



Jill C. Fike
Director

The State Senate
Senate Research Office
204 Paul D. Coverdell Legislative Office Building
18 Capitol Square
Atlanta, Georgia 30334

Telephone
404-656-0015

Fax
404-657-0929

FINAL REPORT
OF THE
DEKALB COUNTY GOVERNMENT
SENATE STUDY COMMITTEE

Chairman Emanuel D. Jones
Senator, 10th District

Honorable David Adelman
Senator, 42nd District

Honorable Gloria S. Butler
Senator, 55th District

Honorable Steve Henson
Senator, 41st District

Honorable Steen Miles
Senator, 43rd District

Honorable Curt Thompson
Senator, 5th District

Honorable Daniel J. Weber
Senator, 40th District

Honorable John J. Wiles
Senator, 37th District

2006

Prepared by the
Senate Research Office

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I. CREATION AND DUTIES

The DeKalb County Government Senate Study Committee was created under the authority granted by Senate Resolution 5.

The mission statement of the DeKalb County Government Senate Study Committee is to consider various organizational forms of government which will facilitate a more effective and efficient county government and democratic representation. The Committee's work will include the study of city incorporation, analysis of DeKalb County Government, and expansion of existing cities.

Members of the Committee include: Chairman Emanuel Jones of the 10th; Senator David Adelman of the 42nd; Senator Gloria Butler of the 55th; Senator Steve Henson of the 41st; Senator Steen Miles of the 43rd; Senator Curt Thompson of the 5th; Senator Dan Weber of the 40th; and Senator John Wiles of the 37th. Of the eight members of the Committee, seven members signed the final Committee Report. Senator Wiles abstained from signing the report; however, he provided a letter of explanation included at the end of the report.

II. CURRENT FORM OF GOVERNMENT

In 1981, the Georgia General Assembly created the Board of Commissioners (BOC) and Office of Chief Executive Officer (CEO), which is DeKalb's current governmental form. The seven members of the DeKalb County BOC are elected by district to four-year terms. DeKalb is divided into five districts with each representing about 133,000 DeKalb residents. Additionally, there are two commissioners representing "super districts," comprising approximately 333,000 residents; therefore, each DeKalb resident is served by two county commissioners. In 1985, the court held in Maloof v. Williams, that it is "the intent of the Reorganization Act that the 'governing authority' of DeKalb County shall be exercised by the joint action of the commission and the chief executive, acting as separate governmental units."¹

III. PREVIOUS FORMS OF GOVERNMENT

The first government in DeKalb County was created by an action of the General Assembly in 1886. The General Assembly designated the Board of Commissioners of Roads and Revenue where five members were elected by the county grand jury with broad powers such as controlling property and levying taxes (Ga.L. 1886, p.258). In 1902, the General Assembly created a five-member board elected by the qualified voters of five road districts (Ga.L. 1902, p.207). The General Assembly repealed, by referendum, the 1902 Act in 1904 (Ga.L. 1904 p.255). In 1906, the General Assembly created a sole commissioner form of government (Ga. L. 1906, p.405). The 1906 Act was repealed in 1912 when the General Assembly created a board elected from five districts by the grand jury (Ga. L. 1912, p.361). In 1918, the voters of DeKalb County elected the five-member board (Ga.L. 1918, p.425). The General Assembly enacted the chairman and board form of government in 1956 (Ga.L. 1956, p.3237).

¹ *Maloof v. Williams*, 334 S.E.2d 16 (1985).

IV. PREVIOUS STUDY COMMITTEE FINDINGS

A. The DeKalb County Local Government Commission

The DeKalb County Local Government Commission (Commission) was formed in 1954. In the Commission's final report, the Commission recommended different forms of county government and internal improvements in county government. The Commission concluded that the voters of DeKalb County should have a choice in the types of government which included:

1. The single commissioner system;
2. A multiple commission with an elected county executive and board chairman; or
3. A multiple commission with a county manager form of government. If a multiple commission form of government was chosen, the Commission recommended that the voters choose from three, five, seven, or nine commissioners.

In the Commission's internal improvements in county government recommendations, the Commission advised that a chief executive officer of the county be established. The Commission also recommended that independent post auditing of county accounts be established, as well as, the creation of a Department of Finance.

B. The DeKalb County Government Reorganization Commission

The DeKalb County Government Reorganization Commission (GRC) was a 29-member commission, established in 1979, to study the current form of government in DeKalb County. The GRC recommended that a full-time Chief Executive Officer (serving no more than two full terms) and a part-time, nine-member Board of Commissioners be elected. The CEO and BOC would serve four years. Also, the GRC recommended that the BOC would have the power to override the veto of the CEO by a two-thirds majority vote.

The GRC recommended that the CEO have exclusive administrative control of county government and have the right to appoint and remove the executive assistant. The CEO would also appoint and remove the two administrators who oversee line functions and support functions. Both of these administrators would report to the executive assistant. The CEO must submit a budget to the BOC no later than October 15th annually.

The GRC discussed the presiding authority over the BOC's meetings. This issue was never fully resolved. The final discussions from the 29-member commission included:

- 14 members favored to have the board elect their own presiding officer from its members;
- 12 members favored having the CEO serve as the presiding officer; and
- 3 members voted that the CEO has the right to vote and participate in deliberations.²

² The Report of the DeKalb County Government Reorganization Commission, 1979 p. 6-7.

V. INTERNET FINDINGS

2006 DeKalb County Senate Study Committee Website

http://www.legis.ga.gov/legis/2005_06/senate/dekalb.htm

Information on the website includes:

1. 1986 Study of DeKalb County Government by the Carl Vinson Institute of Government;
2. 1994 DeKalb Civic Coalition Study;
3. 2003 DeKalb Grand Jury Presentments;
4. DeKalb Organizational Act;
5. Report by Dr. Bill Brown;
6. Presentation by the Carl Vinson Institute of Government;
7. 2006 Senate Bill 568 Proposing a New City of Dunwoody;
8. 2006 Dunwoody Feasibility Study by the Carl Vinson Institute of Government;
9. Map of the Proposed Dunwoody City Council;
10. Current Map of DeKalb County;
11. Map of DeKalb County Commission Districts;
12. Map of DeKalb County Commission Super Districts;
13. Presentation by DeKalb County Board of Commissioners;
14. Presentation by the Mayor of Pine Lake;
15. A document by Mr. John Steinchen, DeKalb Resident;
16. Wrap-Up Presentation from the DeKalb County Government Senate Study Committee;
17. Meeting Agenda for August 4, 2006;
18. Meeting Agenda for September 5, 2006;
19. Meeting Agenda for October 4, 2006;
20. Meeting Agenda for October 24, 2006;
21. Meeting Agenda for November 28, 2006; and
22. DeKalb County Government Senate Study Committee Press Release.

VI. 2006 SENATE STUDY COMMITTEE MEETINGS

The DeKalb County Government Senate Study Committee held five public meetings:

1. Tuesday, August 15th at the Maloof Administrative Building in Decatur;
2. Tuesday, September 5th at Lupton Hall on the campus of Oglethorpe University;
3. Tuesday, October 3rd at the Greenforest Community Baptist Church in Decatur;
4. Tuesday, October 24th at Tucker Middle School; and
5. Tuesday, November 28th at the Maloof Administrative Building.

A. August 15, 2006

At the first Senate Study Committee meeting, the Committee heard testimony from Mr. Harry Hayes and Dr. John O’Looney from the Carl Vinson Institute of Government; Mr. Jim Grubiak, General Counsel for the Association County Commissioners of Georgia; Mr. Lamar Norton, Director of Governmental Relations for the Georgia Municipal Association; and former Georgia State Senator Jim Tysinger.

Mr. Hayes and Dr. O’Looney presented a report on the “Forms of Georgia County Government.” Some forms of government they discussed included: the Traditional Commission; the Sole Commissioner; the Commissioner-Administrator; the Commission-Manager; and the Elected Executive. They testified that other states, including: Alaska; Arkansas; Hawaii; Louisiana; Maryland; Tennessee; Texas; and Washington also allow the Elected Executive Form of Government.³

Mr. Grubiak discussed the Elected Executive form of government and presented other examples, such as: Prince George’s County, Maryland; and Allegheny County, Pennsylvania. Prince George’s County provides for a Council/Executive form of government. The Executive Branch implements and enforces the laws while the CEO prepares an annual report, recommends legislative action, and appoints the head of each agency, subject to council approval.

Mr. Norton testified that there are 504 cities in Georgia. He also encouraged citizens to know the facts and information before creating cities.

Former State Senator Jim Tysinger recommended that DeKalb County have a Commission and a Chairman (rather than a CEO) similar to Gwinnett, Cobb, and Fulton Counties. Senator Tysinger was made an Honorary Member of the Committee.

B. September 5, 2006

The second Senate Study Committee meeting was dedicated to neighborhood associations and civic groups from DeKalb County which included:

1. Citizens from Dunwoody;
2. DeKalb League of Women Voters;
3. Druid Hills Civic Association;
4. Merry Hills Neighborhood Association;
5. South DeKalb Neighborhood Coalition; and
6. Tucker Civic Association;⁴

³ “Forms of Georgia County Government,” Mr. Harry Hayes and Dr. John O’Looney of the Carl Vinson Institute of Government. http://www.legis.ga.gov/legis/2005_06/senate/dekalb.htm

⁴ Dr. Paula Yeary from the Carl Vinson Institute and Dr. Robert Eger, III, from Georgia State University each made presentations.

The neighborhood associations and civic groups encouraged the Committee to find ways to ensure responsiveness, efficiency, and confidence in the DeKalb Government. Also, these groups asked that a fiscal and tax impact study be done for the citizens of DeKalb County prior to any proposal for city incorporation.

Dr. Yeary discussed the incorporation of Dunwoody; she testified that the total existing revenue is \$13 million or \$331.22 per capita. She compared Dunwoody to:

1. Peachtree City - \$408 per capita;
2. Kennesaw - \$362 per capita; and
3. Duluth - \$356 per capita.⁵

Dr. Eger, III, discussed the merits of the different organizations of county-level governments. These included the Council Manager, the Mayor Council, and the Commission form of county government.

- **Council Manager**
 - Pros: Manager responsive to council
 - Lower administration costs
 - Cons: Lack of administrator
- **Mayor Council**
 - Pros: Strong mayor
 - Cons: Weaker legislative body
- **Commission**
 - Pros: Historical Governance
 - Cons: Inefficient in large bureaucracies

C. October 3, 2006

The third Senate Study Committee meeting was dedicated to current and former Elected Officials of DeKalb County which included State Senators and State Representatives, CEOs, County Commissioners, and Mayors.

The BOC made a presentation on their responsibilities and initiatives for the future. The BOC's current responsibilities include: budget approval and oversight; policy decisions; auditing; citizen communication; and administering the operations of the BOC and staff.

The BOC initiatives include: hiring a chief of staff (which has been achieved); establishing regular committee meeting dates and structure; conducting select agenda item review; developing a proposed legislative branch reorganization plan; and proposing a central office

⁵ "Estimated Revenue and Expenditures for a Proposed City of Dunwoody, Georgia," Dr. Paula Yeary. http://www.legis.ga.gov/legis/2005_06/senate/dekalb.htm

structure which includes an Office of Administration and Budget, and an Office of Policy Research and Analysis.

The Office of Administration and Budget would oversee daily activities of central staff, carry out all BOC procedures, payroll, and travel. The Office of Policy Research and Analysis would enhance budget review and oversight; a commission-controlled budget recommendation process; and enhanced operational capital and bond project budget monitoring.⁶

Former State Senator and Former CEO Liane Levetan testified that the current number of commissioners is adequate. She would like the BOC to be allowed to vote on zoning issues and setting the BOC agenda. She testified that the DeKalb County Government should not be changed, but only tweaked to structure the BOC and powers of the CEO. Senator Levetan discussed that the citizens of DeKalb County need to have a fiscal note and know the cost of any change that may occur to DeKalb County before any changes are made.

Former State Senator Jim Tysinger testified that DeKalb County needs an independent governing body which is allowed to set their own agenda. He recommended that the BOC publish specific rules on zonings and contracts. Senator Tysinger testified that the original authors of the Organizational Act made a mistake in allowing the CEO to set the agenda and chair the BOC meetings. Furthermore, he indicated the original committee should not have made these amendments to allow the CEO such broad reaching powers.

Former State Senator Robert Bell testified that a referendum should be voted on by the citizens of DeKalb County to choose the type of government for DeKalb County. He also asked the Committee to act slowly on any changes.

D. October 24, 2006

The fourth Senate Study Committee meeting was a roundtable discussion on the current form of government in DeKalb County and the incorporation and expansion of existing cities in DeKalb County. Panelists for the roundtable discussion included: Mr. Joe Arrington; Mr. Robert Augustine; Mayor Eric Clarkson of Chamblee; Mr. John Leak; Mr. Bruce MacGregor; Mayor Gary Peet of Stone Mountain; Dr. Donata Renfrow; and Mr. Greg Taube. The moderator was Ms. Aileen Harris of GoDeKalb.com.

The roundtable discussed the current form of government in DeKalb County. It agreed that government services are efficient, but responsiveness is not. The discussion group was concerned about special districts since cities must subsidize services to the county; it also agreed that there must be a balance of power between the CEO and the BOC.

Regarding incorporation, the discussion group recommended that a feasibility study should be required to ensure that the tax base is able to support incorporation. It also concluded that the citizens of DeKalb County want more control over local issues, but need more information before a city can become incorporated.

⁶ Presentation by DeKalb County Board of Commissioners. http://www.legis.ga.gov/legis/2005_06/senate/dekalb.htm

E. November 28, 2006

The final Senate Study Committee meeting was a comprehensive discussion where Chairman Jones reviewed the issues of the current form of DeKalb County Government, expansion of existing cities, and potential incorporation. Chairman Jones also provided a recap of the previous Committee meetings. Each Committee Member spoke on the issues regarding the DeKalb County Government, and a slide presentation was shown that summarized previous meetings.

The Committee discussed the formation of townships and villages in DeKalb County. A township or village structure allows more control over local issues and maintains efficient services of county government; moreover, townships and villages are formed through the General Assembly powers designated by local legislation.

VII. COMMITTEE RECOMMENDATIONS

The DeKalb County Government Senate Study Committee heard testimony from current and former elected officials, professional organizations, members of academia, civic organizations, neighborhood associations, and the public. The Committee gathered information and input from these meetings to analyze the DeKalb County Government, city incorporation efforts, and the expansion of existing cities.

The Senate Study Committee recommends these changes during the 2007 Legislative Session:

1. Legislation enabling the BOC to set their own agenda;
2. Legislation that provides for the BOC to preside over their own meetings; and
3. Legislation to balance control between the CEO and the BOC on budgeting, spending, contracting, and bidding.

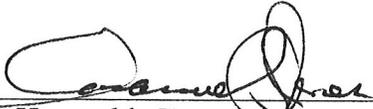
Additionally, the Senate Study Committee recommends:

1. Creating a Study Committee to study the redistricting of DeKalb County Commissioners in consideration of the 2010 Census, which includes the expansion of commissioners and/or elimination of at-large districts;
2. Creating a Study Committee to consider the effects of franchise fees on counties and cities;
3. Requiring fiscal studies for existing cities prior to expanding through annexation;
4. Requiring feasibility studies prior to incorporation of new cities; and
5. Considering the necessary changes in Georgia law to allow communities to choose alternative forms of local government such as towns or villages.

Prepared by:
Jeff Walker
Policy Analyst
Senate Research Office

Respectfully Submitted,

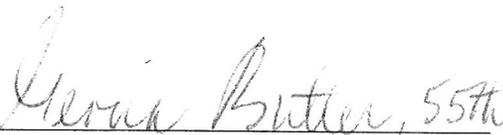
The remaining Committee Members signatures are on file in the Senate Research Office.



Honorable Emanuel D. Jones
Senator, 10th District
Chairman



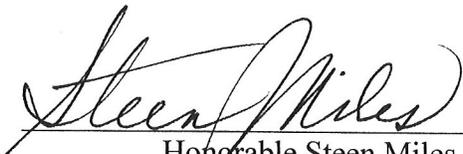
Honorable David Adelman
Senator, 42nd District



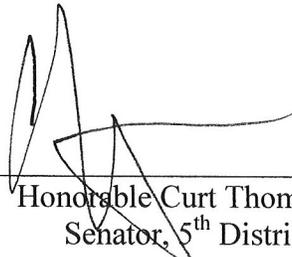
Honorable Gloria S. Butler
Senator, 55th District



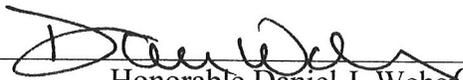
Honorable Stephen Henson
Senator, 41st District



Honorable Steen Miles
Senator, 43rd District



Honorable Curt Thompson
Senator, 5th District



Honorable Daniel J. Weber
Senator, 40th District



Honorable John J. Wiles
Senator, 37th District

JOHN J. WILES
District 37

324 Coverdell Legislative Office Building
18 Capitol Square, SW
Atlanta, Georgia 30334
Tel: (404) 657-0406
Fax: (404) 657-0459

Email: john.wiles@senate.ga.gov



The State Senate
Atlanta, Georgia 30334

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DEPUTY WHIP

January 16, 2007

To the Reader:

It was an honor to serve on the Study Committee. The meetings and the statements by the participants were insightful and helpful in addressing the many issues which were discussed. Since any legislation implementing DeKalb County Government Senate Study Committee meetings would be assigned to the State and Local Governmental Operations Committee, it is not appropriate for me, as Chairman to take a position on these recommendations.

Sincerely,

A handwritten signature in black ink, appearing to read "John J. Wiles".

John J. Wiles
Senator 37th District