary documents.

Water System

5. To convey by quitclaim deed to the underlying property owner any County rights associated with a sanitary sewer easement for an abandoned sanitary sewer located in Land Lot 1216 of the 19th District.

To convey by quitclaim deed to the underlying property owner, Traton, LLC, any County rights associated with a sanitary sewer easement for an abandoned sanitary sewer located in Land Lot 1216 of the 19th District and **authorize** the Chairwoman to execute the necessary documents.

6. To approve a work order under the FY23-FY24 Unit Price Contract for Water, Sewer, and Miscellaneous Services with H D Excavations & Utilities, LLC for FY24 Water Service Line Material Investigation, Program No. W2429.

To **approve** a work order under the FY23-FY24 Unit Price Contract for Water, Sewer, and Miscellaneous Services with H D Excavations & Utilities, LLC, in the amount of \$780,000.00, for FY24 Water Service Line Material Investigation, Program No. W2429; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

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

Transfer from:

USEPA Pb-Cu Rule Compliance

Preliminary Estimates	510-500-5754-8005	W1031-Z	\$805,600.00
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Transfer to:

FY24 Water Service Line Material Investigation

Construction	510-500-5754-8260	W2429-C	\$780,000.00
Materials & Supplies	510-500-5754-8265	W2429-M	\$ 10,000.00
Contingency	510-500-5754-8810	W2429-T	\$ 15,600.00
Total			\$805,600.00

7. **To approve a sole source procurement with Carl Eric Johnson, Inc. for Noonday Creek Water Reclamation Facility Chemical Tanks Replacement, Program No. T1032.**

To **approve** a sole source procurement with Carl Eric Johnson, Inc., in an amount not to exceed \$119,437.13, for Noonday Creek Water Reclamation Facility Chemical Tank Replacement, T1032; **authorize** the corresponding budget transactions; and **further authorize** the Director of Procurement Services to execute the necessary documents.

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

Transfer from:

Noonday Creek Water Reclamation Facility Miscellaneous Improvements

Preliminary Estimates	510-500-5753-8005	T1503-Z	\$122,827.13
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Transfer to:

Noonday Water Reclamation Facility Chemical Tanks Replacement

Construction	510-500-5753-8260	T1032-C	\$119,437.13
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Materials & Supplies	510-500-5753-8265	T1032-M	\$ 1,000.00
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Contingency	510-500-5753-8810	T1032-T	\$ 2,390.00
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Total			\$122,827.13
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8. **To approve an agreement with Freese and Nichols, Inc. for FY24 Rubes Creek Force Main Condition Assessment, Program No. S5039.**

To **approve** an agreement with Freese and Nichols, Inc., in an amount not to exceed \$577,600.00, for FY24 Rubes Creek Force Main Condition Assessment, Program No. S5039; **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 to:

Sewer Cleaning & Condition Assessment

Preliminary Estimates	510-500-5755-8005	S1111-Z	\$577,600.00
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Transfer to:

FY24 Rubes Creek Force Main Condition Assessment

Engineering - Basic Fees	510-500-5755-8225	S5039-E	\$577,600.00
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Public Services Agency

PARKS

9. To authorize the creation of new unit 3150, within the PARKS Department for Special Events and Facilities, and to transfer associated personnel and operating budgets to that new unit.

To **authorize** the creation of the new unit 3150, within the PARKS Department, for Special Events and Facilities; **authorize** the transfer of positions listed on attachment, from Unit 3130 to Unit 3150; **authorize** the corresponding budget and accounting transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Funding will be available in FY2024 with the following transactions:

Decrease Expenditure:	010-105-3130-PS	Arts/Cultural Affairs - Personnel	\$1,517,905.00
Decrease Expenditure:	010-105-3130-PS	Arts/Cultural Affairs - Operating	\$ 94,779.51
Decrease Expenditure:	010-105-3130-OP	Programming - Personnel	\$ 37,910.26
Increase Expenditure:	010-105-3150-PS	Special Events/Facilities - Personnel	\$1,517,905.00
Increase Expenditure:	010-105-3150-PS	Special Events/Facilities - Operating	\$ 132,689.77

Support Services Agency

Property Management

10. To approve the proposed revisions to the Employee Parking Policy and authorize the termination of Employee Parking Deck Fees effective on the January 12, 2024 paycheck.

To **approve** the proposed revisions to the Employee Parking Policy; and **authorize** the termination of Employee Parking Deck Fees to be effective on the January 12, 2024 paycheck. A copy of the approved policy is attached and made a part of these minutes.

Public Safety Agency

Police Department

11. To approve the appropriation of FY2024 Commission District 3 Contingency funding to support the purchase of Sound Level Meters for the Cobb County Police Department.

To **approve** the appropriation of FY2024 Commission District 3 Contingency funding, in an amount not to exceed \$10,000.00, for the purchase of Sound Level Meters, for the Cobb County Police Department; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Decrease Exp.:	010-001-0123-8820	District 3 Commissioner Contingency	\$10,000.00
Increase Exp.:	010-130-2100-6258	Accountable Equipment (Sound Level Meter)	\$10,000.00

Finance

12. To ratify previous Board of Commissioners actions that authorized the collection and appropriation of various County standard reserves for FY2024 and authorize the carry forward of all unspent FY2023 standard, state mandated, and designated reserve funds into FY2024.

To **ratify** previous actions that authorize the collection and appropriation of various County standard reserves for FY2024; **authorize** the carry forward of all unspent FY2023 standard reserve funds into FY2024; and **further authorize** all corresponding budget transactions.

Designated revenue for current year funds will be appropriated as received.

Designated and unspent revenue in the prior fiscal year budget will be appropriated in the new fiscal year, including any potential subsequent final year-end close-out adjustments.

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

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

County Manager

14. **Withdrawal of the request to approve a resolution to establish the Cobb County Opioid Abatement Advisory Council to address the growing opioid crisis within our community and effectively manage the allocation of funds recently designated for local governments.**

This item was withdrawn from the agenda.

County Clerk

15. **To approve minutes.**

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

- November 13, 2023 - Agenda Work Session
- November 14, 2023 - BOC Regular Meeting
- November 21, 2023 - BOC Zoning Hearing

County Attorney

16. **To authorize the settlement of Ashton Burley's ante-litem, pursuant to the direction discussed in Executive Session on September 25, 2023.**

To **authorize** the settlement of Ashton Burley's ante-litem, pursuant to the direction discussed in Executive Session on September 25, 2023, and **authorize** counsel to prepare and execute any necessary documents for the purpose of settling ongoing litigation.

Funding is available in account: 71005580116608

17. **To authorize settlement of workers' compensation claim on behalf of Daniel Ouedraogo, pursuant to the direction and within the terms discussed in Executive Session on November 27, 2023.**

To **authorize** the settlement of the Workers' Compensation claim W003708678 for Daniel Ouedraogo in the amount of \$12,500.00, pursuant to the direction and within the terms discussed in Executive Session on November 27, 2023; and **further authorize** the Chief Human Resources Officer and the Workers' Compensation Administrator to execute the necessary settlement documents.

Funding is available in the Workers' Compensation Claims Fund.

CONSENT VOTE: **ADOPTED 5-0** (Commissioner Birrell and Commissioner Gambrill's statements are made a part of these minutes).

REGULAR AGENDA

Transportation

18. **To approve Supplemental Agreement No. 1 to the contract with Baldwin Paving Company, Inc., for Resurfacing Contract 2023-4 Countywide Major Thoroughfares (Local Maintenance Improvement Grant), Project B2909, to include school zone improvements on Casteel Road at Still Elementary School, Project No. B2803, CCDOT Contract No. 001922.**

Motion by Gambrill, second by Richardson, to **approve** Supplemental Agreement No. 1 to the contract with Baldwin Paving Company, Inc., for Resurfacing Contract 2023-4 Countywide Major Thoroughfares (Local Maintenance Improvement Grant), Project B2909, to include school zone improvements on Casteel Road at Still Elementary School, in an amount not to exceed \$253,365.61, Project No. B2803, CCDOT Contract No. 001922; **approve** a contract time extension through July 31, 2024; **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-B280-B280-8005-B2801-A	Preliminary Estimate	\$253,365.61
Transfer to:	348-050-B280-B280-8762-B2803-C	Turnkey Construction	\$253,365.61

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, School Zone Improvements.

Casteel Road at Still Elementary School is an eligible project/program under the School Zone Improvements Component of the 2022 SPLOST Transportation Improvements (2022 Cobb SPLOST Renewal, pp. 1, 19). SPLOST funding for School Zone Improvements will be used for off-campus projects to improve the safety and operational movements of vehicular and pedestrian traffic in and near school zones.

SPLOST Project Summary as of November 1, 2023: Casteel Road at Still Elementary School

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

Adjusted Budget:	\$253,365.61
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VOTE: **ADOPTED 5-0** (*Commissioner Birrell and Commissioner Gambrill's statements are made a part of these minutes*).

19. To approve the recommended ranking of the three most qualified firms for preliminary engineering design of South Cobb Drive (SR 280) Traffic Safety Improvements, State P.I. No. 0019890, Cobb County Project No. B2435.

Motion by Birrell, second by Sheffield, to **approve** the recommended ranking of the three most qualified firms for preliminary engineering design of South Cobb Drive (SR 280) Traffic Safety Improvements, State P.I. No. 0019890, Cobb County Project No. B2435; and **authorize** negotiations for scope of services and fees beginning with the top-ranked firm, Parsons Transportation Group, Inc.

VOTE: **ADOPTED 5-0** (*Commissioner Birrell and Commissioner Gambrell's statements are made a part of these minutes*).

20. To approve the recommended ranking of the three most qualified firms for preliminary engineering design of Cobb Parkway (SR 3/US 41) at Black Acre Trail/Third Army Road Intersection Realignment, State P.I. No. 0019887, Cobb County Project No. B2436.

Motion by Gambrell, second by Richardson, to **approve** the recommended ranking of the three most qualified firms for preliminary engineering design of Cobb Parkway (SR 3/US 41) at Black Acre Trail/Third Army Road Intersection Realignment, State P.I. No. 0019887, Cobb County Project No. B2436; and **authorize** negotiations for scope of services and fees beginning with the top-ranked firm, TranSystems Corporation.

VOTE: **ADOPTED 5-0** (*Commissioner Birrell and Commissioner Gambrell's statements are made a part of these minutes*).

21. **To approve a Memorandum of Agreement with Georgia Department of Transportation for preliminary engineering oversight of Johnson Ferry Road at Shallowford Road Intersection Improvements, Project No. B2437, State P.I. No. 0020001.**

Motion by Richardson, second by Birrell, to **approve** a Memorandum of Agreement with Georgia Department of Transportation for preliminary engineering oversight of Johnson Ferry Road at Shallowford Road Intersection Improvements, Project No. B2437, State P.I. No. 0020001; **authorize** payment of a preliminary engineering oversight fee to Georgia Department of Transportation, in the amount of \$30,000.00; **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	\$30,000.00
Transfer to:	348-050-B240-B240-8722-B2437-E	Engineering	\$30,000.00

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, 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 November 1, 2023: Johnson Ferry Road at Shallowford Road Intersection Improvements

Budget:	\$505,292.30	Expended:	\$40,073.58
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Adjusted SPLOST Project Summary, following requested budget transfer:

Adjusted Budget:	\$535,292.30
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VOTE: ADOPTED 5-0 (*Commissioner Birrell and Commissioner Gambrell's statements are made a part of these minutes*).

22. **To approve a contract with Williams Power & Signal, LLC for Traffic Signal Pole Replacements at four locations, Project Nos. B2554, B2555, B2556 and B2558, CCDOT Contract No. 002201.**

Motion by Cupid, second by Richardson, to **approve** a contract with Williams Power & Signal, LLC, in an amount not to exceed \$396,926.63, for Traffic Signal Pole Replacements at Sandy Plains Road at Gordy Parkway, Powder Springs Road at Forest Hill Road, Paper Mill Road at Terrell Mill Road, and Mars Hill Road at Hadaway Road, Project Nos. B2554, B2555, B2556 and B2558, respectively, CCDOT Contract No. 002201; **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 transfers:

Transfer from:	348-050-B250-B250-8005-B2550-A	Preliminary Estimate	\$396,926.63
Transfer to:	348-050-B250-B250-8771-B2554-O	Construction - Signalization	\$114,807.60
	348-050-B250-B250-8771-B2555-O	Construction - Signalization	\$ 94,984.87
	348-050-B250-B250-8771-B2556-O	Construction - Signalization	\$105,199.88
	348-050-B250-B250-8771-B2558-O	Construction - Signalization	\$ 81,934.28

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

Sandy Plains Road at Gordy Parkway, Powder Springs Road at Forest Hill Road, Paper Mill Road at Terrell Mill Road, and Mars Hill Road at Hadaway Road Traffic Signal Pole Replacements are eligible projects/programs in the Traffic Management, Transportation Technology, and Planning Component of the 2022 SPLOST Transportation Improvements (2022 Cobb SPLOST Renewal, pp. 1, 18). SPLOST funding for Traffic Management, Transportation Technology, and Planning will be used to replace and upgrade the county's traffic signal infrastructure, install traffic signals at locations that satisfy traffic signal warrant(s) as established in the current version of the Manual on Uniform Traffic Control Devices, optimize the operations of the traffic system, improve the county's transportation technology systems, and develop long/short-term planning strategies.

To approve a contract with Williams Power & Signal, LLC for Traffic Signal Pole Replacements at four locations, Project Nos. B2554, B2555, B2556 and B2558, CCDOT Contract No. 002201 (Cont.)

SPLOST Project Summary as of November 1, 2023: Sandy Plains Road at Gordy Parkway Signal Pole Replacement (B2554)

Budget:	\$1,000.00	Expended:	\$0.00
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Adjusted SPLOST Project Summary, following requested budget transfer:

Adjusted Budget:	\$115,807.60
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SPLOST Project Summary as of November 1, 2023: Powder Springs Road at Forest Hill Road Signal Pole Replacement (B2555)

Budget:	\$1,000.00	Expended:	\$0.00
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Adjusted SPLOST Project Summary, following requested budget transfer:

Adjusted Budget:	\$95,984.87
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SPLOST Project Summary as of November 1, 2023: Paper Mill Road at Terrell Mill Road Signal Pole Replacement (B2556)

Budget:	\$1,000.00	Expended:	\$0.00
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Adjusted SPLOST Project Summary, following requested budget transfer:

Adjusted Budget:	\$106,199.88
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SPLOST Project Summary as of November 1, 2023: Mars Hill Road at Hadaway Road Signal Pole Replacement (B2558)

Budget:	\$1,000.00	Expended:	\$0.00
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Adjusted SPLOST Project Summary, following requested budget transfer:

Adjusted Budget:	\$82,934.28
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VOTE: ADOPTED 5-0 *(Commissioner Birrell and Commissioner Gambrill's statements are made a part of these minutes).*

Public Services Agency

PARKS

23. To approve a contract with Axis Infrastructure, LLC for Professional Design and Construction Administration Services for Kemp Family Park, located at 4331 Burnt Hickory Road, Marietta, under the 2022 PARKS SPLOST Program.

Motion by Gambrill, second by Richardson, to **approve** a contract with Axis Infrastructure, LLC in an amount not to exceed \$79,945.00, for Professional Design and Construction Administration Services for Kemp Family Park, under the 2022 PARKS SPLOST Program; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

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

348-105-B0610-E-8033	(Kemp Family Park)	\$79,945.00
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The 2022 SPLOST, adopted by the Board of Commissioners on July 14, 2020, provides for capital improvements and anticipated corresponding budget funding to address, inter alia, PARKS Improvements.

Kemp Family Park is an eligible project under the 2022 PARKS SPLOST Program (Cobb County 2022 SPLOST, Page 33). Improvements to the park will enhance this beautiful passive recreation space for the citizens of Cobb County to enjoy.

SPLOST Project Summary as of November 1, 2023:

Budget:	\$1,000,000.00	Expended to Date:	\$150,341.69
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VOTE: ADOPTED 5-0 (*Commissioner Birrell and Commissioner Gambrill's statements are made a part of these minutes*).

24. To approve an amendment to the agreement with Carroll Daniel Construction Company, to establish the GMP (Guaranteed Maximum Price) for Construction Manager at-Risk services, for the construction of the new Osborne Area Recreation/Community Center, under the 2016 and 2022 PARKS SPLOST Programs.

Motion by Sheffield, second by Birrell, to **approve** an amendment to the agreement with Carroll Daniel Construction Company, to establish the GMP for Construction Manager at-Risk services, for the construction of the new Osborne Area Recreation/Community Center, under the 2016 and 2022 PARKS SPLOST Programs; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Funding is available in the 2016 and 2022 PARKS SPLOST budgets as follows:

Decrease Expenditure:	010-105-3200-8005	Preliminary Estimates:	\$3,250,000.00
Increase Expenditure:	010-105-3200-6594	Interfund Expense:	\$3,250,000.00
Increase Revenue:	347-105-X063-4960-X0630-C	Interfund Revenue:	\$3,250,000.00
Increase Expenditure:	347-105-X063-8125-X0630-C	New Construction:	\$3,250,000.00
Decrease Expenditure:	347-105-X063-8005-X0630-C	Preliminary Estimates:	\$8,073,577.18
Increase Expenditure:	347-105-X063-8125-X0630-C	New Construction:	\$8,073,577.18
Decrease Expenditure:	348-105-B064-8005-B0641-C	Preliminary Estimates:	\$1,723,447.82
Increase Expenditure:	348-105-B064-8125-B0641-C	New Construction:	\$1,723,447.82

Increase GAE 34705102247 by \$11,323,577.18 and create GAE 348112823 in the amount of \$1,723,447.82.

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

Osborne Area Recreation/Community Center is an eligible project under the 2016 PARKS SPLOST Program (Cobb County 2016 SPLOST, Page 31).

To approve an amendment to the agreement with Carroll Daniel Construction Company, to establish the GMP (Guaranteed Maximum Price) for Construction Manager at-Risk services, for the construction of the new Osborne Area Recreation/Community Center, under the 2016 and 2022 PARKS SPLOST Programs (Cont.).

2016 SPLOST Project Summary as of November 1, 2023:

X0630 Osborne Recreation/Community Center

Current Budget:	\$12,090,000.00
Encumbered:	\$ 916,500.00
Expenditures:	\$ 2,589,923.1
Remaining in Program:	\$ 8,583,576.90

The 2022 SPLOST Program, adopted by the Board of Commissioners on July 14, 2020, provides for capital improvements and anticipated corresponding budget funding to address, inter alia, PARKS Improvements.

Osborne Recreation Center is an eligible project under the 2022 SPLOST Program (Cobb County 2022 SPLOST, Page 29).

2022 SPLOST Project Summary as of November 1, 2023:

B0641 Osborne Recreation Center

Current Budget:	\$1,723,447.82
Encumbered:	\$0.00
Expenditures:	\$0.00
Remaining in Program:	\$1,723,447.82

VOTE: ADOPTED 5-0 (*Commissioner Birrell and Commissioner Gambrill's statements are made a part of these minutes*).

Public Safety Agency

25. To authorize the creation of eleven positions approved for the Cobb Co-Responder program, and authorize the use of available State Contracts, Sourcewell (formerly NJPA), and other contracted or Cooperative Pricing Agreements, for the procurement of vehicles and equipment for these positions.

Motion by Cupid, second by Richardson, to **authorize** the creation of eleven positions approved for the Cobb Co-Responder program to include: eight grade PO2 positions in General Fund, allocated as two Police Officers, in Police Unit 2100 and six Deputy Sheriff, in Sheriff Admin Unit 9220, one CCFES Captain 40 HR, grade Fire6 position, one Fire Educator I, grade Fire4 position, and one Fire Educator Technician, grade Fire3 position, in Fire Fund Unit 1000.; **authorize** the use of available State Contracts, Sourcewell (formerly NJPA), and other contracted or Cooperative Pricing Agreements, for the procurement of vehicles and equipment for these positions; **authorize** the corresponding budget and personnel transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Funding will be available with the following ARPA Fund transactions:

Decrease Expenditure:	279-130-PS06-8005	Preliminary Estimates	\$2,115,624.00
Increase Expenditure:	279-130-PS06-6594	Interfund Expense	\$2,115,624.00
Increase Revenue:	010-130-2100-4960	Interfund Revenue	\$ 363,377.60
Increase Expenditure:	010-130-2100-6012	PD Salaries	\$ 363,377.60
Increase Revenue:	010-210-9220-4960	Interfund Revenue	\$1,090,132.96
Increase Expenditure:	010-210-9220-6012	SO Salaries	\$1,090,132.96
Increase Revenue:	230-130-1000-4960	Interfund Revenue	\$ 662,113.44
Increase Expenditure:	230-130-1000-6012	Fire Salaries	\$ 662,113.44
Decrease Expenditure:	279-130-PS06-8005	Preliminary Estimates	\$ 625,550.00
Increase Expenditure:	279-130-PS06-8605	Autos, Trucks, Vans	\$ 515,000.00
Increase Expenditure:	279-130-PS06-6394	Registration Fees	\$ 20,000.00
Increase Expenditure:	279-130-PS06-6400	Travel – Training	\$ 10,000.00
Increase Expenditure:	279-130-PS06-8675	Computer Software	\$ 40,550.00
Increase Expenditure:	279-130-PS06-6326	Professional Services	\$ 40,000.00

VOTE: **ADOPTED 5-0** (Commissioner Birrell and Commissioner Gambrell's statements are made a part of these minutes).

26. **To authorize the request to include contingency funding, within the FY2025 annual budget, for safety, security and transportation expenses associated with hosting the 2025 Major League Baseball All-Star Game and sponsored events.**

Motion by Cupid, second by Richardson, to **authorize** the request to include contingency funding, within the FY2025 annual budget, for safety, security and transportation expenses associated with hosting the 2025 Major League Baseball All-Star Game and sponsored events, in the amount of \$1,589,752.00; **authorize** the corresponding budget transactions, specifically the submission of this request for inclusion in the proposed FY2025 annual budget proposal; and **further authorize** the Chairwoman to execute the necessary documents. A copy of the 2025 All Star expenditures is attached and made a part of these minutes.

Funding will be available per the attached spreadsheet to offset one-time expenses associated with hosting these events during that fiscal year. This action will have no impact on any FY2024 County fund.

VOTE: **ADOPTED 5-0** (*Commissioner Birrell and Commissioner Gambrill's statements are made a part of these minutes*).

PUBLIC COMMENT

1. Krissa Blue addressed the Board regarding a community garden project and housing.

APPOINTMENTS

27. **To approve the appointments to the Hospital Authority of Cobb County.**

Motion by Sheffield, second by Birrell, to **approve** the appointments to the Hospital Authority of Cobb County as follows: Ford Thigpen - Post 3, Michael Goodman - Post 4, William Tanks - Post 6, and Roy Vanderslice - Post 9 for a six year term to expire on August 7, 2028 and **approve** the appointment of Marta Stewart to Post 8 for a term balance to expire August 7, 2026.

VOTE: **ADOPTED 5-0** (*Commissioner Birrell and Commissioner Gambrill's statements are made a part of these minutes*).

28. **To announce the appointment of Andrew Bramlett to the Cemetery Preservation Commission.**

Chairwoman Cupid **announced** the appointment of Andrew Bramlett to the Cemetery Preservation Commission for a term balance to expire on December 31, 2024. This appointment will replace Jan Galt.

29. To announce the appointment of Troy Griffith to the Cobb Workforce Development Board.

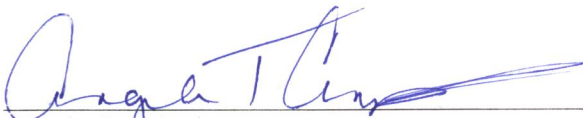
Chairwoman Cupid **announced** the appointment of Troy Griffith to the Cobb Workforce Development Board for a three year term to expire on June 30, 2026.

30. To announce the appointment of Samuel Ballard to the Heating and Air Conditioning Advisory Board.

Chairwoman Cupid **announced** the appointment of Samuel Ballard to the Heating and Air Conditioning Advisory Board for the term balance to expire on December 31, 2026.

ADJOURNMENT

The meeting was adjourned at 8:23 p.m..

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

Angela Cunningham
Deputy County Clerk
Cobb County Board of Commissioners

Commissioner Birrell's statement

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

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

Commissioner Gambrell's statement

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

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

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

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

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

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

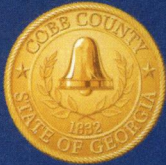
Furthermore, the Board of Elections certified the election of Commissioners in District 1 and 3 using the map as approved by the Governor on March 2, 2022 on November 15, 2022 and not the maps that the Board of Commissioners made effective on October 26, 2022.

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

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

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

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



Employee Parking Policy

Effective Date: September 1981

BOC Amended: 2/1989; 5/1992; 10/1993; 1/1995; 12/2010; 12/2011; 11/2023

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
Last Review Date	November 2020 <u>2023</u>
Next Review Date	November 2023 <u>2026</u>
Review Cycle	Every 3 Years

1. PURPOSE

To provide regulations concerning employee parking.

2. SCOPE

This policy affects all employees, interns, and volunteers. If you have For questions regarding this policy, contact Human Resources.

3. POLICY

It is the policy of the County to provide parking facilities, when practical, for the benefit and convenience of its employees, interns, and volunteers.

4. PROCEDURES

A. When appropriate, the County will provide parking for as many employees as practical.

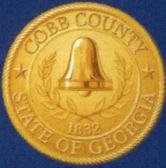
B. Where Parking spaces are limited, may be provided on a fee basis depending upon the work location. Eligibility shall be determined in the following order of priority:

1. Disabled eEmployees;

Those employees who hold a valid handicapped certification will be eligible for handicapped parking spaces available in any eCounty parking location. If all available handicapped spaces are assigned, the employee will be assigned an available space in a eCounty parking location until a handicapped space becomes available. Holding a handicapped certification does not give an employee priority in parking assignments when he/she has already accepted an available parking space as meeting his/her needs based on this certification. Should the handicapped certification expire, the employee will forfeit assigned parking based on this eligibility;

2. Elected eOfficials and; appointed Judges; ~~and individuals appointed to part-time boards;~~

3. The County Manager;



Employee Parking Policy

4. Appointed ~~d~~Department ~~h~~Heads;

5. ~~Cobb Community Transit Van Pools with a minimum of seven employee riders.~~

65. Full-time ~~e~~Employees;

~~to the complex in order of their date of full-time employment with the county;~~

7. ~~Eligibility for employees with the same date of employment shall be determined alphabetically.~~

Assignment priority shall be determined by the employee with the earliest full-time date-of-hire. For employees with the same full-time date-of-hire, priority shall be determined alphabetically by last name;

86. Part-time and/or Temporary ~~e~~Employees;

~~in order of their date of employment with the county.~~

Assignment priority shall be determined by the employee with the earliest date-of-hire. For employees with the same date-of-hire, priority shall be determined alphabetically by last name;

97. Unpaid Interns; and

108. Volunteers.

C. Employees making requests for parking, **if applicable**, in the Barrett Government Complex will be assigned a space **and issued an access card** in order of their eligibility **as stated above**. An access card, if required, will be issued to the employee upon their authorization for payroll deduction of the parking fee.

D. Lost or stolen **access** key cards will be replaced at a cost of \$20.00 to the employee.

E. Fees shall be as follows: **County vehicle access in decks/lots with limited parking will be handled as follows:**

1. Unreserved ~~s~~Spaces will be \$25.00 per month; Reserved spaces will be \$30.00 per month.

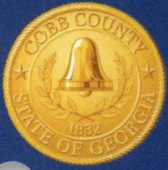
2. **The respective Department's budget will be charged monthly; and**

3. County vehicles **parked** overnight or during the day must park on **the** top floor of the assigned ~~e~~County deck.

~~Parking fees which are paid through payroll deduction are pre-taxed on each pay period in which the parking privilege is authorized. If an employee is not in pay status and therefore payroll deduction of the parking fee is not possible, he or she will be allowed fourteen days two biweeklies in which to make payment. If payment is not received by the fourteenth day end of the second biweekly, they forfeit their space.~~

F. An employee terminating employment forfeits the parking privilege on the last day of active employment.

H. ~~If the demand exceeds the availability of spaces, an employee on leave of absence of 30 days or more can notify the Human Resources Department of the period of their absence and request the possibility of subleasing their parking space. The employee is still responsible for paying the parking fees until the parking space is subleased. The employee returning from leave of absence will be guaranteed the~~



Employee Parking Policy

~~reassignment of the same space or lot assignment upon their return to active service as long as fees have been paid for the entire period of their absence.~~

G. I. Employees are expected to observe the parking rules established. Unauthorized or improperly parked vehicles will be towed away at the owner's expense. The following infractions will result in the loss of the parking privilege for a period of six months:

1. Parking in a space or lot other than the **assigned** space assigned to you;
2. Subleasing or exchanging assigned parking spaces;
3. Allowing someone to park in the employee's **assigned** space or lot assigned while on leave of absence of 30 days or more unless your space has been subleased through Human Resources to the next eligible employee;
4. **Failure to abide by** ~~Disregard of~~ **this Policy**, common-sense rules of safety and courtesy, as well as posted notices; and
5. Abuse of facility or equipment.

H. Employees use **and park in** the eCounty parking lots at their own risk and should keep their cars locked while on the lot. The eCounty assumes no responsibility for any damage to, or theft of, any vehicle or personal property left in the vehicle on the parking lot.

5. EXCEPTIONS

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

6. NON-COMPLIANCE

Violations of this policy may include disciplinary action according to applicable County policies and loss of parking privilege.

REVISION HISTORY

Version ID	Revision Date	Author	Reason for Revision
	09-1981		Adoption
	02-1989		Revision
	05-1992		Revision
	10-1993		Revision
	01-1995		Revision
	12-2010		Revision
	12-2011		Revision
v.1.0-2020	09-2020		Reformat
	11-2023		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 28th of November 2023