

Background

What is the DeKalb County Charter and Why is it Important to DeKalb Citizens?

The Organizational Act or “Charter” is the document establishing the governmental structure of the County. It defines the specific powers, functions, and essential procedures of county government.

In DeKalb County, the governing authority consists of two branches: an **Executive branch** (CEO/Administration) and a **Legislative branch** (Board of Commissioners). DeKalb is the only county in Georgia with this type of government, although there are other counties in the United States operating with a similar binary structure.

The current Organizational Act dates back to the late 1970’s and early 1980’s when the DeKalb County Government Reorganization Commission was created in response to a Georgia Supreme Court case decision that gave the Board of Commissioners authority to diminish the power of the Board Chair, which in the opinion of the Chair and his supporters made the powers and duties of the Board Chair less clear.

The Reorganization Commission recommended a “clear separation of the executive branch from the legislative branch ... with a system of explicit and legally enforceable checks and balances between the two branches.” The commission’s work led to legislation that:

- established the executive and legislative branches of county government,
- defined the qualifications, terms, and powers of the CEO, the Executive Assistant, and the Commissioners,
- established the number of commission districts,
- created the Legal Department, and
- established the Zoning Review Board.

Why did the County Establish a New Charter Review Commission?

By 1994, public calls for change to county government were being made. The DeKalb County Civic Coalition (a neighborhood advocacy group) studied county government and found an inappropriate division of powers and concluded that a county manager form of government would be more suitable.

In 1999, the Supreme Court of Georgia found that the CEO and Board of Commissioners are not equals in the running of government and that the Organizational Act conveys a limited grant of power to the commission while bestowing on the CEO broad executive and administrative powers, contrary to the intent of a checks and balance form of government.

In 2013, a Grand Jury recommended a reorganization of county government, elimination of the CEO position, and a review of the Organizational Act. In 2015, an Operations Task Force created by former CEO Lee May identified specific concerns about budgeting, purchasing, audit powers, and policy implementation. The task force recommended a Charter Review Commission address these concerns.

In spite of these recommendations, no comprehensive review of the Organizational Act was undertaken until now, although periodically specific elements of the Charter have been revised or added through legislative amendments ratified by voters. For example, important additions to the Charter were made in

2015 with the inclusion of language establishing the Board of Ethics and the Independent Internal Auditor.

In 2019 CEO Michael Thurmond created a charter review commission through executive order to examine the DeKalb County form of government. Seventeen citizens, selected by the CEO, the Board of Commissioners, and the State Legislative Delegation were to serve on the commission. Due to the Pandemic, the Charter Review Commission's work did not begin until June 2022 and only 15 members were appointed to serve.