MINUTES OF REGULAR MEETING
COBB COUNTY BOARD OF COMMISSIONERS
JUNE 25, 2024
7:00 PM

The Regular Meeting of the Cobb County Board of Commissioners was held on Tuesday, June 25, 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 7:01 p.m.

PRESENTATIONS

1. **To present a certificate of achievement to Isaiah Hubert for being selected to receive the Gates Scholarship.**

   Commissioner Sheffield presented a certificate of achievement to Isaiah Hubert for being one of the 750 scholars to receive the Gates Scholarship founded by Bill and Melinda Gates.

PUBLIC COMMENT

1. Leroy Emkin addressed the Board regarding public comment.
2. Kathy Slough addressed the Board regarding taxes.
3. Christine Rozman addressed the Board regarding taxes and UDC.
4. Denny Wilson addressed the Board regarding MSPLOST and taxes.

Chairwoman Cupid called for a brief recess from 7:19 p.m. until 7:22 p.m.

5. Tracy Stevenson addressed the Board regarding MSPLOST and taxes.
6. Donna Court congratulated the Board.
7. Alicia Adams addressed the Board regarding MSPLOST and taxes.
8. Sharon Gibson addressed the Board regarding taxes.
9. Leslie Davis addressed the Board regarding taxes.
10. Craig Harfoot addressed the Board regarding taxes.

Clerk's Note: Commissioner Birrell and Commissioner Gambrill requested the following statements that are on file in the County Clerk's office be attached to each vote and made a part of these minutes. Commissioner Gambrill submitted a copy of her Brief in Civil Action Case 24-1-2122, Alicia Adams vs Cobb County Board of Elections which is on file in the County Clerk's office.

Commissioner Birrell's statement

In light of the Supreme Court's ruling last week regarding standing on the Home Rule issue. My position regarding the Home Rule Challenge still stands. 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.

CONSENT AGENDA

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

Juvenile Court

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

To **authorize** the acceptance and appropriation of grant funds from the CJCC, in the amount of $500,000.00 for the period of July 1, 2024, through June 30, 2025, to support the Juvenile Court; authorize the transfer of all personnel from Unit S148 to S158 in the grant fund; **authorize** the corresponding budget transactions; **authorize** Court Administrator, Adolphus Graves or the Program Coordinator to sign quarterly reimbursements on behalf of the County; and **further authorize** the Chairwoman to execute all necessary documents.

Increase revenue	270-190-S158-4467	CJCC State Revenue	$500,000.00
Increase expenditure	270-190-S158-6012	Salaries	$273,144.53
	270-190-S158-6116	General Office Supplies	$ 2,864.00
	270-190-S158-6326	Professional Services	$223,991.47
		TOTAL	$500,000.00

Water System

3. To approve a work order under the FY24 Stormwater Management Unit Price Contract with Ray Campbell Contracting Company, Inc. for 56 Old Fuller Mill Road, Program No. SW2095.

To **approve** a work order under the FY24 Stormwater Management Unit Price Contract with Ray Campbell Contracting Company, Inc., in the amount of $157,380.95, for 56 Old Fuller Mill Road, Program No. SW2095; **authorize** the corresponding budget transaction; and **further authorize** the Chairwoman to execute the necessary documents.

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

Transfer from:			
Stormwater Multi-Year Budget			
Drainage Contract R&M Service	510-500-5758-6496	SW9999-Z	$157,380.95
Transfer to:			
56 Old Fuller Mill Rd.			
Drainage Contract R&M Service	510-500-5758-6496	SW2095-C	$157,380.95

4. **To approve Change Order No. 1 to the construction contract with A-PAC Controls, LLC for FY24 Programmable Logic Controller Replacement Program, Program No. S5037.**

To **approve** Change Order No. 1 to the construction contract with A-PAC Controls, LLC, in the amount of $23,000.00 and a time extension of 30 calendar days, for FY24 Programmable Logic Controller Replacement Program, Program No. S5037; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

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

Increase Encumbrance:			
GAE 51011142308	510-500-5755-8260	S5037-C	$23,000.00
Transfer from:			
Program Logic Controllers			
Preliminary Estimates	510-500-5753-8005	T5007-Z	$23,000.00
Transfer to:			
FY24 Programmable Logic Controller Replacement Program			
Construction	510-500-5755-8260	S5037-C	$23,000.00

5. **To approve a work order under the FY23 Unit Price Contract for Water, Sewer, and Miscellaneous Services with H D Excavations & Utilities, LLC for Maple Drive at South Main Street Water Main Replacement, Program No. W2430.**

To **approve** a work order under the FY23 Unit Price Contract for Water, Sewer, and Miscellaneous Services with H D Excavations & Utilities, LLC, in the amount of $164,165.25, for Maple Drive at South Main Street Water Main Replacement, Program No. W2430; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

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

Transfer from:			
Unidentified New/Replacement Water Mains			
Preliminary Estimates	510-500-5754-8005	W1503-Z	$169,445.25
Transfer to:			
Maple Drive at South Main Street Water Main Replacement			
Construction	510-500-5754-8260	W2430-C	$164,165.25
Materials & Supplies	510-500-5754-8265	W2430-M	$ 2,000.00
Contingency	510-500-5754-8810	W2430-T	$ 3,280.00
Total			$169,445.25

Transportation

6. **To approve Change Order No. 1 (final) to Project No. T071-TO#2 to the 2020 Master Task Order Contract with WSP USA, Inc., for CobbLinc vehicle fleet condition assessments and preventive maintenance inspection training for CobbLinc staff, Cobb DOT Contract No. 001747.**

To **approve** Change Order No. 1 to Project No. T071-TO#2 to the 2020 Master Task Order Contract with WSP USA, Inc., a savings to the project in the amount of $87,081.34, for CobbLinc vehicle fleet condition assessments and preventive maintenance inspection training for CobbLinc staff, Cobb DOT Contract No. 001747; **authorize** the corresponding budget transaction; and **further authorize** the Chairwoman to execute the necessary documents.

A savings to the Transit Grant Fund, with the following budget transfer:

Decrease Encumbrance GAE 20307272114:	203-050-T071-6326	Professional Services	$87,081.34
Transfer from:	203-050-T071-6326	Professional Services	$87,081.34
Transfer to:	203-050-T071-8005	Preliminary Estimate	$87,081.34

7. **To approve Change Order No. 2 (final) to the contract with Public Facilities & Services, Inc., for cleaning services at CobbLinc transit system amenities and facilities, Cobb DOT Contract No. 001433.**

To **approve** Change Order No. 2 (final) to the contract with Public Facilities & Services, Inc., a savings to the contract in the amount of $49,186.00, for cleaning services at CobbLinc transit system amenities and facilities, Cobb DOT Contract No. 001433; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

A savings to the Transit Grant Fund, with the following budget transfers:

Decrease Encumbrance			
GAE 20301242316:	203-050-T081-6326	Professional Services	$ 709.00
GAE 20302082212:	203-050-T081-6326	Professional Services	$ 4,439.00
Transfer from:	203-050-T081-6326	Professional Services	$ 5,148.00
Transfer to:	203-050-T081-8005	Preliminary Estimate	$ 5,148.00
Decrease Encumbrance			
GAE 20302232112:	203-050-T082-6326	Professional Services	$44,038.00
Transfer from:	203-050-T082-6326	Professional Services	$44,038.00
Transfer to:	203-050-T082-8005	Preliminary Estimate	$44,038.00

8. **To adopt a resolution authorizing the submission of a Strengthening Mobility and Revolutionizing Transportation grant application, on behalf of the Cumberland Community Improvement District, to the U.S. Department of Transportation for the Autonomous Vehicle Pilot Program.**

To **adopt** a resolution authorizing the submission of a Strengthening Mobility and Revolutionizing Transportation grant application, on behalf of the Cumberland Community Improvement District, to the U.S. Department of Transportation for the Autonomous Vehicle Pilot Program; **designate** Mark Lambert and Drew Raessler as the authorized Department representatives for all matters associated with the SMART grant application; and **authorize** the Chairwoman to execute the necessary documents. A copy of said resolution is attached and made a part of these minutes.

9. **To adopt a resolution authorizing submission of an amended FY24 Section 5307 Grant Program application to the Federal Transit Administration for transit capital, planning, and operating-related projects, and authorize the acceptance of allocated FY24 Section 5307 Grant Program funding.**

To **adopt** a resolution authorizing submission of an amended FY24 Section 5307 Grant Program application to the Federal Transit Administration, in an amount not to exceed $9,315,788.00, for transit capital, planning, and operating-related projects; authorize the acceptance of allocated FY24 Section 5307 Grant Program funding; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman, or her designee, to execute the necessary documents. A copy of said resolution is attached and made a part of these minutes.

Appropriate receipt of FY24 Federal Transit Administration Section 5307 Grant Program funding to the Transit Grant Fund, as follows:

Increase Revenue:	203-050-T089-4439	FTA 5307 - Capital	$2,869,304.00
	203-050-T089-4442	FTA 5307 - Operating	$3,983,326.00
Increase Expenditure:	203-050-T089-8005	Preliminary Estimate	$6,852,630.00

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

Available for Transfer:	380-050-4655-6594	Interfund Transfer - Expense	$2,463,158.00
Increase Revenue:	203-050-T089-4960	Interfund Transfer - Revenue	$2,463,158.00
Increase Expenditure:	203-050-T089-8005	Preliminary Estimate	$2,463,158.00

10. **To adopt a resolution authorizing the submission of a FY24 Section 5339 Grant Program application to the Federal Transit Administration for transit capital projects and authorize the acceptance of allocated FY24 Section 5339 Grant Program funding.**

To **adopt** a resolution authorizing the submission of a FY24 Section 5339 Grant Program application to the Federal Transit Administration, in an amount not to exceed $908,544.00, for transit capital projects; **authorize** the acceptance of allocated FY24 Section 5339 Grant Program funding; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman, or her designee, to execute the necessary documents. A copy of said resolution is attached and made a part of these minutes.

Appropriate receipt of FY24 Federal Transit Administration Section 5339 Grant Program funding to the Transit Grant Fund, as follows:

Increase Revenue:	203-050-T090-4447	FTA 5339 - Bus & Facilities	$726,835.00
Increase Expenditure:	203-050-T090-8005	Preliminary Estimate	$726,835.00

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

Available for Transfer:	380-050-4655-6594	Interfund Transfer - Expense	$181,709.00
Increase Revenue:	203-050-T090-4960	Interfund Transfer - Revenue	$181,709.00
Increase Expenditure:	203-050-T090-8005	Preliminary Estimate	$181,709.00

11. **To adopt a resolution authorizing the submission of a Strengthening Mobility and Revolutionizing Transportation grant application to the U.S. Department of Transportation for a Safety and Traffic Calming Metrics Dashboard.**

To **adopt** a resolution authorizing the submission of a Strengthening Mobility and Revolutionizing Transportation grant application to the U.S. Department of Transportation for a Safety and Traffic Calming Metrics Dashboard; **designate** Mark Lambert and Drew Raessler as the authorized Department representatives for all matters associated with the SMART grant application; and **authorize** the Chairwoman to execute the necessary documents. A copy of said resolution is attached and made a part of these minutes.

12. **To adopt a resolution authorizing the submission of a FY24 Section 5337 Grant Program application to the Federal Transit Administration for a transit operating-related project and authorize the acceptance of allocated FY24 Section 5337 Grant Program funding.**

To **adopt** a resolution authorizing the submission of a FY24 Section 5337 Grant Program application to the Federal Transit Administration, in an amount not to exceed $1,143,075.00, for a transit operating-related project; **authorize** the acceptance of allocated FY24 Section 5337 Grant Program funding; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman, or her designee, to execute the necessary documents. A copy of said resolution is attached and made a part of these minutes.

Appropriate receipt of FY24 Federal Transit Administration Section 5337 Grant Program funding to the Transit Grant Fund, as follows:

Increase Revenue:	203-050-T090-4448	FTA 5337 - Good Repair	$914,460.00
Increase Expenditure:	203-050-T090-8005	Preliminary Estimate	$914,460.00

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

Available for Transfer:	380-050-4655-6594	Interfund Transfer - Expense	$228,615.00
Increase Revenue:	203-050-T090-4960	Interfund Transfer - Revenue	$228,615.00
Increase Expenditure:	203-050-T090-8005	Preliminary Estimate	$228,615.00

Public Services Agency

Office of Sustainability

13. **To authorize the acceptance and appropriation of grant funds from the Department of Energy, Energy, Efficiency, and Conservation Block Grant (EECBG) Program.**

To **authorize** the acceptance and appropriation of grant funds from the Department of Energy, Energy, Efficiency, and Conservation Block Grant Program; **authorize** the corresponding budget transactions; and **authorize** the Chairwoman to execute the necessary documents; and **further authorize** the Chief Sustainability Officer and the Finance Department to sign programmatic and finance reports for submission.

Funding will be available with the following appropriation:

Increase Revenue:	270-700-G344-4432	Federal Grants	$557,290.00
Increase Expenditure:	270-700-G344-8490	Other Machinery and Equipment	$557,290.00

PARKS

14. To authorize the purchase of replacement playground components and tennis court resurfacing/reconstruction/lighting in county parks from collected cell tower ground lease revenues.

To **authorize** the purchase of capital equipment replacement and tennis court resurfacing/reconstruction from collected cellular tower ground lease revenues in an amount not to exceed $642,747.26; **authorize** the corresponding budget transactions; and **further authorize** the Procurement Director or Chairwoman to execute the necessary documents.

Funding is available with the following budget transactions:

Decrease Expenditure:	010-105-3200-8852	(Fund Balance – Reserve)	$642,747.26
Increase Expenditure:	010-105-3200-8024	(Land Improvements/Dev.)	$447,083.55
Increase Expenditure:	010-105-3200-8112	(Electrical Installations)	$ 67,220.00
Increase Expenditure:	010-105-3200-8475	(Recreational Equipment)	$ 31,773.52
Increase Expenditure:	010-105-3200-6194	(Recreational Equipment)	$ 4,357.92
Increase Expenditure:	010-105-3200-6328	(Installation/Removal Serv.)	$ 20,284.00
Increase Expenditure:	010-105-3200-6577	(Freight/Shipping)	$ 2,028.27
Increase Expenditure:	010-105-3200-6494	(Building & Grounds-R&M)	$ 70,000.00

Senior Services

15. To authorize the acceptance of a sponsorship from the Atlanta Regional Commission (ARC) to support a senior hunger, resources, and health information initiative in the county's lowest life expectancy census tract.

To **authorize** the acceptance of a sponsorship from Atlanta Regional Commission (ARC), in the amount of $2,500.00, to support a senior hunger, resources, and health information initiative in the county's lowest life expectancy census tract and **further authorize** the corresponding budget transactions.

Increase Revenue	010-300-0070-4920	Gifts and Donations	$2,500.00
Increase Expenditure	010-300-0070-6204	Other Supplies	$2,500.00

16. **To approve the 2025 Annual Contract with Atlanta Regional Commission (ARC) for Title III-B, Title III-C1, Title III-C2, Title III-E, CBS-HCBS State (Home and Community Based Services), CBS-Respite, CBS Case Management, SSBG-HCBS (Social Services Block Grant), NSIP Federal (Nutrition Services Incentive Program), NSIP State, NSIP SSBG, Alzheimer's Program State, and CBS Alzheimer's State funding, for July 1, 2024, through June 30, 2025.**

To **approve** the 2025 Annual Contract with Atlanta Regional Commission (ARC) for Title III-B, Title III-C1, Title III-C2, Title III-E, CBS-HCBS State (Home and Community Based Services), CBS-Respite, CBS Case Management, SSBG-HCBS (Social Services Block Grant), NSIP Federal (Nutrition Services Incentive Program), NSIP State, NSIP SSBG, Alzheimer's Program State, and CBS Alzheimer's State funding, for July 1, 2024, through June 30, 2025; **authorize** the corresponding budget transactions and the transfer of personnel from unit F078 to the new grant unit F086; and **further authorize** the Chairwoman to execute the necessary documents.

Funding will be available with the following budget appropriations:

Increase Revenue:		
277-300-F086-4428	USDA-Federal	$74,271.20
277-300-F086-4475	SSBG-HCBS	$8,158.83
277-300-F086-4475	NSIP-SSBG	$16,139.23
277-300-F086-4489	NSIP-State	$95,785.80
277-300-F086-4495	CBS-HCBS State	$395,428.85
277-300-F086-4495	CBS Alzheimer's State	$9,792.39
277-300-F086-4495	CBS Case Management State	$16,683.77
277-300-F086-4497	Alzheimer's Program State	$64,043.89
277-300-F086-4499	CBS-Respite Care State	$10,922.26
277-300-F086-4510	Title III-State	$69,679.65
277-300-F086-4512	Title III-Federal	$1,184,554.19
277-300-L018-4960	Interfund Transfer Revenue (County Match)	$140,471.90
TOTAL		**$2,085,931.96**

Increase Expenditures:		
277-300-F086-6012	Salaries	$852,000.00
277-300-F086-6166	Food Supplies	$500,000.00
277-300-F086-6168	Gas & Diesel Fuel	$ 97,000.00
277-300-F086-6174	Janitorial Supplies	$ 11,000.00
277-300-F086-6194	Recreational Supplies	$ 9,000.00
277-300-F086-6326	Professional Services	$200,960.06
277-300-F086-6334	Respite In-Home (Share the Care)	$130,000.00
277-300-F086-6394	Registration	$ 20,000.00
277-300-F086-6400	Travel-Training	$ 27,000.00
277-300-F086-6491	Annual Maintenance Contracts	$ 93,000.00
277-300-F086-6532	Rental Equipment	$ 5,500.00
277-300-L018-6012	Salaries	$140,471.90
TOTAL		**$2,085,931.96**

Support Services Agency

Information Technology Services

17. **To approve a sole source Master Services Agreement (MSA) and Statement of Work No. 1 (SOW-1) with OpenGov, Inc. for the OpenGov Operations Management System (OMS) subscription Software as a Service (SaaS) and professional services.**

To **approve** a Master Services Agreement and Statement of Work No. 1 with OpenGov, Inc., for subscription software and professional services for the OpenGov Operations Management System, in the amount of $1,354,278.35 for five (5) years with annual billing; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents as approved by the County Attorney's Office.

Funding for FY 24 is available in the Information Technology Services and Cobb DOT Operating Budgets as follows:

010-035-0400-6349	(IT Subscription Service Fee)	$100,729.44
010-050-0710-6491	(Cobb DOT Maintenance)	$159,059.43
	Total for FY 24	**$259,788.87**

Public Safety Agency

18. **To approve contract renewal No. 2 with American Traffic Solutions, Inc. d\b\a Verra Mobility, the Cobb County Board of Education (BOE) and the Clerk of the Cobb County State Court for the school bus stop arm program.**

To **approve** School Bus Safety Camera System Service Renewal Agreement No. 2 with American Traffic Solutions, Inc. doing business as Verra Mobility, the Cobb County Board of Education, and the Clerk of the Cobb County State Court, for the school bus safety camera program; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Funding will be appropriated on a monthly basis as follows:

Increase Revenue:	010-130-2100-4810	School Bus Camera Revenue	100%
Increase Expenditure:	010-160-8500-6012	Clerk of State Court Salaries - Regular	$16,214.12
Increase Expenditure:	010-215-9300-6012	Solicitor Salaries - Regular	$13,785.88
Increase Expenditure:	010-130-2100-6363	ATS	34%
Increase Expenditure:	010-130-2100-6574	BOE	33%
Increase Expenditure:	010-130-2100-8818	Cobb Police – Standard Restricted Reserve	33%

Emergency Management

19. **To authorize the acceptance of funds from the Emergency Management Performance Grant, known as the Performance Partnership Agreement Grant in Georgia, from the Georgia Emergency Management Agency.**

To **authorize** the acceptance of the Emergency Management Performance Grant (EMPG), considered the Performance Partnership Agreement Grant in Georgia, from the Georgia Emergency Management Agency (GEMA) in the amount of $50,000.00 for the purchase of professional services, training, equipment, and supplies; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Funding will be available in the Grant Fund with the following appropriations:

Increase Revenue:	270-130-F088-4493	(GEMA)	$50,000.00
Increase Expenditure	270-130-F088-8820	(Undesignated Cont.)	$31,673.00
Increase Expenditure	270-130-F088-6400	(Training)	$ 927.00
Increase Expenditure	270-130-F088-6326	(Professional Services)	$ 6,000.00
Increase Expenditure	270-130-F088-6258	(Accountable Items)	$11,400.00

Community Development

20. **To approve an update to the fee schedule for plan review, residential, and commercial permitting within the Development & Inspection Division of the Community Development Agency.**

To **approve** the updated fee schedule for the Development and Inspections Division within the Community Development Agency effective July 1, 2024. A copy of the approved fee schedule is attached and made a part of these minutes.

21. **To seek authorization from the Board of Commissioners to impose a temporary moratorium on the issuance of health spa licenses as provided in the attached resolution.**

To **authorize** a temporary moratorium by suspending the acceptance of all applications for health spa licenses for 180 days while staff reviews and makes proposed amendments to the health spa ordinance, unless such amendments are submitted and approved by the Board of Commissioners prior to that date. A copy of the approved resolution is attached and made a part of these minutes.

Medical Examiner

22. **To approve an extension to the existing Mutual Aid Agreement between the Cobb County Medical Examiner's Office and the Georgia Department of Public Health.**

To **approve** the extension of the Mutual Aid Agreement between the Cobb County Medical Examiner's Office and the Georgia Department of Public Health, and **further authorize** the Chairwoman to execute the necessary documents.

Increase in Revenue:	010-150-8390-4494	(Other State Revenue)	$24,970.00
Increase Expenditure:	010-150-8390-6326	(Professional Services)	$24,970.00

23. **To approve a Memorandum of Understanding (MOU) between Anderson University and Cobb County Medical Examiner's Office (CCMEO) to provide students with the necessary instruction and supervision to ensure proper application of principles and theory during the clinical and practical experience.**

To **approve** this Memorandum of Understanding between Anderson University and the Cobb County Medical Examiner's Office for the education of Pathologist Assistants and **further authorize** the Chairwoman to execute the necessary documents.

No county funds will be expended as part of this agreement. Anderson University will provide students with all necessary items.

Finance

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

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

25. **The Board of Commissioners adopt a Resolution authorizing and approving the delegation of authority to the County Review Team (as defined in the New Operating Agreement) to approve or deny on behalf of the County extensions of time on a month-to-month basis until no later than September 30, 2024 within which extended time period the Cobb-Marietta Coliseum and Exhibit Hall Authority (the "Authority") must satisfy certain requirements of the New Agreements (defined hereinafter) prior to issuing bonds payable from Hotel/Motel Tax revenues and a portion of Liquor-by-the-Drink Tax revenues to finance the Authority's proposed projects.**

To **adopt** a Resolution authorizing and approving the delegation of authority to the County Review Team (defined herein) to approve or deny on behalf of the County extensions of time on a month-to-month basis until no later than September 30, 2024 within which extended time period the Cobb-Marietta Coliseum and Exhibit Hall Authority (Authority) must satisfy certain requirements of the New Agreements (defined herein) prior to issuing bonds payable from Hotel/Motel Pledged Tax Revenues and Liquor-by-the-Drink Pledged Tax Revenues to finance the Authority's proposed projects. A copy of said resolution is attached and made a part of these minutes.

26. **To approve an Amendment with Bank of America for the County's banking services in order to complete negotiation of a new master depository banking services agreement using the Request for Proposal (RFP) process.**

To **approve** an Amendment with Bank of America for the County's banking services; and **authorize** the Chairwoman to execute the necessary documents.

CDBG

27. **To authorize an amendment to the Program Year 2021 Annual Action Plan for the reallocation of funding through the HOME Investment Partnerships American Rescue Plan Act program from the United States Department of Housing and Urban Development.**

To **authorize** an amendment to the Program Year 2021 Annual Action Plan to for the reallocation of funding through funding through the HOME Investment Partnerships American Rescue Plan program from the United States Department of Housing and Urban Development, and **authorize** the corresponding budget transactions, and **further authorize** the Chairwoman to execute the necessary documents.

These respective Subrecipients will not require a funding transfer but will require Board approval for the amending of their current activity budgets and execute Subrecipient Agreement Amendments.

County Clerk

28. To approve minutes.

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

- June 10, 2024 - Agenda Work Session
- June 11, 2024 - BOC Regular Meeting
- June 18, 2024 - BOC Zoning Hearing

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

REGULAR AGENDA

Transportation

29. To approve a contract with Glosson Enterprises, LLC for Riverside Parkway at White Road, Project No. B2309, Cobb DOT Contract No. 002234.

Motion by Sheffield, second by Birrell, to **approve** a contract with Glosson Enterprises, LLC, in an amount not to exceed $393,833.50, for Riverside Parkway at White Road, Project No. B2309, Cobb DOT Contract No. 002234; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

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

Transfer from:	348-050-B230-B230-8005-B2309-C	Preliminary Estimate	$373,833.50
Transfer to:	348-050-B230-B230-8762-B2309-C	Turnkey Construction	$373,833.50

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

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

To approve a contract with Glosson Enterprises, LLC for Riverside Parkway at White Road, Project No. B2309, Cobb DOT Contract No. 002234 (Cont.).

SPLOST Project Summary as of June 3, 2024: Riverside Parkway at White Road

Budget:	$1,245,250.00	Expended:	$72,570.00

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

Transfer from:	DOT Projects - Relocate Lines		
	510-500-5756-8005-W4069-Z	Preliminary Estimate	$22,400.00
Transfer to:	Riverside Parkway at White Road -	Utility Allow.	
	510-500-5756-8260-W5090-C	Construction	$20,000.00
	510-500-5756-8265-W5090-M	Materials and Supplies	$ 2,000.00
	510-500-5756-8810-W5090-T	Contingency	$ 400.00
		Total:	$22,400.00

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

30. **To approve Change Order No. 3 (final) to the contract with Ohmshiv Construction, LLC for Mableton Parkway Pedestrian Improvements, Phase 1, State P.I. No. 0016034, Cobb County Project No. X2762, Cobb DOT Contract No. 001049.**

Motion by Sheffield, second by Birrell, to **approve** Change Order No. 3 (final) to the contract with Ohmshiv Construction, LLC, a savings to the project in the amount of $1,110,181.66, for Mableton Parkway Pedestrian Improvements, Phase 1, State P.I. No. 0016034, Cobb County Project No. X2762, Cobb DOT Contract No. 001049**; authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

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

Decrease Encumbrance			
GAE 34709082043:	347-050-X270-X270-8762-X2762-C	Turnkey Construction	$606,308.98

To approve Change Order No. 3 (final) to the contract with Ohmshiv Construction, LLC for Mableton Parkway Pedestrian Improvements, Phase 1, State P.I. No. 0016034, Cobb County Project No. X2762, Cobb DOT Contract No. 001049 (Cont.).

Reallocate remaining appropriation of Surface Transportation Block Grant Program and Transportation Alternatives Program funding within the 2016 SPLOST Transportation Improvements Program Fund, as follows:

Decrease Revenue:	347-050-X270-X270-4444-X2762-C FTA 5307 - STP	$1,018,986.00
Decrease Expenditure:	347-050-X270-X270-8762-X2762-C Turnkey Construction	$1,018,986.00
Increase Revenue:	347-050-X270-X270-4444-X2770-C FTA 5307 - STP	$1,018,986.00
Increase Expenditure:	347-050-X270-X270-8762-X2770-C Turnkey Construction	$1,018,986.00

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

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

SPLOST Project Summary as of June 3, 2024: Mableton Parkway Pedestrian Improvements, Phase 1

Budget:	$6,564,205.84	Expended:	$5,421,146.86

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

Decrease Encumbrance			
GAE 51009082043:	510-500-5756-8260-W4413-C	Construction	$503,872.68
Transfer from:	Mableton Pkwy. Pedestrian Imprvs		
	510-500-5756-8260-W4413-C	Construction	$503,872.68
	510-500-5756-6613-W4413-A	Interest Expense on Retainage	$ 1,670.00
	510-500-5756-8265-W4413-M	Materials and Supplies	$ 10,000.00
	510-500-5756-8810-W4413-T	Contingency	$ 13,360.00
		Total:	$528,902.68
Transfer to:	DOT Projects - Relocate Lines		
	510-500-5756-8005-W4069-Z	Preliminary Estimate	$528,902.68

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

31. **To authorize advertisement to hold a public hearing prior to expending $100,000.00 or more for engineering design services for eight Local Maintenance and Improvement Grant Program projects, and to authorize the issuance of Task Orders to secure required services.**

Motion by Cupid, second by Richardson, to **authorize** advertisement to hold a public hearing prior to expending $100,000.00 or more for engineering design services for eight Local Maintenance and Improvement Grant Program projects; and **further authorize** the issuance of Task Orders to secure required services.

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

Public Services Agency

PARKS

32. **To approve a contract with Integrity Construction Management to provide construction services for the new PARKS Maintenance Building under the 2016 PARKS SPLOST Program.**

Motion by Sheffield, second by Cupid, to **approve** a contract with Integrity Construction Management in an amount not to exceed $915,372.00 for the construction of a new maintenance building at the PRCA Administration Complex; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Funding is available in the 2016 PARKS SPLOST Budget:

347-105-X060-X0605-C-8125 (PRCA Admin Complex) $915,372.00

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

Improvements at the PRCA Administration Complex are eligible projects under the 2016 SPLOST (Cobb County 2016 SPLOST, Page 30). The new building will serve both the PARKS Land Unit and the Construction Unit and replace pole barns and buildings that are inadequate and deteriorating.

SPLOST Project Summary as of June 1, 2024:

PRCA Administration Complex
Budget: $1,898,000.00 Expended to Date: $962,115.47

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

Support Services Agency

Property Management

33. **To approve a contract with Yancey Power Systems for the purchase and installation of an emergency generator system for the Medical Examiner Laboratory Facility located at 1497 County Services Parkway, Marietta, GA 30008, and authorize procurement of miscellaneous items related to the equipment installation.**

Motion by Gambrill, second by Richardson, to **approve** a contract with Yancey Power Systems, for an amount not to exceed $227,465.00, for the purchase and installation of an emergency generator system for the Medical Examiner Laboratory Facility; **authorize** procurement of miscellaneous items related to the equipment installation, **authorize** the corresponding budget transactions; and **further authorize** the Procurement Services Director to execute the necessary documents.

Funding is available in the 2022 SPLOST Support Services Facilities Improvements Program Fund with the following budget transfer:

Decrease Expenditure:	348-110-B091-B0910-8005-A (Preliminary Estimates)	$227,465.00
Increase Expenditure:	348-110-B091-B0910-8135-P (Other Capital Expenditures)	$227,465.00

Create GAE in the amount of $227,465.00.

The 2022 Special Purpose Local Option Sales Tax (SPLOST), adopted by the Board of Commissioners on July 14, 2020, provides for capital improvements and anticipated corresponding budget funding to address, inter alia, Facilities Improvements – Building Security, Emergency/Life Safety Upgrades.

The generator installation for the new Medical Examiner Laboratory Facility is an eligible capital improvement project under the 2022 SPLOST and is an approved project of the Support Services Facilities Improvements Program (Cobb County 2022 SPLOST, p.42) which provides for the modernization of life safety systems in County facilities to ensure employee and public safety as well as protection of physical assets.

SPLOST Project Summary as of June 1, 2024, Property Management B091:

Current Budget:	$32,307,709.00
Actual Expenditures:	$ 1,560,116.43
Encumbrances:	$19,887,593.81
Pre-Encumbrances:	$ 91,225.00
Amount Remaining in the Project:	$10,768,773.76

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

34. To approve the purchase of office furniture and shelving for the new Gritters Library with Carithers-Wallace-Courtenay Inc., a 2016 SPLOST project.

Motion by Birrell, second by Sheffield, to **approve** a contract with Carithers-Wallace-Courtenay, Inc. in the amount of $219,627.46 for furniture and shelving purchase and installation at Gritters Library, located at 880 Shaw Park Road, Marietta; **authorize** the corresponding budget transactions; and **further authorize** the Procurement Services Director to execute the necessary documents.

Funding is available in the Library's operating budget as follows:

010-080-1800-6258	(Accountable Equipment)	$219,627.46

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

PUBLIC COMMENT

1. Steven Bell addressed the Board regarding change.
2. James Wesson addressed the Board regarding the Water System billing.

APPOINTMENTS

35. To approve the reappointment of Donna Rowe to the Development Authority of Cobb County.

Motion by Richardson, second by Gambrill, to **approve** the reappointment of Donna Rowe to the Development Authority of Cobb County for a term balance to expire on March 13, 2027.

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

ADJOURNMENT

The meeting was adjourned at 8:03 p.m.

Angela Cunningham
Deputy County Clerk
Cobb County Board of Commissioners

Commissioner Birrell's statement

In light of the Supreme Court's ruling last week regarding standing on the Home Rule issue. My position regarding the Home Rule Challenge still stands. 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.

Reference No. 21819

RESOLUTION

Resolution authorizing the submission of a Strengthening Mobility and Revolutionizing Transportation grant application, on behalf of the Cumberland Community Improvement District, to the U.S. Department of Transportation for the Autonomous Vehicle Pilot Program.

WHEREAS, the U.S. Department of Transportation (USDOT) is holding a solicitation for Strengthening Mobility and Revolutionizing Transportation (SMART) discretionary grant program project funding proposals; and

WHEREAS, on May 13, 2024, the USDOT announced a Fiscal Year 2024 call for projects; and

WHEREAS, applications are due by July 12, 2024, and will be competitively selected for award based on predetermined evaluation criteria; and

WHEREAS, the Cumberland Community Improvement District (CCID) desires that the County submit, on their behalf, an application requesting federal funding assistance in the amount of $2,000,000.00 with no required local match for planning and preliminary engineering to advance, develop, and design the Autonomous Vehicle (AV) Pilot Program, a consolidated initiative to enhance various transportation modes and explore innovative transit solutions and technology; and

WHEREAS, the grant agreement for SMART funding assistance, if awarded, will impose certain oversight obligations upon Cobb County; and

WHEREAS, the County's submission of this SMART grant application does not commit the County to contribute financially towards any project costs or required oversight fees.

NOW, THEREFORE, BE IT RESOLVED that the Cobb County Board of Commissioners supports the County's submission of a SMART grant application to the USDOT for the aforementioned project, on behalf of the CCID.

CERTIFICATION

The undersigned duly qualified Chairwoman of the Cobb County Board of Commissioners, acting on behalf of the Cobb County Board of Commissioners, certifies that the foregoing is a true and correct copy of a resolution adopted at a legally convened meeting of the Cobb County Board of Commissioners held on June 25, 2024.

This 8TH day of July, 2024

COBB COUNTY GEORGIA BOARD OF COMMISSIONERS 1832

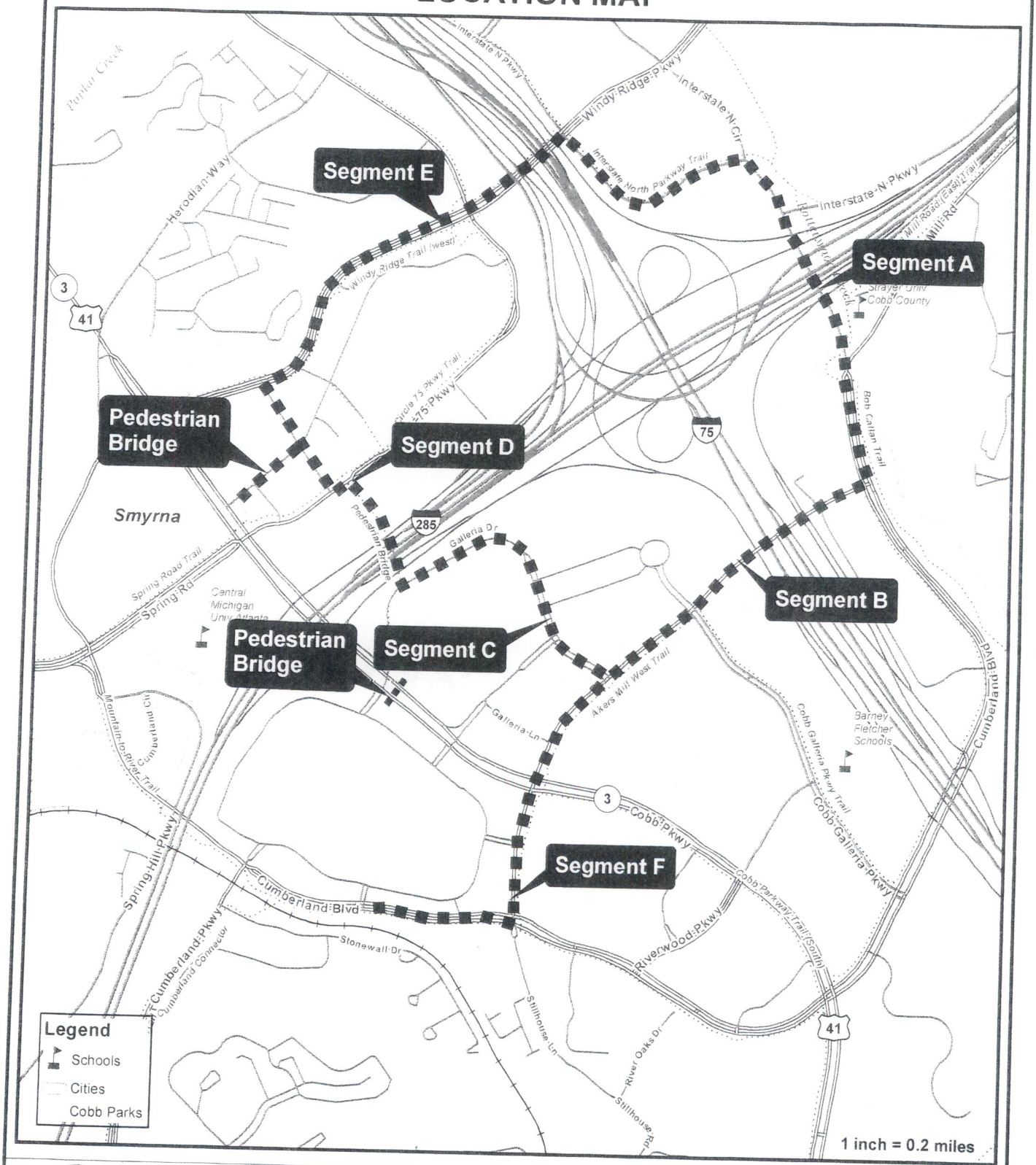
Lisa N. Cupid, Chairwoman
Cobb County Board of Commissioners

Attest: Pamela L. Mabry
Clerk
Cobb County Board of Commissioners

APPROVED
PER MINUTES OF
COBB COUNTY
BOARD OF COMMISSIONERS
6/25/24

Reference No. 8

LOCATION MAP

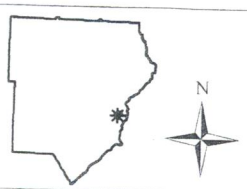


COBB COUNTY STATE OF GEORGIA 1832

Department of Transportation

PROJECT:
Cumberland Community Improvement District
Autonomous Vehicle Pilot Program

DATE: June 25, 2024



Notes: Commission District 2

Reference No. 21825

RESOLUTION

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED that the Cobb County Board of Commissioners authorize the filing of an amended FY24 Section 5307 Grant Program application with the Federal Transit Administration, Department of Transportation, United States of America, in an amount not to exceed **$9,315,788.00 for Transit Capital, Planning and Operating-Related Projects;** and

1. That the Chairwoman of the Cobb County Board of Commissioners, or her designee, is authorized to execute and file an amended application on behalf of Cobb County with the Federal Transit Administration for federal assistance authorized by 49 U.S.C. § 5307, or other federal statutes authorizing a project administered by the Federal Transit Administration.

2. That the Chairwoman of the Cobb County Board of Commissioners, or her designee, is authorized to execute and file with its amended application the annual certifications and assurances and other documents the Federal Transit Administration requires before awarding a federal assistance grant or cooperative agreement.

3. That the Chairwoman of the Cobb County Board of Commissioners, or her designee, is authorized to execute grant and cooperative agreements with the Federal Transit Administration on behalf of Cobb County.

APPROVED
PER MINUTES OF
COBB COUNTY
BOARD OF COMMISSIONERS
6/25/24

CERTIFICATION

The undersigned duly qualified Chairwoman of the Cobb County Board of Commissioners, acting on behalf of the Cobb County Board of Commissioners, certifies that the foregoing is a true and correct copy of a resolution adopted at a legally convened meeting of the Cobb County Board of Commissioners held on June 25, 2024.

This 8th day of July, 2024

Lisa N. Cupid, Chairwoman
Cobb County Board of Commissioners

Attest: Donald L. Wells
Clerk
Cobb County Board of Commissioners

Reference No. 9

FY24 FTA Section 5307 Program Grant Project List
AMENDED GRANT BUDGET

Capital Projects (20% Local Match)	**Project Cost**	**Federal Share**	**Local Share**
Fixed Route Bus Replacement	$ 2,458,050.00	$ 1,966,440.00	$ 491,610.00
Transit Center Facilities & Equipment	$ 163,294.00	$ 130,635.00	$ 32,659.00
Fare Collection Equipment	$ 765,286.00	$ 612,229.00	$ 153,057.00
Project Management and Inspection Services	$ 150,000.00	$ 120,000.00	$ 30,000.00
Planning	$ 25,000.00	$ 20,000.00	$ 5,000.00
Associated Transit Improvements	$ 25,000.00	$ 20,000.00	$ 5,000.00
Subtotal - Capital Projects (80%/20%)	***$ 3,586,630.00***	***$ 2,869,304.00***	***$ 717,326.00***

Operating Projects (20% Local Match)	**Project Cost**	**Federal Share**	**Local Share**
Preventive Maintenance	$ 2,016,000.00	$ 1,612,800.00	$ 403,200.00
Paratransit Operations	$ 1,713,158.00	$ 1,370,526.00	$ 342,632.00
Operating Projects (80%/20%)	*$ 3,729,158.00*	*$ 2,983,326.00*	*$ 745,832.00*

Operating Projects (50% Local Match)	**Project Cost**	**Federal Share**	**Local Share**
Operating Assistance	$ 2,000,000.00	$ 1,000,000.00	$ 1,000,000.00
Operating Projects (50%/50%)	*$ 2,000,000.00*	*$ 1,000,000.00*	*$ 1,000,000.00*
Subtotal - Operating Projects	***$ 5,729,158.00***	***$ 3,983,326.00***	***$ 1,745,832.00***
Total - FY24 Section 5307 Grant Program Budget	**$ 9,315,788.00**	**$ 6,852,630.00**	**$ 2,463,158.00**
Total Existing FY24 Section 5307 Grant Program Budget	*$ 1,725,000.00*	*$ 1,380,000.00*	*$ 345,000.00*
Total - GA 2024-015-00 Amended Grant Program Budget	**$ 11,040,788.00**	**$ 8,232,630.00**	**$ 2,808,158.00**

If approved, the grant will be amended into FAIN GA 2024-015-00

Reference No. 21826

RESOLUTION

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED that the Cobb County Board of Commissioners authorize the filing of a FY24 Section 5339 Grant Program application with the Federal Transit Administration, Department of Transportation, United States of America, in an amount not to exceed **$908,544.00 for Transit Capital Projects;** and

1. That the Chairwoman of the Cobb County Board of Commissioners, or her designee, is authorized to execute and file an application on behalf of Cobb County with the Federal Transit Administration for federal assistance authorized by 49 U.S.C. § 5339 or other federal statutes authorizing a project administered by the Federal Transit Administration.

2. That the Chairwoman of the Cobb County Board of Commissioners, or her designee, is authorized to execute and file with its application the annual certifications and assurances and other documents the Federal Transit Administration requires before awarding a federal assistance grant or cooperative agreement.

3. That the Chairwoman of the Cobb County Board of Commissioners, or her designee, is authorized to execute grant and cooperative agreements with the Federal Transit Administration on behalf of Cobb County.

APPROVED
PER MINUTES OF
COBB COUNTY
BOARD OF COMMISSIONERS
6/25/24

CERTIFICATION

The undersigned duly qualified Chairwoman of the Cobb County Board of Commissioners, acting on behalf of the Cobb County Board of Commissioners, certifies that the foregoing is a true and correct copy of a resolution adopted at a legally convened meeting of the Cobb County Board of Commissioners held on June 25, 2024.

This 8TH day of July, 2024

Lisa N. Cupid, Chairwoman
Cobb County Board of Commissioners

COBB COUNTY GEORGIA BOARD OF COMMISSIONERS 1832

Attest: Pamela L. Mabry
Clerk
Cobb County Board of Commissioners

Reference No. 10

FY24 FTA Section 5339 Grant Program Project List

Grant Budget

Capital Projects (20% Local Match)	**Project Cost**	**Federal Share**	**Local Share**
Transit Center Equipment and Facilities	$ 300,000.00	$ 240,000.00	$ 60,000.00
Technology Upgrades	$ 126,000.00	$ 100,800.00	$ 25,200.00
Fare Collection Equipment	$ 482,544.00	$ 386,035.00	$ 96,509.00
Subtotal - Capital Projects (80%/20%)	***$ 908,544.00***	***$ 726,835.00***	***$ 181,709.00***
Total - FY24 Section 5339 Grant Program Budget	**$ 908,544.00**	**$ 726,835.00**	**$ 181,709.00**
Total - FY24 Section 5337 Grant Program Budget	*$ 1,143,075.00*	$ 914,460.00	$ 228,615.00
Total - GA 2874-2024-03 Super Grant Program Budget	***$ 2,051,619.00***	**$ 1,641,295.00**	**$ 410,324.00**

NOTE: If approved, the FY24 FTA Section 5337 Grant Program funds and FY24 FTA Section 5339 Grant Program funds will be requested/managed together as a single Super Grant under Temporary FAIN GA 2874-2024-03

Reference No. 21821

RESOLUTION

Resolution authorizing the submission of a Strengthening Mobility and Revolutionizing Transportation grant application to the U.S. Department of Transportation for a Safety and Traffic Calming Metrics Dashboard Program.

WHEREAS, the U.S. Department of Transportation (USDOT) is holding a solicitation for Strengthening Mobility and Revolutionizing Transportation (SMART) discretionary grant program project funding proposals; and

WHEREAS, on May 13, 2024, the USDOT announced a Fiscal Year 2024 call for projects; and

WHEREAS, applications are due by July 12, 2024, and will be competitively selected for award based on predetermined evaluation criteria; and

WHEREAS, on June 27, 2023, the Board of Commissioners adopted a resolution committing to a safety goal of zero deaths and serious injuries because of crashes on public roads in Cobb County and adopted a five percent annual reduction target for all safety performance measures; and

WHEREAS, on May 28, 2024, the Board approved the *Department of Transportation Traffic Calming Policy*; and

WHEREAS, the County desires to submit an application requesting federal funding assistance in the amount of $2,000,000.00 with no required local match for planning and preliminary engineering to advance, develop and design a Safety and Traffic Calming Metrics Dashboard which merges safety goals, data metrics, and traffic calming policy with innovative technology solutions for enhanced roadway safety administration; and

WHEREAS, the grant agreement for SMART funding assistance, if awarded, will impose certain oversight obligations upon Cobb County; and

NOW, THEREFORE, BE IT RESOLVED that the Cobb County Board of Commissioners supports the County's submission of a SMART grant application to the USDOT for the aforementioned project.

CERTIFICATION

The undersigned duly qualified Chairwoman of the Cobb County Board of Commissioners, acting on behalf of the Cobb County Board of Commissioners, certifies that the foregoing is a true and correct copy of a resolution adopted at a legally convened meeting of the Cobb County Board of Commissioners held on June 25, 2024.

This 8th day of July, 2024

COBB COUNTY GEORGIA BOARD OF COMMISSIONERS 1832

Lisa N. Cupid, Chairwoman
Cobb County Board of Commissioners

Attest:
Clerk
Cobb County Board of Commissioners

APPROVED
PER MINUTES OF
COBB COUNTY
BOARD OF COMMISSIONERS
6/25/24

Reference No. 11

Reference No. 21827

RESOLUTION

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED that the Cobb County Board of Commissioners authorize the filing of a FY24 Section 5337 Grant Program application with the Federal Transit Administration, Department of Transportation, United States of America, in an amount not to exceed **$1,143,075.00 for Transit Operating-Related Projects;** and

APPROVED
PER MINUTES OF
COBB COUNTY
BOARD OF COMMISSIONERS
6/25/24

1. That the Chairwoman of the Cobb County Board of Commissioners, or her designee, is authorized to execute and file an application on behalf of Cobb County with the Federal Transit Administration for federal assistance authorized by 49 U.S.C. § 5337 or other federal statutes authorizing a project administered by the Federal Transit Administration.

2. That the Chairwoman of the Cobb County Board of Commissioners, or her designee, is authorized to execute and file with its application the annual certifications and assurances and other documents the Federal Transit Administration requires before awarding a federal assistance grant or cooperative agreement.

3. That the Chairwoman of the Cobb County Board of Commissioners, or her designee, is authorized to execute grant and cooperative agreements with the Federal Transit Administration on behalf of Cobb County.

CERTIFICATION

The undersigned duly qualified Chairwoman of the Cobb County Board of Commissioners, acting on behalf of the Cobb County Board of Commissioners, certifies that the foregoing is a true and correct copy of a resolution adopted at a legally convened meeting of the Cobb County Board of Commissioners held on June 25, 2024

This 8th day of July, 2024

Lisa N. Cupid, Chairwoman
Cobb County Board of Commissioners

Attest: Pamela L. Mabry
Clerk
Cobb County Board of Commissioners

Reference No. 12

FY24 FTA Section 5337 Grant Program Project List

Grant Budget

Operating Projects (20% Local Match)	**Project Cost**	**Federal Share**	**Local Share**
Preventive Maintenance	$ 1,143,075.00	$ 914,460.00	$ 228,615.00
Subtotal - Operating Projects (80%/20%)	***$ 1,143,075.00***	***$ 914,460.00***	***$ 228,615.00***
Total - FY24 Section 5337 Grant Program Budget	**$ 1,143,075.00**	**$ 914,460.00**	**$ 228,615.00**
Total - FY24 Section 5339 Grant Program Budget	*$ 908,544.00*	*$ 726,835.00*	*$ 181,709.00*
Total - GA 2874-2024-03 Super Grant Program Budget	***$ 2,051,619.00***	***$ 1,641,295.00***	***$ 410,324.00***

NOTE: If approved, the FY24 FTA Section 5337 Grant Program funds and FY24 FTA Section 5339 Grant Program funds will be requested/managed together as a single Super Grant under Temporary FAIN GA 2874-2024-03

COBB COUNTY
DEVELOPMENT & INSPECTIONS

BUILDING PERMIT FEE SCHEDULE

One- and Two-Family Building Permit Fees (Effective July 1, 2024)
Permit fees for new complete building construction are calculated using the International Code Council Building Valuation Data at a rate of $6.00 per $1,000 of estimated construction cost.
Steps to calculate fee:
Step 1: Determine the Construction Type and Occupancy Group from ICC Building Valuation Data
Step 2: Find the Construction Cost from ICC Building Valuation Data using total square feet of construction
Step 3: Multiply the Construction Cost by 0.006 to determine the permit fee ($6.00 per $1,000 of estimated construction cost)
Building permit fees will be updated annually to reflect the current published ICC chart.
Building permit fees include Plan Review and Building Inspections.

Residential Building Permit Fees	
Construction Cost	**Permit Fee**
Up to $15,000	$80.00
$15,001 - $25,000	$150.00
$25,001 - $50,000	$300.00
$50,001 - $75,000	$450.00
Over $75,001	$6.00 per $1,000 of construction cost
Find Your Construction Cost: *(From ICC Data)*	Unheated sq. ft total (x) $31.50 + Heated sq. ft total (x) $165.67 = Construction Cost

Other Fees (Applies to all permit types)	
Certificate of Occupancy and (LOC) Letters of Completion	$50.00 (New Homes Only)
Technology Fee *(For all permit types)*	$15.00
Site Plan Review Fee	$100.00 (Applies to all New Homes, Additions, Decks, Pools, Retaining Walls, and Accessory Structures).
Revision Fee	$50.00
Permit Renewal Fee	$100.00
Reinspection Fees	1st Reinspection: $50.00 2nd Reinspection: $75.00 3rd Reinspection: $100.00 and each subsequent time
Pools	$250.00 Minimum
Trade permit *(Electrical, Plumbing, HVAC, Gas)*	$80.00
Demo or Retaining Walls	$100.00
Demo – Historical Review Fee	$50.00
Power Use Only – Power Reconnect	$80.00
TCO Fee *(Subject to approval)*	$500.00 (Valid for a maximum 30 days)
Penalty for Construction Prior to Issuance of Permit	Double Permit Fee, Maximum $1,000

Reference No. 20

COBB COUNTY
DEVELOPMENT & INSPECTIONS

BUILDING PERMIT FEE SCHEDULE

Commercial and Multifamily Building Permit Fees (Effective July 1, 2024)
Permit fees for new commercial building construction are calculated using the International Code Council Building Valuation Data at a rate of $7.00 per $1,000 of calculated construction cost.
Steps to calculate fee:
Step 1: Determine the Construction Type and Occupancy Group from ICC Building Valuation Data
Step 2: Find the Construction Cost from ICC Building Valuation Data using total square feet of construction
Step 3: Multiply the Construction Cost by 0.007 to determine the permit fee ($7.00 per $1,000 of estimated construction cost)
Building permit fees will be updated annually to reflect the current published ICC chart.
Building permit fees include Plan Review and Building Inspections.

Commercial Permit Fees	
Construction Cost	**Permit Fee**
Up to $15,000	$ 100.00
$15,001 - $25,000	$ 175.00
$25,001 - $50,000	$ 350.00
$50,001 - $75,000	$ 525.00
Over $75,001	$7.00 per $1,000 of calculated construction cost
Additional Fees and Flat Fees by Permit Type	
Free-standing Building with No Tenant (Shell Only) Commercial Building Valuation: X 80% per ICC	CO or LOC Fee: $50.00
New Tenant / Interior Remodel / Vacant Tenant	CO or LOC Fee: $50.00
Move-In No Change of Use, No Construction, No Utility Work	Review Fee: $100.00 CO or LOC Fee: $50.00
Townhomes / Group Homes / CLA / PCH	Site Plan Review Fee: $100.00 Per lot. CO or LOC Fee: $50.00
Cell Tower *As determined by Site Plan Review, a Land Disturbance Permit may be required. Tank permits may be required by FMO and are separate.*	Site Plan Review Fee: $100.00 *If an LDP is not required.* New Tower Fee: $850.00, Antenna Modification: $500.00, Generator $500.00
EV Charging Station *As determined by Site Plan Review, a Land Disturbance Permit may be required.*	Site Plan Review Fee: $100.00 *If an LDP is not required.* LOC Fee: $50.00 Electrical permit based on chart above
Re-roofs / Solar Panels	LOC Fee: $50.00
Commercial Remodel in TYPE 1-A or 1-B construction	Calculated construction cost (x) 0.5
Commercial Remodel in all other construction types	Calculated construction cost (x) 0.75
Commercial Building Permit Plan Review Fees	
Revision Fees Minor (less than 10 pages changed)	$150.00
Revision Fees Major (10 pages or more changed)	$500.00
Expedited Fee	$1,000 *Approval Required*
In-person Preliminary Plan Discussion	$250.00
Site Plan Review Fee (Pools, Accessory Structure, Demo, Retaining Wall)	$100.00 *(If LDP is NOT required)*
Minimum Contractor Change	$250 Minimum *Affidavit Required*
Demo or Retaining Walls	$100.00
Permit Renewal (approval required)	$250.00
Technology Fee applied to all permit applications	$15.00

Note: Contract Agreement Price may be taken into consideration under special circumstances
Mixed Use Occupancy will be pro-rated. Phased projects will be charged 25% of the original permit fee for each phase.

COBB COUNTY
DEVELOPMENT & INSPECTIONS

BUILDING PERMIT FEE SCHEDULE

Land Development Permit Fees (Effective July 1, 2024)	
Site Plan Review	
Single Family Residential - Land Disturbance Permit	$50.00 per lot (LDP*) $250.00 Minimum **AND** $40.00 (x) Disturbed Acreage (NPDES**)
Commercial Townhomes/Condominiums – Land Disturbance Permit	$200.00 (x) Disturbed Acreage (LDP*) **AND** $40.00 (x) Disturbed Acreage (NPDES**)
Minimum Permit Fee	$250.00
Site Plan Review Revisions	$100.00

Plan Review Fee	$250.00 per submittal for weekly plan review*
Plat Review: Final Plat or Lot Split/Combo/Merge	$150.00
Final Plat Revision Review Fee	$80.00
Technology Fee	$15.00

* Full fee charged for each type of LDP per project (Ex. Clearing-only LDP, Grading-only LDP, Full-site LDP)
** NPDES fee only charged once per project and only if project has over one (1) acre of disturbance

Revised Attachment
Item # 21

Reference No. 21842

STATE OF GEORGIA

COBB COUNTY

June 25, 2024

RESOLUTION INSTITUTING A TEMPORARY MORATORIUM ON THE ACCEPTANCE OF HEALTH SPA LICENSES AND BUSINESS OCCUPATION TAX CERTIFICATE APPLICATIONS FOR NEW HEALTH SPA ESTABLISHMENTS IN COBB COUNTY AND FOR OTHER PURPOSES

WHEREAS, Cobb County is a political subdivision of the State of Georgia; and

WHEREAS, The Board of Commissioners is the governing authority;

WHEREAS, the Board of Commissioners finds massage therapy is a medically important and legal form of therapy desiring **to** promote legally licensed and approved therapists licensed under Georgia Massage Therapy Practice Act (O.C.G.A. §§ 43-24A-1 et.seq.); and

WHEREAS, the Board of Commissioners has determined illicit health spa establishments do exist within unincorporated Cobb County; and

WHEREAS, the Board of Commissioners has determined that illicit health spa establishments are a detriment to the public health, safety and welfare due to finding illegal activity occurring at such establishments including Cobb County Code violations, prostitution and human trafficking; and

WHEREAS, the Board of Commissioners has determined it to be in the immediate interest of the citizens of Cobb County and of immediate concern to the health, safety and welfare of the public to maintain the status quo until Cobb County can amend the Official Code of Cobb County, Georgia to provide for adequate and appropriate regulations of health spa and massage establishments within unincorporated Cobb County in order to serve its public:

NOW, THEREFORE, BE IT RESOLVED by the Cobb County Board of Commissioners that in order to accomplish the foregoing, a temporary moratorium, be hereby adopted on the acceptance of Health Spa License applications and applications for Occupational License Tax Certificates for new health spa establishments in order for Cobb County to review and amend its current ordinances and regulations. This moratorium shall be for 180 days or until Cobb County has properly amended its ordinances regarding health spa establishments. Nothing contained herein shall be deemed to regulate or effect a legally licensed therapist under O.C.G.A. §§ 43-24A-1, et.seq. from providing such services within Cobb County, Georgia.

The above Resolution was read and approved by the Cobb County Board of Commissioners, Georgia on the 25th day of June, 2024.

Approved:

Honorable Lisa M. Cupid, Chairwoman
Cobb County Board of Commissioners

Rob L. Stone
for **Pam Mabry, City Clerk**
(SEAL)
Robin L. Stone
Deputy County Clerk

APPROVED
PER MINUTES OF
COBB COUNTY
BOARD OF COMMISSIONERS
6/25/24

Reference No. 21

Resolution

COBB COUNTY BOARD OF COMMISSIONERS

RESOLUTION

ADOPTING ALL BUDGET AMENDMENTS SET FORTH IN AGENDA ITEMS ON THIS DATE

WHEREAS, Georgia Law, O.C.G.A. § 36-81-3 (b), requires each unit of government to operate under an annual balanced budget adopted by ordinance or resolution; and

WHEREAS, Cobb County Code 2-49 provides for revisions to the adopted budget during the year only by formal action of the commission in a regular meeting; and

WHEREAS, in official opinion date February 24, 1999, the Attorney General of the State of Georgia concluded that all amendments to the budgets of local government must be adopted by ordinance or resolution;

NOW, THEREFORE, BE IT RESOLVED the Cobb County Board of Commissioners does hereby adopt all such budget amendments as are set forth in agenda items which are adopted by the Board of Commissioners without change this date, as well as other such budget amendments as shall be specifically detailed in motions adopted by the Board of Commissioners this date.

This 25th of June 2024

Reference No. 24

RESOLUTION OF COBB COUNTY, GEORGIA, IN CONNECTION WITH THAT CERTAIN AMENDED AND RESTATED GALLERIA OPERATING AGREEMENT BETWEEN THE COUNTY AND THE COBB-MARIETTA COLISEUM AND EXHIBIT HALL AUTHORITY, AUTHORIZING AND DELEGATING TO CERTAIN OFFICIALS AND REPRESENTATIVES OF THE COUNTY THE AUTHORITY TO APPROVE OR DENY ON BEHALF OF THE COUNTY CERTAIN MONTH-TO-MONTH EXTENSIONS OF A DEADLINE UNDER THE AFORESAID AGREEMENT, AND APPROVING OTHER MATTERS RELATED THERETO

WHEREAS, Cobb County, Georgia (the "County"), a political subdivision of the State of Georgia (the "State"), is permitted by Article IX, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, as amended (the "Georgia Constitution"), to contract with any public corporation or public authority of the State for any period not exceeding fifty years for joint services, for the provision of services, or for the joint or separate use of facilities or equipment, provided such contracts deal with activities, services or facilities the contracting parties are authorized by law to undertake or provide; throughout this Resolution, all capitalized terms used herein, but not defined herein, shall have the meanings ascribed thereto under the hereinafter defined New Agreements;

WHEREAS, the Cobb-Marietta Coliseum and Exhibit Hall Authority (the "Authority") is a public corporation and public authority duly created and existing under the laws of the State, and particularly pursuant to the provisions of an Act of the General Assembly of the State approved on March 26, 1980 (Ga. Laws 1980, p. 4091, et seq.), as heretofore amended (as heretofore amended, the "Authority Act") having the purposes and powers granted by the Authority's Act and generally described in that certain authorizing resolution adopted by the County's Board of Commissioners (the "Board of Commissioners") on December 13, 2022 (the "Initial Authorizing Resolution"), authorizing and approving, without limitation, the finalization, execution and delivery of the hereinafter defined New Agreements;

WHEREAS, the County and the Cities of Acworth, Austell, Kennesaw, Marietta, Powder Springs and Smyrna, municipal corporations created under the laws of the State and located within the County (collectively, the "Cities"), each prior to December 1991 adopted an ordinance or resolution imposing an excise tax upon the furnishing for value of public accommodations at the rate of 8 percent of the charges to the public for such accommodations (the "Hotel/Motel Tax") in accordance with the Hotel/Motel Tax Law and each currently is levying and collecting the Hotel/Motel Tax; and the County prior to December 1991 adopted an ordinance and resolution imposing an excise tax on the sale of distilled spirits by the drink at the rate of 3 percent (the "Liquor-by-the-Drink Tax") and is currently levying and collecting the Liquor-by-the-Drink Tax;

WHEREAS, the Authority and the County heretofore entered into that certain Convention Funding Agreement, dated as of December 1, 1991, as amended by an Amendment No. One to Convention Funding Agreement, dated as of October 1, 1996 (as so amended, the "1991 Funding Agreement" or the "County 1991 Funding Agreement"), pursuant to the terms of which the Authority agreed, among other matters, to construct and operate a multi-use coliseum and civic center facility suitable for, among other things, the housing of exhibits for trade fairs, expositions and exhibitions, together with related buildings and facilities useful or desirable in connection therewith, which facility is located in the County and is owned and operated by the Authority as a public and governmental facility for the use and benefit of the citizens of the County (as so constructed, equipped, improved and expanded, the "Galleria Project"), and the County agreed to levy and pay the Authority 100% of the Hotel Motel Tax that the County collects pursuant to the Hotel/Motel Tax Law and 50% of the Liquor-by-the-Drink Tax that the County collects pursuant to the Liquor-by-the-Drink Tax Law (as applicable, the "County

Hotel/Motel Tax Payments" and the "County Liquor-by-the-Drink Tax Payments" and collectively, the "County Tax Payments"), and, so long as any revenue bonds issued by the Authority to finance or refinance the Galleria Project remain outstanding, the County agreed not to cease to levy, or reduce the rate of, the Hotel/Motel Tax or Liquor-by-the-Drink Tax in any manner that would impair the rights of the holders of such bonds;

WHEREAS, the Authority and the County heretofore entered into that certain Operating Agreement, dated as of December 1, 1991, as amended by an Amendment No. One to Operating Agreement, dated as of October 1, 1996 (as so amended, the "1991 Operating Agreement" or the "County 1991 Operating Agreement" and, together with the 1991 Funding Agreement, collectively, the "1991 Agreements" or the "1991 County Agreements"), pursuant to the terms of which the Authority agreed, among other things, to construct and operate the Galleria Project, to return to the County each month 37.5% of its Hotel/Motel Tax Payments, to pay to the County each month a Collection Fee for costs incurred by the County in connection with levying, collecting and administering the Hotel/Motel Tax and the Liquor-by-the-Drink Tax, and to return to the County certain additional excess County Tax Payments subject to certain limitations, and the County agreed to certain matters set forth therein;

WHEREAS, the Authority and each of the Cities heretofore entered into separate but generally similar (with certain exceptions with respect to Marietta) Convention Funding Agreements, dated as of December 1, 1991, each as amended by an Amendment No. One to Convention Funding Agreement, dated as of October 1, 1996 (collectively, as so amended, the "City 1991 Funding Agreements"), pursuant to the terms of which the Authority agreed, among other things, to construct and operate the Galleria Project and the Cities agreed to pay the Authority the percentages of the Hotel/Motel Tax which the Cities collect pursuant to the Hotel/Motel Tax Law that are specified in the respective City Funding Agreement, and, the Cities agreed so long as any applicable revenue bonds remain outstanding not to cease to levy, or reduce the rate of the Hotel/Motel Tax or the Liquor-by-the-Drink Tax in any manner that would impair the rights of the holders of the bonds; the Hotel/Motel Tax payments made by the County and the Cities and the Liquor-by-the Drink Tax payments made by the County to or on behalf of the Authority pursuant to the County 1991 Funding Agreement and the City 1991 Funding Agreements are referred to herein collectively as the "County/Cities Tax Payments";

WHEREAS, the Authority and each of the Cities heretofore entered into separate but generally similar Operating Agreements, dated as of December 1, 1991, each as amended by an Amendment No. One to Operating Agreement, dated as of October 1, 1996 (collectively, as so amended, the "City 1991 Operating Agreements"), pursuant to the terms of which the Authority and each respective City agreed to matters generally similar to the County 1991 Operating Agreement;

WHEREAS, as contemplated by the County 1991 Funding Agreement and the City 1991 Funding Agreements, the Authority issued revenue bonds in 1991, 1993, 1996, 1999, 2005 and 2009 (including such revenue bonds that remaining outstanding on the date hereof, the "Existing Bonds"), the proceeds of which were used to finance or refinance the cost of acquiring, constructing, equipping, improving and expanding, as applicable, the Galleria Project, and, as applicable, establish a reserve fund, pay a portion of interest accruing during construction and pay the costs of issuance of the respective bond issue; the final maturity date of the Existing Bonds is October 1, 2026;

WHEREAS, the County 1991 Funding Agreement, the County 1991 Operating Agreement, the City 1991 Funding Agreements and the City 1991 Operating Agreements in accordance with their respective terms would have terminated or will terminate on or before October 2, 2028 (or after the Existing Bonds issued by the Authority for the Galleria Project and secured by the pledge of the County/Cities Tax Payments no longer remain outstanding);

WHEREAS, in 2018, the State General Assembly extended the provisions in the Hotel/Motel Tax Law governing the County's and the Cities' Hotel/Motel Taxes until December 31, 2053;

WHEREAS, the Authority previously determined and notified the County that upgrades, expansions and renovations of the Galleria Project are needed in order for it to be financially viable and requested that the County extend the term of the 1991 County Agreements to 2053 to allow for the issuance of future bonds to finance the cost of the needed upgrades, expansions and renovations of the Galleria Project;

WHEREAS, given a number of changed circumstances since 1991, including, without limitation, the County's growing tourism related needs and opportunities throughout the County since 1991, as well as the increase since 1991 in the County's Hotel/Motel Tax collections and the Liquor-by-the-Drink Tax collections, among other considerations, the County determined that as a condition of its agreement to extend the terms of the 1991 County Agreements, the new extended agreements must provide that under certain conditions additional County Tax Payments not required to pay debt service on the Existing Bonds or future bonds or other financing vehicles payable from or secured by the County Tax Payments (as more fully defined in the New Agreements, "Bonds" or "Additional Bonds") or replenish debt service reserve funds for the Existing Bonds or future Additional Bonds will be returned to the County in the future, must provide additional limitations on the Authority's expenditure of County Tax Payments, and must provide certain requirements that future Additional Bonds payable from such County Tax Payments must satisfy in order to safeguard the return of the specified portion of the County Tax Payments to the County, among other matters set forth in the hereinafter defined New Agreements;

WHEREAS, pursuant to the Initial Authorizing Resolution adopted by the Board of Commissioners on December 13, 2022, the County entered into the Amended and Restated Galleria Convention Funding Agreement, dated as of September 1, 2023, with the Authority (the "New Funding Agreement") and the Amended and Restated Galleria Operating Agreement, dated as of September 1, 2023, with the Authority (the "New Operating Agreement" and, together with the New Funding Agreement, the "New Agreements"), in order to accomplish, without limitation, the aforesaid objectives;

WHEREAS, in addition to other conditions precedent to undertaking the issuance of Additional Bonds in the future, Section 3.1(a) of the New Operating Agreement requires (among other requirements) that the Authority enter into Conforming City Agreements with each City prior to October 31, 2023, as such deadline may be extended in accordance with Section 3.1(a)(ii) initially (x) by the County Review Team on a month-to-month basis until December 31, 2023, and thereafter (y) by the County Board of Commissioners by a duly adopted County Board Resolution to a date after December 31, 2023;

WHEREAS, pursuant to Section 3.1(a)(ii) and Section 2.1(ix)(c)(1) of the New Operating Agreement, the County Review Team granted two monthly extensions of the aforesaid deadline to November 30, 2023 and to December 31, 2023, based on timely updates provided by the Authority as to the progress and status of its efforts to enter into Conforming City Agreements with each City;

WHEREAS, pursuant to Section 3.1(a)(ii) of the New Operating Agreement, on December 12, 2023, the County Board of Commissioners adopted a Resolution (the "December 2023 Delegation Resolution") that, among other matters, delegated to the County Review Team the authority to grant or deny on behalf of the County monthly extensions of the aforesaid deadline after December 31, 2023 to no later than March 31, 2024, based on timely updates provided by the Authority as to the progress and status of its efforts to enter into Conforming City Agreements with each City;

WHEREAS, pursuant to Section 3.1(a)(ii) and Section 2.1(ix)(c)(1) of the New Operating Agreement and the December 2023 Delegation Resolution, the County Review Team granted three

extensions of the aforesaid deadline to January 31, 2024, to February 29, 2024 and to March 31, 2024, based on timely updates provided by the Authority as to the progress and status of its efforts to enter into Conforming City Agreements with each City;

WHEREAS, pursuant to Section 3.1(a)(ii) of the New Operating Agreement, on March 12, 2024, the County Board of Commissioners adopted a Resolution (the "March 2024 Delegation Resolution") that, among other matters, delegated to the County Review Team the authority to grant or deny on behalf of the County monthly extensions of the aforesaid deadline after March 31, 2024 to no later than June 30, 2024, based on timely updates provided by the Authority as to the progress and status of its efforts to enter into Conforming City Agreements with each City;

WHEREAS, pursuant to Section 3.1(a)(ii) and Section 2.1(ix)(c)(1) of the New Operating Agreement and the March 2024 Delegation Resolution, the County Review Team granted three extensions of the aforesaid deadline to April 30, 2024, to May 31, 2024 and to June 30, 2024, based on timely updates provided by the Authority as to the progress and status of its efforts to enter into Conforming City Agreements with each City;

WHEREAS, the Authority has notified the County that some, but not all, Cities have entered into Conforming City Agreements with the Authority and that it is continuing to work with the remaining Cities (except the Unique City, as waived by the December 2023 Delegation Resolution), and the Authority has requested one or more extensions of the aforesaid deadline to September 30, 2024; and

WHEREAS, the Board of Commissioners has determined to continue the procedure of the County Review Team having the authority delegated thereto to grant or deny on behalf of the County month-to-month extensions of the aforesaid deadline as provided hereinafter.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners on behalf of the County, and it is hereby resolved by authority of the same, as follows:

Section 1. **Incorporation of Resolution Premises.** The Board of Commissioners on behalf of the County hereby resolves and determines that the premises and foregoing paragraphs of this Resolution shall be and are a substantive and operative part of this Resolution and are hereby incorporated herein.

Section 2. **Delegation of Authority to Grant or Deny Extensions Under Section 3.1(a)(ii) of the New Operating Agreement.** The Board of Commissioners on behalf of the County hereby authorizes and approves the delegation to the County Review Team of the authority to grant or deny on behalf of the County month-to-month extensions of the deadline under Section 3.1(a)(ii) of the New Operating Agreement following receipt from the Authority in each case of the satisfactory update report required under Section 2.1(ix)(c)(1) of the New Operating Agreement to an extended deadline no later than September 30, 2024.

Section 3. **Authorization of Related Documents and Delegation of Approval Thereof.** The Board of Commissioners on behalf of the County hereby authorizes and approves (a) the negotiation and approval on behalf of the County of any and all documents necessary or appropriate in connection with this Resolution or matters contemplated hereby, including without limitation, those necessary or appropriate in connection with the aforesaid delegation of authority to the County Review Team to grant or deny a month-to-month extension of the aforesaid deadline, in connection with the County's performance of its rights and obligations under the New Operating Agreement and the New Funding Agreement (collectively, the "Related Documents") by the County's Chief Financial Officer and the County Attorney (or designee of each, or the successor titles to such official positions at the County), in

each case after consultation if appropriate with the County's bond counsel, and (b) following approval of a Related Document on behalf of the County as aforesaid, the execution, delivery and performance of such Related Document on behalf of the County by any one or more of the members of the County Review Team, the County Manager, the Chief Financial Officer, the Chairwoman and the Vice Chair, and (if appropriate or if otherwise required, provided that no such attestation is required by this Resolution unless otherwise required by law) the attestation thereof by the Clerk, Ex-Officio Clerk, Deputy Clerk or Assistant Clerk of the Board of Commissioners and affixing the seal of the County thereto. Each Related Document shall be in the form approved as aforesaid, and the execution thereof by any aforesaid representative, officer or official of the County as hereby authorized shall be conclusive evidence of such approval on behalf of the County.

Section 4. **Reaffirmation of the Approvals, Authorizations and Delegations of Authority set forth in the Board of Commissioners' Initial Authorizing Resolution, the December 2023 Delegation Resolution and the March 2024 Delegation Resolution.** The Board of Commissioners on behalf of the County hereby reaffirms the approvals, authorizations and delegations of authority set forth in its Initial Authorizing Resolution, its December 2023 Delegation Resolution and its March 2024 Delegation Resolution.

Section 5. **No Personal Liability.** No stipulation, obligation or agreement herein contained or contained in the New Funding Agreement, the New Operating Agreement, any extension document, any Additional Bond document, any Related Document, or any document contemplated by or related to any of the foregoing will be deemed to be a stipulation, obligation or agreement of any officer, official, employee, counsel, agent or representative of the County in his or her individual capacity and no officer, official, employee, counsel, agent or representative of the County in his or her individual capacity shall be held liable in connection therewith.

Section 6. **Further Actions Approved and Confirmed.** All acts and doings of the Commissioners, officers, officials, counsel, employees, representatives and agents of the County in conformity with the purposes and intent of this Resolution and are in all respects hereby ratified, approved and confirmed.

Section 7. **Multiple Counterparts.** This Resolution may be executed in multiple counterparts, each and all of which shall constitute one and the same Resolution.

Section 8. **Correction of Scrivener's Errors.** In the event any scrivener's errors shall be discovered in this Resolution after the adoption hereof, the County hereby authorizes and directs that each such scrivener's errors shall be corrected in all multiple counterparts of this Resolution.

Section 9. **Resolution Effective Upon Adoption.** This Resolution shall take effect immediately upon its adoption on this 25th day of June, 2024.

[COUNTY SEAL]

COBB COUNTY, GEORGIA

Attest: Robin L Stone
for Pamela L. Mabry
Clerk, Board of Commissioners
Cobb County, Georgia
Robin L. Stone
Deputy County Clerk

By: _____
Lisa N. Cupid
Chairwoman, Board of Commissioners
Cobb County, Georgia

Approved As To Form:

COBB COUNTY ATTORNEY'S OFFICE

APPROVED
PER MINUTES OF
COBB COUNTY
BOARD OF COMMISSIONERS
6/25/24

CLERK'S CERTIFICATE

COBB COUNTY, GEORGIA

I, Pamela L. Mabry, Clerk of the Board of Commissioners of Cobb County, Georgia, **DO HEREBY CERTIFY** that the foregoing pages constitute a true and correct copy of the Resolution adopted by the Board of Commissioners at an open public meeting duly called and lawfully assembled at 7:00 P.M., on the 25th day of June, 2024, pertaining to the approval and authorization of certain matters related to that certain Amended and Restated Galleria Convention Funding Agreement and that certain Amended and Restated Galleria Operating Agreement, both dated as of September 1, 2023, both with the Cobb-Marietta Coliseum and Exhibit Hall Authority, and matters related thereto (the "Resolution"), the original of the Resolution being duly recorded in the Minute Book of the Board of Commissioners, which Minute Book is in my custody and control, and that the Resolution has not been amended or rescinded and is in full force and effect as of the date hereof.

I do hereby certify as follows:

(a) That the following members of the Board of Commissioners were present at said meeting:

Chairwoman Lisa N. Cupid — Commissioner Keli Gambrill

Commissioner Jerica Richardson — Commissioner JoAnn K. Birrell

Commissioner Monique Sheffield

(b) That the following member was absent: N/A

(c) That the Resolution was duly adopted by a vote of:

Aye 5 Nay 0

WITNESS my hand and the official seal of Cobb County, Georgia, to be effective as of the 25th day of June, 2024.

[COUNTY SEAL]

Robin L Stone

for Pamela L. Mabry
Clerk, Board of Commissioners of Cobb County
Robin L. Stone
Deputy County Clerk