# MINUTES OF REGULAR MEETING
# COBB COUNTY BOARD OF COMMISSIONERS
# MARCH 26, 2024
# 7:00 PM

The Regular Meeting of the Cobb County Board of Commissioners was held on Tuesday, March 26, 2024, 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 7:04 p.m.

## PRESENTATIONS

1. **To present Certificates of Achievement to Boy Scouts Michael Johnson, Quincy Washington and Rodney Williams who have earned Eagle Scout Rank.**

   Chairwoman Cupid presented Certificates of Achievement to Boy Scouts Michael Johnson, Quincy Washington and Rodney Williams who have earned Eagle Scout Rank

2. **To present a certificate of achievement to Ms. Akanksha Manna for being selected for the Georgia Youth Leadership Award and Atlanta Magazine's 2024 Women Making a Mark.**

   Commissioner Richardson presented a certificate of achievement to Ms. Akanksha Manna for being selected for the Georgia Youth Leadership Award and Atlanta Magazine's 2024 Women Making a Mark.

   **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.*

   *In addition, I do support the Order on Cross Motions for Summary Judgment (Civil Action File No. 23-1-02428-56) from Judge Ann B. Harris in the Superior Court of Cobb County dated January 8, 2024 which finds the County's Amendment to Act 562 (the "Amendment or Amended Act") is an act excluded from the County's Home Rule authority granted in the Georgia Constitution, and therefore is void.*

**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.*

## PUBLIC HEARING

3. **To conduct a public hearing for the proposed closure and abandonment of Woodhill Drive, located in Land Lot 376 of the 16th District, 2nd Section, Cobb County, Georgia.**

Drew Raessler, Transportation Agency Director, requested a public hearing for the proposed closure and abandonment of a portion of the unimproved section of Woodhill Drive, located in Land Lot 376 of the 16th District, 2nd Section, Cobb County, Georgia.

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

Motion by Birrell, second by Sheffield, to **determine** that said right-of-way serves no substantial public purpose; and **authorize** the disposition of same by Quitclaim Deed to the adjoining owner, Marie J. Prescott Revocable Living Trust.

VOTE: **ADOPTED 5-0**

4. **To conduct the second public hearing to solicit comments and approve the proposed amendments to Chapter 50 (Environment), Chapter 110 (Subdivision), Chapter 122 (Utilities), Chapter 126 (Vehicles for Hire), and Chapter 134 (Zoning) of the Official Code of Cobb County.**

Judy Jones, Water System Agency Director, and Debbie Blair, Deputy County Attorney, presented information regarding the proposed amendments to Chapter 50 (Environment), Chapter 110 (Subdivision), Chapter 122 (Utilities), Chapter 126 (Vehicles for Hire), and Chapter 134 (Zoning) of the Official Code of Cobb County. A copy of the approved amendments are attached and made a part of these minutes.

Chairwoman Cupid opened the public hearing and asked those wishing to speak to come forward. Following 42 speakers, the Chairwoman called for a recess from *9:37 p.m. – 9:51 p.m.*

Following the recess, the Chairwoman asked if there were any additional speakers prior to closing the public hearing. There being no additional speakers, the public hearing was closed.

The Chairwoman requested Debbie Blair come forward and address the Zoning and Vehicles for Hire amendments prior to discussion on the Stormwater amendments.

***Chapter 134 - Zoning***

Motion by Cupid, second by Birrell, to **approve** the proposed amendments to Chapter 134 - Zoning, *as revised and presented in draft amendment package version II, distributed March 20, 2024.*

VOTE: **ADOPTED 5-0**

***Chapter 126 - Vehicles for Hire***

Motion by Cupid, second by Richardson, to **approve** the proposed amendments to Chapter 126 - Vehicles for Hire, *as revised and presented in draft amendment package version II, distributed March 20, 2024.*

VOTE: **ADOPTED 5-0**

**Clerk's Note:** *Chairwoman Cupid called for a brief recess from 10:05 p.m. - 10:09 p.m. Following recess, discussions continued regarding the proposed code amendments. Chairwoman Cupid asked Judy Jones to come forward for discussions regarding the proposed amendments.*

***Chapter 50 - Environment, Chapter 110 - Subdivision, and Chapter 122 -Utilities***

Motion by Cupid, second by Sheffield, to **table** Chapter 50 (Environment), Chapter 110 (Subdivision), and Chapter 122 (Utilities) of the proposed amendments, until the August 13, 2024, and August 27, 2024, Regular Board Meeting; **direct** staff to advertise 60 days prior, **create** a Stormwater Credit Manual and **publish** calculations of impervious surface for properties.

VOTE: ***ADOPTED 5-0***

**Clerk's Note:** Chairwoman Cupid called for a brief recess from 11:35 p.m.- 11:43 p.m. In the previous motion, August 6th was referenced as the first meeting in August; however, the correct date is August 13, 2024.

## PUBLIC COMMENT

1. Denny Wilson addressed the Chairwoman regarding various concerns.
2. Donald Barth addressed the Board regarding various concerns.
3. Salleigh Grubbs addressed the Board regarding private property rights.
4. Hill Wright addressed the Board regarding the Board's Rules of Procedure.

## CONSENT AGENDA

MOTION: Motion by Cupid, second by Richardson, to **approve** the following items on the Consent Agenda, *as revised with the exception to Item 24, which will be heard as a regular item following the consent vote (See Item 28 of these minutes);* and **authorize** execution of the necessary documents by the appropriate County personnel.

### Superior Court Administration

**5. 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 $17,880.00, for the period April 1, 2024 through June 30, 2024, to support the Drug Treatment Court; **authorize** the corresponding budget transactions; **allow** 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 | $17,880.00 |
| Increase Expenditure: | 270-225-S143-6320 | Medical/Dental Services | $17,880.00 |

**6. 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 $9,377.00, for the period April 1, 2024 through June 30, 2024, to support the Mental Health Court; **authorize** the corresponding budget transactions; **allow** 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 | $9,377.00 |
| Increase Expenditure: | 270-225-S144-6320 | Medical/Dental Services | $9,377.00 |

### Water System

**7. To authorize the Chairwoman to execute a revised Ingress and Egress Easement with Maxham Investments, LLC for South Cobb Tunnel, Program No. S3017.**

To **authorize** the Chairwoman to execute a revised Ingress and Egress Easement with Maxham Investments, LLC for South Cobb Tunnel, Program No. S3017.

8. **To approve Change Order No. 1 to the agreement with Itineris NA, Inc. for Water Billing Software, Program No. C0173.**

To **approve** Change Order No.1 to the contract with Itineris NA, Inc., for a time extension of five weeks and an amount not to exceed $292,520.00, for Water Billing Software, Program No. C0173; **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:

| | | | |
|---|---|---|---|
| Increase Encumbrance<br>GAE 51003142312 | 510-500-5752-8675 | C0173-P | 292,520.00 |
| Transfer from:<br>Billing System Upgrades<br>Preliminary Estimates | 510-500-5752-8005 | C0115-Z | 292,520.00 |
| Transfer to:<br>Water Billing Software<br>Computer Software | 510-500-5752-8675 | C0173-P | 292,520.00 |

**Transportation**

9. **To approve a First Amendment to each of the current Master Task Order Contracts with 18 firms to extend the term of each contract for the provision of professional services in the areas of: Category A – Transportation, Planning & Environmental Services; Category B – Highway Design: Roadway, Bridge, Surveying & Geotechnical; Category C – Traffic Engineering; Category D – Transit; and Category E – Aviation.**

To **approve** a First Amendment to each of the current Master Task Order Contracts with 18 firms to extend the term of each contract through June 30, 2025, for the provision of professional services in the areas of: Category A – Transportation, Planning & Environmental Services; Category B – Highway Design: Roadway, Bridge, Surveying & Geotechnical; Category C – Traffic Engineering; Category D – Transit; and Category E – Aviation; and **authorize** the Chairwoman to execute the necessary documents.

10. **To authorize extension of the term for the Department of Transportation's current Prequalified List of Engineering and Associated Specialty Firms.**

To **authorize** extension of the term for the Department of Transportation's current Prequalified List of Engineering and Associated Specialty Firms through May 11, 2025.

11. **To approve the Federal Transit Administration Annual Certifications and Assurances required for Cobb County to receive federal financial assistance during Federal Fiscal Year 2024.**

To **approve** the Federal Transit Administration Annual Certifications and Assurances required for Cobb County to receive federal financial assistance during Federal Fiscal Year 2024; **authorize** Laraine Vance to execute FTA Annual Certifications and Assurances, submit FTA grant applications, and execute FTA grant awards on behalf of Cobb County, as needed; and **further authorize** the Chairwoman to execute the necessary documents.

12. **To authorize funding for Year Two of the multi-year contract with Public Facilities & Services, Inc., for Cleaning Services for Bus Stops, Shelters, Park-and-Ride Lots, and Administrative Office Grounds, CCDOT Contract No. 002125.**

To **authorize** funding for Year Two of the multi-year contract with Public Facilities & Services, Inc., in an amount not to exceed $986,133.00, for Cleaning Services for Bus Stops, Shelters, Park-and-Ride Lots, and Administrative Office Grounds, CCDOT Contract No. 002125; **authorize** the corresponding budget transaction; and **further authorize** the Chairwoman to execute the necessary documents.

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

| | | | |
|---|---|---|---|
| Transfer from: | 203-050-T086-8005 | Preliminary Estimate | $986,133.00 |
| Transfer to: | 203-050-T086-6326 | Professional Services | $986,133.00 |

13. **To authorize advertisement to hold a public hearing and authorize initiation of a 30-day public comment period for a service and fare equity analysis for the proposed CobbLinc Microtransit Pilot Project in South Cobb County.**

To **authorize** advertisement to hold a public hearing and authorize initiation of a 30-day public comment period for a service and fare equity analysis for the proposed CobbLinc Microtransit Pilot Project in South Cobb County.

14. **To approve Project No. 0770–TO#1 to the 2022 Master Task Order Contract with Gresham Smith for Plan Review Support, CCDOT Contract No. 002315.**

To **approve** Project No. 0770-TO#1 to the 2022 Master Task Order Contract with Gresham Smith, in an amount not to exceed $100,000.00, for Plan Review Support, CCDOT Contract No. 002315; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Available in the Department of Transportation's FY24 General Fund Operating Budget, with the following budget transfer from the Community Development Department's approved FY24 Operating Budget:

| | | | |
|---|---|---|---|
| Decrease Expenditure: | 010-030-0310-6326 | Professional Services | $100,000.00 |
| Increase Expenditure: | 010-050-0770-6312 | Consultant Services | $100,000.00 |

**Public Services Agency**

**PARKS**

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

To **accept** the GRPA BOOST Grant (2024) from the Georgia Recreation & Park Association for a Building Opportunities for Out-of-School Time (BOOST) Grant in the amount of $125,000.00; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman or the PARKS Director; to execute the necessary documents.

| | | | |
|---|---|---|---|
| Increase Revenue | 270-105-G295-4508 | (Local Grants) | $125,000.00 |
| Increase Expenditure | 270-105-G295-6193 | (Recreation Prog.) | $125,000.00 |

16. **To approve an agreement with Ticketmaster to provide ticketing services for in-person and online ticket sales for the Mable House Barnes Amphitheater.**

To **approve** an agreement with Ticketmaster to provide ticketing services for the Mable House Barnes Amphitheater in a form substantially similar to that presented; and as approved by the County Attorney's Office.; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

**Library System**

17. **To authorize application for and acceptance of the 2024 Sickle Cell Awareness Subgrant from the Board of Regents, Georgia Public Library Service.**

To **authorize** the application for and acceptance of the 2024 Sickle Cell Awareness Subgrant from the Board of Regents, Georgia Public Library Service, in the amount of $1,500.00; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman or Library Director to execute the necessary documents.

| | | | |
|---|---|---|---|
| Increase Revenue: | 270-080-L100-L112-4455 | (Department of Education) | $1,500.00 |
| Increase Expenditure: | 270-080-L100-L112-6204 | (Other Supplies) | $1,500.00 |

**Office of Sustainability**

18. **To authorize the application for grant funds from the Environmental Protection Agency, Climate Pollution Reduction Grant Program as a sub-award member of the Atlanta Regional Commission - Atlanta Electric Vehicle Alliance.**

To **authorize** the application for grant funds from the Environmental Protection Agency, Climate Pollution Reduction Grant Program as a sub-award member of the Atlanta Regional Commission - Atlanta Electric Vehicle Alliance to be used for the purchase of electric vehicles (EV) and EV infrastructure; and **further authorize** the Chairwoman to execute any necessary documents.

**Support Services Agency**

**Support Services Administration**

19. **To approve a second amendment to the Agreement for Purchase and Sale of 3.789 +/- acres of property located at 4600 Atlanta Road, in Smyrna, Georgia 30080 to Flournoy Development Group, LLC to extend the due diligence period and closing date to May 22, 2025, and June 23, 2025, respectively.**

To **approve** a second amendment to the Agreement for Purchase and Sale of 3.789 +/- acres of property located at 4600 Atlanta Road, Smyrna, Georgia 30080 to Flournoy Development Group, LLC, to extend the due diligence period and closing date to May 22, 2025 and June 23, 2025, respectively; and **authorize** the Chairwoman to execute the necessary documents to implement the foregoing purposes.

**Information Technology Services**

20. **To approve an Equipment Lease Agreement Number 20240326-00.01 with Novatech, Inc. for lease/rental of a multifunctional digital copier for the Water System, pursuant to an existing Master Lease Agreement.**

To **approve** an Equipment Lease Agreement Number 20240326-00.01 and accompanying Equipment Schedules with Novatech, Inc. from an existing Master Lease Agreement, in an amount not to exceed $5,760.72 (60 months of lease/rental payments in FY 24 - FY 29) to finance the leasing of one new copier, in the second quarter of FY 24; **authorize** the corresponding budget transactions; and **further authorize** the Director of Procurement to execute the necessary documents as approved by the County Attorney's Office.

Funding for the FY 24 lease payments is available as follows:

| | | |
|---|---|---|
| Stormwater | 500-500-5600-6532 | $ 685.80 |

**Property Management**

21. **To approve the grant of an easement to allow for an existing driveway and fence to traverse a corner portion of Cobb County property at 4640 Dallas Highway, Marietta, Georgia 30064.**

To **approve** the grant of an easement to allow for an existing driveway and fence to traverse a corner portion of Cobb County property at 4640 Dallas Highway, Marietta, Georgia 30064; and **authorize** the Chairwoman to execute easement and any additional necessary documents to effectuate the purpose.

**Public Safety Agency**

**Fire and Emergency Services**

22. **To approve a sole source agreement with Georgia Fire & Rescue for the purchase of 80 new thermal image cameras.**

To **approve** a sole source agreement with Georgia Fire & Rescue, for an amount not to exceed $456,528.00, for thermal image cameras; and **further authorize** the Chairwoman and/or the Procurement Services Director to execute any necessary documents.

Funding is available within the FY24 Fire Budget.

| | | |
|---|---|---|
| 230-130-1000-6258 | Accountable Equipment | $456,528.00 |

23. **To approve an agreement for a two-year ambulance contract with Metro Atlanta Ambulance and Puckett EMS for providing indigent and county required ambulance services in designated EMS zones.**

To **approve** the two-year ambulance contract with Metro Atlanta Ambulance and Puckett EMS, commencing on October 1, 2024, that may be renewed three (3) times, each for a one (1) year "Renewal Term" for a maximum of five-years for providing indigent and county required ambulance services in designated EMS zones until September 30, 2026, and **further authorize** the Chairwoman to execute any necessary documents.

This agreement has no current year funding impact.

**County Attorney**

24. **To approve the proposed amendments to Board of Commissioners Rules of Procedure Section 1.07, Agenda; Section 1.09, Public Participation in Board Meetings; Section 2.01, Adherence to Agenda; and Appendix, Parliamentary Definitions.**

This item was heard as a regular item (See item 28 of these minutes).

**Finance**

25. **To approve contract Amendment Number 2 (Amendment) to Statement of Work Number 9 (SOW 9) with CGI Technologies and Solutions, Inc. (CGI) for additional configurations, enhancements, and support to provide the Pension Calculation Functionality required for Cobb County's Financial Services, Human Resources and Purchasing applications (CGI Advantage). This Amendment is entirely funded with an appropriation from the Public Facilities Project Fund's Capital Contingency.**

To **approve** contract Amendment Number 2 to Statement of Work Number 9 with CGI Technologies and Solutions, Inc., in an amount not to exceed $233,127.00, for additional configurations, enhancements and support to upgrade the CGI Advantage system Pension Calculation Functionality; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Funding will be available with the following budget transactions:

| | | | |
|---|---|---|---|
| Decrease Expenditure: | 380-055-CPCT-8820 | Capital Contingency | $233,127.00 |
| Increase Expenditure: | 380-035-4583-8676 | Capital Professional Services | $233,127.00 |

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

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

**County Clerk**

**27. To approve minutes.**

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

- 03/11/2024 - Agenda Work Session
- 03/12/2024 - BOC Regular Meeting
- 03/13/2024 - 03/15/2024 - Board Retreat
- 03/19/2024 - BOC Zoning Hearing

CONSENT VOTE: **ADOPTED 5-0**, Commissioner Gambrill opposed to Item 11, Commissioners Birrell and Gambrill in opposition to Item 13.

**REGULAR AGENDA**

**County Attorney**

**28. To approve the proposed amendments to Board of Commissioners Rules of Procedure Section 1.07, Agenda; Section 1.09, Public Participation in Board Meetings; Section 2.01, Adherence to Agenda; and Appendix, Parliamentary Definitions.**

Debbie Blair, Deputy County Attorney, presented information regarding the proposed amendments to Board of Commissioners Rules of Procedure Section 1.07, Agenda; Section 1.09, Public Participation in Board Meetings; Section 2.01, Adherence to Agenda; and Appendix, Parliamentary Definitions. A copy of the approved amendments are attached and made a part of these minutes.

***SECTION 1.07 - AGENDA***
***Section 1.07.a***
Motion by Cupid, second by Birrell, to **approve** the proposed amendments to *Section 1.07.a* of the Board of Commissioners Rules of Procedures, *as presented.*

*VOTE:* **ADOPTED 5-0**

***Section 1.07.b***
Motion by Cupid, second by Richardson, to **approve** the proposed amendments to *Section 1.07.b* of the Board of Commissioners Rules of Procedures, *as presented.*

*VOTE:* **ADOPTED 5-0**

***Section 1.07.c***
Motion by Cupid, second by Richardson, to **approve** the proposed amendments to *Section 1.07.c* of the Board of Commissioners Rules of Procedures, *as presented.*

VOTE: **ADOPTED 5-0**

***Section 1.07.d***
Motion by Cupid, second by Sheffield, to **approve** the proposed amendments to *Section 1.07.d* of the Board of Commissioners Rules of Procedures, *as presented.*

VOTE: **ADOPTED 5-0**

**Section 1.07.e**
Motion by Cupid, second by Birrell, to **approve** the proposed amendments to *Section 1.07.e* of the Board of Commissioners Rules of Procedures, *as presented.*

VOTE: **ADOPTED 5-0**

***SECTION 1.09 - PUBLIC PARTICIPATION IN BOARD MEETING***

***1st Paragraph***
Motion by Cupid, second by Birrell, to **table** the proposed amendments to Section 1.09 (1st paragraph) of the Board of Commissioners Rules of Procedures until the next Regular Board Meeting.

VOTE: **ADOPTED 5-0**

**Section 1.09.01. a**
Motion by Cupid, second by Richardson, to **approve** the proposed amendments to *Section 1.09.01.a* of the Board of Commissioners Rules of Procedures, *with exclusion of the following sentence..*

*"Speakers may bring handouts to be provided to the board members but no audio visual or media presentations are allowed."*

VOTE: **ADOPTED 4-1,** Commissioner Birrell opposed

Motion by Cupid, second by Sheffield, to **table** the proposed language in Section 1.09.01.a "*Speakers may bring handouts to be provided to the board members but no audio visual or media presentations are allowed*" until the next Regular Board Meeting.

VOTE: **ADOPTED 5-0**

**Section 1.09.01. b**
Motion by Cupid, second by Richardson, to **delete** Section 1.09.01.b of the Board of Commissioners Rules of Procedures in its entirety.

**VOTE: ADOPTED 5-0**

**Section 1.09.01.c**
Motion by Cupid, second by Richardson, to **delete** Section 1.09.01.c of the Board of Commissioners Rules of Procedures in its entirety.

**VOTE: ADOPTED 4-1,** Chairwoman Cupid opposed

***Section 1.09.01.d***
Motion by Cupid, second by Richardson, to **approve** the proposed amendments to Section 1.09.01.d (*which will be renumbered as Section 1.09.01.b*) of the Board of Commissioners Rules of Procedures, *to read as follows:*

*"After each individual speaker's remarks have concluded, the Chair may, but shall not be required to, direct the speaker to a staff member or commissioner for further assistance."*

VOTE: **ADOPTED 5-0**

**Section 1.09.02.a**
Motion by Cupid, second by Birrell, to **approve** the proposed amendments to Section 1.09.02 of the Board of Commissioners Rules of Procedures, *as presented.*

VOTE: **ADOPTED 5-0**

***Section 1.09.05***
Motion by Birrell, second by Cupid, to **approve** the proposed amendments to Section 1.09.05 of the Board of Commissioners Rules of Procedures, *to read as follows:*

*"No person shall be allowed to announce their candidacy or another's nor campaign for themselves or other announced political candidates. No speaker shall make slanderous remarks while addressing the Commission."*

VOTE: **ADOPTED 5-0**

**Section 1.09.05. f**
Motion by Cupid, second by Richardson, to **approve** the proposed amendments to Section 1.09.05.f of the Board of Commissioners Rules of Procedures, *as presented.*

VOTE: **ADOPTED 5-0**

***Section 1.09.08.1***
Motion by Cupid, second by Birrell, to **approve** the proposed amendments to Section 1.09.08.1 of the Board of Commissioners Rules of Procedures, *as presented.*

VOTE: **ADOPTED 5-0**

*Section 2.01 - ADHERENCE TO AGENDA*

***Section 2.01.01.a***
Motion by Cupid, second by Richardson, to **approve** the proposed amendments to Section 2.01.01.a of the Board of Commissioners Rules of Procedures, *as presented.*

VOTE: **ADOPTED 5-0**

**Section 2.01.01.b**
Motion by Cupid, second by Birrell, to **approve** the proposed amendments to Section 2.01.01.b of the Board of Commissioners Rules of Procedures, *as presented.*

VOTE: **ADOPTED 5-0**

***Appendix***
***Parliamentary Definitions***

***Certificate of Recognition***
Motion by Cupid, second by Birrell, to **approve** the proposed amendments to the definition of *Certificate of Recognition* of the Board of Commissioners Rules of Procedures, *as presented.*

VOTE: **ADOPTED 5-0**

***Proclamation***
Motion by Richardson, second by Sheffield, to **approve** the proposed amendments to the definition of *Proclamation* of the Board of Commissioners Rules of Procedures, *as presented.*

VOTE: **ADOPTED 5-0**

***Resolution***
Motion by Cupid, second by Richardson, to **approve** the proposed amendments to the definition of *Certificate of Recognition* of the Board of Commissioners Rules of Procedures, *as presented.*

VOTE: **ADOPTED 5-0**

**Water System**

**29. Withdrawal of request to approve a Stormwater Utility Fee and the Cobb County Water System's "Schedule of Rates, Charges, and Fees" to become effective August 1, 2024, and establish a stormwater enterprise fund.**

This item was withdrawn from the agenda.

**Transportation**

30. **To authorize the allocation of FY24 District 4 Contingency funding for the procurement of solar-powered flashing LED stop signs for the intersection of Brookwood Drive and Bellemeade Circle/Compton Drive.**

Motion by Sheffield, second by Birrell, to **authorize** the allocation of FY24 District 4 Contingency funding for procurement of solar-powered flashing LED stop signs, in the amount of $4,286.10, for the intersection of Brookwood Drive and Bellemeade Circle/Compton Drive; and **further authorize** the corresponding budget transactions.

Available in the Department's FY24 General Fund Operating Budget, with the following budget transfer from the FY24 District 4 Contingency Budget:

| | | | |
|---|---|---|---|
| Decrease Expenditure: | 010-001-0124-8820 | Undesignated Contingency | $4,286.10 |
| Increase Expenditure: | 010-050-0781-6198 | Traffic Control Supplies | $4,286.10 |

VOTE: **ADOPTED 5-0**

31. **To approve Project No. AR16-TO#1 to the 2022 Master Task Order Contract with Pond & Company for transportation planning and engineering services for Factory Shoals Pedestrian Bridge over Interstate 20 Scoping Study, CCDOT Contract No. 001279.**

Motion by Sheffield, second by Brrrell, to **approve** Project No. AR16-TO#1 to the 2022 Master Task Order Contract with Pond & Company, in an amount not to exceed $499,963.00, for transportation planning and engineering services for Factory Shoals Pedestrian Bridge over Interstate 20 Scoping Study, CCDOT Contract No. 001279; **authorize** the corresponding budget transaction; and **further authorize** the Chairwoman to execute the necessary documents.

Available in the American Rescue Plan Act Fund, with the following budget transfer:

| | | | |
|---|---|---|---|
| Transfer from: | 279-050-AR16-8721 | Preliminary Estimate | $499,963.00 |
| Transfer to: | 279-050-AR16-6322 | Planning Services | $499,963.00 |

VOTE: **ADOPTED 5-0**

**32. To authorize submission of the Georgia Department of Transportation's Local Administered Project Recertification Application, and adopt the Georgia Department of Transportation's *Transportation Services Procurement Manual, Version 1*, regarding engineering and design related consultant services.**

Motion by Cupid, second by Richardson, to **authorize** submission of the Georgia Department of Transportation's Local Administered Project Recertification Application; adopt the Georgia Department of Transportation's *Transportation Services Procurement Manual, Version 1*, regarding engineering and design related consultant services; and **further authorize** the Chairwoman to execute the necessary documents.

VOTE: **ADOPTED 5-0**

**33. To approve final change orders to contracts for various completed 2016 SPLOST Transportation Improvements Program, 2022 SPLOST Transportation Improvements Program, Water System, and Transit projects.**

Motion by Gambrill, second by Birrell, to **approve** final change orders to contracts for various completed 2016 SPLOST Transportation Improvements Program, 2022 SPLOST Transportation Improvements Program, Water System, and Transit projects, a total savings to the projects in the amount of $519,975.61; **authorize** the corresponding budget and accounting transactions; and **further authorize** the Chairwoman to execute the necessary documents.

A savings to the 2016 SPLOST Transportation Improvements Program (TIP), 2022 SPLOST TIP, Water System, and Transit Funds, as follows, and as detailed on the attached list of accounting and budget transactions required:

| | | | |
|---|---|---|---|
| Decrease Expenditures: | 347-050-X260-X260-8762-X2602-C | 2016 SPLOST TIP Fund | $ 11,130.72 |
| | 348-050-Various Units/Subunits/Projects | 2022 SPLOST TIP Fund | $174,200.79 |
| | Various Funds/Units/Subunits/Projects | Water Fund | $284,577.91 |
| | 200-050-4802-8762 | Transit Fund | $ 71,814.55 |
| | | Total: | $541,723.97 |

VOTE: **ADOPTED 5-0**

34. **To authorize the request to hold a meeting at which the governing authorities of the County and each qualified municipality are to meet to discuss possible transit projects from the Regional Transit Plan for inclusion in the Cobb County Mobility Special Purpose Local Option Sales Tax (MSPLOST) referendum and the proposed rate of tax.**

Motion by Cupid, second by Richardson, to **authorize** the request to hold a meeting at which the governing authorities of the County and each qualified municipality are to meet to discuss possible transit projects from the Regional Transit Plan for inclusion in the Cobb County Mobility Special Purpose Local Option Sales Tax (MSPLOST) referendum and the proposed rate of tax.

VOTE: **ADOPTED 5-0**

35. **To approve a Consultant Services Agreement with Parsons Transportation Group, Inc., for preliminary engineering design of South Cobb Drive (SR 280) Traffic Safety Improvements, State P.I. No. 0019890, Cobb County Project No. B2435, CCDOT Contract No. 002148.**

Motion by Birrell, second by Sheffield, to **approve** a Consultant Services Agreement with Parsons Transportation Group, Inc., in an amount not to exceed $1,715,640.36, for preliminary engineering design of South Cobb Drive (SR 280) Traffic Safety Improvements, State P.I. No. 0019890, Cobb County Project No. B2435, CCDOT Contract No. 002148; **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 | $1,715,640.36 |
| Transfer to: | 348-050-B240-B240-8722-B2435-E | Engineering | $1,715,640.36 |

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, Federal/State/Local Match Improvements.

South Cobb Drive (SR 280) Traffic Safety Improvements is an eligible project/program under the Federal/State/Local Match Improvements Component of the 2022 SPLOST Transportation Improvements, pending sufficient Federal, State, or other grant assistance becoming available (2022 Cobb Renewal, pp. 1, 21). 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 March 1, 2024: South Cobb Drive (SR 280) Traffic Safety Improvements

| | | | |
|---|---|---|---|
| Budget: | $50,000.00 | Expended: | $180.00 |

SPLOST Project Summary, following requested budget transfer:

Adjusted Budget: $1,765,640.36

VOTE: **ADOPTED 5-0**

**Public Services Agency**

**PARKS**

**36. To approve a contract with CBA Sports to provide construction services for the replacement of wood gymnasium floors at three Recreation Centers under the 2022 PARKS SPLOST Program.**

Motion by Gambrill, second by Sheffield, to **approve** a contract with CBA Sports in an amount not to exceed $658,759.00 for the replacement of wood gymnasium flooring at South Cobb; Fair Oaks; and Ron Anderson Recreation Centers under the 2022 PARKS SPLOST Program; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman of the Board of Commissioners to execute the necessary documents.

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

| | | |
|---|---|---|
| 348-105-B065-B0653-C-8110 | (Building Renovations & Improvements) | $ 658,759.00 |

SPLOST Project Summary as of March 1, 2024:

Building Renovations and Improvements:

| | | | |
|---|---|---|---|
| Budget: | $4,500,000.00 | Expended to Date: | $2,187,685.49 |

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

Parks Building Renovations and Improvements, Replacement of Gymnasium Flooring, is an eligible project under the 2022 SPLOST (Cobb County 2022 SPLOST, Page 28). Replacement of the wood gymnasium flooring in three recreation centers will provide improved playability and level of service for patrons of these heavily used facilities.

VOTE: **ADOPTED 5-0**

37. **To approve Change Order No. 2 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. 2 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 an addition to the contract in the amount of $39,494.92; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

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

347-105-X063-X0632-C-8125 (Stout Park) $39,494.92

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. These unforeseen conditions were required to satisfactorily complete the project.

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

Budget: $3,400,000.00 Expended to Date: $3,327,791.00

VOTE: **ADOPTED 5-0**

**38. To approve Change Order No. 1 with HEC Construction Solutions, LLC for the barn renovations at Violet F. Stout Park under the 2016 PARKS SPLOST Program.**

Motion by Sheffield, second by Birrell, to **approve** Change Order No. 1 to the contract with HEC Construction Solutions, Inc. for renovations to the barn under the 2016 PARKS SPLOST Program and 2022 PARKS SPLOST Program representing an addition to the contract in the amount of $106,611.88; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Funding is available in the 2016 PARKS SPLOST funds as follow

GAE 34707112337
Increase Encumbrance: 347-105-B063-B0632-C-8125 (Stout Park) $67,812.46

Add to GAE Accounting Line Below:
GAE 34707112337 348-105-B065-B0658-C-8113 (Parks Subsurface Infrastructure) $38,799.42

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

Stout Park is an eligible project under the 2016 SPLOST (Cobb County 2016 SPLOST Project Booklet, Page 31). This funding will cover the cost of unforeseen conditions encountered as construction of the project moved forward.

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

Parks Subsurface Infrastructure is an eligible project under the 2022 SPLOST (Cobb County 2022 SPLOST Project Booklet, Page 32). This funding will be used to extend the fire line to provide water to the barn fire suppression (sprinkler) system to ensure the safety of patrons and the horses stabled in the building. The requirement was unforeseen and discovered after construction began.

2016 SPLOST Project Summary as of March 1, 2024 (Stout Park):

Budget: $3,400,000.00 Expended to Date: $3,292,195.12

2022 SPLOST Project Summary as of March 1, 2024 (Subsurface Infrastructure):

Budget: $1,500,000.00 Expended to Date: $515,430.39

VOTE: **ADOPTED 5-0**

**Support Services Agency**

**Information Technology Services**

39. **Withdrawal of request to approve a contract with Tyler Technologies, Inc. (Tyler) for migration of the Tax system, to a hosted Software as a Service (SaaS) solution. This project is partially funded by 2022 SPLOST project Support Services / Information Services program B0040.**

This item was withdrawn from this agenda.

**Property Management**

40. **To authorize an interfund transfer from the FY2024 General Fund budget, to the Property Management Capital Project fund, for the completion of the previously approved renovations to the Community Development facility at 1150 Powder Springs Rd, Marietta, GA.**

Motion by Gambrill, second by Richardson, to **authorize** an interfund transfer, in the amount of $933,727.00, from the FY2024 General Fund budget, to the Property Management Capital Project Fund, for the completion of the previously approved renovations to the Community Development facility at 1150 Powder Springs Rd. Marietta, GA; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Funding is available with the following transfers:

| | | | |
|---|---|---|---|
| Decrease Expenditure: | 010-110-3640-8005 | (Preliminary Estimates) | $933,727.00 |
| Increase Expenditure: | 010-110-3640-6594 | (Interfund Expense) | $933,727.00 |
| Increase Revenue: | 381-110-PM03-4960-PM2311-A | (Interfund Revenue) | $933,727.00 |
| Increase Expenditure: | 381-110-PM03-8005-PM2311-A | (Preliminary Estimates) | $933,727.00 |

VOTE: **ADOPTED 5-0**

**PUBLIC COMMENT**

1. Tracy Stevenson addressed the Board regarding Stormwater.
2. Craig Harfoot addressed the Board regarding a better path for Cobb.
3. Marie Cooper addressed the Board regarding Stormwater and Rules of Procedures.

## APPOINTMENTS

**41. To announce the appointment of Christine Lindstrom to the Planning Commission.**

To announce the appointment of Christine Lindstrom to the Planning Commission for a term balance to expire on December 31, 2026. This appointment will replace Deborah Dance.

## ADJOURNMENT

The meeting was adjourned at 2:00 a.m.

Angela Cunningham
Deputy County Clerk
Cobb County Board of Commissioners

# 2024 CODE AMENDMENTS

# Official Code of Cobb County
# Part I. – Chapter 126

Package I
Version I - distributed on February 22, 2024
Version II – distributed on March 20, 2024

Board of Commissioners Public Hearing Dates
March 12, 2024 – 9:00 am
March 26, 2024 – 7:00 pm

Cobb County
www.cobbcounty.org

*Cobb County...Expect the Best!*

Reference No. 4

**ARTICLE II. – WRECKERS**

DIVISION 1. – GENERALLY

Section 126-26 of the Official Code of Cobb County, Georgia is amended to read as follows:
**Sec. 126-26. - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Damaged vehicle* means any vehicle suffering such mechanical or structural damage to the extent that it cannot properly or safely be operated.

*Director of public safely* means the director of the county department of public safety (DPS).

*Heavy equipment* means vehicles weighing more than 14,500 pounds of GVW.

*Heavy tow job* means and includes the furnishing of a heavy wrecker and all work necessary to properly hook up any heavy equipment.

*Passenger cars, light trucks and similar vehicles* means any vehicle weight up to 14,500 pounds of GVW.

*Police department* means the county police department, its officers, agents or employees.

*Property owner* means the owner of property, or his authorized representative, upon which a vehicle to be removed is located.

*Public safety calls* means calls received by wrecker services from public officers in the exercise of their public duties, including but not limited to police, fire, ~~and emergency medical matters~~ EMS and 911.

*Response time* means that the zone wrecker service will respond toward the scene of the traffic infringement as soon as possible after a call from the county police department.

*Selection committee* means a committee composed of the head, chief, manager or director of the following departments, divisions or agencies of the county: public safety, finance, purchasing, business license and internal audit or the designee of such head, chief, manager or director.

*Standard tow job* means and includes the furnishing of a wrecker and all work necessary to properly hook up a damaged or undamaged vehicle and tow it to a storage area.
*State of emergency* means whenever there is a declared state of emergency for the county.

*Undamaged vehicle* means any vehicle which has no or only minor structural or mechanical damage and is capable of being safely and properly operated.

*Vehicle owner* means the owner of a vehicle or his authorized representative.

*Wrecker* means an automotive vehicle with hoisting apparatus and equipment for towing wrecked, disabled or abandoned automobiles or other vehicles. The term "wrecker" also includes any vehicle otherwise equipped and used for the purpose of towing wrecked, disabled or abandoned automobiles or other vehicles.

*Wrecker service* means any corporation, partnership or individual person, either as principal, agent or employee, in the business of removing, towing and/or storing wrecked,

disabled or abandoned automobiles or other vehicles by the use of a wrecker or other towing device in compliance with State and local law.

*Zone* means a geographical area to be contiguous with the boundaries of the police precincts of the police department as now or hereafter created by the county police department and approved by the county board of commissioners.

*Zone holder* means any wrecker service which submits a successful application under section 126-53 and is permitted a zone and which otherwise complies with the provisions of this article to qualify for the privilege of engagement by the police department for the removal or storage of vehicles.

(Ord. of 7-26-94; ~~Code 1977, § 3-25-21;~~ Ord. of 9-12-95; Amd. of 2-22-11; Amd. of 2-23-16; O.C.G.A. § 40-11-1)
Cross reference - Definitions generally, § 1-2.

Section 126-27 of the Official Code of Cobb County, Georgia is amended to read as follows:
**Sec. 126-27. Violations of article; penalties.**

(a) Violations of the provisions of this article shall be punished as provided in section 1-10 of the county code, and may be brought on citation in the magistrate court with or without a prosecutor.
(b) The violation of the provisions of this article by any wrecker service may be enjoined by instituting appropriate proceedings for injunctions in the courts of competent jurisdiction in this state. Such actions may be maintained notwithstanding that other adequate remedies at law exist. Such actions may be instituted in the name of the governing authority of the county.
(c) Violations of provisions of this article by any wrecker service shall be due cause for revocation of any county business license, after notice and hearing before the license review board.
(d) Violations of provisions of this article by any zone holder shall be due cause for revocation of any zone permit, after notice and hearing as provided in this article.
(e) The remedies set forth in subsections (a) through (d) of this section are cumulative to each other.

(Ord. of 7-26-94; ~~Code 1977, § 3-25-45;~~ Ord. of 9-12-95; Amd. of 2-23-16)

Section 126-28 of the Official Code of Cobb County, Georgia is amended to read as follows:
**Sec. 126-28. Wrecker services to comply with article.**

It shall be unlawful for any wrecker service, whether or not a zone holder, to use or operate a wrecker upon any of the streets of the unincorporated area of the county without complying with the provisions of this article.

(Ord. of 7-26-94; ~~Code 1977, § 3-25-22;~~ Ord. of 9-12-95)

Section 126-29 of the Official Code of Cobb County, Georgia is amended to read as follows:
**Sec. 126-29. Identification of all wreckers.**

All wreckers which operate upon any of the streets of the unincorporated area of the county shall be clearly identified in compliance with the Georgia Department of Public Safety transportation rule, as amended, 1-10, with the name and domicile of the wrecker service operating the wrecker.

(Ord. of 7-26-94; ~~Code 1977, § 3-25-23;~~ Ord. of 9-12-95; Amd. of 2-23-16)

Section 126-30 of the Official Code of Cobb County, Georgia is amended to read as follows:
**Sec. 126-30. Limitations upon proceeding to accident scene.**

No wrecker shall go to any accident scene unless:

~~(1)~~ (a) ~~Called by the police~~ Responding to a public safety call;
~~(2)~~ (b) Called by the vehicle owner; or
~~(3)~~ (c) There exists an extreme emergency immediately endangering life or property.

(Ord. of 7-26-94; ~~Code 1977, § 3-25-24;~~ Ord. of 9-12-95)

Section 126-31 of the Official Code of Cobb County, Georgia is amended to read as follows:
**Sec. 126-31. Prohibition against use of ~~police~~ DPS radios.**

No wrecker service shall proceed to an accident scene by reason of any information received by monitoring ~~police~~ DPS radio calls.

(Ord. of 7-26-94; ~~Code 1977, § 3-25-25;~~ Ord. of 9-12-95)

Section 126-32 of the Official Code of Cobb County, Georgia is amended to read as follows:
**Sec. 126-32. Duty to use due care; clearing of glass and debris.**

(a) Wrecker services shall determine the method and manner of removing vehicles; however, they shall exercise due care in removal operations and shall follow the direction of the traffic officer directing the removal so as not to impede traffic or endanger the general public and property.
(b) The driver of each wrecker truck towing away any vehicle from the scene of a wreck shall also take away all parts belonging to the vehicle which ~~he~~ the driver is towing away; and, upon existence of small parts, broken glass fluids, ~~he~~ the driver shall clear the right-of-way of such debris, unless the driver is ordered not to do so by the investigating police officer due to circumstances at the scene of the accident.

(Ord. of 7-26-94; ~~Code 1977, § 3-25-26;~~ Ord. of 9-12-95; Amd. of 2-23-16)

Section 126-33 of the Official Code of Cobb County, Georgia is amended to read as follows:
**Sec. 126-33. Information to be supplied to police department; notification to owner.**

(a) Whenever any wrecked or abandoned vehicle is removed without the request, direction or participation of the police department, the wrecker service performing the removal shall, if the owner is unknown, within 72 hours of such removal, furnish to the police department on a form supplied or approved by the police department the following information with respect to such vehicle: tag number and description, including year, model, make, color and vehicle identification number.

(b) Upon receipt of such information, the police department shall immediately take steps to ascertain the identity of the vehicle owner. Such information will be provided to the wrecker service for the purpose of notifying the owner of the time and place of removal and of the present whereabouts of the vehicle.

(c) Nothing in this article shall relieve any wrecker service of any of the requirements imposed by virtue of O.C.G.A. § 40-11-1 et seq. or by virtue of any other law with respect to the duties, among others, to make diligent inquiries as to the ownership of vehicles and notification to owners.

(Ord. of 7-26-94; ~~Code 1977, § 3-25-27;~~ Ord. of 9-12-95; Amd. of 2-23-16)

Section 126-34 of the Official Code of Cobb County, Georgia is amended to read as follows:

**Sec. 126-34. Vehicle inventory; procedure.**

(a) Whenever any vehicle is removed by a wrecker service at the direction of a police officer, the police officer shall make a thorough inventory of all equipment, accessories, personal articles and other items either attached to or located within the vehicle. The inventory shall be completed on a form supplied or approved by the police department. The police department shall provide the wrecker service with a copy.

(b) When the vehicle owner picks up his or her vehicle, the wrecker service shall provide him or her with a copy of such inventory form.

(c) Nothing in this article shall relieve any wrecker service of any of the requirements imposed by virtue of O.C.G.A. § 40-11-1 et seq. or any other law.

(Ord. of 7-26-94; ~~Code 1977, § 3-25-28;~~ Ord. of 9-12-95; Amd. of 2-22-11; Amd. of 2-23-16)

Section 126-35 of the Official Code of Cobb County, Georgia is amended to read as follows:

**Sec. 126-35. Wrecker service to hold vehicles upon direction of police.**

When specifically directed to do so by the police department, the wrecker service shall hold vehicles for investigative purposes, evidence, condemnation, forfeiture or any other purposes permitted by law. Upon the written and signed authorization of the police department on a form prescribed by the police department, the wrecker service shall release any vehicle so held to the owner, ~~his~~ the vehicle's authorized representative or other person or entity entitled by law to possession of the vehicle.

(Ord. of 7-26-94; ~~Code 1977, § 3-25-29;~~ Ord. of 9-12-95; Amd. of 2-23-16)

Section 126-36 of the Official Code of Cobb County, Georgia is amended to read as follows:

**Sec. 126-36. ~~Police department~~ Public safety calls to wrecker services; owner's choice of wrecker service.**

(a) When, in the exercise of its authority to remove vehicles from the streets of the unincorporated portions of the county, the police department engages a private wrecker service after the owner fails to engage a wrecker service or in the event of an emergency call to a wrecker service by the police department, it shall first call the zone holder assigned to the zone where the vehicle is located. In the event of extraordinary circumstances or emergency, the police department shall be authorized to call any zone holder outside the zone where service is required.

(b) A vehicle owner in ordinary, nonemergency situations may engage a private wrecker service of his choice to remove his vehicle. The responding officer shall advise the vehicle owner of ~~his~~ the option to call ~~the~~ a wrecker service of the owner's choice.

(Ord. of 7-26-94; ~~Code 1977, § 3-25-31;~~ Ord. of 9-12-95)

Section 126-37 of the Official Code of Cobb County, Georgia is amended to read as follows:
**Sec. 126-37. County impoundment facility.**

Nothing contained in this article shall be construed to prohibit the police department from providing its own impoundment facility upon county property for the purpose of storing or holding vehicles for investigative purposes, evidence, condemnation, forfeiture or any other purpose permitted by law.

(Ord. of 7-26-94; ~~Code 1977, § 3-25-32;~~ Ord. of 9-12-95; Amd. of 2-23-16)

**Secs. 126-38—126-50. Reserved.**

DIVISION 2. - ZONES AND ZONE HOLDERS

Section 126-51 of the Official Code of Cobb County, Georgia is amended to read as follows:
**Sec. 126-51. Creation of zones for public safety calls.**

(a) For the purpose of setting boundaries for zone holders, ~~the department of public safety~~ DPS will describe and delineate as many wrecker zones as it may deem necessary for the proper and reasonable administration of public safety concerns.

(b) There will be two zone types:
(1) Standard towing zones; and
Heavy duty towing zones.

(c) The initial zone boundaries for standard towing zones shall match the boundary lines of the police precincts, and the initial boundary of the heavy duty towing zones shall be the north and south portions of the county as divided by center line of the right-of-way of Georgia Highway 120. The final zone boundaries shall be approved by the board of commissioners.

(d) The existing zone boundaries in place at the time of the adoption of the ordinance from which this article is derived (September 12, 1995) shall not be affected hereby, and all zones are subject to the provisions of section 126-52, regarding alteration of zones.

(Ord. of 7-26-94; ~~Code 1977, § 3-25-36;~~ Ord. of 9-12-95)

Section 126-52 of the Official Code of Cobb County, Georgia is amended to read as follows:
**Sec. 126-52. Alteration of zones.**

Any change in the boundaries of a police department precinct or the creation of an additional police department precinct may affect the zones for zone holders during the term of approval for an assigned zone. No person shall be authorized to challenge the alteration of police precincts by the police department, and no vested rights are granted under this article to any such change in police precincts, it being understood that as a part of this Code that the police department, with approval of the board of commissioners, is solely responsible for the establishment of police precincts. The award of a zone permit in such new or additional zone shall be governed as provided in this article.

(Ord. of 7-26-94; ~~Code 1977, § 3-25-40;~~ Ord. of 9-12-95)

Section 126-53 of the Official Code of Cobb County, Georgia is amended to read as follows:
**Sec. 126-53. Zone assignments; method of awarding zones.**

(a) ~~The department of public safety~~ DPS shall establish a minimum equipment specification (MES) for each zone established pursuant to this article, and such specifications shall be approved by the board of commissioners and a copy of the same filed with the county clerk and with the police department. The MES for each zone shall be determined by the unique requirements for each zone predicated on the police department experience and history with that zone.

(b) No application shall be processed under this article unless the applicant shall certify that the applicant currently owns or leases the equipment which is described in the MES. Ownership and leasehold interests shall be considered as criteria in the highest ranked selection process hereinafter provided. If the applicant does not currently own or lease the tow equipment described in the MES, the applicant must certify that the applicant shall, upon the commencement date of the zone award, own or lease the tow equipment described in the MES. If the applicant does not currently own or lease the tow equipment, the applicant shall deliver, at the time of submitting the application, a $5,000.00 bond, in the form of check, cash or money order, payable to the county, and such $5,000.00 shall be forfeited by the applicant if the applicant receives the award of a zone but thereafter fails to comply with any provision of this article. The bond shall be returned to the applicant upon either of the following conditions:
   (1) The applicant is not selected as the zone holder; or
   (2) The applicant fully complies with all provisions of this article after having been selected the zone holder.

The applicant shall comply with the tow equipment specifications of the MES on or before the effective date of the award of the zone. The effective date of the award of the zone shall be the date of execution of the permit by the county, unless the permit provides for some other effective date.

(c) ~~The department of public safety~~ DPS shall establish a qualifications assessment form (QAF), which ~~form~~ shall be approved by the board of commissioners and filed with the county clerk and the police department. The QAF shall be in the form of a request for proposal (RFP) and request for qualifications (RFQ), which shall set forth the method for determining the highest ranked applicant for a wrecker zone.

(d) Assignment of a zone for a zone holder shall be for a minimum permit term of four years commencing on the date of assignment. ~~There shall be one zone holder for each standard towing zone and each heavy duty towing zone as such zones exist or are approved from time to time within the county.~~ Zone holders shall have exclusive assignment to ~~a~~ zone(s) insofar as public safety calls are involved, as the same may exist from time to time. Zone holders shall retain their zone assignment until their successors are assigned, or as provided in section 126-56.

(e) During the last six months of the permit term, the board of commissioners shall cause a notice and request for zone applications to be published in the official county newspaper once a week for two weeks. The notice shall specify when applications must be submitted and the general zone area. Wrecker services which are interested in becoming or remaining zone holders may submit an application for assignment as a zone holder for a particular zone. The application shall:

(1) Be submitted on a form to be furnished by the police department.

(2) Be accompanied by a nonrefundable application fee in an amount established by the board of commissioners. The application fee may be altered by resolution of the board of commissioners from time to time. A copy of such fee and fee schedule shall be posted in the county clerk's office and the police department.

(3) Designate the zone(s) for which application is made.

(4) State the name and address of the owner of the wrecker service, including, if a corporation, names and addresses of all stockholders and officers of the corporation; if a partnership, the names and addresses of all partners; if a proprietorship, the name and address of the proprietor.

(5) List the wreckers and equipment owned or leased by the applicant, and if leased the terms of the lease contract.

(6) List all personnel and employees of the applicant, including information concerning their training to operate wrecker equipment.

(7) Include a quote for an endorsement of a combined single limit naming the county as an additional insured or provide a copy of the endorsement naming the county as an additional insured showing compliance with section 126-60.

(8) Include a completed QAF along with any necessary attachments thereto.

(f) The police department shall investigate all applications, such investigations to include, among other things, a determination that the applicant has complied with the requirements of this article and particularly section 126-60, and a review of the driver operating records and any records of adjudications of guilt of the personnel to be employed by the wrecker service. Upon completion of such investigation, ~~the department~~

~~of public safety~~ DPS shall notify the board of commissioners of the qualified applicants to be considered for a wrecker zone(s).

(g) The applications of all applicants and their QAF, along with the investigative findings of the police department, will be forwarded to the selection committee, which shall within ten days of the receipt of the same, rank order the applicants for each zone based on the highest ranked criteria, which ranking shall be within the sole discretion of the selection committee. The selection committee shall forward the name(s) of the highest ranked applicant for each zone to ~~the county department of public safety~~ DPS, which shall then prepare the appropriate permit for the various zones.

(h) If there is no qualified applicant for a zone, the police department may, in its sole discretion, select from any otherwise qualified applicant and offer a permit to such applicant for such zone. In considering applicants for the zone for which they did not first apply, the police department shall reconsider factors in the QAF which may require re-evaluation based on geographical or other aspects when considering the applicant for the zone.

(i) Prior to the effective date of the zone permit, the selected applicant must provide, to the Cobb County Police Permits Unit, a valid county business registration certificate and receive the signed permit as provided in section 126-55. A zone permit may be revoked if the wrecker service suffers expiration or revocation of its county business license.

(j) If any zone should become vacant ~~by virtue of revocation of privileges, creation of a new zone or other cause~~, the board of commissioners shall publish in the official county newspaper a notice of such vacancy and a request for applications to fill same, once a week for two weeks. The notice shall specify when applications must be submitted. In no event shall a wrecker service which is selected to fill such a vacancy retain its zone assignment beyond the initial term or the four-year period provided in subsection (a) of this section unless it is reapproved to continue as a zone holder for that zone for the next four-year period. Until the vacancy is filled pursuant to this section, the provisions of section 126-56 shall apply.

(Ord. of 7-26-94; ~~Code 1977, § 3-25-39;~~ Ord. of 9-12-95; Amd. of 2-23-16)

Section 126-54 of the Official Code of Cobb County, Georgia is amended to read as follows:

**Sec. 126-54. Due cause for denial of application.**

(a) The director of ~~public safety~~ DPS, or designee, shall have due cause to find an applicant not qualified due to any of the following circumstances:

(1) The applicant has failed to obtain any paper or document necessary in pursuance of its business as may be required by any officer, agency or department of the county, state or United States under authority of any law, ordinance or resolution of the county, state or United States.

(2) The applicant has supplied false information to the director of the business license bureau or to the director of ~~public safety~~ DPS or to the police department or has failed to provide information required by subsection 126-53(e).

(3) The applicant violates any law, ordinance or resolution regulating such business or violates any regulation made pursuant to authority granted for the purpose of regulating such business.

(4) The applicant, during the 12-month period ~~next~~ preceding the filing of its application, has suffered revocation of its wrecker service zone privileges, has engaged in any fraudulent business transaction punishable by the laws of this state or has engaged in any act or practice with respect to its business designated as unlawful in O.C.G.A. § 10-1-393, the Fair Business Practices Act of 1975.

(5) The applicant does not have adequate personnel or equipment to service the zone requested.

(6) The applicant does not have an impound facility meeting the requirements of section 126-59.

(7) Each applicant, all employees and principals associated with the applicant, shall be required to possess a current, valid Georgia driver's license which must not be limited as defined by O.C.G.A. §§ 40-5-58 and 40-5-64, be a citizen of the United States or an alien admitted for permanent residence or a person who has otherwise been granted employment authorization by the United States Citizenship and Immigration Services and submit to a police background check. The existence of any of the following items shall result in a denial of the application. Owners and principals shall be examined for a ten-year period, and employees shall be examined for a five-year period. A conviction, plea of guilty, entry of a nolo contendere plea of any of the following shall result in a denial of the application:

a. Any felony crime.

b. Any one misdemeanor crime involving a controlled substance, obstruction of law enforcement or theft; or more than one other misdemeanor crime.

c. Any suspension or revocation of driving privileges, other than administrative suspensions.

Any serious traffic offense as follows:

1. Reckless driving as defined in O.C.G.A. §§ 40-6-390 or 40-6-390.1 or aggressive driving as defined in O.C.G.A. § 40-6-397.
2. Driving under the influence as defined in O.C.G.A. §§ 40-6-391 or 40-6-391.1.
3. Homicide by vehicle as defined in O.C.G.A. §§ 40-6-393 or 40-6-393.1.
4. Serious injury by vehicle as defined in O.C.G.A. § 40-6-394.
5. Fleeing, eluding or impersonating a law enforcement officer as defined in O.C.G.A. § 40-6-395.

(8) The applicant would be unable to service the zone in a reasonable response time. Such response time shall be no more than 15 minutes during normal traffic and normal weather and no more than 45 minutes during rush-hour traffic or inclement weather or other abnormal conditions, all while obeying all traffic laws.

(b) All ~~zone holders~~ applicants shall notify the police department permits unit in writing of any material change of the applicant, employees, principals associated with the applicant, or any business change in status within 72 hours of such change, which change shall affect any requirement contained in this article. Failure to comply with this requirement may result in the revocation or suspension in accordance with section 126-56.

(Ord. of 7-26-94; ~~Code 1977, § 3-25-42;~~ Ord. of 9-12-95; Amd. of 2-22-11; Amd. of 2-23-16)

Section 126-55 of the Official Code of Cobb County, Georgia is amended to read as follows:

**Sec. 126-55. Written permit; ~~limitation on number of zones held~~ permit obligations.**

(a) Upon the award of a zone, a written, signed permit shall be issued by the county to the zone holder(s) in a form supplied by ~~the department of public safety~~ DPS. ~~No zone holder shall have a permit for more than one zone for each zone type.~~ The zone permit will incorporate by reference the terms and conditions of the QAF and shall be subject to the provisions of this article.

(b) Zone permits are non-transferrable by zone holders and shall only be awarded by the county.

(c) Once awarded a zone permit, zone holders are obligated to notify the police department permits unit in writing within 72 hours of any material change to the:

(1) Name and address of the owner of the wrecker service, including, if a corporation, names and addresses of all stockholders and officers of the corporation; if a partnership, the names and addresses of all partners; if a proprietorship, the name and address of the proprietor;

(2) Any person or entity, whether employed by a zone holder or not, allowed regular, unsupervised access to a zone holder's impound lot;

(3) Zone holder's personnel and employees, including their training and ability to operate wrecker equipment, as described in section 126-54(a)(7); or

(4) Anything that would affect any requirement contained in section 126-54(a)(8).

Failure to comply with this requirement may result in the revocation or suspension in accordance with section 126-56.

(Ord. of 7-26-94; ~~Code 1977, § 3-25-41;~~ Ord. of 9-12-95; Amd. of 2-23-16)

Section 126-56 of the Official Code of Cobb County, Georgia is amended to read as follows:

**Sec. 126-56. Revocation, vacancy or suspension of zone privileges—Authorized.**

(a) The director of ~~public safety~~ DPS may for due cause as defined in subsection 126-57(c) suspend or revoke zone privileges of any ~~wrecker service~~ zone holder. No suspension, with or without conditions, shall exceed a period of three months.

(b) During the period of suspension, ~~of a wrecker service zone privilege or~~ until the board of commissioners takes action pursuant to subsection (c) of this section, zone holders assigned to adjacent zones shall serve the ~~vacated~~ suspended zones subject to rotating calls by the police department in accordance with section 126-58.

(c) In the event of revocation of zone privileges, the board of commissioners shall declare such zone vacant and fill same according to subsection 126-53(j).

(d) In the event of a zone vacancy, until the board of commissioners takes action pursuant to 126-53 (j), zone holders assigned to adjacent zones shall serve the vacated zone subject to rotating calls by the police department in accordance with section 126-58.

(Ord. of 7-26-94; ~~Code 1977, § 3-25-43;~~ Ord. of 9-12-95)

Section 126-57 of the Official Code of Cobb County, Georgia is amended to read as follows:

**Sec. 126-57. Same—Notice of hearing; due cause.**

(a) The director of ~~public safety~~ DPS shall provide a wrecker service with a hearing prior to suspension or revocation of its zone permit, giving the wrecker service at least three days' notice of the time and place for hearing.

(b) A revocation shall terminate all authority and permission with respect to zone privileges. Any wrecker service whose zone privileges have been revoked shall not be eligible to again apply for such privileges for a period of not less than one year from the final date of revocation.

(c) Due cause for the suspension or revocation of zone privileges shall consist of any of the following with respect to the wrecker service:

(1) Violation of any laws, ordinances or resolutions regulating such business or violation of regulations made pursuant to authority granted for the purpose of regulating such business.

(2) The wrecker service has supplied false information to the director of the business license bureau or to the director of ~~public safety~~ DPS or to the police department.

(3) The licensee has failed to obtain, or has suffered expiration, suspension or revocation of, any paper or document necessary in pursuance of its business as may be required by any officer, agency, authority or department of the county, state or the United States, under authority of any law, ordinance or resolution of the county, state or United States.

(4) The wrecker service has failed to comply with any provision of this article, including section 126-55.

(5) The wrecker service has engaged in any fraudulent business transaction which is made punishable by the laws of this state or of the United States.

(6) The wrecker service has made any misrepresentation of fact, whether through advertisement or through any form of direct communication, oral or written, which is intended to mislead the public or to mislead any party with whom the wrecker service deals in pursuance of its business. The term "misrepresentation of fact" as used in this subsection shall embrace not only express misrepresentations, but also misrepresentations arising by virtue of the wrecker service's conduct, including acts and omissions.

(7) The wrecker service fails to maintain adequate equipment or personnel to perform the services required.

(8) The wrecker service fails to properly maintain and provide an impound lot.

(9) The wrecker service repeatedly fails to respond to calls within a reasonable period of time.

By way of illustration only and without limiting the scope of this subsection, "due cause" as defined in this subsection shall consist of any act or practice designated as unlawful in section O.C.G.A. § 10-1-393, the Fair Business Practices Act of 1975.

(d) Upon any adverse determination by the director of ~~public safety~~ DPS, the wrecker service may, within 30 days, appeal such adverse determination to the license review board as provided in section 6-90.

(Ord. of 7-26-94; ~~Code 1977, § 3-25-44;~~ Ord. of 9-12-95)

Section 126-58 of the Official Code of Cobb County, Georgia is amended to read as follows:
**Sec. 126-58. Certain operations confined to designated zones.**

A zone holder shall confine its operations, insofar as public safety calls are involved, to the zone assigned to it. However, a zone holder may operate outside of its assigned zone in response to any emergency or other extraordinary situation when directed to do so by the police department or in response to private calls.

(Ord. of 7-26-94; ~~Code 1977, § 3-25-30;~~ Ord. of 9-12-95)

Section 126-59 of the Official Code of Cobb County, Georgia is amended to read as follows:
**Sec. 126-59. - Requirements for impound facilities; inventory.**

(a) Each impound facility of the zone holder must be located within the county on properly zoned real property owned or leased by the zone holder and must comply with the following:
   (1) Have the capacity to hold all vehicles towed pursuant to public safety calls by such zone holder for a period of 90 days.
   (2) Have the entire area adequately illuminated during the hours of darkness to discourage and detect attempts at theft or vandalism.
   (3) Be enclosed by a chainlink fence with barbed wire running at the top, with gate that can be securely locked, such fence to meet all zoning and ordinance requirements of the jurisdiction in which it is located.
   (4) Have an attendant on the property, able to respond to a request for releasing of vehicles and providing ingress and egress immediately upon request.
   (5) The gate to the impound lot shall be and remain locked during the hours of darkness except to provide reasonable ingress and egress in connection with wrecker service operations.

(b) The zone holder shall provide the Cobb County Police Department with five storage areas in each impound lot at no charge for police confiscated vehicles with investigative holds. This only applies to storage fees. The towing fee is the responsibility of the vehicle owner. Each area to be minimum size of one passenger car. The five no-charge storage areas shall be within each impound lot in a specific area easily accessible and mutually agreed upon by Cobb County Police Department and the wrecker service.

(c) Each zone holder shall notify the Cobb County Police Department Permits Unit of any damage or theft to a vehicle that was impounded by the Cobb County Police Department which occurs while the vehicle is in the possession of the zone holder not later than 48 hours after such damage was identified. Additionally, the zone holder will provide the police report/case number from any jurisdiction where the incident was reported.

(Ord. of 7-26-94; ~~Code 1977, § 3-25-33;~~ Ord. of 9-12-95; Amd. of 2-22-11; Amd. of 2-23-16)

Section 126-60 of the Official Code of Cobb County, Georgia is amended to read as follows:
**Sec. 126-60. Insurance required.**

Zone holders shall carry insurance policies in the below listed amounts indemnifying the county against loss or damage occasioned by negligence or misfeasance on the part of the wrecker service, and naming the county as an additional insured. Such policies shall also provide for full loss, theft or damage benefits payable to any vehicle or property owner suffering loss, theft or damage with respect to any vehicle or to equipment, accessories, personal articles or other items either attached to or located within a vehicle removed and/or stored while such vehicle is in the custody, control and possession of the wrecker service.

(a) Commercial general liability: $1,000,000.00 combined single limit per occurrence for comprehensive coverage for bodily and personal injury which includes sickness, disease or death, injury to or destruction of property, including loss of use resulting therefrom, damage for premises/operations, products/completed operations, independent contractors and contractual liability (specifically covering the indemnity), broad-form property damage, and underground explosion and collapse hazard. This coverage may be achieved by using an excess umbrella policy. The policy or policies must be on "an occurrence" basis ("claim made" coverage is not acceptable).

(b) Commercial automobile liability (owned, non-owned and hired): $1,000,000.00 combined single limit per occurrence for bodily and personal injury including sickness, disease or death, injury to or destruction of property, including loss of use resulting therefrom.

(c) Workers' compensation and employer's liability: Workers' compensation limits are required by the State of Georgia and employer's liability of $1,000,000.00 per occurrence or disease.

(d) Commercial umbrella ~~or excess liability coverage~~: $2,000,000.00 per occurrence/$2,000,000.00 general aggregate in liability ~~excess~~ coverage per occurrence above the contract's stated minimum coverage limits for commercial general liability, commercial automobile liability, and workers' compensation and employer's liability policies of insurance. ~~This may be satisfied by having underlying liability limits that equal or exceed the combined amount of the underlying liability limits and umbrella coverage.~~ Umbrella is to be written on a follow-form basis to the underlying coverage.

(e) Garage keeper's liability coverage: $250,000.00 per occurrence with a deductible not to exceed $2,500.00.

(f) Cargo coverage: $100,000.00 per occurrence with a deductible not to exceed $2,500.00.

The certificate of liability insurance shall be provided to the Cobb County Police Department Regulatory Services/Permits Unit within five business days of award and at any time requested thereafter. If there is a loss and the wrecker service's insurer does not pay the vehicle or property owner suffering loss, theft or damage within a reasonable period of time, then the wrecker service shall be liable to the owner for his loss.

(Ord. of 7-26-94; ~~Code 1977, § 3-25-34;~~ Ord. of 9-12-95; Amd. of 2-23-16)

Section 126-61 of the Official Code of Cobb County, Georgia is amended to read as follows:

**Sec. 126-61. - Prohibition against limitation or disclaimer of liability.**

No zone holder shall limit or disclaim, contractually or otherwise, any liability it may have under the laws of this state with respect to loss, damage or theft of any vehicle it removes or stores or the loss, damage or theft of any equipment, accessories, personal articles or other items either attached to or inside vehicles so removed or stored.

(Ord. of 7-26-94; ~~Code 1977, § 3-25-35;~~ Ord. of 9-12-95)

Section 126-62 of the Official Code of Cobb County, Georgia is amended to read as follows:

**Sec. 126-62. Fee schedule—Adoption; notice; public hearing.**

(a) When any recommendation with respect to the fee schedule is submitted to the board of commissioners by ~~the department of public safety~~ DPS, the board of commissioners shall take action with respect thereto by way of a public hearing, giving at least three days' notice to the public and to all zone holders affected thereby of such hearing. After such hearing, the board of commissioners may take such action as it deems appropriate.

(b) Upon adoption by the board of commissioners of such fee schedule or amendments thereto, no zone holder shall charge fees or prices for public safety calls in excess thereof for any services performed under this article. Such fee schedule shall remain in full force and effect until changed pursuant to the provisions of this article.

(c) A copy of any approved fee schedule or amendment shall be on file with the county clerk and with the county police department, and may be amended from time to time as determined by the board of commissioners. A copy of any approved fee schedule or amendment shall be furnished to each zone holder.

(d) Each zone holder shall post in a conspicuous place on its premises a sign stating the following:
Note: The maximum fees which may be charged by wrecker services for removal and/or storage for public/police calls have been established by bid and/or a county ordinance. You are entitled to a copy of the fee schedule upon request. Inquiries and complaints concerning any fees charged should be made to the Cobb County Police Department Permits Unit.

(e) Each zone holder shall furnish to any person so requesting a current copy of the fee schedule.

(f) Other applicable requirements:

(1) The investigating officer of the county police department will make a record of the time that a wrecker service spends at an incident location. The officer will note the time of arrival and the time of leaving either from his personal observation of such events or from evidence given him by the wrecker operator or other parties. These times shall be noted on the impound sheet.

(2) The basic fees adopted on the fee schedule will cover all charges of the wrecker service from its place of business to the incident location, at the incident location and back to its place of business or any other location within the zone holder's zone requested by the vehicle owner. Should the owner of the vehicle request the vehicle to be towed to a location outside of the operator's zone, the fee will not be governed

by the fee schedule. The fee schedule shall further provide for storage fees and administrative fees which may be charged in connection with a public safety call.

(3) If a zone holder is requested to respond to a location for a police-related matter, and upon his arrival the wrecker service is refused by the owner of the vehicle, no charge can be made by the wrecker service for his response or his return to his place of business.

(4) Should a mistake be made by the police department dispatcher in dispatching the wrong wrecker service, no charge can be made by the zone wrecker service who responds, nor will any charge be made for his return to his place of business.

(5) During a declared state of emergency for the county, reduced fee schedules may be negotiated between the county and any zone provider so as to meet the needs of public safety, i.e., moving abandoned/vacated vehicles to allow access for emergency vehicles.

(Ord. of 7-26-94; ~~Code 1977, § 3-25-37;~~ Ord. of 9-12-95; Amd. of 2-22-11; Amd. of 2-23-16)

Section 126-60 of the Official Code of Cobb County, Georgia is amended to read as follows:

**Sec. 126-63. Same—Daily storage charge and administrative fees.**

Storage fees and administrative fees which may be allowed shall be set forth in the fee schedule adopted by the board of commissioners pursuant to section 126-62.

(Ord. of 7-26-94; ~~Code 1977, § 3-25-38;~~ Ord. of 9-12-95)

# 2024 CODE AMENDMENTS

# Official Code of Cobb County
# Part I. – Chapter 134

Package I
Version I - distributed on February 22, 2024
Version II - distributed on March 20, 2024

Planning Commission Date
March 5, 2024

Board of Commissioners Public Hearing Dates
March 12, 2024 – 9:00 am
March 26, 2024 – 7:00 pm

Cobb County
www.cobbcounty.org

*Cobb County...Expect the Best!*

Reference No.

Section 134-1 of the Official Code of Cobb County, Georgia, is amended to read as follows:

**Sec. 134-1. – Definitions**

...

*Club or lodge (noncommercial) ~~, private~~* means a building and facilities owned or operated by a corporation, association or person for a social, educational or recreational purpose, but not primarily for profit; provided however, a building or facilities constructed as part of the amenity package for a subdivision does not fall within this definition. While ~~a permitted use~~ allowed with a SLUP in most residential zoning districts, a club or lodge (noncommercial)~~, private~~ shall not be allowed within a platted subdivision or to render a service which is customarily carried on as a business and shall not include amenity packages and areas of subdivisions.

...

Section 134-37 of the Official Code of Cobb County, Georgia, is amended to read as follows:

**Sec. 134-37. - Special land use permits.**

...

(31) Clubs or lodges (noncommercial), when located on a residentially zoned property, with the following minimum requirements.

a. Minimum lot size is five usable acres, excluding flood plain.

b. Primary access to the facility shall be from an arterial or major collector roadway.

c. Structures associated with the use shall be located a minimum of 50 feet from any property line.

d. Structures associated with the use shall be limited to 55 feet in height.

e. When abutting any residential property line, a 35-foot landscaped screening buffer shall be approved by county staff (see landscaping standards). Additionally, in any zoning district for this specific use, the maximum impervious surface shall be 55 percent.

f. An overall parking and landscape plan for the entire site shall be approved by county staff.

g. ~~One paved parking space shall be provided for every four seats in the designated assembly area, plus one per employee. In the absence of designated assembly areas, one paved space shall be provided per 300 square feet of gross floor area.~~ One parking space per 250 square feet (net) of floorspace.

h. A lighting plan shall be approved in accordance with section 134-269.

Section 134-193 of the Official Code of Cobb County, Georgia, is amended to read as follows:

**Sec. 134-193. - R-80 single-family residential district.**

...

(3) *Permitted uses.* Anything not permitted or allowed by special exception is prohibited. Permitted uses are as follows:

~~Clubs or lodges (noncommercial).~~

Community fairs.

Cottage food operators as regulated by the Georgia Department of Agriculture in accordance with its Rules, Chapter 40-7-19, as may be amended from time to time subject to the following requirements:

1. There shall be no signage or other exterior evidence of the cottage food operator.

2. Deliveries of specialty ingredients such as herbs and spices, etc., limited to those made by the United States Postal Service or other carrier (FedEx, United Parcel Service, etc.) that routinely delivers mail/internet order products to residents.
3. No cottage food products prepared by the cottage food operator may be picked up by a commercial carrier.
4. There shall be no employees parking on the site unless approved by the board of commissioners in accordance with section 134-36 of the Cobb County Code.

Customary home occupations.
Designated recycling collection locations.
Executive golf courses (see section 134-270).
Fruit trees, nuts and vegetables.
Golf courses, 18-hole regulation, public and private (see section 134-270).
Golf courses, par 3 (see section 134-270).
Group homes.
In-home day care.
Livestock, nondomestic and wild animals, and poultry.
Nonprofit (seasonal use) fishing lakes.
Parking for vehicles.
Personal vehicle and equipment sales.
Private parks.
Radio, television and other communication towers and antennas subject to section 134-273.
Recreation grounds other than tennis courts and golf courses.
Residential, agricultural, farm and wood products and livestock and poultry sales.
Riding stables.
Single-family dwelling units (detached).
Temporary uses.
...

Section 134-194 of the Official Code of Cobb County, Georgia, is amended to read as follows:
**Sec. 134-194. - RR rural residential district.**
...
(3) *Permitted uses.* Anything not permitted or allowed by special exception is prohibited. Permitted uses are as follows:
Agricultural produce stands with a minimum of four off-street parking spaces.
~~Clubs or lodges (noncommercial).~~
Commercial greenhouses and plant nurseries, so long as set back at least 100 feet from any residential property line.
Community fairs.
Cottage food operators as regulated by the Georgia Department of Agriculture in accordance with its Rules, Chapter 40-7-19, as may be amended from time to time subject to the following requirements:

1. There shall be no signage or other exterior evidence of the cottage food operator.
2. Deliveries of specialty ingredients such as herbs and spices, etc., limited to those made by the United States Postal Service or other carrier (FedEx, United Parcel Service, etc.) that routinely delivers mail/internet order products to residents.

3. No cottage food products prepared by the cottage food operator may be picked up by a commercial carrier.
4. There shall be no employees parking on the site unless approved by the board of commissioners in accordance with section 134-36 of the Cobb County Code.

Customary home occupations.
Dairies, so long as buildings used for livestock shall be set back not less than 200 feet from any property line and all animals are maintained at least 100 feet from any property line.
Designated recycling collection locations.
Executive golf courses (see section 134-270).
Farm and garden supply stores.
Field crops.
Fruit trees, nuts and vegetables.
Golf courses, 18-hole regulation, public and private (see section 134-270).
Golf courses, par 3 (see section 134-270).
Group homes.
In-home day care.
Livestock, nondomestic and wild animals, and poultry, on two or more acres.
Livestock sales pavilions.
Nonprofit (seasonal use) fishing lakes.
Outdoor golf driving ranges (see section 134-270).
Parking for vehicles.
Personal vehicle and equipment sales.
Poultry hatcheries. All structures shall be located and activities conducted at least 100 feet from any residentially zoned property.
Residential, agricultural, farm and wood products and livestock and poultry sales.
Riding stables.
Single-family dwelling units (detached).
Temporary uses.
...

Section 134-195 of the Official Code of Cobb County, Georgia, is amended to read as follows:
**Sec. 134-195. - R-40 single-family residential district.**
...
(3) *Permitted uses.* Anything not permitted or allowed by special exception is prohibited. Permitted uses are as follows:
~~Clubs or lodges (noncommercial).~~
Community fairs.
Cottage food operators as regulated by the Georgia Department of Agriculture in accordance with its Rules, Chapter 40-7-19, as may be amended from time to time subject to the following requirements:

1. There shall be no signage or other exterior evidence of the cottage food operator.
2. Deliveries of specialty ingredients such as herbs and spices, etc., limited to those made by the United States Postal Service or other carrier (FedEx, United Parcel Service, etc.) that routinely delivers mail/internet order products to residents.

3. No cottage food products prepared by the cottage food operator may be picked up by a commercial carrier.
4. There shall be no employees parking on the site unless approved by the board of commissioners in accordance with section 134-36 of the Cobb County Code.

Customary home occupations.
Designated recycling collection locations.
Executive golf courses (see section 134-270).
Fruit trees, nuts and vegetables.
Golf courses, 18-hole regulation, public and private (see section 134-270).
Golf courses, par 3 (see section 134-270).
Group homes.
In-home day care.
Livestock, nondomestic and wild animals, and poultry, on two or more acres.
Nonprofit (seasonal use) fishing lakes.
Parking for vehicles.
Personal vehicle and equipment sales.
Residential, agricultural, farm and wood products and livestock and poultry sales.
Riding stables.
Single-family dwelling units (detached).
Temporary uses.
...

Section 134-196 of the Official Code of Cobb County, Georgia, is amended to read as follows:

**Sec. 134-196. - R-30 single-family residential district.**

...

(3) *Permitted uses.* Anything not permitted or allowed by special exception is prohibited. Permitted uses are as follows:

~~Clubs or lodges (noncommercial).~~
Community fairs.
Cottage food operators as regulated by the Georgia Department of Agriculture in accordance with its Rules, Chapter 40-7-19, as may be amended from time to time subject to the following requirements:

1. There shall be no signage or other exterior evidence of the cottage food operator.
2. Deliveries of specialty ingredients such as herbs and spices, etc., limited to those made by the United States Postal Service or other carrier (FedEx, United Parcel Service, etc.) that routinely delivers mail/internet order products to residents.
3. No cottage food products prepared by the cottage food operator may be picked up by a commercial carrier.
4. There shall be no employees parking on the site unless approved by the board of commissioners in accordance with section 134-36 of the Cobb County Code.

Customary home occupations.
Designated recycling collection locations.
Executive golf courses (see section 134-270).
Fruit trees, nuts and vegetables.
Golf courses, 18-hole regulation, public and private (see section 134-270).

Golf courses, par 3 (see section 134-270).
Group homes.
In-home day care.
Livestock, nondomestic and wild animals, and poultry, on two or more acres.
Nonprofit (seasonal use) fishing lakes.
Parking for vehicles.
Personal vehicle and equipment sales.
Residential, agricultural, farm and wood products and livestock and poultry sales.
Riding stables.
Single-family dwelling units (detached).
Temporary uses.
...

Section 134-197 of the Official Code of Cobb County, Georgia, is amended to read as follows:
**Sec. 134-197. - R-20 single-family residential district.**
...
(3) *Permitted uses.* Anything not permitted or allowed by special exception is prohibited. Permitted uses are as follows:
~~Clubs or lodges (noncommercial).~~
Community fairs.
Cottage food operators as regulated by the Georgia Department of Agriculture in accordance with its Rules, Chapter 40-7-19, as may be amended from time to time subject to the following requirements:

1. There shall be no signage or other exterior evidence of the cottage food operator.
2. Deliveries of specialty ingredients such as herbs and spices, etc., limited to those made by the United States Postal Service or other carrier (FedEx, United Parcel Service, etc.) that routinely delivers mail/internet order products to residents.
3. No cottage food products prepared by the cottage food operator may be picked up by a commercial carrier.
4. There shall be no employees parking on the site unless approved by the board of commissioners in accordance with section 134-36 of the Cobb County Code.

Customary home occupations.
Designated recycling collection locations.
Executive golf courses (see section 134-270).
Fruit trees, nuts and vegetables.
Golf courses, 18-hole regulation, public and private (see section 134-270).
Golf courses, par 3 (see section 134-270).
Group homes.
In-home day care.
Livestock, nondomestic and wild animals, and poultry, on two or more acres.
Nonprofit (seasonal use) fishing lakes.
Parking for vehicles.
Personal vehicle and equipment sales.
Residential, agricultural, farm and wood products and livestock and poultry sales.
Riding stables.

Single-family dwelling units (detached).
Temporary uses.
...

Section 134-198 of the Official Code of Cobb County, Georgia, is amended to read as follows:
**Sec. 134-198. - R-15 single-family residential district.**
...
(3) *Permitted uses.* Anything not permitted or allowed by special exception is prohibited. Permitted uses are as follows:
~~Clubs or lodges (noncommercial).~~
Community fairs.
Cottage food operators as regulated by the Georgia Department of Agriculture in accordance with its Rules, Chapter 40-7-19, as may be amended from time to time subject to the following requirements:

1. There shall be no signage or other exterior evidence of the cottage food operator.
2. Deliveries of specialty ingredients such as herbs and spices, etc., limited to those made by the United States Postal Service or other carrier (FedEx, United Parcel Service, etc.) that routinely delivers mail/internet order products to residents.
3. No cottage food products prepared by the cottage food operator may be picked up by a commercial carrier.
4. There shall be no employees parking on the site unless approved by the board of commissioners in accordance with section 134-36 of the Cobb County Code.

Customary home occupations.
Designated recycling collection locations.
Executive golf courses (see section 134-270).
Fruit trees, nuts and vegetables.
Golf courses, 18-hole regulation, public and private (see section 134-270).
Golf courses, par 3 (see section 134-270).
Group homes.
In-home care.
Livestock, nondomestic and wild animals, and poultry, on two or more acres.
Nonprofit (seasonal use) fishing lakes.
Parking for vehicles.
Personal vehicle and equipment sales.
Residential, agricultural, farm and wood products and livestock and poultry sales.
Riding stables.
Single-family dwelling units (detached).
Temporary uses.
...

Section 134-199 of the Official Code of Cobb County, Georgia, is amended to read as follows:
**Sec. 134-199. - R-12 single-family residential district.**
...
(3) *Permitted uses.* Anything not permitted or allowed by special exception is prohibited. Permitted uses are as follows:

~~Clubs or lodges (noncommercial).~~
Community fairs.
Cottage food operators as regulated by the Georgia Department of Agriculture in accordance with its Rules, Chapter 40-7-19, as may be amended from time to time subject to the following requirements:

1. There shall be no signage or other exterior evidence of the cottage food operator.
2. Deliveries of specialty ingredients such as herbs and spices, etc., limited to those made by the United States Postal Service or other carrier (FedEx, United Parcel Service, etc.) that routinely delivers mail/internet order products to residents.
3. No cottage food products prepared by the cottage food operator may be picked up by a commercial carrier.
4. There shall be no employees parking on the site unless approved by the board of commissioners in accordance with section 134-36 of the Cobb County Code.

Customary home occupations.
Designated recycling collection locations.
Executive golf courses (see section 134-270).
Fruit trees, nuts and vegetables.
Golf courses, 18-hole regulation, public and private (see section 134-270).
Golf courses, par 3 (see section 134-270).
Group homes.
In-home day care.
Livestock, nondomestic and wild animals, and poultry, on two or more acres.
Nonprofit (seasonal use) fishing lakes.
Parking for vehicles.
Personal vehicle and equipment sales.
Residential, agricultural, farm and wood products, and livestock and poultry sales.
Riding stables.
Single-family dwelling units (detached).
Temporary uses. Temporary uses.
...

Section 134-200 of the Official Code of Cobb County, Georgia, is amended to read as follows:
**Sec. 134-200. - RD residential duplex district.**
...
(3) *Permitted uses.* Anything not permitted or allowed by special exception is prohibited. Permitted uses are as follows:
~~Clubs or lodges (noncommercial).~~
Community fairs.
Cottage food operators as regulated by the Georgia Department of Agriculture in accordance with its Rules, Chapter 40-7-19, as may be amended from time to time subject to the following requirements:

1. There shall be no signage or other exterior evidence of the cottage food operator.
2. Deliveries of specialty ingredients such as herbs and spices, etc., limited to those made by the United States Postal Service or other carrier (FedEx, United Parcel Service, etc.) that routinely delivers mail/internet order products to residents.

3. No cottage food products prepared by the cottage food operator may be picked up by a commercial carrier.
4. There shall be no employees parking on the site unless approved by the board of commissioners in accordance with section 134-36 of the Cobb County Code.

Customary home occupations.
Designated recycling collection locations.
Executive golf courses (see section 134-270).
Fruit trees, nuts and vegetables.
Golf courses, 18-hole regulation, public and private (see section 134-270).
Golf courses, par 3 (see section 134-270).
Group homes.
In-home day care.
Livestock, nondomestic and wild animals, and poultry, on two or more acres.
Nonprofit (seasonal use) fishing lakes.
Parking for vehicles.
Personal vehicle and equipment sales.
Residential, agricultural, farm and wood products and livestock and poultry sales.
Riding stables.
Single-family dwelling units (attached).
Temporary uses.
Two-family dwelling units.
...

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 26th of March 2024

Reference No. 26

**SECTION 1.07. AGENDA**

**a.** An agenda for the meetings will be prepared by the county manager with the advice of the chair (amended by BOC action on 3/26/24) and commissioners and will be available to the commissioners in advance (at least five [5] days) of the regular meeting. Except in cases where it is not feasible, an agenda work session will be held with as many of the commissioners as are available to attend.

**b.** Each commissioner and the chair will have only one agenda item in the presentations tab to present proclamations, certificates, or other such recognition to groups or individuals who qualify under county guidelines or to honor a day, week, or month recognizing special occasions or events. If a Board member does not submit an agenda item for the presentation tab in that meeting, the position may be used by another, with the consent of the board member. If applicable, the county manager may add a presentation for department accolades or awards. (amended by BOC action on 3/26/24)

**c.** Resolutions in fulfillment of county business which direct administrative or legal action may be placed on the agenda without prior written support. In order for a chair/commissioner sponsored resolution to be placed on the agenda for other purposes, the commissioner resolution must have the written support of four (4) district commissioners, or the chair and three (3) district commissioners. Once added to the agenda, a 4/5 vote will be required to approve the resolution. Should only four (4) members of the commission be present when all offices are filled or should there be vacancies in two (2) or more offices of chair or district commissioner, a unanimous vote shall be required. Should there be a vacancy in only one office of chair or district commissioner, three (3) votes shall be required to approve. (amended by BOC action on 3/26/24)

**d.** For agenda items pursuant to the Cobb County Policy for Naming County-Owned Properties, Roadways, Buildings, Facilities, And Parks (as adopted on or after August 12, 2008), nominations may be submitted to the Clerk of the Board of Commissioners in writing. In order for a nomination to be placed on the agenda, a nominee who is deceased must have the support of four (4) district commissioners or the chair and three (3) district commissioners; and a nominee who is living or a group or organization must have the support of the chair and four (4) district commissioners. (amended by BOC action on 8/12/08; amended by BOC action on 3/26/24)

**e.** The order of business listed in the published agenda may be changed when it seems advisable by unanimous consent or a 4/5 vote of the commission. (amended by BOC action on 3/26/24). Should only four (4) members of the commission be present when all offices are filled or should there be vacancies in two (2) or more offices of Chair or District Commissioner, a unanimous vote shall be required. Should there be a vacancy in only one office of Chair or District Commissioner, three (3) votes shall be required. (amended by BOC action on 3/23/2010; amended by BOC action on 3/26/24)

## SECTION 1.09. PUBLIC PARTICIPATION IN BOARD MEETINGS

**1.09.01.** Persons wishing to address the board shall do so during the **Public Comment** portion near the beginning and conclusion of the agenda, specifically, immediately before the Consent Agenda and immediately before Commissioners' Comment. (amended by resolution of BOC 12/2/94; amended by resolution of BOC 8/8/95, amended by resolution of BOC 1/26/99)

**a.** A total of twenty (20) speakers are allowed to address the Board of Commissioners at each Regular Meeting of the Commission, ten near the beginning and ten near the end of the meeting, as specified in Section 1.09.1. (amended by BOC action on 3/26/24). Speakers shall sign-up with the County Attorney, the police officer on duty, or other staff members on a first-come basis with sign-up to begin thirty (30) minutes prior to the announced starting time of the meeting and continuing until twenty (20) have signed up or until the remarks of the last speaker have concluded, whichever first occurs. (amended by BOC action on 3/26/24). No prior reservations will be taken for these slots. No one may sign up for more than one speaking slot per meeting, sign up for another individual, or cede their time to another person. (amended by BOC action on 3/26/24). There is no limitation on the number of times an individual may speak throughout the year nor a limitation on the number of times a person may address any given subject matter. (amended by BOC action on 3/26/24). Each speaker will be allotted a maximum of three (3) minutes to speak. (amended by resolution of BOC 1/14/92; amended by resolution of BOC 12/21/94; amended by resolution of BOC 8/8/95, amended by resolution of BOC 1/26/99; amended by BOC action on 3/26/24).

**b.** After each individual speaker's remarks have concluded, the Chair may, but shall not be required to, direct the speaker to a staff member or a commissioner for further assistance. (amended by resolution of BOC 11/22/94; amended by resolution of BOC 12/21/94; amended by BOC action on 3/26/24)

**1.09.02.** All persons shall address the commission in the following manner:

**a.** State his/her name and state address if desired. (amended by Resolution of BOC 12/21/94, amended by Resolution of BOC 1/26/99; amended by BOC action on 3/26/24)

**b.** If requested by the commission, the speaker may be required to state:

**(1)** whether he/she is speaking for himself/herself or for another;
**(2)** if he/she represents an organization or represents a policy established by an organization or governing body and whether he/she is being compensated by the person(s) for whom he/she speaks;
**(3)** whether he/she or any member of his/her immediate family has a personal interest in the pending matter.

**1.09.03.** All remarks shall be made to the commission as a body and addressed through the chair. Remarks shall not be made to a particular commissioner.

**1.09.04.** Questions from commissioners and/or the county manager may be asked for clarification. However, no person shall be permitted to enter into any discussion, either directly or through a member of the commission, without permission of the chair.

**1.09.05.** No person shall be allowed to announce their candidacy or another's nor campaign for themselves or other announced political candidates. No speaker shall make slanderous remarks while addressing the Commission (amended by resolution of BOC 8/8/95; amended by BOC action on 3/26/24)

**a.** A person may be barred from further speaking before the Commission in that meeting if his/her conduct is deemed out of order;

**b.** A person, once barred for improper conduct, shall not be permitted to continue or again address the Commission in that meeting unless a majority vote of the Commission allows;

**c.** In the event the speaker thus barred fails to obey the ruling, the chair may take such action as is deemed appropriate, including the removal of such person from the assembly;

**d.** The Commission may bar a person from addressing Commission meetings for up to sixty (60) days for improper conduct;

**e.** A person barred by the Commission for this period may request a hearing by written request to the chair stating the reason(s) for a reversal of the decision;

**f.** The hearing shall be placed on the agenda and heard by the Commission. A 4/5 vote of the entire board shall be required to overturn the previous decision to bar the person(s) when all offices are filled or should there be vacancies in two (2) or more offices of Chair or District Commissioner, a unanimous vote shall be required. Should there be a vacancy in only one office of Chair or District Commissioner, three (3) votes shall be required. (amended by BOC action on 3/23/2010; amended by BOC action on 3/26/24)

**1.09.06** Reserved

**1.09.07** Reserved

**1.09.08.1** Persons wishing to address the Board of Commissioners in duly advertised public hearings will be heard in the order in which they come forward upon announcement of the hearing, without regard to whether the person is speaking in favor or against the matter. Each speaker should be allotted a maximum of three minutes. Said time limit per person may be lengthened or shortened for a given speaker, or for all speakers on a given matter, or for all speakers in a given meeting, by a 4/5 vote of the Commission. Should only four members of the Commission be present, when all offices are filled, or should there be vacancies in two (2) or more offices of Chair or District Commissioner, a unanimous vote shall be required. Should there be a vacancy in only one office of Chair or District Commissioner, three (3) votes shall be required. (Resolution of 11/12/96; amended by BOC action on 3/23/2010; amended by BOC action on 3/26/24)

## SECTION 2.01. ADHERENCE TO AGENDA

In discussion, the remarks made by the commissioners shall be confined to the motion or matters immediately before the body.

**2.01.01.** Concerning the opportunity for commissioners to address the public at regular meetings:

**a.** An exception to **Section 2.01.** shall be that, after the thirty (30) minute session held for public comment at the conclusion of the regular agenda, each commissioner shall have an opportunity to **address the public** on any topic for no more than three (3) minutes (amended by BOC action on 3/26/24);

**b.** During these remarks, a commissioner must observe the same rules of decorum as those below in **Section 2.02.** and may be called to order by the chair (amended by BOC action on 3/26/24) or another commissioner if there is a breach of those applicable rules;

**c.** A commissioner may not use this time to interrogate another commissioner, staff or citizens. No one shall attempt to enter into discussion with a commissioner who has chosen to avail himself/herself of this opportunity to share his/her opinions with the public.

Appendix

Parliamentary Definitions

*[the following definitions are to be added to the existing list in alphabetical order]*

Certificate of Recognition – a ceremonial document issued by an individual commissioner and signed by same provided to an individual, business or organization to recognize outstanding achievements. Certificates of recognition may be issued during the Presentation section of the regular meeting agenda and no vote of the board is required. (amended by BOC action on 3/26/24)

Proclamation – a ceremonial document that may be used to formally recognize certain events, causes, groups or people. The goal of a proclamation is to recognize and celebrate extraordinary achievements of county residents and non-profit organizations, to honor occasions of importance and significance to county residents, and to increase public awareness of issues with the hope of improving the well-being of county citizens. The proclamation may or may not be signed by all commissioners. The document is not legally binding, does not require a board vote, and should not be interpreted as a policy endorsement; proclamations may be issued during the Presentation section of the regular meeting agenda. (amended by BOC action on 3/26/24)

Resolution –an action taken by the board to approve county business and transactions directing administrative or legal action. Chair or Commissioner sponsored resolutions may be used to express the board's policy or to make a public statement from the board. A formal action by the board is used to indicate approval or denial of the particular action; resolutions are adopted during regular or special called meetings of the board. (amended by BOC action on 3/26/24)