

**IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA**

THE FULTON COUNTY BOARD OF
REGISTRATION AND ELECTIONS,

Petitioner,

v.

STATE OF GEORGIA,

Respondent.

Civil Action File No. 24CV012709

VERIFIED PETITION FOR DECLARATORY AND INJUNCTIVE RELIEF

Petitioner the Fulton County Board of Registration and Elections (the “Fulton County BRE”), by and through its undersigned counsel, hereby files this petition for declaratory and injunctive relief against Respondent the State of Georgia, showing the Court as follows:

INTRODUCTION

1. In the latest in a blitz of last-minute attempts to drastically impact the imminent general election—with early voting starting on October 15 and the election day on November 5—members of the State Election Board have demanded that the Fulton County BRE capitulate to the appointment of multiple additional election “monitors” that have been hand-picked by the State Election Board for the upcoming 2024 general election.

2. The State Election Board has no statutory authority to force the Fulton County BRE to accept, and Fulton County to pay for, election monitors hand-picked by the State Election Board. In addition to the complete lack of statutory authority under O.C.G.A. § 21-2-33.1, the allegations giving rise to the current demand for additional election monitors for the 2024 election involve alleged election law violations in the 2020 election that have been

investigated multiple times, including by the Secretary of State's office and by the Performance Review Board previously appointed by the State Election Board in 2021.

3. Most recently, following another investigation of the 2020 election by the Secretary of State, the State Election Board agreed to resolve the issue by (a) issuing a letter of reprimand to the Fulton County BRE and (b) the appointment of independent monitors agreeable to the Fulton County BRE, the Secretary of State, and the State Election Board. The State Election Board issued its letter of reprimand on June 13, 2024. The Fulton County BRE, Secretary of State, and Fulton County (which must pay for the monitoring) have all agreed to an independent monitoring proposal, but the State Election Board has refused to agree to that proposal. Moreover, the State Election Board has not even presented the Fulton County BRE with a draft "memorandum of understanding" that sets forth terms acceptable to the State Election Board, as provided in the June 13 letter of reprimand. Instead, members of the State Election Board have insisted that the Fulton County BRE accept (and Fulton County pay for) a slate of additional monitors hand-picked by the State Election Board members.

4. Even more troubling, State Election Board members have stated in meetings with Fulton County BRE members that the State Election Board would "disavow" the Fulton County BRE if the Fulton County BRE did not accept the monitors proposed by the State Election Board. Any such adverse action would directly conflict with multiple provisions of the Election Code (including O.C.G.A. §§ 21-2-33.2 and 21-2-106), as well as the State Election Board's own 2023 decision to accept the recommendation of the 2021-appointed Performance Review Board—again, following an investigation that encompassed the same purported violations giving rise to the State Election Board's latest complaints.

5. The State Election Board’s latest actions directly conflict with the statutory authority granted to it under O.C.G.A. § 21-2-33.1. This action requests declaratory and injunctive relief related to these recent unauthorized actions.

6. Petitioner seeks a declaration that the State Election Board lacks authority to force the Fulton County BRE to accept, and Fulton County to pay for, additional monitors for the 2024 election that have been hand-picked by certain State Election Board members.

7. In connection with this request for declaratory relief, Petitioner seeks injunctive relief in accordance with O.C.G.A. § 9-4-3. Additionally, if and to the extent the State Election Board takes any formal action to force the Fulton County BRE to accept additional 2024 election monitors selected by the State Election Board members—contrary to the limited authority granted to the State Election Board under O.C.G.A. § 21-2-33.1—Petitioner intends to seek immediate interlocutory injunctive relief. Similarly, if and to the extent the State Election Board takes any formal adverse action against the Fulton County BRE, Petitioner intends to seek immediate interlocutory injunctive relief.

8. The Court should grant the requested declaration and enjoin any actions by the State Election Board inconsistent with that declaration, including, if necessary, by granting immediate interlocutory injunctive relief to prevent interference with early voting, which begins October 15, and Election Day, which is November 5, for the 2024 general election.

PARTIES

9. Petitioner Fulton County BRE is a local board created under State law with responsibility for voter registrations and elections in Fulton County, Georgia. Code of Laws of Fulton County (“Fulton County Code”), Pt. I § 14-32. For purposes of Georgia election law (including O.C.G.A. §§ 21-2-33.1, 21-2-33.2, and 21-2-106), the Fulton County BRE constitutes

the election “superintendent” for Fulton County. O.C.G.A. § 21-2-2(35). The Fulton County BRE has its principal offices in Fulton County, Georgia.

10. The State Election Board is a board created by the State of Georgia to establish policies related to, and to oversee, elections in the State of Georgia. The State Election Board’s current members include John Fervier, Dr. Janice Johnston, Rick Jeffares, Janelle King, and Sara Tindall Ghazal.

11. Defendant the State of Georgia can be served through its Chief Executive Officer, Governor Brian Kemp at 205 Washington Street, Suite 203, State Capitol, Atlanta, Georgia 30334.

SUBJECT MATTER JURISDICTION

12. The Court has subject matter jurisdiction over this action under Ga. Const. Art. I, Sec. II, Par. V; Ga. Const. Art. VI, Sec. I, Par. IV; Ga. Const. Art. VI, Sec. IV, Par. I; and O.C.G.A. §§ 9-4-2(a), 9-4-3(a), and 9-5-1.

VENUE AND PERSONAL JURISDICTION

13. Personal jurisdiction over the State and venue are proper under Ga. Const. Art. VI, Sec. II, Par. VI, and O.C.G.A. § 21-2-30(j).

BACKGROUND

14. In Georgia, each county has an elections “superintendent” to administer elections at the county level. O.C.G.A. § 21-2-70. A “superintendent” can be either an individual or a board with responsibility for conducting and managing registration, voting, and elections. O.C.G.A. § 21-2-2(35). The Fulton County BRE serves as the election superintendent for Fulton County. Fulton County Code, Pt. I § 14-32.

15. The Fulton County BRE has assigned management responsibility for registration, voting, and election activities to the Fulton County Department of Registration and Elections (the “Fulton County DRE”). The Fulton County DRE has a comprehensive full-time staff and additionally hires temporary workers to manage voting locations and tally ballots during general, primary, and special elections, including any runoff elections.

I. The State Election Board has statutorily limited enforcement powers that do not include the power to force a county election superintendent such as the Fulton County BRE to utilize election monitors selected by the State Election Board.

16. The State of Georgia created the State Election Board to publish rules and regulations “so as to obtain uniformity in the practices and proceedings of superintendents” and other election officials and otherwise “as will be conducive to the fair, legal, and orderly conduct of primaries and elections”; to investigate “frauds and irregularities in primaries and elections and to report violations of the primary and election laws either to the Attorney General or the appropriate district attorney”; and to “take such other action, consistent with law, as the board may determine to be conducive to the fair, legal, and orderly conduct of primaries and elections,” among other duties. O.C.G.A. § 21-2-31.

17. The State Election Board only has the power granted to it by law. Under Georgia election laws, the General Assembly has conferred upon the State Election Board a discrete list of specified enforcement powers in connection with actual or threatened violations of election law, including issuing a cease-and-desist order; imposing a civil penalty of no more than \$5,000.00 per violation of election law; publicly reprimanding election law violators; requiring an election law violator to pay restitution to any state, county, or city governing authority harmed by the violation; requiring an election law violator to attend specified training; and assessing investigative costs against an election law violator. O.C.G.A. § 21-2-33.1(a).

18. No provision of O.C.G.A. § 21-2-33.1(a) authorizes the State Election Board to appoint election monitors or to force a county's election superintendent to utilize election monitors selected by certain State Election Board members. While a county's election superintendent can agree to utilize election monitors to resolve alleged election law violations, no statutory language authorizes the State Election Board to impose election monitors on a county's election superintendent and to pick who will supervise the monitoring team.

II. After the State Election Board appointed a Performance Review Board to investigate the Fulton County BRE in 2021, the Performance Review Board recommended against taking over the Fulton County BRE, which recommendation the State Election Board accepted in 2023.

19. On August 18, 2021, the State Election Board appointed a Performance Review Board to investigate alleged violations of election laws and State Election Board rules by the Fulton County BRE and DRE during the 2020 general election. The Performance Review Board consisted of Ryan Germany, Stephen Day, and Ricky Kittle. The Performance Review Board proceeded with its statutory mandate under O.C.G.A. § 21-2-106(b). *See* Performance Review Board Report (the "Report"), at 6 (Jan. 13, 2023) (a true and correct copy of the Report, without the exhibits and appendix, attached is hereto as Exhibit 1).

20. The alleged violations specifically investigated by the Performance Review Board included the "double-scanning" of ballots. *See id.* at 5. Indeed, the Performance Review Board's Report included an entire section entitled "*Double-Scanning of Ballots.*" *Id.* at 9. As this Report explained in discussing the remedial actions successfully undertaken by the 2020 election cycle, multiple additional protective measures have been added to ensure "that the double-scanning of ballots that occurred in 2020 is not something that happens again." *Id.* at 14-15.

21. The Performance Review Board addressed numerous other alleged issues regarding the 2020 election, including the recounts of votes for President of the United States.

The Board also reviewed the performance of the Fulton County BRE and DRE during the 2021 and 2022 election cycles, ultimately issuing the Report dated January 13, 2023, which did not recommend suspension or removal of the Fulton County BRE. The Performance Review Board emphasized the Fulton County BRE's level of engagement in driving improvements, including hiring new, high-performing staff to replace staff that oversaw the 2020 election, as well as improving training, processes and procedures, and overall organization. *Id.* at 18.

22. The State Election Board approved the Performance Review Board's Report and elected not to move forward with taking over the Fulton County BRE during its meeting on June 20, 2023.

III. After the State Election Board recently resolved a 2022 complaint regarding the 2020 general election, State Election Board members have demanded that the Fulton County BRE agree to utilize certain additional election monitors for the 2024 election.

23. During the Performance Review Board's investigation, the State Election Board received additional complaints about the Fulton County BRE and DRE's performance during the 2020 general election.

24. In July 2022, two voters filed a complaint with the State Election Board against the Fulton County BRE and the Fulton County DRE regarding alleged election law violations, including alleged double-scanning of ballots, during the November 2020 election. The State Election Board designated this complaint as SEB 2023-025 and referred it to the Secretary of State to investigate.

25. In May 2024, the Secretary of State investigator reported the results of the investigation into SEB 2023-025, finding that the Fulton County DRE double-scanned a small number of ballots during the 2020 recount but otherwise rejecting virtually all the allegations set forth in SEB 2023-025. Despite finding double-scanning of a small number of ballots, the

Secretary of State investigator could not conclude that ballots had been counted twice in the final vote counts for the 2020 presidential election. The Secretary of State investigator also noted that even if these votes had been counted twice, the outcome of the 2020 presidential election in Georgia would not have changed.

26. Four State Election Board members attended the Secretary of State's presentation concerning SEB 2023-025. The attending State Election Board members were Chair John Fervier; Sara Tindall Ghazal; Dr. Janice Johnston; and Ed Lindsey. Rick Jeffares was not present.

27. Following the presentation, State Election Board members offered several motions directed to remedies and sanctions against the Fulton County BRE and DRE. None of these motions received a second, so the State Election Board did not vote on them. Finally, Mr. Lindsey made a motion that the State Election Board issue a letter of reprimand to the Fulton County BRE and DRE and that the State Election Board, the Secretary of State, and Fulton County BRE reach a mutual agreement for Fulton County to retain an independent monitor to observe Fulton County elections during the November 2024 general election.

28. Mr. Lindsey's motion included a stipulation that the parties agree to a monitor "by the next hearing which is presently being contemplated in July." In the event the parties could not agree on the monitor, Mr. Lindsey stated he would "come back with a motion to reconsider and send it to the Attorney General." Exhibit 2, State Election Board Hearing Transcript, at 215 (Excerpts of the transcript of the May 2024 hearing are attached hereto). Ms. Ghazal seconded this motion, which passed by a vote of 2-1. Dr. Johnston voted against the motion; Chair Fervier did not vote.

29. In late May 2024, Ms. Janelle King assumed Mr. Lindsey's seat. On June 13, 2024, the State Election Board issued the letter of reprimand to the Fulton County BRE and

DRE. Exhibit 3 (a copy of the June 13 letter of reprimand is attached hereto). The letter of reprimand found that the Fulton County DRE violated State Election Board rules regarding the double-scanning of ballots. It directed the Secretary of State, the State Election Board, and the Fulton County BRE to enter into a Memorandum of Understanding (MOU) regarding an election monitor by the August 2024 State Election Board meeting.

30. On July 9, 2024, the Secretary of State accepted a monitor proposal by Ryan Germany, the former General Counsel for the Secretary of State.

31. The Fulton County BRE received two proposals: one from Ryan Germany and one forwarded from SEB member Dr. Janice Johnston. After considering the two proposals, the Fulton County BRE voted to accept Mr. Germany's proposal at its July 11, 2024, meeting, and to reject the proposal submitted by State Election Board member Johnston. Exhibit 4 (copy of Fulton County BRE July 11, 2024, meeting minutes). Even if the Fulton BRE had wanted to accept the terms of the proposal it received from Dr. Johnston, it lacked basic terms such as whom to pay.

32. At the end of July, the Fulton County Board of Commissioners appointed Sherri Allen as Chair of the Fulton County BRE.

33. At the August 6-7 State Election Board meeting, Mr. Germany presented his proposal to the State Election Board. Additionally, Ms. Christine Probst made an oral presentation regarding monitors. In that presentation, she claimed that the proposal that Dr. Johnston had sent to the Fulton County BRE in July was "a draft proposal . . . a work in progress." Exhibit 5, at 444 (Excerpts of the Transcript of the State Election Board's August 8, 2024, meeting attached). The State Election Board took no action at the meeting regarding either

presentation, then tabled the discussion. The State Election Board did not send a copy of Ms. Probst's "final" proposal to the Fulton County BRE.

34. The State Election Board met again on August 19. At this meeting, State Election Board Chair Fervier announced that he had scheduled a meeting with Fulton County BRE Chair Allen to discuss the monitoring issue. That meeting took place on August 21, 2024.

35. During the August 21 meeting, Chair Fervier told Fulton County BRE Chair Allen that the State Election Board had asked him to meet with her to discuss the addition of 10 monitors to Mr. Germany's monitoring team. Fulton County BRE Chair Allen asked about the terms of the monitoring agreement and the names of the monitors proposed by the State Election Board. State Election Board Chair Fervier indicated that he would discuss it with the State Election Board and respond to Fulton County BRE Chair Allen.

36. After the August 21, 2024, meeting with Chair Fervier, Fulton County BRE Chair Allen asked Chair Fervier if the State Election Board wanted to make its proposal at the Fulton BRE's special meeting on August 29, 2024. Fulton County BRE Chair Allen also asked the Carter Center to appear to discuss monitoring of the November 2024 election. Chair Allen contacted the Carter Center, at the request of the Fulton County BRE members, to ensure the availability of at least one election monitoring team because, at that time, the Fulton County BRE was still waiting for the State Election Board proposal regarding monitors.

37. The State Election Board did not make an appearance at the August 29 meeting; the Carter Center appeared and made a presentation.

38. At the August 29 meeting, Fulton County BRE voted to reaffirm its previous decision to engage Mr. Germany's monitor team and voted that the Carter Center and Mr. Germany's team would work together to monitor the November election.

39. The Fulton County Board of Commissioners approved the agreement to have Mr. Germany's election monitoring team, along with the Carter Center, serve as election monitors during its September 4, 2024, meeting. Exhibit 6 (Fulton County Board of Commissioners meeting post agenda notes are attached).

40. The State Election Board met on Friday, September 20, and Monday, September 23. During those meetings, certain State Election Board members expressed frustration that the Fulton County BRE had executed, and begun implementing, Mr. Germany's monitoring agreement, and also expressed frustration that the Carter Center would be involved in monitoring. The State Election Board directed Chair Fervier to arrange another meeting to be attended by Chair Fervier, State Election Board member Johnston, and Fulton County BRE Chair Allen.

41. On September 30, 2024, State Election Board Chair Fervier, State Election Board member Johnston, and Fulton County BRE Chair Allen met to discuss several issues related to election monitoring. Dr. Johnston proposed additional monitors previously submitted to the Fulton County BRE and suggested that they could be compensated out of the Germany proposal budget. Ms. Allen also asked the State Election Board members for their legal authority to impose particular monitors; Dr. Johnston acknowledged there was none. State Election Board Member Johnston stated that if the Fulton County BRE did not agree to the additional monitors, the State Election Board would have no choice but to "disavow" Fulton County.

42. At 9:00 p.m. on October 1, 2024, State Election Board member Johnston sent Fulton County BRE Chair Allen an email requesting that she add an agenda item to the next day's Fulton County Board of Commissioners meeting. State Election Board member Johnston proposed eight additional monitors for the Fulton County Board of Commissioners to accept, six

of whom were listed on the “draft” proposal State Election Board member Johnston provided to the Fulton County BRE in July and that the Fulton County BRE rejected. Exhibit 7 (a copy of the October 1 email is attached).

43. At no time has the State Election Board presented an executable contract regarding additional monitors for the Fulton County BRE to consider, nor an MOU regarding these monitors for the Secretary of State and the Fulton County BRE to consider as required by the State Election Board’s own June 13, 2024, letter of reprimand.

44. The conduct by the State Election Board raises a justiciable case or controversy concerning an election for which early voting begins on October 15, 2024.

45. Petitioner seeks declaratory relief confirming the State Election Board’s authority for imposing remedial measures on the Fulton County BRE by ordering the Fulton County BRE to use certain election monitors for the upcoming 2024 election and injunctive relief enjoining the State Election Board from taking any acts against the Fulton County BRE inconsistent with the Court’s declaratory judgment.

COUNT I

REQUEST FOR DECLARATORY JUDGMENT AND INJUNCTIVE RELIEF REGARDING THE STATE ELECTION BOARD’S AUTHORITY TO ORDER THE FULTON COUNTY BRE TO USE CERTAIN ELECTION MONITORS (Violation of O.C.G.A. § 2-21-33.1(a))

46. Petitioner incorporates paragraphs 1 through 45 as if fully set forth herein.

47. O.C.G.A. § 21-2-33.1(a) grants the State Election Board certain enforcement powers in connection with actual or threatened violations of election law.

48. No provision of O.C.G.A. § 21-2-33.1(a) authorizes the State Election Board to appoint election monitors or to force a county’s election superintendent to utilize election monitors selected by the State Election Board.

49. A justiciable controversy exists between Petitioner and Respondent concerning whether the State Election Board may order the Fulton County BRE to utilize, and order Fulton County to pay for, certain election monitors that the Fulton County BRE already rejected.

50. A declaration is necessary to resolve uncertainty as to the State Election Board's and the Fulton County BRE's respective rights and to determine the propriety of the Fulton County BRE's future conduct.

51. The State Election Board's attempt to force the Fulton County BRE to use certain hand-picked monitors who already have been rejected by the Fulton County BRE has caused and will continue to cause Petitioner irreparable harm. Petitioner should prevail on the merits of this claim because the State Election Board is exceeding its authority under O.C.G.A. § 21-2-33.1(a). The public interest is served by having the State Election Board act within the scope and limits set forth in under O.C.G.A. § 21-2-33.1(a).

52. In accordance with O.C.G.A. § 9-4-3, Petitioner is entitled to a preliminary and permanent injunction enjoining the State Election Board from ordering the Fulton County BRE to accept the State Election Board's hand-picked monitors.

53. Accordingly, Petitioner seeks a declaration that the State Election Board does not have the authority to order the Fulton County BRE to retain, and Fulton County to pay for, certain election monitors who the Fulton County BRE previously rejected, as well as a preliminary and permanent injunction preventing the State Election Board from doing so.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays for the following relief:

- a. A judgment declaring that the State Election Board lacks authority to force the Fulton County BRE to utilize election monitors selected by the State Election Board but previously rejected by the Fulton County BRE.
- b. Preliminary and permanent injunctive relief enjoining any conduct of the State Election Board inconsistent with O.C.G.A. §§ 21-2-33.1, any declarations issued by the Court as requested by Petitioner, or both; and
- c. An order granting such other relief as is just and proper.

Respectfully submitted, this 7th day of October 2024.

/s/ Michael W. Tyler

Michael W. Tyler (Ga. Bar 721152)

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VERIFICATION

I verify that the facts set forth in the foregoing Verified Complaint are true and correct.

Executed on October 7, 2024.



Sherri Allen
Chair, Fulton County Board of Registration
and Elections

Sworn to and subscribed before me
this 7 day of October 2024, and
notarized by me on said date.



Notary Public

My Commission expires: 04-02-2027

[NOTARY STAMP / SEAL]



EXHIBIT 1

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PERFORMANCE REVIEW BOARD REPORT ON FULTON COUNTY ELECTIONS

January 13, 2022

Performance Review Board Members:

Ryan Germany

Stephen Day

Rickey Kittle

SUMMARY

- In prior years, disorganization and a lack of a sense of urgency in resolving issues plagued Fulton County elections. However, Fulton County has shown improvement in administering elections from 2020 to 2022. This improvement is due to a multitude of factors. Prior staff that oversaw elections, voter registration, redistricting, and absentee ballots are no longer with the office, and new staff can bring new energy and renewed commitment. Training, processes and procedures, and overall organization have all been improved as well, but those things need further improvement to ensure readiness and success in the 2024 election cycle.
- The Fulton County Board of Elections and Registration is engaged and helping to drive those improvements. Replacing the board would not be helpful and would in fact hinder the ongoing improvements to Fulton County elections.
- The County Manager's Office in Fulton County has continued to be involved in planning, strategizing, and preparing for upcoming elections, which has positively contributed to improved execution of elections.
- Like election officials across the state, Fulton County elections staff show daily dedication and effort in carrying out and seeking to improve the administration of elections in Fulton County. Director level staff and the Fulton County Board of Elections need to ensure that staff has the necessary tools and guidance to ensure best practices and compliance.
- The Performance Review Board members individually donated hundreds of hours to this project and The Carter Center donated almost 4000 people hours. Both observations (which were conducted independently) noted significant improvement from the 2020 election, but both also noticed things that could use additional improvement, including further improvements to training and processes.
- The existence of the Performance Review helped incentivize Fulton County to make improvements to their elections, but it took an enormous amount of donated work, and it is difficult to see how it is a sustainable process that can continue to positively influence election administration in Georgia without some reforms. A positive, proactive, and periodic review process, appropriately funded, designed to support and assist all counties with election process improvements could be more effective than the performance review process in its current iteration.
- While the Performance Review Process has seen improvement in Fulton County elections since the 2020 election, further improvement is still needed to ensure readiness for the 2024 presidential election cycle. Presidential election cycles see more voters than midterms and take even more planning and preparation to ensure successful execution. Georgia will be a competitive state in next year's elections, so election preparation needs to recognize that

Fulton County's actions (and all counties in Georgia, for that matter) will be heavily scrutinized by political parties, campaigns, candidates, and activist groups. To ensure successful execution of the 2024 election, Fulton County should continue the improvements it has already embarked on and prioritize the areas for improvement noted in this report. Those areas are:

- More contextualized poll worker training
- Environment of order, organization, and control
- Compliance with State Election Board Regulation regarding ballot review
- Planning and Preparation based on capacity and execution
- Review polling place layout
- Compliance with Georgia law regarding sequestration during early tabulation

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BACKGROUND ON FULTON COUNTY ELECTIONS

Fulton County has a long and well-documented history of issues administering elections.¹ The 2012 Presidential Election in Fulton County resulted in the largest fine ever issued by the State Election Board and required remedial training.² In that election failures in timely processing voter registration applications snowballed into significant issues for voters on Election Day.³ This “snowball” effect, where problems on Election Day are generally indicative of earlier failures in the election administration process, was also very present in the June 2020 primary in Fulton County.

The June 2020 Primary Election was marked by long lines and confusion in Fulton County. That election, which occurred during the brunt of the COVID-19 pandemic, was uniquely difficult from an election administration perspective. Massive increases in absentee ballots were difficult for all election officials to keep up with. Pandemic fears increased the already difficult task of recruiting and training poll workers and finding adequate polling locations. Georgia election officials faced the added difficulty of having to implement a new paper-ballot voting system during the 2020 Election Cycle. Implementing a new system always increases logistical and training issues, and issues due to the COVID-19 pandemic stretched election officials to their breaking point. But while every county in Georgia faced those issues, many Fulton County voters had a uniquely bad experience.

Some of the reasons for the issues in the June 2020 primary, in addition to the exigencies mentioned in the above paragraph, were outside Fulton County’s control. In addition to certain polling locations electing not to make themselves available due to the COVID-19 pandemic, other locations were not available due to previously existing remodeling schedules. This led to combining many precincts into one voting location and to utilizing locations that were not typically polling locations, such as Park Tavern in Midtown Atlanta. Fulton’s Chief Registrar at the time was hospitalized due to COVID-19 and another long-time employee passed away due to the virus. However, Fulton’s response to these circumstances added to the Election Day difficulties, specifically the hiring of poll workers on the weekend before Election Day and not ensuring adequate training of those poll workers.

Following the June 2020 Primary Election, the State Election Board considered multiple complaints regarding the election in Fulton County, including accusations that absentee ballot applications were not processed, that polling places did not open on time and did not have all required forms (such as recap sheets), and that poll workers were not adequately trained. The State Election Board found probable cause to send the complaints to the Attorney General’s office for

¹ “Fulton to Retool Absentee Vote System” *Atlanta Journal-Constitution* (1993); “Touch and No-Go in Fulton? Unreadiness for New Voting System Raises Florida Effect Fears” *Atlanta Journal-Constitution* (2002); “Fulton Needs ‘Wake-Up Call’” *The Macon Telegraph* (2008); “Claim: The ‘Error Rates’ for Fulton County Elections Department are ‘Well Below the Average, Rating: False’” *Politifact* (2012); “Fulton County Tries to Recover from Election Problems” *Athens Banner-Herald* (2014).

² [“State Approves Fulton Election Settlement.”](#) *Atlanta Journal-Constitution* (August 13, 2015).

³ [“Fulton Elections Investigation Sent to Attorney General.”](#) *Atlanta Journal-Constitution* (December 17, 2013).

further prosecution, but instructed the Attorney General's office, Secretary of State's office, and Fulton County to try to resolve these issues with an eye toward improving the issues prior to the November 2020 General Election.

In October 2020, Fulton County and the State Election Board agreed to a Consent Order to resolve the complaints stemming from the June 2020 Primary Election.⁴ That order included certain remedial measures that Fulton County agreed to implement prior to the November 2020 General Election as well as the appointment of an independent, non-partisan monitor. The consulting firm Seven Hills Strategies was appointed by the State Election Board as the independent monitor. Carter Jones, of Seven Hills Strategies, spent more than 270 hours observing all aspects of Fulton County's election processes and was granted full access by Fulton County.⁵ Seven Hills Strategies' report noted that it saw no instances of dishonesty, fraud, or intentional malfeasance, but that it did see areas of disorganization, sloppiness, and mismanagement.⁶

REQUEST FROM GENERAL ASSEMBLY FOR PERFORMANCE REVIEW

On July 15, 2021, Senate President Pro Tempore Butch Miller and twenty-two of his Republican colleagues in the Georgia Senate sent a letter to Rick Barron, then-Director of the Fulton County Board of Elections and Registration, requesting answers to questions regarding the double-scanning of nearly 200 ballots and Fulton County's audit tally sheets. Senator Miller requested a response by July 22, 2021. On July 21, 2021, Mr. Barron responded that he wanted to provide answers to the inquiries but that he needed approval from the Fulton County Board of Elections prior to sending responses, that the next board meeting was scheduled for August 12, 2021, and that he would not be able to meet the requested deadline.

On July 27, 2021, Senators Matt Brass, Kay Kirkpatrick, and John Albers (Republican members of the Senate Fulton County delegation), along with twenty-two other members of the Senate Republican caucus, sent a letter to the State Election Board invoking O.C.G.A. § 21-2-106 and requesting a performance review of Fulton County based on their failure to respond to Senator Miller's questions.

On July 30, 2021, Speaker Pro Tempore Jan Jones of the Georgia House of Representatives, joined by four other Republican members of the Fulton County delegation in the House of Representatives, joined their Senate colleagues' request for a performance review of Fulton County elections, mentioning the same issues as their Senate colleagues in addition to "persistent sloppiness in election processes over multiple election cycles."

⁴ "Consent Order." State Election Board Cases 2020-016 and 2020-027, attached hereto as Exhibit A.

⁵ "State Election Board Report- Post Election Executive Summary" *Seven Hills Strategies* (February 16, 2021), attached hereto as Exhibit B.

⁶ "[Report Shows No Fraud But Many Problems with Fulton Voting Process.](#)" Georgia Public Broadcasting. (February 17, 2021).

PERFORMANCE REVIEW PROCESS

On August 18, 2021, pursuant to the request from the requisite members of the General Assembly, the State Election Board appointed a Performance Review Board consisting of Stephen Day, member and former Chair of the Gwinnett County Board of Elections; Ryan Germany, General Counsel for the Office of the Secretary of State; and Rickey Kittle, Chair of the Catoosa County Board of Elections.

O.C.G.A. § 21-2-106 states that the duty of the performance review board is “to make a thorough and complete investigation of the local election official with respect to all actions of the local election official regarding the technical competency in the maintenance and operation of election equipment, proper administration and oversight of registration and elections, and compliance with state law and regulations.” “Local election official” is defined in relevant part to this performance review by O.C.G.A. § 21-2-105 as “a county board of elections or a county board of elections and registration.”

After completing that thorough and complete investigation, the performance review board is to “issue a written report of its findings to the Secretary of State, the State Election Board, and the local governing authority which shall include such evaluations, judgments, and recommendations as it deems appropriate.” O.C.G.A. § 21-2-106(b).

The Performance Review Board utilized a multi-faceted approach to accomplish the required “thorough and complete investigation,” which spanned across the municipal elections in 2021, the redistricting process, and the 2022 election cycle. We reviewed existing documentation regarding Fulton County elections, particularly the report of independent-monitor Seven Hills Strategies. We conducted an interview with Carter Jones, the author of that report, to get his insights into the performance review process and into Fulton County elections generally. The Performance Review Board itself observed pre-election, Election Day, and post-election processes at Fulton County in both the 2021 municipal elections and the 2022 general and runoff elections. This observation included at least four separate visits to the Fulton County Election Processing Center during the 2021 and 2022 elections to observe absentee by mail processes, equipment and paperwork return, vote tabulation and uploading, and other operations. It also included visits to at least nine different election day polling places and seven separate advance voting locations.

In addition to the observation of the Performance Review Board, The Carter Center, which has observed more than 100 elections in 39 countries since 1989, was invited by the Performance Review Board and the Fulton County Board of Elections to observe the November 2022 General Election in Fulton County. The thorough investigation that the Performance Review Board conducted would not have been possible without the independent observation efforts of The Carter Center. The Carter Center greatly expanded the reach of the three-person Performance Review Board, who each had other election-related duties to attend to during the 2022 election cycle. The Carter Center contributed almost 4000 people hours to observation, as well as recruiting, managing, and training their observers and then analyzing and reporting the data they gathered. Their assistance was invaluable, and their work was of the highest quality. The Performance Review Board is exceedingly grateful to The Carter Center for their time and effort.⁷

⁷ “2022 General Election Observation: Fulton County, Georgia.” *The Carter Center*. Attached hereto as Exhibit C.

The Performance Review Board conducted formal interviews of key current and former staff members at Fulton County elections, reviewed Standard Operating Procedures, compared those Standard Operating Procedures to procedures in other counties, and interviewed members of the Fulton County Board of Elections.⁸ We also were in close contact with the Secretary of State's Investigations Division and Elections Division as they looked into issues that were relevant to the ongoing review, including redistricting following the 2021 Census and processing of absentee ballot and absentee ballot applications.

OBSERVATIONS

2020 Election Cycle

Before moving to the observations of the Performance Review Board, this section will discuss the 2020 elections in Fulton County based on our review of Seven Hills Strategies' report, interview with Carter Jones, discussions with Secretary of State Elections Divisions, and review of Secretary of State investigations. We will then move to the current status of Fulton County's elections process with the intent of showing the marked improvement in both preparation and performance from 2020 to 2022.

Regarding the 2020 elections that occurred prior to the outset of the performance review process, our interviews and review of materials confirmed much of what has already been written about those elections in Fulton County. In our interview with Carter Jones, the author of the Seven Hills Strategies report, we found him to be knowledgeable, fair, and well-informed regarding Fulton County operations. We concur in his finding that we did not see any indications of fraud, dishonesty, or intentional malfeasance in the 2020 election results in Fulton County, but we did see how a lack of careful planning and precision in ensuring that processes were strictly followed led to errors and to an overall environment that appeared unorganized. In an election with as much interest from voters, media, and others around the country and world, the organizational deficiencies identified in Seven Hills Strategies' report were apparent to voters, observers, and media.

For example, in a pattern that echoed the issues from the 2012 General Election (where a failure to timely process voter registration applications led to difficulties on Election Day), the June 2020 Primary Election saw a failure to timely process absentee ballot applications "snowball" into voter frustration, a high number of absentee ballot requests being cancelled, and long lines on Election Day. In June 2020, these issues were exacerbated due to policies that Fulton County put in place to respond to the COVID-19 pandemic and by issues outside the control of Fulton County (long-time polling places choosing not to make themselves available due to COVID-19, other polling places being closed for previously scheduled remodels, etc.).

⁸ The two Republican Party-appointed members of the Fulton County Board of Elections did not respond to requests for interviews.

While the November 2020 General Election and January 2021 Runoff Election were smoother than the June 2020 Primary (in large part thanks to the remedial measures from the October 2020 Consent Order) Seven Hills Strategies still observed areas where a lack of precision and strict adherence to policies and rules made post-election activities more difficult. Again, many of these difficulties were exacerbated due to policies the Fulton County Board of Elections and Registration chose to put in place in response to the COVID-19 pandemic and by a post-2020 election environment filled with misinformation and false allegations that increased the difficulty of performing all election-related tasks.

Secretary of State Investigators who investigated complaints regarding the November 2020 General Election in Fulton County elections had similar findings to the Seven Hills Strategies' report—no evidence of fraud, dishonesty, or intentional misconduct, but persistent disorganization that made it difficult to get to the bottom of certain claims. Our review reaches a similar conclusion—we do not see any evidence of fraud, intentional misconduct, or large systematic issues that would have affected the result of the November 2020 election. The fact that three separate counts of the 2020 presidential race in Fulton County (initial count, hand-audit count, and machine recount) all showed very similar results supports this conclusion.

Hand-Count Audit of 2020 Presidential Race

One example of Fulton County's disorganization leading to errors and those errors being used to make claims of fraud are the allegations regarding the hand-count audit of the November 2020 Presidential contest that were investigated by Secretary of State Investigators in Case No. SEB 2021-181. In that case, citizen-activists brought to light errors made on tally sheets and in data entry. In a presentation to the State Election Board on March 18, 2022, Secretary of State Investigators confirmed data-entry errors in Fulton County but found that the citizen-activists conclusions (that such errors obviated the usefulness of the hand-count) were not substantiated.

Independent audit experts confirmed to Secretary of State Investigators that some amount of human error is expected in large hand-counts and that the types of errors seen in the Fulton County audit are the typical types of errors that are seen in hand tabulations. As part of that investigation, Fulton County stated that one reason for the errors was that the Arlo system used for the audit did not have required naming conventions for batches and allowed counties to utilize their own naming conventions. However, the fact that Fulton County did not use standardized naming conventions in their hand audit of the 2020 presidential race indicates a failure of planning and execution to avoid a predictable issue, not something that should be blamed on the Arlo system. The State Election Board referred Case No. SEB 2021-181 to the Attorney General's office, and it remains there for final resolution.

Additional contributing factors to the challenges that occurred in Fulton County's hand-audit that were outside of the county's control include that this was the first election with paper ballots in more than twenty years, so this was the first time the county had put in place and executed paper ballot batch management procedures for such a large number of ballots. Due to its status as the largest county with the greatest number of votes to count, Fulton also ran up against the deadline to complete the hand-count audit and was not able to do reconciliation checks of its data entry.

Other counties, including large counties, did have time to check their data entry and caught and corrected errors prior to submission. A full hand-count audit was not something that was planned for or expected in any county. It came about due to the state's new audit requirement and the fact that the margin of the race for president (the contest selected for the audit) was incredibly small, so counties were not allowed much time to plan and train prior to execution of the audit. The environment post-election in Fulton County in 2020 was also extremely difficult to operate in given an influx of poll-watchers and public from around the country that made even regular operations difficult. Of course, policies put in place to respond to the COVID-19 pandemic also contributed to these difficulties.

In conclusion, Secretary of State Investigators did confirm the existence of errors in the Fulton County audit, but independent audit experts confirmed that the existence of those errors was not surprising given the expected error rates in hand counts, the fact that Fulton did not have time to double check data entry, and the other circumstances surrounding the audit. Those same experts confirmed that some level of data entry errors are expected in a full hand-count, and they do not alter the overall conclusion of the audit, which confirmed that Joe Biden won the 2020 presidential race in Georgia.

Double-Scanning of Ballots

One of the allegations leading to the General Assembly's request for this review was that ballots were double scanned. As has already been reported, Secretary Investigators substantiated the allegations that two batches totaling almost 200 ballots were double scanned during the initial count of the November 2020 election.⁹ As one election expert said, and the Performance Review Board concurs, double-scanning of ballots is "something that should never happen."¹⁰ Contributing factors in this case likely include poor batch management and storage practices (also a contributing factor in errors in the hand-count audit and the recount), a time crunch created by the failure to utilize the early scanning period, and significantly heavier usage of central scanners due to the massive increase in absentee ballots resulting from the COVID-19 pandemic and a corresponding increase in paper jams.

The January 2021 U.S. Senate Runoff

The January 2021 U.S. Senate Runoff Election showed improvements from the November 2020 General Election, most notably in that Fulton County took advantage of the early scanning period for absentee ballots, which decreases the time crunch and rush to scan the ballots (increasing accuracy) and leads to faster posting of results on Election Day. Other reasons for these improvements include the fact that election officials and poll workers had more experience running elections with the new equipment, a decrease in the number of absentee ballots to issue and process, and greater familiarity with COVID-19 protocols.

⁹ ["Some Ballots Initially Double-Counted in Fulton Before Recount."](#) *Atlanta Journal-Constitution*. (July 13, 2021).

¹⁰ *Id.*

2021 Municipal Elections

After being appointed in August 2021, the first elections that the Performance Review Board observed in Fulton County were the 2021 municipal elections administered by Fulton County. These elections are orders of magnitude smaller than a presidential or midterm General Election, but they are still valuable to see how a county performs essential election functions. The 2021 municipal elections were significantly smoother than the 2020 elections in Fulton. On Election Night, one performance review board member was present at the Election Processing Center and spoke with Mr. Foris Webb, III, the Atlanta Municipal Clerk. Mr. Webb has observed elections in Fulton County (municipal elections, but also county, state, and federal elections) for 24 years, and he stated that the 2021 municipal election in Fulton was the smoothest one he had observed to date.

The Performance Review Board observation similarly showed smooth operations and significant improvement from the 2020 election. Some of this improvement is undoubtedly due to the fact that a municipal election is much smaller than a presidential election, but it also seemed that Fulton had improved some of their processes since 2020.

One area that contributed to the improvement in operations was staffing. Fulton County created and filled several key and new management positions. These new positions include a Deputy Director, an Absentee Ballot Manager, and a Manager for the Ballot Marking Equipment. The additional managers had staff focused on their areas, allowing for responsibilities to be more spread out and better executed.

Absentee Ballot Process

One example of improvement was identified during our observation of absentee ballot procedures. Following the 2020 election cycle, Fulton County split responsibility for managing the absentee ballot process and the registration process, which had been under one manager. Fulton County created and filled a new position of the Absentee Ballot Manager who supervised staff dedicated to absentee ballots. The Absentee Ballot Manager was new to her role in 2021 and had not been in charge of absentee ballots in 2020. This change seems to have resulted in significant process improvements. Our observation was that the processes put in place by the Absentee Ballot Manager were effective and compliant with Georgia law. The location where absentee ballot processing occurred was set up to ensure a good flow of the process while ensuring ballot security and allowing required transparency to poll watchers. The Absentee Ballot Manager stated that part of the training conducted for staff executing those processes is making sure they are aware of how important the task is to the success of the overall election and focuses on quality control.

Equipment Handling

Another issue Fulton County addressed following the 2020 election was to split responsibilities for managing ballot marking devices and other election site supplies. Fulton County hired a new manager responsible for ballot marking devices and assigned technicians to specific polling sites to address issues with the equipment. Fulton County also implemented a supply scanning system

that allowed more accurate and timely tracking of supplies and equipment. While this supply scanning system does not appear fully implemented, it is a positive step.

Advance Voting

We also observed several advance voting sites, including Sandy Springs Library and Metropolitan Library. At both locations, voting was proceeding smoothly with almost no wait time. Fulton had added a person to advance voting locations to ensure that voter credit was promptly and properly given in the ENET voter registration system and reconciled ENET voter credit with paper Advance Voting Ballot Applications filled out at the time of check-in. This reconciliation check is a noted improvement and shows increased attention to these important processes.

The Performance Review Board also observed advance voting at Buckhead Library and C.T. Martin Natatorium. The observation of those two locations occurred on the last day of early voting so traffic was heavier. Buckhead Library had some poll workers who did not show up that day and was experiencing long lines to vote. The check-in process was going smoothly, but we observed that some check-in stations were not being utilized due to the lack of staff. Buckhead Library is a popular voting location, but the setup is a bit cramped due to space that's available. On that same day, C.T. Martin Natatorium had a full complement of poll workers and kept a short line to vote. The facility at C.T. Martin Natatorium is bigger and allowed for more ease of movement.¹¹ We also noticed that the poll manager at C.T. Martin would jump-in to staff a check-in station when the line got long, which seemed to really set a good tone for all poll workers at that location.

Election Day

On Election Day for the municipal elections in November 2021, the Performance Review Board had a presence at Fulton County Election Headquarters, at the Election Processing Center, and at polling places around the county. At headquarters, Fulton County has an impressive system of logging issues that are reported at different polling places. But the overall atmosphere still seemed disorganized and reported issues did not seem to result in a sense of urgency to resolve. The Performance Review Board was able to visit locations that had specific issues reported such as North Springs High School in Sandy Springs and Independence High School in Roswell. Overall, voter experience on Election Day seemed to be smooth. Typical turnout during municipal elections is significantly lower than in a presidential or midterm election, so issues are able to be resolved without leading to major backups in voting. The two issues discussed below are indicative of the types of issues that can occur when administering an election.

¹¹ Finding good, centrally located polling locations that have sufficient space, parking, accessibility, security, etc. is a difficulty for election officials across the country, especially in urban environments and even more so since schools have understandably stepped back from being polling locations. We conclude that Fulton County does a good job managing this difficulty. Fulton County election seems to have a very good relationship with the Fulton County library system, and while the available space in libraries is not always large, libraries provide good accessibility, availability, and are under county control. We also understand that library staff has also been trained to assist in some election tasks, which could be a huge benefit. The Performance Review Board recognizes the vital assistance the Fulton County Library System plays in ensuring that Fulton County can continue improving administration of elections.

At North Springs High School, the poll manager noticed she was missing the key to the cabinets that store the ballot marking devices and scanners. Even though she reported this issue the Saturday before the election, the key to the cabinets was not delivered until 10:00 a.m. on Election Day. To the poll manager's credit, she utilized available backup procedures (i.e., emergency paper ballots) to ensure that voting was able to occur beginning at 7:00 a.m. on Election Day.

At Independence High School in Roswell, the equipment was delivered to the location much later in the day before the election than was scheduled (schedule for 2:00 p.m. but did not arrive until 8:30-9:30 p.m.). The equipment was incorrectly delivered to a cafeteria downstairs, but the poll manager was told by school officials that was not the proper place. The poll manager alerted Fulton County on Monday night that the equipment needed to be moved to a different location. She was told that a logistics team would be present at 5:00 a.m. on Election Day to move the equipment, but that team did not show up until 1:00 p.m. on Election Day. Fortunately, the poll officials (all female), took the initiative to manually move the necessary equipment themselves up a steep incline. They were up and running by the time the polls opened at 7:00 a.m. and had no delays to opening.

These examples both show poll managers utilizing their training and showing initiative to successfully resolve issues. The fact that backup procedures were utilized to ensure that voters were still able to vote without delay shows a massive improvement from the June 2020 Primary. However, the issues at both of those locations were ones that could have been avoided by better control and execution of the equipment delivery process.¹² These issues were also both noticed by poll managers well in advance of opening of the polls, and a quicker response from Fulton County would have mitigated the need for the extra steps that had to be taken by poll officials.

At the Election Processing Center on Election Night, we observed that the system for tracking memory cards that had already been uploaded was disorganized. Fulton County actually had to recertify their election results after the Secretary of State's office pointed out to them that certain checks did not add up. Fulton County found memory cards that had not been uploaded. This is something that should never happen, would not happen with better organization, and would be caught with better checks and balances.

Redistricting

After the 2021 municipal elections and prior to the 2022 elections, all counties in Georgia had to redistrict voters following the new district maps passed by the General Assembly following the decennial census. Just like voter registration and the absentee ballot process, redistricting is an essential election process where errors can "snowball" into voters being in the wrong location, long lines, and confusion on Election Day. The Secretary of State's Elections Division, particularly Deputy State Elections Director Dr. Jesse Harris, communicated frequently with Fulton about their redistricting. Utilizing a mapping tool, the Secretary of State's office checked all counties state and federal redistricting work to identify voters that may have been placed in the wrong district

¹² One of the improvements observed in the 2022 election cycle by both the Performance Review Board and The Carter Center was improved organization in the warehouse. This improvement, if it is kept up, should help to minimize issues with equipment delivery moving forward.

and flagged those records for counties to review. In one of the initial checks, the mapping software identified approximately 30,000 records for counties to review. Approximately 20,000 of those records were in Fulton County.

Fulton County had new staff in charge of redistricting. Once the information regarding potential errors was brought to their attention, they worked diligently to resolve any issues. Fulton County also separately contracted with a mapping service to help them check their work for county level districts. Due to the delay in the census caused by COVID-19, which caused maps to be passed by the General Assembly later than in previous cycles, the corrections that Fulton County was making were occurring closer to the May primary than is ideal. It also became clear that Fulton had not prioritized monthly and annual “street maintenance” (the process that ensures that street names and numbers in the voter registration database are updated to account for new development).

In other large counties, street maintenance is a monthly process regardless of whether redistricting is occurring. As a result of neglecting the street maintenance process, the new staff in Fulton had to spend significant time “catching up” on tasks that ideally would have been completed prior to redistricting. However, at the end of the process, one expert at the Secretary of State’s office said that he thought Fulton’s voter database was in better shape than it had been in a long time. This was due to dedicated effort by Fulton County elections staff, support from others in Fulton County, (including the County Manager) to ensure that elections had the resources they needed, and assistance from the Secretary of State’s office.

2022 Election Cycle

In an effort to expand the reach of the three-member Performance Review Board and to further inform the review, the Performance Review Board and the Fulton County Board of Elections and Registration entered into an agreement with The Carter Center to provide independent, non-partisan observation¹³ of Fulton County’s election. In addition to The Carter Center’s observation, the Performance Review Board also conducted some limited observations of advance voting and processes at Fulton’s Election Preparation Center when advance voting equipment and ballots were being returned.¹⁴

During advance voting in the November General Election, The Carter Center deployed 64 observers to all 36 early voting locations and the four “outreach” advance voting locations, collecting over 330 observation reports on advance voting. On Election Day, the Center deployed 104 observers to 217 of the 249 polling places in Fulton County. The Carter Center also observed absentee ballot processing, election night drop-off, and tabulation. Their analysis is based on direct

¹³ “Nonpartisan election observation is an impartial process where observers systematically gather data determine whether an election was fair, peaceful, and credible... [N]onpartisan observers have no stake in the election outcome. They do not interfere in the election day process, even if they see something take place that should not happen. They are trained to understand the election process as specified by law and report on whether election day procedures are being correctly followed.” The Carter Center Report on Observation of Fulton County Election, pg. 5.

¹⁴ Due to the fact that the Performance Review Board members have election-related duties that they must also attend to, the members were limited in what observations they could perform in the November 2022 election. The Carter Center observation was vital to the ability to complete the review in a timely fashion.

observation, desk analysis of documents provided by Fulton County, and conversations with Fulton County staff.

The Carter Center's observation and the Performance Review Board's observations were conducted independently from each other, but both reached similar conclusions. The Performance Review Board observed dedicated poll workers working efficiently to process voters. Voter check-in was proceeding smoothly at the locations we observed (Buckhead Library and Chastain Park), averaging between 55 seconds and 2 minutes and 55 seconds per voter. The overall process was more organized than 2021, which was more organized than 2020. This conclusion was echoed by the poll manager at Chastain Park and by Fulton County elections staff. We also observed that the Elections Preparation Center looked cleaner and more organized than it had in 2021. Fulton County had also implemented a new inventory tracking system that aimed to help with equipment delivery and return. The inventory tracking system is not perfectly implemented yet, but the fact that they have added it shows a recognition of the importance of organization and preparation to the overall election process.

The Carter Center observed that both advance voting and Election Day were calm and peaceful. During advance voting, lines were generally short, ranging from no line to a maximum of 25 minutes. The last day of advance voting saw longer lines (also noted by the Performance Review Board observation). On Election Day, lines generally stayed under 15 minutes throughout the day. Most voters waited far less than 15 minutes, with 57% of observed polling places having no line at all and 38% had lines of 5 minutes or less. Lines at opening were manageable at all observed locations. The longest line at opening at an observed location was 43 people and observers reported that it was cleared quickly. The Carter Center also noted that the presence of compliance officer during advance voting, tasked with ensuring reconciliation of voter credit and voter check-in throughout the day, and a technical specialist, tasked with troubleshooting equipment issues, helped streamline processes.

The Carter Center also noted that election workers were generally friendly, enthusiastic, and helpful to voters, and that there was a strong emphasis on customer service. This is no small task given that workdays could be up to 14 hours.

The Carter Center observed good processes for tracking and processing absentee ballot applications and absentee ballots, similar to what the Performance Review Board observed in 2021. They noted that absentee ballot applications were received by the mailroom, timestamped, opened, and batched in groups of 50 for processing, with batch cover sheets used to track each group of 50 through the process, recording the total accepted or rejected. Applications were processed and reconciled to the voter registration database each night.

In another big improvement from the November 2020 election, Fulton County fully utilized the early scanning period to scan verified and accepted absentee ballots prior to Election Day. Utilizing this time period (codified in Georgia law by S.B. 202 following the 2020 election) allows absentee ballot scanning to be less of a rush, provides more time for quality control checks, and still allows the county to get results posted quickly after the polls close. Observers witnessed absentee ballot processing from initial receipt through verification and tabulation. Best practices were observed at

each step of the process, including using small batches, tracking each batch via a cover sheet that logged any ballots that were removed (e.g., ballots rejected during verification), and reconciling counts of ballots at various stages throughout the process. Following processes like this in an organized fashion is what ensures that the double-scanning of ballots that occurred in 2020 is not something that happens again. One other improvement noted by the Performance Review Board from 2021 to 2022 was a more organized system for storing memory cards when they are returned to the Election Processing Center for tabulation.

AREAS FOR IMPROVEMENT

Both The Carter Center and Performance Review Board observed significant improvements since 2020, but observers also noted things that could use further improvement.

While poll workers generally seemed better-trained in 2022 than 2020 given that essential functions were successfully performed with relative uniformity, poll worker training can still be improved. The Carter Center observers noted that more contextualized training that helped poll officials understand the big picture “why” of certain administrative steps would be beneficial. For example, the processes of checking seals and properly filling out recap sheets were completed by poll officials, but there did not seem to always be an understanding of why and how these processes were undertaken. Both of those processes are important for overall system security and for public confidence in elections, and both are also ways to potentially find any issues at the point where they can still be easily resolved.

General organization can continue to improve as well. While the reality is that there is no such thing as a mistake-free election, a tightly organized environment lessens the opportunity for mistakes and increases the probability of catching mistakes. For example, in the May 2022 Primary Election, just like in the November 2021 Municipal Election, the Secretary of State’s office noticed that Fulton County did not upload all memory cards that contained votes. The issue was resolved prior to certification, but it’s something that should not have happened and, at the very least, should have been caught with basic reconciliation checks.

Another observation that can be resolved through better training is compliance with the State Election Board regulation that requires the poll official stationed at the ballot scanner to “offer each voter specific verbal instruction to review their printed ballot prior to scanning it.”¹⁵

The Carter Center also noted that the “outreach” locations opened on college campuses for advance voting had the most significant staffing challenges, with poll managers having to give inexperienced staff on-the-job training. These locations were not initially planned to be advance voting locations, but they were added at the request of activist groups.¹⁶ Preparation and planning is vital to successful election administration. In determining plans for polling locations, we assume the Fulton County Board of Elections and Registration is already taking into account what can

¹⁵ Georgia Rules and Regulations 183-1-12-.11(8).

¹⁶ [“Following ACLU Complaint, Fulton to Host Voting on College Campuses.”](#) *Atlanta Journal-Constitution*. (August 11, 2022).

feasibly be accomplished by available resources and staff. Altering plans at the request of activist groups, who may be driven by motivations other than Fulton County executing a smooth election, can lead to the significant staffing challenges that The Carter Center observed.

We have already mentioned that finding suitable polling places is a difficulty for all, and especially urban, election officials. But one thing Fulton can pay more attention to is the layout of equipment at polling places. Voter privacy, voter flow, and appropriate transparency for certified partisan monitors should all be considered when determining setup and layout. Of course, given that available space will not always be perfect, it is not always possible to maximize each of those considerations, but polling place setup should be intentional and thought through.

One area noted by The Carter Center where significant improvement is needed is in following the sequestration requirements of O.C.G.A. § 21-2-386(a)(6) during early tabulation.¹⁷ Fulton County should be applauded for taking advantage of both the early processing and early tabulating opportunities offered by Georgia law. Early processing and early tabulation ensure that sufficient time and care can be offered to those vital processes, which increases accuracy, while still allowing timely reporting of results. But the rules in place that allow for those processes to be done securely must be followed to ensure fairness and confidence.

Fulton County also has relatively new staff managing certain process since the 2020 election. The Performance Review Board's observation is that staff is dedicated and open to improvements when the necessary tools and guidance are provided. As The Carter Center stated well:

Election processes are complex logistical exercises. As such, there are always opportunities for continuous improvement of processes to bolster efficiency and maximize appropriate and contextualized transparency. This process of continuous improvement relies on the observation of systems and processes and the creation of monitored feedback loops so that lessons from one election can be integrated into systems to improve future elections.

We hope that Fulton County will continue to build on the significant improvements that our review has noted since the 2020 election cycle.

Fulton County's Future Plans

In addition to the improvements that the Performance Review Board and The Carter Center were able to observe, Fulton County has also taken other steps that we believe can lead to even further improvements in future elections.

¹⁷ Georgia law, clarified by S.B. 202, allows for both an early processing period where absentee ballots can be scanned but not tabulated (i.e. election officials can essentially do everything to prepare absentee ballots for tabulation but not yet tabulate) and a period beginning at 7:00 a.m. on Election Day where absentee ballots can be tabulated as long as all participants are sequestered so that results cannot be know by anyone outside that room until the polls close.

Elections Central Location

Many of the issues in 2020 were caused by or at least exacerbated by the fact that tasks and personnel were spread across many different locations. This was even more so the case in 2020 due to processes put in place to respond to the COVID-19 pandemic, but even outside of pandemic circumstances, Fulton County election operations are spread across multiple locations.

In Spring 2023, Fulton County plans to move to one central location (“Elections Central”) where they will be able to conduct all election operations. Elections Central should reduce miscommunication and allow more visibility to managerial staff. Elections Central also shows the commitment of the Fulton County Commission to ensuring that Fulton County Elections has the resources they need to be successful.

Budget Priority

Along the same lines as the move to Elections Central, it became clear through our interviews that the Fulton County Commission now takes the budget needs of Fulton County Elections more seriously. One benefit of all the challenges from the 2020 election is that it showed people other than just election officials that election administration is a difficult and complicated logistical operation. Executing elections with the precision, integrity, and voter convenience that Georgia voters deserve and election officials want takes adequate resources.

We did not review the Fulton County Elections budget as part of this review, so we cannot speak to specifically to that issue. We have heard some rumblings that Fulton County Elections is overfunded. We are not able to speak specifically to that allegation, but it is the opinion of the Performance Review Board that elections in Georgia have generally been underfunded, not overfunded.

Improvements to Poll Worker Training

Even before The Carter Center’s observation noted that some improvements to training would be beneficial, members of the Fulton County Board of Elections had already identified improvements to poll worker training. This came across in our interviews with Cathy Woolard, Chair of the Board, and Teri Crawford, one of the members. Apparently, certain poll managers noticed some weaknesses in training and approached the board about reworking the training manual. We understand that project is in progress. It is also encouraging that the poll managers themselves sought out to improve the training.

CONCLUSIONS AND RECOMMENDATIONS

- In prior years, disorganization and a lack of a sense of urgency in resolving issues plagued Fulton County elections. However, Fulton County has shown improvement in administering elections from 2020 to 2022. This improvement is due to a multitude of factors. Prior staff that oversaw elections, voter registration, redistricting, and absentee ballots are no longer with the office, and new staff can bring new energy and renewed commitment. Training, processes and procedures, and overall organization have all been improved as well, but those things need further improvement to ensure readiness and success in the 2024 election cycle.
- The Fulton County Board of Elections and Registration is engaged and helping to drive those improvements. Replacing the board would not be helpful and would in fact hinder the ongoing improvements to Fulton County elections.
- The County Manager's Office in Fulton County has continued to be involved in planning, strategizing, and preparing for upcoming elections, which has positively contributed to improved execution of elections.
- Like election officials across the state, Fulton County elections staff show daily dedication and effort in carrying out and seeking to improve the administration of elections in Fulton County. Director level staff and the Fulton County Board of Elections need to ensure that staff has the necessary tools and guidance to ensure best practices and compliance.
- The Performance Review Board members individually donated hundreds of hours to this project and The Carter Center donated almost 4000 people hours. Both observations (which were conducted independently) noted significant improvement from the 2020 election, but both also noticed things that could use additional improvement, including further improvements to training and processes.
- The existence of the Performance Review helped incentivize Fulton County to make improvements to their elections, but it took an enormous amount of donated work, and it is difficult to see how it is a sustainable process that can continue to positively influence election administration in Georgia without some reforms. A positive, proactive, and periodic review process, appropriately funded, designed to support and assist all counties with election process improvements could be more effective than the performance review process in its current iteration.
- While the Performance Review Board has seen improvement in Fulton County elections since the 2020 election, further improvement is still needed to ensure readiness for the 2024 presidential election cycle. Presidential election cycles see more voters than midterms and take even more planning and preparation to ensure successful execution. Georgia will be a competitive state in next year's elections, so election preparation needs to recognize that

Fulton County's actions (and all counties in Georgia, for that matter) will be heavily scrutinized by political parties, campaigns, candidates, and activist groups. To ensure successful execution of the 2024 election, Fulton County should continue the improvements it has already embarked on and prioritize the areas for improvement noted in this report. Those areas are:

- More contextualized poll worker training
- Environment of order, organization, and control
- Compliance with State Election Board Regulation regarding ballot review
- Planning and Preparation based on capacity and execution
- Review polling place layout
- Compliance with Georgia law regarding sequestration during early tabulation

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EXHIBIT 2

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1 THE OFFICE OF SECRETARY OF STATE
2 STATE OF GEORGIA

3 IN THE MATTER OF:
4 STATE ELECTION BOARD MEETING

5
6 Tuesday, May 7, 2024,
7 9:30 a.m.
8
9

10
11
12
13 **APPEARANCE OF THE PANEL**

14 John Fervier, Chair
15 Sara Tindall Ghazal
16 Rick Jeffries (by phone)
17 Janice Johnston
18 Ed Lindsey
19 Michael Coan, Executive Director
20

21 Mary K McMahan, CCR
22 Steven Ray Green Court Reporting LLC
23 Atlanta, Georgia 30324
24 (404) 733-6070
25

1 this because we have already heard this case
2 multiple times. We have referred it. We have
3 had a performance review board. So I would
4 submit a motion to dismiss.

5 **MR. FERVIER:** There is a motion to dismiss
6 this from member Ghazal. Is there a second?
7 Hearing no second, the motion does not move. The
8 chair will entertain any other motion a member
9 might have.

10 **DR. JOHNSTON:** I would like to make one.

11 **MR. FERVIER:** Pardon me?

12 **DR. JOHNSTON:** Certainly, Mr. Chairman.

13 **MR. FERVIER:** Yes.

14 **DR. JOHNSTON:** Okay. There is enough
15 evidence to suggest that the respondents violated
16 Georgia election laws and State Election Board
17 rules to such an excess that we should be
18 embarrassed for the Fulton County registration
19 and elections, we should be embarrassed for the
20 chief election official of Georgia and its
21 election division, and, yes, we should be
22 embarrassed for the State Election Board and its
23 dysfunction in handling this case.

24 The facts tell the story of a county's
25 negligent conduct of an election and reveals the

1 reality of how difficult it is to have one's
2 grievances addressed in a timely manner, if at
3 all. When -- but this complaint, especially
4 coupled with the full hand-count audit complaint
5 by the same complainants suggests election
6 conduct that is unacceptable.

7 And the State Election Board should address
8 each complaint and then consider the appropriate
9 action. First, the problem with election day
10 count and the failure to properly secure,
11 protect, and document the safety and authenticity
12 of the votes from ten advance voting locations is
13 appalling. Record -- recordkeeping is abysmal.
14 Proper documentation to ensure the public that
15 votes or ballot boxes have not been tampered with
16 is shamefully poor.

17 The opportunity to electronically stuff the
18 ballot box was obviously available and that has
19 left a film of doubt and suspicion over Fulton
20 County that may be impossible to wipe away unless
21 something is done to ensure that it's not --
22 there's not a repeat of multiple violations.

23 Second, as far as the complaint of the
24 recount, someone should be held accountable for
25 the adding votes electronically or failing or

1 refusing to produce ballot images to the
2 complainants and maybe even the court or for
3 double-scanning of ballots. Dominion claims its
4 machines do not allow double-scanning of
5 thousands of votes.

6 The question remains how did that happen?
7 Did Dominion lie to the state of Georgia?
8 Double-scanning and double-counting of votes is
9 fraud. It may be unintentional or just
10 negligence, but nevertheless it's vote fraud.
11 The FBI states that voting twice is a violation
12 of law, and officially counting votes twice is
13 also a violation.

14 It's a federal election crime and a part of
15 the public corruption unit of the FBI. The
16 election official counter that was counting
17 should be identified -- counting erroneously and
18 held accountable. The results of the RLA hand
19 count or machine recount should be officially
20 amended and reflect the correct totals.

21 The recount with 17,852 ballot images and
22 more than 16,000 electronically added votes
23 should have -- should have those votes expunged
24 or the paper ballots should be investigated by an
25 independent investigator.

1 Ballot images were required to be made and
2 preserved as of February 2020. Would the failure
3 to retain 380,000 ballot images from the
4 November 3rd election be indicative of gross
5 negligence? Ten scanners from advance voting
6 have failed to provide the required documentation
7 necessary to confirm that they were used in the
8 elections, were safely secured from tampering, or
9 that the votes attributed to the ten scanners
10 were authentic.

11 Election supervisors must provide
12 documentation and demonstrate correct procedure
13 for maintaining memory card security. The county
14 broke the necessary audit trail to validate the
15 authenticity of the votes. Either the votes
16 should be invalidated or the paper ballots must
17 be investigated to prove their veracity.

18 If this is the way to conduct an election,
19 then no election should be certified as true and
20 accurate. And there's no way that this election
21 or recount should have been certified.

22 Mr. Chairman, I make a motion to amend the
23 RLA totals to reflect the correct totals, amend
24 all records at the county and state level
25 election totals for this election in question to

1 designate that the accurate and correct vote
2 totals may not be accurate.

3 **MR. FERVIER:** Do you have that written down
4 where I can repeat it?

5 **DR. JOHNSTON:** I do. I do. I also -- but I
6 have -- further make a motion to request the
7 Secretary of State either invalidate 17,852 votes
8 from the official certification or initiate an
9 independent investigation to determine if 17,852
10 ballots are authentic.

11 In addition to the motion, I request that
12 the Secretary of State initiate an independent
13 investigation of the authenticity of the ballots
14 from ten advance voting scanners or expunge the
15 votes from -- from those scanners for the record.

16 Knowing these inconsistencies and
17 irregularities and being responsible for
18 providing oversight of the supervisor and the
19 conduct of election, I'm concerned about the --
20 anyone that would -- would have signed to certify
21 that election.

22 And finally I recommend that we refer it to
23 the Attorney General for immediate review of this
24 case and recommend a monitored team to provide
25 investigative oversight of Fulton County

1 elections for 2024 to consist of certified public
2 accountants, independent investigators, and state
3 auditors to be funded by Fulton County.

4 **MR. FERVIER:** We'll deal with these one at a
5 time. Board member Johnston has made a motion
6 that the amended RLA totals reflect the current
7 totals, amend all records at the county and state
8 level election totals for this election in
9 question to designate that the accurate and
10 correct vote totals may not be accurate and
11 investigate who told Mr. Barron to reconcile --

12 **DR. JOHNSTON:** You can leave that out.

13 **MR. FERVIER:** Okay. So let me amend that.
14 the motion by member Johnston is to amend the
15 RLA -- RLA totals to reflect the correct totals,
16 amend all records at the county and state level
17 election totals for this election in question to
18 designate that the accurate and correct vote
19 totals may not be accurate.

20 We have a motion. Do we have a second?
21 Hearing no second, that motion fails to move
22 forward.

23 Member Johnston has made a motion to request
24 the Secretary of State either to invalidate one
25 thousand -- 17,852 votes from the official

1 certification or initiate an independent
2 investigation to determine if 17,852 ballots are
3 authentic.

4 The motion has been made. Is there a
5 second? Hearing no second, that motion fails to
6 move forward.

7 Member Johnston has made a motion to request
8 the Secretary of State to initiate an independent
9 investigation of the authenticity of ballots from
10 ten advance voting scanners to expunge the votes
11 from those scanners from the record.

12 The motion has been made. Is there a
13 second? Hearing no second, that motion does not
14 move forward.

15 Member Johnston has made a motion to refer
16 to the AG for immediate review of this case and
17 recommend a monitor team to provide investigative
18 oversight of Fulton County elections for 2024 to
19 consist of certified public accountants,
20 independent investigators, and state auditors to
21 be funded by Fulton County.

22 Is there a second? Hearing no second, that
23 motion doesn't move forward.

24 The chair would like to exercise --

25 **MR. LINDSEY:** Mr. Chair --

1 **MR. FERVIER:** -- its right to make a motion.

2 **MR. LINDSEY:** I'll make a motion.

3 **MR. FERVIER:** The chair would like to
4 exercise its right to make a motion. The chair
5 would make a motion to refer to the AG for
6 immediate review of this case and recommend a
7 monitor team to provide investigative oversight
8 over Fulton County elections for 2024.

9 A motion has been made by the chair. Is
10 there a second?

11 **DR. JOHNSTON:** Second.

12 **MR. FERVIER:** A motion and a second has been
13 made to -- for the AG to immediately review this
14 case and recommend a monitor team.

15 **MR. LINDSEY:** Mr. Chairman, if I may. I
16 have been in discussions with the Secretary of
17 State's Office and with Fulton -- thank you,
18 sorry, guys.

19 I've been in discussions with the Secretary
20 of State's Office, Fulton County. And -- and I
21 believe Fulton County was prepared -- at least
22 the chair was prepared to recommend to its
23 board -- to her board that a monitor be created
24 consisting of entities mutually agreeable to the
25 Secretary of State, to the State Election Board,

1 and to Fulton County. Am I correct, Madam Chair?

2 (No audible response)

3 **MR. FERVIER:** The chair will withdraw its
4 motion if you'd like to make an alternative
5 motion.

6 **MR. LINDSEY:** And -- and my alternative
7 motion would be a -- a letter of reprimand. I
8 mean -- my alternative is a letter of reprimand.
9 There is clear evidence that in 2020 there were
10 numerous violations of regulations and statutes
11 and the county has to acknowledge that.

12 I think that the letter of reprimand needs
13 to -- needs to lay those issues out. I think as
14 part of that, the reason I'm going for a letter
15 reprimand is to move this forward rather than go
16 through the Attorney General's Office where
17 things get slower and that by -- as part of that
18 motion that we would -- that we will have an
19 agreement -- a memorandum of understanding with
20 Fulton County and with the Secretary of State's
21 Office and with the State Election Board that
22 will be approved by those three entities by our
23 next hearing -- which I believe we're going to
24 have a special hearing in July anyway in order to
25 take up sort of additional regulations.

1 And my -- my -- the reason for wanting to go
2 through a letter of reprimand rather than
3 referring it to the Attorney General's Office is
4 to move this along so that we can get a proper
5 monitoring in place as quickly as possible rather
6 than go through the delay that often takes place
7 by sending it to the Attorney General's Office.

8 For that reason -- for that reason, I am
9 recommending a letter of reprimand with the
10 understanding that the respective parties will
11 reach an agreement as to a monitor, mutually
12 agreeable monitor, by the next hearing which is
13 presently being contemplated in July.

14 **MR. FERVIER:** A question of clarification.
15 Are you -- would the letter of reprimand detail
16 violations of SEB Board Rule 183-1-15-.03(1) (e)
17 and SEB Rule 183-1-15-.03(1) (f) as detailed in
18 the investigative report?

19 **MR. LINDSEY:** Yes.

20 **MR. FERVIER:** Okay. So please correct me if
21 I get this wrong. We have a motion from member
22 Lindsey to issue a letter of reprimand to Fulton
23 County in case SEB2023-025, related to violations
24 of SEB Board Rule 183-1-15-.03(1) (e) and
25 violation of SEB Board Rule 183-1-15-.03(1) (f)

1 and also recommend and work with Fulton County in
2 the acquisition of a monitor for the --

3 **MR. LINDSEY:** Fulton County, Secretary of
4 State, and this office.

5 **MR. FERVIER:** Fulton County, Secretary of
6 State, and the State Election Board in the
7 establishment of a monitor for the 2024
8 elections.

9 **MR. LINDSEY:** Correct. And if I may, as a
10 part of that, let the board know that should an
11 agreement not be reached as to a monitor in July,
12 that I will come back with a motion to reconsider
13 and send it to the Attorney General. So that's a
14 little bit of emphasis for all of us to reach
15 somebody -- reach an agreeable monitor by July.

16 **MR. FERVIER:** We have a motion which I will
17 not restate. Do we have a second?

18 **MS. GHAZAL:** For the sake of moving things
19 along and having closure, I will second this.

20 **MR. FERVIER:** We have a motion and a second.
21 Are there any discussion?

22 **DR. JOHNSTON:** Yes. Mr. Chairman, I don't
23 see why we could not issue a cease and desist and
24 a letter of reprimand with the recommendation of
25 Mr. Lindsey to send this to -- for more immediate

1 application or implementation of a monitor team
2 in coordinating with the Secretary of State.

3 But additionally this should be sent to the
4 Attorney General also. With over a hundred and
5 forty violations of election code laws and rules,
6 it would be a travesty not to refer this to the
7 Attorney General and let this ride.

8 **MR. LINDSEY:** (off microphone) With all due
9 respect, Mr. Chairman, I'm not -- I'm not letting
10 it ride. I'm trying to get it moved forward with
11 an expedite, getting a proper monitoring system
12 in place.

13 Get a proper monitor -- (Microphone on)
14 Thank you. I'm on sorry, guys. You're
15 absolutely right. I need to lean forward.

16 My -- my purpose here is not to let it ride
17 but to move this matter forward so that we can
18 have some -- some assurance regarding the '24
19 election. That's why I'm doing it the way I'm
20 doing it.

21 So for that, Mr. Chairman, I call.

22 **MR. FERVIER:** We have an intervening motion
23 that we will need to rule on before we vote on
24 the original motion. The intervening motion is
25 to add -- I'm sorry, Dr. Johnston.

1 **DR. JOHNSTON:** Add a cease and desist, a
2 letter of reprimand, and a referral to the
3 Attorney General for the violation of over 100
4 code violations.

5 **MR. FERVIER:** So the intervening motion is
6 to add a referral to the Attorney General for the
7 violation of over 100 codes as outlined by member
8 Johnston.

9 Do we have a second? Hearing no second,
10 that motion does not move. We're now back to the
11 original motion stipulated by member Lindsey. We
12 have a motion and a second.

13 Any further discussion on that motion?
14 Hearing no further discussion, all those in favor
15 of the motion that originally stipulated, signify
16 by saying aye.

17 **THE BOARD MEMBERS:** Aye.

18 **MR. FERVIER:** Any opposition?

19 **DR. JOHNSTON:** No.

20 **MR. FERVIER:** The vote is two ayes and one
21 no. The motion passes. Thank you.

22 I want to -- I want to recognize that
23 several people have had to travel quite a way to
24 get to this meeting today, and I don't see any
25 way that we're going to make it fast or finish

1 CERTIFICATE

2 STATE OF GEORGIA

3 I hereby certify that the foregoing meeting
4 was taken down and was reduced to typewriting under my
5 direction; that the foregoing transcript is a true and
6 correct record given to the best of my ability.

7 The above certification is expressly
8 withdrawn upon the disassembly or photocopying of the
9 foregoing transcript, unless said disassembly or
10 photocopying is done under the auspices of the
11 undersigned and electronic signature is attached
12 thereon.

13 I further certify that I am not a relative,
14 employee, attorney, or counsel of any of the parties;
15 nor am I financially interested in the action.

16 This, the 7th day of June, 2024.

17 **Mary K McMahan**

18 Mary K McMahan, CCR
19 Certified Court Reporter
20 Certificate Number 2757
21
22
23
24
25

EXHIBIT 3

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State Election Board

6/13/2024

VIA EMAIL AND USPS MAIL

Fulton County Board of Elections and Registration
141 Pryor St. SW #4075
Atlanta, GA 30303

Nadine Williams, Director of Registration and Elections
5600 Campbellton Fairburn Road
Union City, Georgia 30213
nadine.williams@fultoncountyga.gov

Ann S. Brumbaugh LLC
309 Sycamore Street
Decatur, GA 30030
Annbrumbaughlaw.com

Re: SEB Case No. SEB2023-025

Dear Fulton County Board of Elections and Registration and Nadine Williams:

On May 7, 2024, the State Election Board considered the complaint listed above. As a respondent, you were sent a notice of the meeting on April 2, 2024.

At the meeting, the State Election Board reviewed the facts developed in the investigation of this matter. The State Election Board found that a series of BMD-printed ballots and hand-marked ballots repeated in the same order in a separate scanned batch from the first batch. A review of the 1,163 hand-marked ballot images appeared to be duplicate ballot images based on the unique markings on the ballot; however, regarding the BMD generated machine ballots, the selections were the same but there were no distinct markings on these ballot images to positively identify them as duplicate ballot images. The Board also found that you did not follow proper batch management procedures for the 2020 General Election Recount.

State Election Board Rule 183-1-15-.03(1)(e) provides: "The tabulation of ballots must be completed through a precise, controlled process that ensures, for each ballot scanner used in the recount, no more than one ballot container is unsealed at any given time.

State Election Board Rule 183-1-15-.03(1)(f) provides, in part: "A clear audit trail must be maintained at all times during the recount..."

Based on the facts found at the meeting, the State Election Board determined that you violated SEB Rule 183-1-15-.03(1)(e) and SEB Rule 183-1-15-.03(1)(f) by failing to ensure the 2020 General Election Recount was completed through a precise, controlled process that ensured, for each ballot scanner used in the recount, no more than one ballot container was unsealed at any given time, and failed to ensure a clear audit trail was maintained at all times during the 2020 General Election Recount.

Having found these violations, the State Election Board directed that this letter of findings and reprimand be sent to you. Further, the Board has directed that a memorandum of understanding between the Fulton County Board of Elections and Registration, the Office of the Secretary of State, and the State Election Board be entered. This memorandum should outline a mutually agreeable monitor for the 2024 General Election by the August meeting of the State Election Board.

You are hereby instructed to refrain from further violations of SEB Rule 183-1-15-.03(1)(e) and SEB Rule 183-1-15-.03(1)(f) and are admonished to comply with all the State Election Board rules and Georgia law relating to elections conducted in the State of Georgia.

Sincerely,



John Fervier
Chair, State Election Board

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EXHIBIT 4

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BOARD OF REGISTRATION AND ELECTIONS APPROVED MINUTES

REGULAR MEETING – July 11, 2024

The Fulton County Board of Registration and Elections met in Regular Session on Thursday, July 11, 2024, at 11:00 a.m.

**The meeting was recorded and is available for your review on
FGTV YouTube Channel**

<https://www.youtube.com/channel/UCYH7E0jH6HxE-3KTRluH8SQ>

Board Members Present Ms. Cathy Woolard, Chairperson
Mr. Aaron Johnson, Vice Chairperson
Mr. William Michael Heekin
Mrs. Teresa Crawford
Ms. Julie Adams

Staff Attending: Mrs. Nadine E. Williams, Director; Mr. Patrick Eskridge, Deputy Director; Mrs. Sharon Benjamin, Deputy Election Chief; Mrs. Shoshauna Goins, Absentee Supervisor; Mrs. Kathryn Glenn, Registration Manager; Ms. Janice Dickenson, Administrative Manager; Ms. LaShandra Little, VEO Manager; Mr. Thomas Johnson, Registration Supervisor; Mr. Corey Henson, Elections Equipment Manager; Ms. Regina Waller, Division Manager; Mr. James Reese, FGTV Production Manager; Mr. Darryl Peek, Mr. Tyree Spencer, Mr. James Artis

Legal: Mr. Chad Alexis, Senior Assistant County Counsel; Ms. Ann Brumbaugh, Special Counsel

ACRONYMS:

BRE- Board of Registration and Elections
DRE- Department of Registration and Elections
EHOC- Elections Hub and Operations Center
BOC- Board of Commissioners
ABM- Absentee by Mail
L&A- Logic and Accuracy Testing
VEO- Voter Education and Outreach
REIF- Reporting Elections Systems Issue Form

BMDs- Ballot Marking Devices
SOS- Secretary of State's
SEB- State Election Board
DDS- Department of Driver Services
CERA- Certified Elections Registration Administrator
GARVIS- Georgia Registered Voter Information System
GAVREO- Georgia Voter Registration and Elected Officials

#1– APPROVAL OF AGENDA

Chair Woolard entertained a motion to approve the agenda as amended. The motion was made by **Mrs. Crawford**, seconded by **Mr. Heekin**, and carried by a unanimous vote of 5-0.

#2-COMMUNICATIONS AND PUBLIC RESPONSE

Communications from the public were recorded. <https://www.youtube.com/watch?v=h6PbwVKfR20>

OLD BUSINESS

#3– APPROVAL OF MINUTES

- **Regular Meeting**-June 13, 2024
- **Special Meeting**- June 18, 2024
- **Special Meeting**- June 24, 2024

Chair Woolard entertained a motion to approve the proposed minutes as presented. The motion was made by **Mrs. Crawford** and was seconded by **Mr. Johnson** and carried by a carried by a unanimous vote of 5-0.

#4- MONTHLY OPERATIONS REPORT FOR MAY 2024

Director Williams greeted and reported to the BRE:

- Legislative Impact submitted to the BRE on June 21st
 - Preparation for November Elections is ongoing
 - Launched Elections Academy
- Goals-
- Voter Education
 - Internal Election process
 - Combat Mis/ Disinformation
 -

Director Williams thanked Department Leadership on their input and External Affairs for assisting with the launch of this initiative.

Chair Woolard asked where would citizens find the information for Elections Academy?

Director Williams responded that there's a tile on the Department's website listed as Election Academy where citizens can sign-up for the class.

Chair Woolard asked how long is the session?

Director Williams responded approximately 2 hours including the tour of the facility.

Chair Woolard recalled discussions prior to moving into the new facility. **Madam Chair** commended Director Williams on the launch of the initiative.

Vice Chair Johnson suggested the BRE should participate in Election Academy.

Deputy Eskridge reported on the activities in the Absentee Division on behalf of **Mrs. Brittian**:

- Successful completed processing of Absentee process for the June 18th General Primary Runoff Election
- Reviewing processes and procedures that impact the November 2024 General Election

Earliest Day to apply for Absentee by Mail for the November 5th, 2024 General Election.	AUGUST 19, 2024
FIRST DAY TO MAIL ABSENTEE BALLOTS FOR THE GENERAL ELECTION. The board of registrars shall mail or issue official absentee ballots no more than 29 days, but not less than 25 days prior to any general primary election. O.C.G.A. § 21-2-384(a)(2)	OCTOBER 7, 2024
Last day to request an Absentee ballot O.C.G.A. § 21-2-381	OCTOBER 25, 2024

Ms. Dickenson reported on activities in the Administration Division:

Performed routine administrative functions:

- Process P-Card purchases and T-Card travel / training expenses.
- Performed various HR functions:
- Processed bi-weekly payroll
- Processed requisitions for recruitment.
- **Personnel Vacancies:** <https://www.fultoncountyga.gov/inside-fulton-county/fulton-county-departments/registration-and-elections/registration-and-elections-board/previous-meetings>
 - Listed on page 6 of the **June 2024 Monthly Operations Report**
- **CAMPAIGN CONTRIBUTION DISCLOSURE REPORT**
 - The next campaign contribution disclosure report is due June 30, 2024, with a grace period deadline on July 9, 2024.

Mrs. Benjamin reported on activities with Advance Voting/ Early Voting:

- AV successfully completed the General Primary Runoff Election
 - Senate District 38 and County Commission 4
- Engaged with our continual post-election activities which include reconciliation which is an audit of the EV location operations for compliance with state and county policies and procedures
- Attended Secretary of State's Statewide Review of Recent Legislative Changes Webinar on June 25, 2024.

Objectives:

- 2024 Legislative Changes to Voter Challenge Processes
- Review Voter Challenge Processes
- Review GARViS Procedures for Processing Challenged Voters
- Review of upcoming List Maintenance processes

Mrs. Crawford inquired about the completion of AV placement schedule.

Mrs. Benjamin answered that she is currently drafting a schedule.

Mrs. Crawford asked what's the timeline to inform poll workers.

Director Williams responded that the contract for supplemental personnel (Temp contracts) was just approved by the Board of Commissioners (BOC) yesterday.

Recruitment Plan:

- Priority given to returning personnel that worked this year
- Sent communications (Newsletter) out to inquire if they plan to return
- Review internal database to resolve outstanding needs, if any
- Goal: Open the website and recruit on **August 1st for National Poll worker Recruitment Day**, if needed.
- <https://www.fultoncountyga.gov/inside-fulton-county/fulton-county-departments/registration-and-elections/become-a-poll-worker>

Deputy Eskridge reported on the activities in the Election Division and Election Day on behalf of **Chief Ross**:

- Submitted the May 21st election Reconciliation Report
- Formulated the June 18, 2024 runoff election Reconciliation Report
- Communicated with municipalities inquiring about contests/referendums for the November General election
- **Attended SOS Webinar:**
 - Statewide Training and Review of Recent Legislative Changes

ELECTION DAY OPERATIONS

- Successfully completed the General Primary Runoff Election, June 18, 2024
- Successfully Completed Reconciliation
- Successfully Completed Retention of the files and Elections Records
- Successfully Completed Payroll.
- Recruited 444 Poll Workers.
Total Breakdown of Poll Workers: Listed on page **8** of **June 2024 Monthly Operations Report**

Ms. Adams requested copies of the reconciliation report from the General Primary and General Primary Runoff Election (May 21st and June 18th).

Deputy Eskridge reported on the Department's Finances on behalf of **Mrs. Barganier**:

- 2024 Elections and Operations budgets \$34 Million for 4 Elections
- Managed the two temporary staffing agencies to facilitate the temporary employees
- Requesting billing reports
- Temporary staffing contracts: January- June 30, 2024
- Reviewing budget Actual expenses for the March and May cycles
- Pending request to approve spending authority for the new staffing agency contract: July-December 31, 2024

- Continuing to process invoices from March, May, and June Elections
- Following up with vendors to timely submit invoices
- Current Breakdown of Elections and Operations Budgets: Listed on page 9 of June 2024 Monthly Operations Report

Mr. Gilstrap reported on the activities in the Information Systems (Elections Division):

June 18th General Primary Runoff Election:

- **L&A Testing** – Conducted and completed Logic & Accuracy Testing and programming all equipment
- **Technical Support** – Provided technical support for all Advance Voting and Election Day sites on Election Day
- **Post-Election** – Successfully tabulated and reported the election results that were certified on June 28th.
- **Voting Equipment Inspection:** Received in all voting equipment that was used in the Election. Conducted a physical inspection on all voting equipment received to make sure that any physical damage to the voting equipment was fixed or replaced.

Ms. Adams asked was there any damage to the equipment

Mr. Gilstrap explained there were no significant damage.

Mrs. Glenn reported on the activities of the Voter Registration Division:

- Supported Advance Voting and Election Day Poll Workers
- Processed returned mail
- List maintenance activities included cancelling felons, deceased voters, merging duplicate records and voter cancellation requests in GARViS (Georgia Registered Voter Information System) and continuously auditing the voter roll.
- Mailed 11,237 NCOA out of county and NCOA out of state notices
- Current Breakdown of Front Desk Operations: Listed on page 11 of June 2024 Monthly Operations Report

REGISTRATION STATISTICS:	
June 1, 2024	June 30, 2024
VOTER REGISTRATION APPLICATIONS RECEIVED	15,741
ACTIVE VOTERS	734,698
INACTIVE VOTERS	132,670
TOTAL OF REGISTERED VOTERS	867,368
APPLICATIONS TO BE PROCESSED	42,926 Deadline to process: April 22, 2024 Unable to process until Certification.
NEW REGISTRATIONS TO FULTON COUNTY	40
TRANSFERS TO FULTON COUNTY	1,569
TRANSFERS FROM FULTON COUNTY	313
REMOVALS FROM FULTON COUNTY	2,696

List Maintenance Update

309- Felon Challenge Letters mailed 437- ERIC-Deceased 185- Moved Out of State
1- NGE 50 – Voter request 0 – Not verified 88- Deceased other

Mr. Henson reported on the activities of the Supplies and Logistics Division:

- Delivered all Election Day equipment to the assigned polling locations.
- Picked up all the Election Day equipment and supplies from the polling locations and returned them to the elections warehouse.
- Delivered all the Advance Voting equipment and supplies for the June 18, 2024, General Primary Runoff.
- Picked up all the Advance Voting Locations equipment and supplies and returned them to the elections warehouse.
- Completed preparing all the Election Day supply bags and signs so they were ready for Sunday Poll Manager Pickup for the June 18, 2024, General Primary Election Runoff
- Provided support to the polling locations during election day by providing any extra supplies or assistance that were needed.
- Provided logistical and supply support to all the Advance Voting polling locations by sending any supplies or other assistance as requested by the Advance Voting Precincts.
- Provided absentee ballot drop box support by picking up any absentee ballots dropped into the 2 absentee ballot droboxes and transferring them to the Absentee Ballot Division during the June 18, 2024, General Primary Election Runoff.
- Performed reconciliation and post-election duties including emptying all the supply bags and boxes that were returned to the elections warehouse.
- Organized all returned supply items from both the May 21, 2024, General Primary and the June 18, 2024, Runoff.
- Breakdown of Logistics Statistics: Listed on page **12** of the **June 2024 Monthly Operations Report**

Ms. Little reported on the activities of Voter Education and Outreach:

- Focused on Education and Outreach for the Senate D38 and County Commission D4 race for the runoff election
- Partnership with External Affairs regarding collateral material for the 2024 election cycle for outreach events
- Conducted Deputy Registrar Training for citizens that want to host voter registration drives
- Coordinated with Leadership to implement of the Election Academy
- Breakdown of Voter Education Activities and Events: Listed on pages **13-16** of the **June 2024 Monthly Operations Report**

Chair Woolard asked how citizens can request for the VEO team to participate in their event.

Ms. Little answered citizens can go to <https://www.fultoncountyga.gov/inside-fulton-county/fulton-county-departments/registration-and-elections/voter-education> :

- To request for VEO to participate in an event:

- <https://www.fultoncountyga.gov/inside-fulton-county/fulton-county-departments/registration-and-elections/voter-education/new-event-request-form>
- To volunteer to register citizens and to assist with events:
<https://www.fultoncountyga.gov/inside-fulton-county/fulton-county-departments/registration-and-elections/voter-education/deputy-registrar-training-request-form>

Mrs. Crawford commended **Ms. Little** and the VEO team on the work they do.

#5- REVIEW OF POST-ELECTION MATERIAL

Chair Woolard explained that **Ms. Adams** requested to review the questions she had regarding the May 21, 2024, General Primary Election Certification documents.

Precinct(s)	BMD Printer	Scanner	Discrepancy	Note on Ballot Recap
AP01A	341	326	15	Counting Error
11B-11B1-11B2-11B3	423	425	2	Scanner counted 2 ballots twice, spit out and Rescanned
RW02-RW03-RW03B	499	500	1	No note

Director Williams outlined the information provided to BRE on the date of Certification:

- Election Material for review
- Personnel available for any questions
- Items identified were clerical errors or resolved prior to certification
- There were no discrepancies at the time of Certification

Director Williams mentioned 3 questions **Ms. Adams** had after Certification and a response was sent on June 26th and the question regarding the one voter that needed credit for voting during the June 18th Election was resolved.

Director Williams reiterated that there were no discrepancies during the May or June Election.

Ms. Adams asked about being able to resolve the discrepancies with the Batch Loaded Report.

Director Williams responded yes; you were given the Batch Loaded Report during the Pre-Certification Review.

Ms. Adams asked to see the Batch Loaded Report, at this point.
Laptop was provided with the May 21, 2024, Batch loaded Report.

Director Williams responded yes; we can provide it again.

#6- MONITORING OF FULTON'S ELECTION

The robust discussion: <https://www.youtube.com/watch?v=h6PbwVKfR20>

Timestamp: 32:41- 49:06

Chair Woolard outlined a brief scope of the 2 Proposals: (Proposals attached to the minutes.)

1-Ryan Germany's Proposal:

- **Background Information**
- **Monitoring Team**
- **Objectives**
- **Scope of Work**
- **Timing Joint Accountabilities**
- **Cost:**

The fee for our proposed services is a total of **\$99,600** payable by Fulton County in four monthly installments of **\$24,900**, beginning in August 2024 and ending in November 2024. Contracting and payment will be administered through the law firm of Gilbert, Har-ell, Sumerford & Maitin, P.C.

The cost reflects the substantial amount of time that the Monitoring Team will spend on these services. The cost will be used to compensate Monitoring Team members for their time and to defer expenses such as travel and parking. Team Member Monica Childers will not be accepting any compensation for her services.

2- A Proposal forwarded by State Election Board Chair (author unknown):

- **Background**
- **Objective**
- **Project Overview**
- **Scope of Work**
 - **Before, During and Post Election**
- **Monitoring Team**
- **Dependencies**
- **Project Timing, Fees, and Billing**

The project will begin on August 1, 2024, and will conclude after the General Election Risk Limiting Audit with final results by the end of November.

The total fee for this project is **\$95,200**. Fees will be billed to Fulton County in 4 monthly installments of **\$23,800**.

If applicable, scope changes or Fulton delays that require additional time or resources will be submitted in writing as change requests for approval.

Mrs. Crawford highlighted clause of concern in the second proposal listed under **Dependencies**:

The Monitor Team will require access to all election facilities, ballot processing areas, and materials as requested. Failure to provide access will void this agreement and Case SEB2023-025 will be reconsidered for referral to the Georgia Attorney General.

Delays in receiving access, requested documents, or responses to questions may result in additional costs.

Fulton will need to provide a point of contact and subject matter experts for each of the areas defined above. The monitoring team will coordinate efforts for questions and schedule requests to reduce impact on Fulton resources wherever possible.

Chair Woolard read and responded to the clause listed above. **Madam Chair** stated no additional cost will be approved.

Mr. Heekin asked about the next steps in the process.

Chair Woolard responded not wanting to get too far into the legalities because it may require Executive Session. We are here to determine what we will accept and pay for regarding these two proposals.

Mr. Heekin asked could we endorse both and are there any additional proposals pending?

Chair Woolard responded yes, you can reject or approve one or both and she is not aware of any other proposals.

Mr. Heekin explained not being clear on the process and asked do all the parties have to approve proposal(s)?

Ms. Brumbaugh interjected that due to some pending litigation, the inquiry will require Executive Session.

EXECUTIVE SESSION

Chair Woolard entertained a motion to close the regular session and convene into executive session to discuss litigation matters. The motion was made by **Mr. Heekin**, seconded by **Ms. Adams** and carried by a unanimous vote of 5-0.

After executive session, **Chair Woolard** entertained a motion to reconvene from executive session. The motion was made by **Mrs. Crawford**, seconded by **Mr. Heekin** and carried by a unanimous vote of 5-0.

OLD BUSINESS

Timestamp: 1:04:57

#6- MONITORING OF FULTON'S ELECTIONS

Chair Woolard provided a recap of both proposals, and she mentioned Proposal 1 has already been signed by the Secretary of State's Office.

Ms. Adams mentioned that the General Assembly removed Secretary of State's office authority from the State Election Board as of July 1, 2024, and this proposal has too many people from SOS.

Vice Chair Johnson responded that the State Election Board included Secretary of State's office.

When the legislation was passed the SEB was fully aware of this bill passing. **Vice Chair Johnson** noted that having affiliates of the SOS would be a bonus because they fully understand Georgia Election laws and processes.

Mr. Heekin mentioned that this is a problem under the Old Sheriff (Elections' former Leadership). **Mr. Heekin** noted that Germany's proposal deals with policy and SEB's proposal deals with process

Mrs. Crawford asked **Mr. Heekin** for clarification on his comments. **Mrs. Crawford** explained that Proposal 1 deals with the full process and Proposal 2 is extremely invasive especially while the DRE is conducting an election.

Ms. Adams asked where Proposal 2 came from.

Chair Woolard mentioned the SEB Chair forwarded the document.

Ms. Adams mentioned a monitor from Proposal 2 that she believes has systems and cybersecurity background. She mentioned speaking to him and he mentioned a rough draft of Monitoring Proposal.

Chair Woolard responded that the BRE will vote on the proposal provided, if there are any additional proposals those individuals had more than a month to submit.

Vice Chair Johnson opined that Proposal 1 has the ability to compare and contrast due to some of the people assigned. **Vice Chair Johnson** mentioned that he believes the Elections from 2020 were fair and accurate but having a monitor from that time period could be beneficial.

Mr. Heekin mentioned that Proposal 2 would put to bed most of the outstanding complaints and is it possible to add some scope of work from Proposal 1. **Mr. Heekin** suggested getting the authors of both proposals to work together. **Mr. Heekin** implored rigorous review of the process is needed.

Chair Woolard entertained a motion to accept the Proposal 1 agreement from Ryan Germany's consultant group as presented. The motion was made by **Vice Chair Johnson** and was seconded by **Mrs. Crawford** and carried by a vote 3-2; Nays by **Heekin** and **Adams**.

Vice Chair Johnson explained that he cannot support Proposal 2, Proposal 2 has people that are actively suing the County.

Mrs. Crawford explained that she cannot support Proposal 2 and she outlined her reasons:

- Standard Operating Procedures
- Training manuals
- Hiring policies
- Qualified voter list
- Dominion voting machine (good or bad)
- Unclear of the author
- Who are we paying

Mr. Heekin asked **Vice Chair Johnson** who on Proposal 2 has filed litigation against the BRE.

Vice Chair Johnson stated Garland Favorito.

Mr. Heekin asked is their pending litigation?

Mr. Alexis explained the separations in the County Attorney's Office and the Litigations Team is assigned to that case, but he can provide a briefing to the Board later today.

Ms. Brumbaugh explained that she is not familiar with the case but that there is a hearing pending.

Chair Woolard outlined her concerns on Proposal 2:

- Unknown author of the proposal
- No instructions on whose being hired
- Who's responsible for disbursing the funds
- Possible Conflict of interest

Chair Woolard entertained a motion to accept the Proposal 2 agreement that has systems in cyber and Process & procedures and Audit Professional. The motion was made by **Ms. Adams** and was seconded by **Mr. Heekin** and failed by a vote 2-3; Nays by **Woolard, Crawford, and Johnson**.

NEW BUSINESS

#7- APPROVAL OF ADVANCE VOTING LOCATIONS

- **General Special and Nonpartisan Election, November 5, 2024**

Director Williams announced the proposed AV locations and Outreach locations for the General Special and Nonpartisan Election:

Tuesday October 15 to Friday November 1, 2024

Monday – Friday from 7 a.m. until 7 p.m.

Saturdays October 19 and 26 from 9 a.m. until 5 p.m.

Sundays October 20 and 27 from 12 p.m. until 5 p.m.

- 35 locations and 3 Outreach Locations
- Removing Government Center due to low turnout
- Replacing College Park Historical Building for larger space

Vice Chair Johnson asked for the status of Marta at the Election Hub?

Director Williams explained that it was still pending but the South Fulton Service Center is on the Marta line and that location will remain open.

Mrs. Crawford suggested Fulton citizens utilize alternate locations to vote instead of waiting at the popular AV locations:

Alternatives:

- North Fulton Customer Service Ctr @ Maxwell
- Milton Community Ctr
- Northeast Spruill

Chair Woolard entertained a motion to approve the Advance Voting locations and hours of operation as presented. The motion was made by **Mrs. Crawford** and was seconded by **Mr. Heekin** and carried by a unanimous vote of 5-0.

#8- ABSENTEE AUDIT OVERVIEW

Deputy Director Eskridge provided an overview and a summary of the Audit conducted by the County Auditor from November 7, 2023, and concluded on March 12, 2024.

[Review of the elections & registration absentee voting process Fulton County – office of the county auditor February 26, 2024 \(fultoncountyga.gov\)](#)

- Auditor provided 9 Findings regarding Standard Operating Procedures (SOPs)
- Absentee Division provided clarifications to all previously submitted SOPs
The DRE submitted a memo in response to the audit, attached to the minutes.

Ms. Adams referenced 13 issues in the report. **Ms. Adams** expressed concerns regarding SOPs findings

Director Williams stated that there were no violation of Election Code and there were no missing SOPs. The SOPs needed small edits.

Chair Woolard explained that there were no issues of missing material but simply SOPs that required updates.

Ms. Adams reiterated her concerns regarding SOPs.

Director Williams explained the DRE has SOPs and the Leadership team is currently reviewing and updating their SOPs with a deadline of July 31st in preparation for the pending Monitors.

Chair Woolard explained that the DRE have SOPs and are constantly updating them when new legislation is passed, relocation of workspace and more. Updating SOPs are a continuous process.

#9-LIST MAINTENANCE PRESENTATION

The robust discussion: <https://www.youtube.com/watch?v=h6PbwVKfR20>

Timestamp: 1:41:00

Chair Woolard explained that she had a discussion with **Mr. Heekin** regarding Voter Challenges, and she requested **Mrs. Glenn** provide the BRE with an overview of List Maintenance.

Ms. Glenn presented on the PowerPoint:

- Voter list maintenance is the process election officials use to maintain **accurate** and up to date voter lists.
- **Maintaining** an **accurate** voter registration list **is essential to protecting election integrity**.
- Keeping voter registration lists **up to date** is a **continual process** that includes adding new eligible voters, updating voter registration information when a voter moves and removing ineligible voters.

THE DAILY DASHBOARD:

- Cancelled voters
- Vital Records
- Felon Records
- Potential Duplicates
- DDS applications
- OLVR – Online Voter Registration Applications
- Challenged Elector voters
- MVP – My Voter Page updates
- Pending voters

ADDITIONAL LIST MAINTENANCE:

- **National Change of Address (NCOA) Out of County and Out of State**
We received, applied postage to and mailed NCOA notices June 27, 2024.
The notices were mailed to voters in Active status who had filed a residential change address with USPS for an out of county or out of state address.
- **ERIC Cross State**
The Secretary of State's office mailed these notices out Wednesday, June 26, 2024. The ERIC cross state notices were mailed to voters in Active status who appeared to have more recent activity in another ERIC member state
- **RETURNED MAIL**
When the department of registration receives returned mail, it is processed in GARViS, and the elector's status is changed to inactive. If a forwarding address is noted on the returned mail, standard operating procedures require staff to send a request to the voter at their new address requesting that they update their voter record.

GIS-GEOGRAPHIC INFORMATION SYSTEM:

On a monthly basis, the GIS Team performs an audit of the voter rolls to include the following:

Voter Records for mismatching with GIS Precincts: staff have to research right precinct value through Voting District Map Viewer, Google map, Bing map or other resources

Duplicated Voters: extracted the voter who has same name and address; staff have to research and merge if duplicate record is found

Invalid Addresses: ungeocoded address through geocoding process; staff have to research through Google map, Bing map or other resources; attached note for factors of invalid address

Commercial Address list: extracted the address from Tax Parcel data which has commercial LUC (Land Use Code); included some addresses for shelters those are not sure for considering residential address or not

The Registration Division's PowerPoint, attached to the minutes.

Mrs. Crawford suggested the presentation on List Maintenance be a component of the Election Academy.

Director Williams mentioned that it's discussed in less detail unless a specific question is asked.

Ms. Adams questioned Mrs. Glenn on a procedure she expounded on during her presentation, regarding sending notices to deceased family members.

Mrs. Glenn confirmed that the notice is sent and addressed to the family with condolences, but it is mandated to send notice.

Ms. Adams inquired about Non-citizens on the list.

Mrs. Glenn explained that they are in pending status, non-citizens are not on the Voter rolls.

Ms. Adams mentioned documents that persons can get and be non-citizens.

Mrs. Glenn explained that GARViS has a built-in checks and balance and this information is verified through HAVA (Help America Vote ACT). If the voter's information cannot be verified that voter is considered ineligible, and the application is rejected.

Vice Chair Johnson commended **Mrs. Glenn** on the presentation, it's great to see this information being outlined and that this work is being done daily. **Vice Chair Johnson** outlined a few misconceptions regarding deceased and non-citizens voting.

Vice Chair Johnson explained a scenario on a voter that voted early on the 3rd day of early voting and on Election Day the voter died. Does that vote still count?

Director Williams explained yes, because they were alive when they cast their ballot.

Mrs. Glenn explained every month between the 8th-10th, we receive a statewide list of voters assigned to Fulton County to process as deceased voters.

Chair Woolard provided some background on DDS process with Opt-in or Out for voter registration. Madam Chair commended the GIS Team and the County at Large and their partnership with the department, especially with all the developments occurring in Fulton.

Mrs. Glenn highlighted some efforts in North Fulton's GIS Teams with the County's GIS Team meets monthly to ensure the Department has the information necessary in their perspective City.

Vice Chair Johnson inquired about the City of Atlanta and South Fulton meeting with the GIS Team.

Mrs. Glenn responded that they haven't join the party (lightheartedly).

Mr. Heekin mentioned that the registration of Fulton County is 113% of citizens voting age population.

Director Williams asked **Mr. Heekin** for the data he referenced, so that information can be given to the Intergovernmental Relations Department that review Fulton's census number.

Mr. Heekin mentioned he will provide the data.

Chair Woolard noted that Census data is only as good as the date it's produced.

Vice Chair Johnson googled and provided census data.

Chair Woolard reiterated that the high volume of registration in Georgia is because when a citizen visits the Department of Driver Services (DDS) they must OPT-OUT, to not be registered to vote.

Ms. Adams mentioned that the average voting age in the country is 76-78%, it seems like we have felons, noncitizens, and the voter rolls are bloated.

Chair Woolard and **Mr. Johnson** refuted that claim and outline the reason.

Ms. Adams asked about National Change of Address (NCOA) notice mail returned.

Mrs. Glenn explained the NCOA process:

- 2 pieces to the NCOA process
- Voter's signature and confirming the change- Voter is removed
- Returned mail- undeliverable → Voter status changes to inactive
 - Voter will stay in inactive status for 2 Federal election

Ms. Brumbaugh provided clarity on the NCOA and provided the BRE with an example.

Timestamp: 2:20:16-2:30

Point of Privilege:

Chairperson Cathy Woolard announced today was her last meeting. Madam Chair's comments were recorded: <https://www.youtube.com/watch?v=h6PbwVKfR20>

Director Williams expressed gratitude on behalf of the Department and Fulton County taxpayer to **Madam Chair:**

You could have been looking at those beautiful snowcapped mountains or on a beachfront on your travels, but you came back here to help us deal with this the nature of this business. We

thank you so much for your leadership and dedication. We're upset but we're going to be okay, and we greatly appreciate everything that you have done.

ADJOURNMENT

There being no further business, **Chair Woolard** entertained a motion to adjourn. **Mrs. Crawford** moved to adjourn the meeting. **Ms. Adams** seconded the motion. There being no further business on the agenda, the Board adjourned the meeting at 1:33 p.m.

The meeting adjourned.

Prepared by:

Mariska Bodison, Board Secretary

RETRIEVED FROM DEMOCRACYDOCKET.COM

EXHIBIT 5

RETRIEVED FROM DEMOCRACYDOCKET.COM

1
2 THE OFFICE OF SECRETARY OF STATE
3 STATE OF GEORGIA
4
5

6 IN THE MATTER OF:

7 STATE ELECTION BOARD MEETING

8 Georgia State Capitol, Room 341

9 Atlanta, Georgia

10 Wednesday, August 7, 2024

11 Atlanta, Georgia

12 9:00 a.m.

13 (continued from August 6, 2024)
14

15 **APPEARANCE OF THE PANEL**
16

17 John Fervier, Acting Chair

18 Sara Tindall Ghazal

19 Janice Johnston

20 Janelle King

21 Rick Jeffares
22
23

24 Mary K McMahan, CCR, 2757
25 STEVEN RAY GREEN COURT REPORTING LLC
Atlanta, Georgia 30324
(404) 733-6070

1 done. So we would be making sure that -- that
2 those are complied with. And then, of course,
3 there's really the postelection processes, like
4 tabulation. That -- and specifically batch
5 management, reporting of results, canvassing,
6 reconciliation, auditing, and then, of course,
7 going through certification.

8 So that's what we'd be looking at, and I
9 think that pretty much covers it. I'm happy to
10 stop there and take any questions after the other
11 presentation.

12 **MR. FERVIER:** Thank you, Mr. Germany. We're
13 going to hear the presentation from the other
14 presenter, and then the board will -- will open
15 up the floor to questions from the board. If
16 you'd just hang on for a little while, we'd
17 appreciate that.

18 **MR. GERMANY:** Yes, sir.

19 **MS. PROPST:** Hi, everyone. My name is
20 Christine Propst.

21 I'm going to be presenting a proposal from a
22 different group. And I want to make a
23 clarification. The proposal that went to the
24 Fulton Board of Registration and Elections was a
25 draft proposal. It was a work in process. This

1 is our official proposal that we submitted to
2 you. So I'll just to cover that in -- in some
3 highlights.

4 First of all, my background, I'm a
5 35-year-plus executive of my own consulting
6 company. So I've worked in startups. I've been
7 involved in several startups as well as Fortune
8 500 companies at the executive level, process
9 management, project management, operations,
10 sales. You name it, I've done it.

11 I think when I start talking about the
12 monitors that are associated with this proposal
13 as it relates to the other proposal, our team has
14 current knowledge. We have been working in the
15 elections. We have been poll workers, poll
16 watchers, vote review panelists. In fact, I
17 think I've been involved one way or another in
18 every election for the last four years.

19 And a lot of the recent experience I've had
20 is actually going to the tabulation center and
21 training other poll watchers about what to look
22 for, what the laws are, what the procedures are.
23 There's several other people on our team, again,
24 who have been working in the polls. Not
25 observing in 2020, but actually working in the

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CERTIFICATE

STATE OF GEORGIA

I hereby certify that the foregoing meeting was taken down, and was reduced to typewriting under my direction; that the foregoing transcript is a true and correct record given to the best of my ability.

The above certification is expressly withdrawn upon the disassembly or photocopying of the foregoing transcript, unless said disassembly or photocopying is done under the auspices of Steven Ray Green Court Reporting, LLC and the electronic signature is attached thereto.

I further certify that I am not a relative, employee, attorney, or counsel of any of the parties; nor am I financially interested in the action.

This, the 11th day of September, 2024.

****Mary K McMahan****

Mary K McMahan, CCR
Certified Court Reporter
Certificate Number 2757

EXHIBIT 6

RETRIEVED FROM DEMOCRACYDOCKET.COM

**FULTON COUNTY BOARD OF COMMISSIONERS
FIRST REGULAR MEETING**

September 04, 2024
10:00 AM



Fulton County Government Center
Assembly Hall
141 Pryor Street SW
Atlanta, Georgia 30303



MINUTES

This document has been ratified or approved by the Board of Commissioners, and is not binding on the County or any officer.

Ratification Date: October 2, 2024

CALL TO ORDER: Chairman Robert L. Pitts **10:02 a.m.**

ROLL CALL: Tonya R. Grier, Clerk to the Commission

Robert L. Pitts, Chairman (At-Large)	PRESENT
Bridget Thorne, Commissioner (District 1)	PRESENT
Bob Ellis, Commissioner (District 2)	PRESENT
Dana Barrett, Commissioner (District 3)	PRESENT
Natalie Hall, Commissioner (District 4)	PRESENT
Marvin S. Arrington, Jr., Commissioner (District 5)	PRESENT
Khadijah Abdur-Rahman, Vice Chair (District 6)	PRESENT

INVOCATION: Reverend Clifton Dawkins, Jr., County Chaplain

PLEDGE OF ALLEGIANCE: Recite in unison

ANNOUNCEMENTS

PLEASE SWITCH ALL ELECTRONIC DEVICES (CELL PHONES, PAGERS, PDAs, ETC.) TO THE SILENT POSITION DURING THIS MEETING TO AVOID INTERRUPTIONS.

IF YOU NEED REASONABLE MODIFICATIONS DUE TO A DISABILITY, INCLUDING COMMUNICATIONS IN AN ALTERNATE FORMAT PLEASE CONTACT THE OFFICE OF THE CLERK TO THE COMMISSION. FOR TDD/TTY OR GEORGIA RELAY SERVICE ACCESS DIAL 711.

CONSENT AGENDA

24-0548 Board of Commissioners

Adoption of the Consent Agenda - All matters listed on the Consent Agenda are considered routine by the County Commission and will be enacted by one motion. No separate discussion will take place on these items. If discussion of any Consent Agenda item is desired, the item will be moved to the First Regular Meeting Agenda for separate consideration. **(ADOPTED)**

A motion was made by Vice Chair Abdur-Rahman and seconded by Commissioner Thorne, to adopt the Consent Agenda. The motion passed by the following vote:

Yea: Pitts, Thorne, Barrett, and Abdur-Rahman

Absent: Ellis, Hall, and Arrington

24-0549 Board of Commissioners

Proclamations for Spreading on the Minutes. **(SPREAD ON THE MINUTES UPON ADOPTION OF THE CONSENT AGENDA)**

Proclamation recognizing "Yolanda Favors Remembrance Day." **(Arrington)**
August 23, 2024

Proclamation recognizing "The Waterboyz Movie Appreciation Day." **(Arrington)**
August 24, 2024

Proclamation recognizing "Ronald C. Smith Remembrance Day." **(Abdur-Rahman)**
August 27, 2024

Commissioners' District Board Appointments

24-0550 Board of Commissioners

**BELTLINE TAX ALLOCATION DISTRICT (TAD) ADVISORY COMMITTEE
(APPROVED UPON ADOPTION OF THE CONSENT AGENDA)**

Fulton County Board of Commissioners is responsible for appointing 10 members.

Term = 2 years, with such term commencing upon approval of the Atlanta City Council.

Term below expired: 12/31/2019
Angelyn A. Dionysatos

Commissioner Barrett nominated Bridgette Walton for a District appointment to a two-year term, commencing upon approval of the Atlanta City Council.

**24-0551 Board of Commissioners
COMMISSION ON DISABILITY AFFAIRS (APPROVED UPON ADOPTION OF
THE CONSENT AGENDA)**

The Commission on Disability Affairs shall consist of a total of sixteen (16) members to serve staggered two (2) year terms and appointed as follows:

Term = Staggered two (2) year terms

Term below expires: 12/31/2026

Vacant (**District 3**)

Commissioner Barrett nominated Derrick Tuff for a District appointment to an unexpired term ending December 31, 2026.

Open & Responsible Government

24-0552 Real Estate and Asset Management

Request approval of an Indemnification, Maintenance, and Land Use Agreement for Private Improvement (Indemnification Agreement) between Fulton County, Georgia and Kimberly C. Sullivan for the purpose of granting conditional approval to allow stormwater infrastructure to remain within a portion the County's existing sanitary sewer easement at 331 Clipper Bay Drive, Alpharetta, Georgia 30005. **(APPROVED UPON ADOPTION OF THE CONSENT AGENDA)**

Health and Human Services

24-0553 Public Works

Request approval to renew an existing contract - Department of Public Works, 24RFP140569K-DB, MS4 NPDES Permit Management Oversight and Administration in an amount not to exceed \$64,422.00 with River to Tap, Inc. (R2T) (Roswell, GA), to provide management, oversight, and administration services for the MS4 NPDES required Storm Water Management Program within the unincorporated area of Fulton County on a time and materials basis. This action exercises the first of two renewal options. One renewal option remains. Effective dates: January 1, 2025, through December 31, 2025. **(APPROVED UPON ADOPTION OF THE CONSENT AGENDA)**

24-0554 Department for HIV Elimination

Request approval to amend existing contracts to increase the spending authority of "Ending the HIV Epidemic" grant subrecipients pursuant to the Health Resources and Services Administration award UT8HA3393 in the amount of \$1,901,800.00 in fiscal year 2024. Contracts are 100% grant funded with no Fulton County match. Request authorization for the Chairman to execute contracts with seven selected subrecipients. To protect the interest of the County, the County Attorney is authorized to approve the contracts as to form and make any necessary modifications thereto prior to execution by the Chair. **(APPROVED UPON ADOPTION OF THE CONSENT AGENDA)**

Infrastructure and Economic Development**24-0555 Public Works**

Request approval to renew an existing contract - Department of Public Works, 23RFP139483K-DB, TSPLOST Program Management Services in an amount not to exceed \$118,000.00 with Goodwyn Mills Cawood, LLC (GMC), for program management services in the execution of the Transportation Special Purpose Local Option Sales Tax (TSPLOST). This action exercises the first of two renewal options. One renewal option remains. Effective dates: January 1, 2025, through December 31, 2025. **(APPROVED UPON ADOPTION OF THE CONSENT AGENDA)**

24-0556 Public Works

Request approval to renew an existing contract - Department of Public Works, 22RFP148596K-BKJ, Airport Planning and Environmental Consulting in the amount not to exceed \$125,000.00 with Michael Baker International, Inc. (Norcross, GA) to provide planning services for updating, modifying and implementing the Capital Improvement Program at the Fulton County Executive Airport - Charlie Brown Field. This action exercises the second of three renewal options. One renewal option remains. Effective dates: January 1, 2025, through December 31, 2025. **(APPROVED UPON ADOPTION OF THE CONSENT AGENDA)**

Justice and Safety**24-0557 Medical Examiner**

Request approval to renew an existing contract on behalf of the Fulton County Office of the Medical Examiner and the Emory University School of Medicine Office of Graduate Medical Education Department of Pathology to provide clinical education experiences for graduate medical students enrolled in the Forensic Pathology Fellowship Program; and authorizing the County Attorney to make any necessary modifications to the form of the agreements prior to execution by the Chairman to protect the interest of the County. The County is not required to pay any compensation. This action exercises the third of five (5) renewal options. Two (2) renewal options remain. **(APPROVED UPON ADOPTION OF THE CONSENT AGENDA)**

24-0558 Medical Examiner

Request approval to renew an existing contract - Fulton County on behalf of Fulton County Office of the Medical Examiner and the Emory University School of Medicine to provide clinical education experiences for students enrolled in, or visiting students participating in, a rotation with the Medical School's M.D. Degree. The County Attorney is authorized approve the Agreement as to form and make any necessary modifications thereto prior to execution. The County is not required to pay any compensation. Effective upon approval for five (5) years. **(APPROVED UPON ADOPTION OF THE CONSENT AGENDA)**

24-0559 Medical Examiner

Request approval of a contract - Fulton County Office of the Medical Examiner and the Emory University School of Medicine Office of Graduate Medical Education Department of Pathology to provide clinical education experiences for graduate medical students enrolled in the Anatomic Pathology Program; and authorizing the County Attorney to make any necessary modifications to the form of the agreements prior to execution by the Chairman to protect the interest of the County. The County is not required to pay any compensation. This action exercises the third of five (5) renewal options. **(APPROVED UPON ADOPTION OF THE CONSENT AGENDA)**

24-0560 Emergency Services

Request approval of a Memorandum of Understanding between Fulton County and the City of Atlanta for the provision of Back-Up 911 Service effective upon BOC approval through December 31, 2024, with five (5) renewal options ending December 31, 2029. **(APPROVED UPON ADOPTION OF THE CONSENT AGENDA)**

24-0561 Juvenile Court

Request approval of a contract - Juvenile Court, 22RFP048A-CJC, Specific Evidence-Based Delinquency Prevention Programming in the amount up to \$384,860.00 with Evidence-Based Associates, LLC (Powder Springs, GA) to provide ART-Aggressive Replacement Therapy; Trauma-Focused Cognitive Behavioral Therapy (TF-CBT); Functional Family Therapy (FFT) and Multisystemic Therapy (MST). Effective July 1, 2024, through June 30, 2025. This contract is 100% grant funded. No county funding is required. **(APPROVED UPON ADOPTION OF THE CONSENT AGENDA)**

24-0562 Police

Request approval to apply and accept a grant from the Urban Area Security Initiative (UASI) Program for GY2021, GY2022, and GY2023 funds for the total amount of \$456,000.00 for enhancement of the Law Enforcement capabilities. GY2021 award amount is \$46,000.00 and the effective date is 10/01/2021 and ends 06/30/2024. GY2022 award amount is \$329,000.00 and the effective date is 10/01/2022 and ends 05/31/2025. GY2023 award amount is \$81,000.00 and the effective date is 10/01/2023 and ends 09/30/2025. No match required. Reference agenda item # 24-0261. The MOU has been modified from its previous year(s) format to include a performance period end date. **(APPROVED UPON ADOPTION OF THE CONSENT AGENDA)**

24-0563 Superior Court Administration

Request approval of a statewide contract - Superior Court Administration, SWC #47100-GBI0000165-0002, in an amount not to exceed \$142,405.00 with Siemens Healthcare Diagnostics, Inc., to purchase medical/drug testing supplies for random drug testing for Superior Court Accountability Courts, State Court and Juvenile Courts. Effective July 1, 2024, through June 30, 2025. 100% grant funded. **(APPROVED UPON ADOPTION OF THE CONSENT AGENDA)**

FIRST REGULAR MEETING AGENDA

24-0564 Board of Commissioners

Adoption of the First Regular Meeting Agenda. **(ADOPTED AS AMENDED)**

A motion was made by Vice Chair Abdur-Rahman and seconded by Commissioner Barrett, to adopt the First Regular Meeting Agenda as amended by removing item #24-0577 as requested by Commissioner Thorne. The motion passed by the following vote:

Yea: Pitts, Thorne, Barrett, Hall, and Abdur-Rahman

Absent: Ellis, and Arrington

24-0565 Clerk to the Commission

Ratification of Minutes. **(RATIFIED)**

First Regular Meeting Minutes, August 7, 2024

Second Regular Meeting Post Agenda Minutes, August 21, 2024

A motion was made by Vice Chair Abdur-Rahman and seconded by Commissioner Thorne, to ratify the meeting minutes. The motion passed by the following vote:

Yea: Pitts, Thorne, Barrett, Hall, and Abdur-Rahman

Absent: Ellis, and Arrington

24-0566 Board of Commissioners

Presentation of Proclamations and Certificates. **(PRESENTED)**

Proclamation recognizing "Recovery Month." **(Ellis/Pitts)**

PUBLIC HEARINGS**24-0567 Board of Commissioners**

Public Comment - Citizens are allowed to voice County related opinions, concerns, requests, etc. during the Public Comment portion of the Commission meeting.

Priority for public comment will be given to Fulton County citizens and those individuals representing businesses or organizations located within Fulton County, including their employees, whether such persons are commenting in-person, via emails or via Zoom or other electronic media (i.e., phone call). Non-Fulton County citizens will only be heard after all in-person Fulton County citizens, representatives of business and organizations located within Fulton County, including their employees, have been heard and the time allotted for public comment has not expired, except as otherwise provided in this code section. County staff shall verify the residency of each public speaker prior to such person being heard by the board. Speakers will be granted up to two minutes each. Members of the public will not be allowed to yield or donate time to other speakers. The Public Comment portion of the meeting will not exceed sixty (60) minutes at the First Regular Meeting, nor will this portion exceed sixty (60) minutes at the Second Regular Meeting. In the event the 60-minute time limit is reached prior to public comments being completed, public comment will be suspended and the business portion of the BOC meeting will commence. Public comment will resume at the end of the meeting. For more information or to arrange a speaking date, contact the Clerk's Office.

(CONDUCTED)

13 Speakers: Rev. Joseph Williams (South Training Center); Norris Tuggle (South Training Center); Cheryl Petit (Seniors Services); Leslie White (Seniors Services); L.A. Pink (Fulton County Jail); Mike Russell (Audit); Paul Hershey (Fulton Elections and Jail); John T. Fisher III (Mortgage Fraud); Janet Hill (Mortgage Fraud); Maria Gaudio (Item #24-0568); Wanda Chatman (Seniors Services); Rev. Siegfried D. White (Community Needs) and Rev. Carmen Brown (Community Needs)

6 Zoom Speakers: Kevin Muldowney (Item #24-0568); Matt Rowenczak (Item #24-0568); Lucia Frazier (Item #24-0568); Joseph Sordi (Fulton County Jail); Ben Howard (Seniors Services) and Derrick D. Blassingame (Fulton County)

COUNTY MANAGER'S ITEMS**Open & Responsible Government****24-0568 Registration & Elections**

Request for approval of a contract between Fulton County Department of Registration & Elections and Gilbert, Harrell, Sumerford & Martin, P.C. in the total amount of \$99,600.00, to be paid in monthly installments of \$24,900.00, for monitors for the Fulton County November 2024 election, pursuant SEB 2023-025 which has been resolved by a reprimand. **(APPROVED)**

A motion was made by Commissioner Barrett and seconded by Chairman Pitts, to approve. The motion passed by the following vote:

Yea: Pitts, Barrett, Hall, Arrington, and Abdur-Rahman

Nay: Thorne, and Ellis

24-0569 Real Estate and Asset Management

Request approval to increase spending authority - Department of Real Estate and Asset Management, 22RFP041122C-MH, General Landscaping & Lawn Care Services for Countywide Facilities in the total amount of \$275,270.74 with (A) ReIMAGE General Contractors, LLC (Atlanta, GA), to cover the costs to provide additional on-site landscape/ground maintenance and lawn care services at various sites Countywide. Effective upon BOC approval. **(APPROVED)**

A motion was made by Commissioner Hall and seconded by Commissioner Thorne, to approve. The motion passed by the following vote:

Yea: Pitts, Thorne, Ellis, Barrett, Hall, and Abdur-Rahman

Did Not Vote: Arrington

Health and Human Services**24-0570 Public Works**

Request approval to renew an existing contract - Department of Public Works, 23RFP140862K-CRB, Building Code Administration Services, Construction Management Services and Planning Services in an amount not to exceed \$185,709.50 with Nova Engineering and Environmental, LLC (Kennesaw, GA) to provide building code administration, construction management, and planning services associated with new development and redevelopment activity within the Fulton Industrial District area of unincorporated Fulton County. This action exercises the first of two renewal options. One renewal option remains. Effective dates: January 1, 2025, through December 31, 2025. **(APPROVED)**

A motion was made by Commissioner Thorne and seconded by Vice Chair Abdur-Rahman, to approve. The motion passed by the following vote:

Yea: Pitts, Thorne, Ellis, Barrett, Hall, and Abdur-Rahman

Did Not Vote: Arrington

24-0571 Public Works

Request approval to renew an existing contract - Department of Public Works, 23ITB08142023A-JWT, Large Water Meter Installation, in an amount not to exceed \$500,000.00, with Jewel of the South, Inc. (Conyers, GA), to provide large water meter installation services. This action exercises the first of two renewal options. One renewal option remains. Effective dates: January 1, 2025, through December 31, 2025. **(APPROVED)**

A motion was made by Vice Chair Abdur-Rahman and seconded by Commissioner Thorne, to approve. The motion passed by the following vote:

Yea: Pitts, Thorne, Ellis, Barrett, Hall, and Abdur-Rahman

Did Not Vote: Arrington

24-0572 Public Works

Request approval to renew an existing contract - Department of Public Works, 23ITB458876A-KM, Small Water Meter Installation in an amount not to exceed \$620,000.00 with Jewel of the South, Inc. (Conyers, GA), to provide small water meter installation services. This action exercises the first of two renewal options. One renewal option remains. Effective dates: January 1, 2025, through December 31, 2025. **(APPROVED)**

A motion was made by Vice Chair Abdur-Rahman and seconded by Commissioner Thorne, to approve. The motion passed by the following vote:

Yea: Pitts, Thorne, Ellis, Barrett, Hall, and Abdur-Rahman

Did Not Vote: Arrington

24-0573 Public Works

Request approval of recommended proposals - Public Works, 24RFP032724K-JA, 2024 Standby Engineering Services in an amount not to exceed of \$2,000,000.00 with (A) Jacobs Engineering Group Inc. (Atlanta, GA) in an amount not to exceed \$500,000.00; (B) Prime Engineering, Inc. (Atlanta, GA) in an amount not to exceed \$500,000.00; (C) Benchmark Management, LLC (Atlanta, GA) in an amount not to exceed \$500,000.00; (D) Gresham Smith (Atlanta, GA) in an amount not to exceed \$500,000.00 to provide standby engineering services effective October 1, 2024 through December 31, 2025, with two renewal options. **(APPROVED)**

A motion was made by Commissioner Thorne and seconded by Commissioner Barrett, to approve. The motion passed by the following vote:

Yea: Pitts, Thorne, Ellis, Barrett, Hall, and Abdur-Rahman

Did Not Vote: Arrington

24-0574 Public Works

Request approval of a Resolution of the Fulton County Board of Commissioners to accept the City of Atlanta's selection of Brown and Caldwell | SL King as the winning bidder of its procurement for program management services for the Tom Lowe Water Treatment Plant conducted on behalf of the Atlanta Fulton County Water Resources Commission ("AFCWRC"); to authorize the AFCWRC to enter into a contract with Brown and Caldwell | SL King for Program Management Services; to approve the expenditure of Fulton County Capital Improvement Program Funds for such services in the amount of \$2.5 million per year for the initial three year term; to authorize the County Manager to approve the agreement as to content and the County Attorney to approve the agreement as to legal form; and for other purposes. **(APPROVED)**

A motion was made by Commissioner Thorne and seconded by Commissioner Barrett, to approve. The motion passed by the following vote:

Yea: Pitts, Thorne, Ellis, Barrett, Hall, Arrington, and Abdur-Rahman

COMMISSIONERS' ACTION ITEMS**24-0575 Board of Commissioners**

Request approval of a Resolution designating Fulton County, Georgia as a Purple Heart County; and for other purposes. **(Arrington) (APPROVED)**

A motion was made by Commissioner Barrett and seconded by Commissioner Hall, to approve. The motion passed by the following vote:

Yea: Pitts, Thorne, Ellis, Barrett, Hall, Arrington, and Abdur-Rahman

COUNTY MANAGER'S PRESENTATION AND DISCUSSION ITEMS**Health and Human Services****24-0576 Public Works**

Presentation: Transitioning to Advanced Meter Infrastructure (AMI) water meter reading in 2025. **(PRESENTED)**

COMMISSIONERS' PRESENTATION AND DISCUSSION ITEMS**24-0577 Board of Commissioners**

Discussion: Election Monitors **(Thorne) (REMOVED)**

ITEM REMOVED FROM THE FIRST REGULAR MEETING AGENDA AS REQUESTED BY COMMISSIONER THORNE

EXECUTIVE SESSION

24-0578 Board of Commissioners

Executive **(CLOSED)** Sessions regarding litigation **(County Attorney)**, real estate **(County Manager)**, and personnel **(Pitts)**. **(APPROVED)**

PRESENT IN THE EXECUTIVE SESSION REGARDING LITIGATION, REAL ESTATE AND PERSONNEL: Chairman Pitts, Vice Chair Abdur-Rahman, Commissioners: Thorne, Ellis, Barrett, Hall, and Arrington; County Manager Dick Anderson; County Attorney Y. Soo Jo; and Clerk to the Commission Tonya R. Grier.

a. A motion was made by Commissioner Ellis and seconded by Commissioner Thorne, to enter into Executive Session. The motion passed by the following vote:

Yea: Pitts, Thorne, Ellis, Barrett, Hall, and Abdur-Rahman

Did Not Vote: Arrington

b. A motion was made by Commissioner Barrett and seconded by Commissioner Thorne, to approve the requests for representation in items #3, #4, #5, and #6 as discussed in Executive Session. The motion passed by the following vote:

Yea: Pitts, Thorne, Ellis, Barrett, Hall, Arrington, and Abdur-Rahman

c. A motion was made by Commissioner Thorne and seconded by Commissioner Arrington, to approve settlement in the matter of Court Reporters of the State Court of Fulton County in a total amount of \$45,592.12 with applicable pay rate adjustments as discussed in item #7 in Executive Session. The motion passed by the following vote:

Yea: Pitts, Thorne, Ellis, Barrett, Hall, Arrington, and Abdur-Rahman

ADDED TO THE MEETING

Items Added to the Agenda

24-0579 Board of Commissioners

Discussion: Sheriff's Office outstanding invoices **(Pitts)**

a. A motion was made by Commissioner Thorne and seconded by Vice Chair Abdur-Rahman, to approve adding item #24-0579 to the First Regular Meeting Agenda. The motion passed by the following vote:

Yea: Pitts, Thorne, Ellis, Barrett, and Abdur-Rahman

Nay: Hall, and Arrington

b. A motion was made by Commissioner Arrington and seconded by Commissioner Hall, to allocate the \$2.137 million to the Sheriff's Office. The motion failed by the following vote:

Yea: Barrett, Hall, and Arrington

Nay: Pitts, and Abdur-Rahman

Absent: Thorne, and Ellis

Vice Chair Abdur-Rahman asked for a moment of silence for the victims of the Apalachee High School shooting.

ADJOURNMENT

There being no further business, the meeting adjourned at 3:15 p.m.

FULTON COUNTY BOARD OF COMMISSIONERS
FIRST REGULAR MEETING
SEPTEMBER 4, 2024
10:00 A.M.

RETRIEVED FROM DEMOCRACYDOCKET.COM

Alexander Solution, LLC
"A Court Reporting Firm"

(Whereupon, the meeting was called to order at 10:02 a.m.)

CHAIRMAN PITTS: "All right. Good morning, everyone and welcome to the First Regular Meeting of the Fulton County Board of Commissioners. Today is Wednesday, September 4th. It is 10:02 a.m. Please, call the roll."

CLERK GRIER: "Chairman Robb Pitts."

CHAIRMAN PITTS: "Present."

CLERK GRIER: "Commissioner Bridget Thorne."

COMMISSIONER THORNE: "Present."

CLERK GRIER: "Commissioner Bob Ellis. Commissioner Dana Barrett."

COMMISSIONER BARRETT: "Present."

CLERK GRIER: "Commissioner Natalie Hall. Commissioner Marvin Arrington, Jr. Vice Chair Khadijah Abdur-Rahman."

VICE CHAIR ABDUR-RAHMAN: "Present."

CHAIRMAN PITTS: "All right. Please rise for the invocation followed by the Pledge of Allegiance."

(Whereupon, the invocation was given by Reverend Dawkins followed by the Pledge of Allegiance.)

CLERK GRIER: "On page 2, Consent Agenda: **24-0548**, Adoption of the Consent Agenda. All matters listed on the Consent Agenda are considered routine by the County Commission and will be enacted by one motion. No separate discussion will take place on these items. If discussion of any Consent Agenda item is desired, the item will be moved to the Regular Meeting Agenda for separate consideration."

CHAIRMAN PITTS: "Any items on the consent agenda? Now, Commissioners any items in the absence -- motion to adopt the Consent Agenda as is printed. To adopt by Vice Chair Abdur-Rahman; seconded by Commissioner Bridget Thorne. Please vote."

CLERK GRIER: "And the vote is open. And the motion passes four yeas, zero nays."

CLERK GRIER: "On page 6, First Regular Meeting Agenda: We have one item to be added to today's meeting, **24-0579**, Discussion: Sheriff's office outstanding invoices sponsored by Chairman Pitts."

CHAIRMAN PITTS: "Okay. To add an item that requires a super majority of five. We only have four, so we will take that up at a later time of the meeting. That has to be added today. We have some bills that have to be paid. Continue."

CLERK GRIER: "**24-0564**, Adoption of the First Regular Meeting Agenda. Mr. Chairman and Members of the Board, we have one amendment on page 9. Commissioner Thorne has requested to remove her item: 24-0577, Election Monitors."

CHAIRMAN PITTS: "All right. Anything else on the regular agenda?"

COMMISSIONERS: (No response.)

CHAIRMAN PITTS: "All right. I'll entertain a motion to adopt the Regular Agenda as amended. Motion to adopt by Vice Chair Abdur-Rahman; seconded by Commissioner Barrett; and remember, we will need to add that one item which requires a supermajority vote. What? Let's vote."

CLERK GRIER: "And the vote is open. And the motion passes; five yeas, zero nays."

CLERK GRIER: "**24-0565**, Ratification of Minutes. First Regular Meeting Minutes, August 7th; Second Regular Meeting Post Agenda Minutes, August 21st, 2024."

CHAIRMAN PITTS: "All right. Motion to adopt by Vice Chair Abdur-Rahman; seconded by Commissioner Thorne. Please vote."

CLERK GRIER: "And the vote is open. And the motion passes; five yeas, zero nays."

CLERK GRIER: "**24-0566**, Presentation of Proclamations and Certificates. Proclamation recognizing 'Recovery Month' sponsored by Commissioner Ellis and Chairman Pitts."

COMMISSIONER THORNE: "So today, we're going to celebrate Recovery Month with our awesome Behavioral Health Department that's up here today. WHEREAS, behavior health is an essential part of health and one's overall wellness and recovery from alcohol and other drug use; occurs every day through variety of recovery, support

resources, and treatment programs; and WHEREAS, millions of people across the United States are long-term recovery living happy, healthy, and productive lives. In 2024's, recovery month theme 'Recovery is for everyone, every person, every family, every community'. The permanent tagline for Recovery Month moving forward and work continues to educate others about substance abuse, disorders, and co-occurring disorders; the effectiveness of treatment and recovery services, and that recovery is possible; and WHEREAS, education about recovery and addiction is essential to combating the stigma and discrimination faced by people in recovery and is needed by all Georgians including public health and safety officials, the workforce, older adults, and family; and WHEREAS, Recovery Month celebrates the gains made by those in recovery, just as we celebrate health improvements made by those who are managing other health conditions. This observance reinforces the positive message that behavioral health is essential to overall health. Prevention works, treatment is effective, and people can and do recover. NOW, THEREFORE, BE IT RESOLVED that the Fulton County Board of Commissioners calls upon its citizens to observe National Recovery Month, and support the 2024 theme of 'Recovery is for everyone, every person, every family, every community'; and does hereby proclaim September 2024 as Recovery Month in Fulton County, Georgia. Thank you."

RECIPIENT: "Good morning and thank you so much, Commissioner Thorne. To Chairman Pitts and the entire Board of Commissioners on behalf of Fulton County Department of Behavioral Health and Developmental Disabilities, as well as our director, LaTrina Foster, we thank you for proclaiming Recovery Month in Fulton County during this month of September. As we know, hope is possible for those that are undergoing addiction as well as mental illness; and we encourage and we applaud those individuals that are strong enough to overcome their obstacles and challenges so that they can recover. As we know, as individuals recover, that means that families are recovering as well as communities. Thank you."

CHAIRMAN PITTS: "Continue, please."

CLERK GRIER: "Continuing on page 6, Public Hearings: **24-0567**, Public Comment. Citizens wishing to participate in public comment will be allowed to appear in person or may choose to participate virtually via Zoom videoconferencing or by submitting their comments in writing by registering on the county's website www.fultoncountyga.gov. Priority for public comment will be given to Fulton County citizens and those individuals representing businesses or organizations located within Fulton County. Speakers will be granted up to two minutes each. The public will not be allowed to yield or donate time to other speakers. The public comment portion of the meeting will not exceed 60 minutes. In the event the 60-minute time limit is reached prior to public comments being completed, public comment will be suspended and the business portion of the BOC meeting will commence. Public comment will resume at the end of the meeting. Mr. Chairman, and Members of the Board, we'll start with the speakers here in Assembly

Hall. We have received 13 speaker cards. Will the first five speakers please come down: Reverend Joseph Williams, Norris Tuggle, LA Pink, Mike Russell, and Cheryl Petit."

CHAIRMAN PITTS: "All right. Speakers, when you have 15 seconds remaining, I'll say 15 seconds, and that's your clue to begin to terminate your remarks, to conclude your remarks. First speaker."

REVEREND JOSEPH WILLILAMS, PUBLIC SPEAKER: "Good morning, Commissioners. I'm here with South Training Center. And we have been trying to get a location for our children, and we've been put off and put off. I was here before and I told you that God love all of us. And Jesus said, as you do it to the least of us, you do it unto me. So when you don't give facility for the South Training Center, and I'm the president of the parents/teacher group, and I advocate for them. We're supposed to be getting a place on Fairburn Road, and nothing is being done. Now, Ms. Foster is over this project and I am, and all the other parents are displeased with what she is doing. We've been held up way before the pandemic, they closed our center down, put us over there with Central, packed us up in there. Thought we were going to accept it and be pleased with it, but we're not pleased with it. We cannot advance, we cannot take on more clients, and our teachers cannot progress because we are not being -- have the place to do it. So I'm complaining about to it to you and Ms. Foster."

CHAIRMAN PITTS: "All right. Fifteen seconds."

REVEREND JOSEPH WILLILAMS, PUBLIC SPEAKER: "Thank you."

NORRIS TUGGLE, PUBLIC SPEAKER: "I'm a member of our South Training Center, parents/teacher group. I have a special-needs son, and he's nonverbal, artistic, so I'm his voice. And I would just like to say what is the status of our center? Ms. Foster has told us time and time again -- she come to our meeting, and she told us fairytales. But to be real, it's lies. Either you gone to do something or you not. I'm a taxpayer. And it don't make a difference that we have to come down here and ask for something when it should be done. Level the playing field. My son is disabled, nonverbal. Level the playing field. She said that they were going to do west mental health in the first quarter. It's the fourth quarter now with two minutes left, and y'all still have the ball. As I close, I just like to say Proverbs 3 verse 27-28: Withhold not good from those who endure when it's in the power of your hands to do it. Say not to thy neighbor go and come again and tomorrow I would give when it's in the power of your hand to do it. Blessings be to you and your families as well as me and my family."

CHERYL PETIT, PUBLIC SPEAKER: "Good morning. My name is Cheryl Pettit, and I'm a participant from Mills Center, and my concern is why for the fall season, session rather, that we will be denied art classes instead of like -- I don't understand why you take the art teachers from three centers to accommodate one center at Benson. And why if that art teacher has been gone for over a year why you have not filled that

position, and it takes away from our mental and physical health by not being able to have these classes."

LESILE WHITE, PUBLIC SPEAKER: "Hi. My name is Leslie White. I have tremors, so that's why I'm talking like this, but I agree with her. That takes away from us. We won't have an art teacher for that day -- yeah, for the fourth session. I don't think it's fair, you know. That's the class that I signed up for."

CHERYL PETIT, PUBLIC SPEAKER: "And we'd like to know why the position hasn't been filled."

LESILE WHITE, PUBLIC SPEAKER: "Right."

CHERYL PETIT, PUBLIC SPEAKER: "It's been vacant for over a year."

LESILE WHITE, PUBLIC SPEAKER: "Right."

CHAIRMAN PITTS: "Okay. All right. Thank you."

LA PINK, PUBLIC SPEAKER: "So first I just want to start it off by giving thanks to Mo Ivory for stepping up and being the leader and the new Commissioner that she is for Mechanicville. There were ten people shot, and she came and showed love to the community and that's what the community needs right now, a real leader. So we thank her for coming out. And the next thing I want to do is address the Board of Commissioners. When are y'all going to continue -- why are y'all continuing to allow Sheriff Labat to be the pimp and run this trap house over here that is supposed to be a jail? When? And why hasn't this stopped? When these officers walked off of the job from not being paid millions of dollars, and they had told him that they were going to do this, and then he pulled this stunt with having all of these officers arrested and all of these little things, him and Mark Winnie got going on; and Mark Winnie is helping him as well. I feel like he's part of this trap house. Somehow, someway, we went from digging a hole of a wall, we went from an officer having sex with an inmate, and with five shanks, to now we got a million shanks; we got drugs out of this. We got all kind of stuff going on in this trap house that was supposed to be a jail. So as these officers walked out of this jail, there was a riot that broke out that nobody has spoke about. Nobody has said anything. One of our inmates was even stabbed in the face, was not taken to the hospital; was not anything done. I need answers. I need to know why this continues to happen. Pitts, you on it."

CHAIRMAN PITTS: "Fifteen seconds."

LA PINK, PUBLIC SPEAKER: "Khadija, you on it. Y'all are on it. Y'all been on it. Let's take this man out. We need Charles Rambo in. We need somebody in. I don't care at this point who it is, but we do have Charles Rambo running as a write in. We need him out; today."

MIKE RUSSELL, PUBLIC SPEAKER: "My name is Mike Russell, and I'm once again calling for a forensic audit and full investigation into the Sheriff's Department and the DA. I don't understand why it hasn't happened. If you're afraid that you're not going to get four votes, just call for a vote to see who's on the side of the people and who's on the side of right and who's on the side of Sheriff Labat and Fani Willis. Just call for a vote to have this investigation and audit. Two Sundays ago we were down at the Fulton County Jail, commonly referred to as the Fulton County trap house. And we met two young men who were being released. One of them was homeless, but he works full time. And the officers confiscated everything he owned in his backpack, and he was so worried he couldn't call his employer to get back to work. I don't know what happened to the young man because he wouldn't take my offer of help. The second young man, we took him -- I took him to get some food and something to drink because he said the food in the jail was horrible; and I took him home. In the course of all that, he told me as he was leaving the jail that morning, he could smell weed, reefer, throughout the entire Fulton County Jail. Now tell me why that is not a trap house? There needs to be an investigation. This has gone on far too long. And for the so-called city leaders outside of this room, you have a rude awakening coming, because I think when the World Cup comes, I can imagine a split screen with the trap house and Mercedes-Benz Stadium. And which one is the world going to pay more attention to if there's another serious incident in that jail during the World Cup? You're playing with fire and the reputation of this city, this county, and this state, and our nation. It needs to be cleaned up now --"

CHAIRMAN PITTS: "-- 15 seconds."

MIKE RUSSELL, PUBLIC SPEAKER: "-- we need a vote this morning. Be on the record, where do you stand? And the last thing I'll say, do all the lives that have been lost in that jail, the black lives, do those black lives matter? Let us know with your vote."

CLERK GRIER: "Next five speakers, please come forward: Leslie White, Paul Hershey, John T. Fisher, Janet Hill, and Maria Gaudio."

CHAIRMAN PITTS: "Just a minute. Just a minute. Ms. White? Just a minute. Ms. Leslie White?"

PAUL HERSHEY, PUBLIC SPEAKER: "She spoke already."

CHAIRMAN PITTS: "All right. Mr. Hershey?"

PAUL HERSHEY, PUBLIC SPEAKER: "Did you take the motion to monitor off the tables?"

CHAIRMAN PITTS: "Mr. Hershey, you have the -- you have two minutes."

PAUL HERSHEY, PUBLIC SPEAKER: "Did you take the motion to move off -- well, let's forget it then. The Fulton County Board of Elections hasn't set up a protocol; is lacking in direction, it's lacking in everything, and they report to you. They don't report to him, the general manager, they report to you. You appoint them. Now, the State Board of Elections has come out and said, because of 144 issues, they want to monitor. Well, the monitor that you're looking at is basically tainted. Hasn't been researched, hasn't been vetted, and was on the call with Trump. So there's a problem there. The State Board -- your Fulton County Board of Elections needs cleaning up, and I would suggest that Bridget Thorne -- Commissioner, who knows a lot about the elections really step in and help them or get them get them straight. The second thing is, is the jail. The jail is a disaster. You've got crack, you got marijuana, you got everything going. You've got a sheriff that has violated probably four contracts. You're going to have a lawsuit from that security company because he turned around and hired people supposedly with benefits, and he didn't pay them for three months, and why didn't anybody sitting up there know that? This is absolutely ridiculous. He should be vetted, he should be removed, and you guys should be starting the process. And I know you don't have the final word. But the bottom line is, start doing something. And the last thing is, is this: I would make a motion that Commissioner Arrington recuses himself on any amount of voting for money for the Sheriff and for the DA. Why? There's an appearance of a conflict of --"

CHAIRMAN PITTS: "-- 15 seconds."

PAUL HERSHEY, PUBLIC SPEAKER: "-- period. He's taking him to festivals and everything else, and we've got all this going on? There is a conflict."

JOHN FISHER, PUBLIC SPEAKER: "Good morning. My name is John Fisher, Georgia Coalition for Fair Housing and Justice, but I'm also a member of the Presidential Financial Task Force on Fraud. And what I'm presenting to you is the process that you have a tremendous problem in the state of Georgia, especially in Fulton and DeKalb County, with houses being illegally foreclosed because of mortgage identity theft with the process. So what I'm telling you here this morning is nothing, but I want you to understand this: when this list hits the news within the next two weeks or so, do not be shocked and surprised with the officials, the judges, the lawyers names that will be identified. We have people in this county who house was foreclosed on 34 times, and it never shows up on the foreclosure. Okay and it's a process. Don't want anybody to be alarmed whatsoever when they see names on there and the process of how houses were stolen. Documents that have been never signed by a judge or anything else, and the Sheriff's is knocking on the door to put you out of the house that is paid for. You have people 94, 95 years of age been put out of their homes. Now, we have been -- in this force, I've been on this task force since 2010. We have been monitoring this situation and process. The state of Georgia got 842 million dollars to resolve its foreclosure issues, and most of the houses are in Fulton and DeKalb. So when you start seeing these judges' names and all of these kind of things process, do not be shocked because it's coming. You have a tremendous problem. Tremendous

problem and it's just not just in the state of Georgia, it's all over the nation, but you're stealing homes. Mortgage identity theft, victims of mortgage identity theft are statutory entitled to compensation --"

CHAIRMAN PITTS: "-- 15 seconds."

JOHN FISHER, PUBLIC SPEAKER: "-- and that is 18 United States Code 36.63, paragraph B. Thank you."

JANET HILL, PUBLIC SPEAKER: "Good morning. My name is Janet Hill. I'm just coming again to talk about the issue of deed fraud. On April 1st 2024, Che Alexander affirmed deed fraud is a crisis. Since that time, judges and associates with Fulton County government have unlawfully intervened to prevent criminals from being held accountable for their crimes; admitted crimes. You are all also accountable for these crimes. This is an additional demand, respectfully, to resolve this issue of admitted crimes in Fulton County. I yield the balance of my time today for you to reflect on your responsibility to resolve these crimes that impact largely seniors, minorities, and women in these communities. Thank you."

MARIA GAUDIO, PUBLIC SPEAKER: "Good morning. Maria Gaudio, Fulton County. Between the jail, the deed fraud, the election fraud, I could not have said anything better than last six speakers, but I'd like to add a little bit more about the proposed contract for the monitors. This contract is a four-page contract that doesn't look substantial enough. It just doesn't indicate the whats, the hows, or the whens. When are they going to -- how are they going to determine outcomes? When is that going to be delivered? What are the other deliverables? This is really a sparse contract, and I'm wondering if it hasn't even been reviewed by Soo Jo. I didn't see her signature or the SEB. The SEB did not sign off on this. This is some kind of preemptive way to bypass the SEB. Ryan Germany has already failed. He's been legal counsel for Raffensberger, and he's been obviously seen as an obstructionist. He has no business on this hundred thousand dollar contract between him and the Carter Center whose forte seems to be other international election meddling of 130 countries. We don't need them here. Unfortunately, they are located here. But this contract hasn't been properly vetted through the SEB and there were already monitors who were appointed -- who were suggested by the SEB, and those need to be considered by our own BRE. The sequence of authorization of contract is not correct --"

CHAIRMAN PITTS: "-- 15 seconds, ma'am."

MARIA GAUDIO, PUBLIC SPEAKER: -- the temp agency that previously Ryan Germany and other -- Carter Jones had indicated were --"

CLERK GRIER: "Last three speakers in Assembly Hall, please come forward: Wanda Chatman, Reverend Sigfried White, and Reverend Carmen Brown."

WANDA CHATMAN, PUBLIC SPEAKER: "My name is Wanda Chatman and I attend the Helene Mills Senior Center. I came here with other participants at the Helene Mills Center, and we have put together a petition because we were concerned about the changes that are causing disruptions in our center. Can I read what we will be saying? Okay. I'll read it to you. It says, we, the undersigned, are either taking or have taken numerous art classes with Nicole at Helene Mills multipurpose center. We hold her in high regard and always look forward to exploring new techniques in our classes. It's been brought our attention that some of her art classes have been postponed because she's been asked to teach at the Sandy Springs facility. This news comes as a total and sudden surprise. We wish to voice our discontent with this action. We value Nicole highly, and would like for her to continue teaching her art courses here at Helene Mills as long as she can. And I want to say that I've been coming there and going there for two years, been taking jewelry making, ceramics, art classes. She puts on an amazing art show every year that showcases our work, and us senior citizens, you know, we're old, but a lot of us are turning into really good artists as a result of Nicole's coaching and help. She's very sensitive, she listens -- we're all very forgetful -- she doesn't berate us. She always welcomes us. She knows us all by name, and she encourages us and she helps us. So we want to keep her at our facility. Now, what's been going on in the past, is they been moving --"

CHAIRMAN PITTS: "-- 15 seconds."

WANDA CHATMAN, PUBLIC SPEAKER: "Okay. They've been moving different teachers around to different facilities and it's inconvenient and we're not happy with it, and we would like for to keep her there and that move her. So we'd like you to move the other people."

REVEREND SIGFRIED WHITE, PUBLIC SPEAKER: "Good morning, Commissioners. My name is Reverend Sigfried White, founder and CEO of Concerned Dads, Inc. As you know, it's time for the Sheriff to resign. As you know, all this corruption that's going on, able to bring drugs in to the jail cell, able to bring telephones, people being indicted, Sheriff Rambo it's time, and I'm praying that the Sheriff will resign. I'm praying that Sheriff Rambo will be -- excuse me -- will be our next sheriff. People are dying. We're talking about a mansion for our mayor. Where's the money coming from? What about the homeless people? You may be aware in my district where I'd be at a Gateway Center on Pryor Street, you may have heard again, a homeless person, Arrington, jumped from the bridge and committed suicide; homeless. We need to address that situation. We need to address the jail situation. People are dying, given money, throwing money away because people do not know how to manage money. The jail situation is a management problem. We need to know how to manage the money. You all have been given money, but the money has been wasted."

CHAIRMAN PITTS: Fifteen seconds."

REVEREND SIGFRIED WHITE, PUBLIC SPEAKER: "I am tired. We are tired. I know you all should be tired of money -- throwing money to wrong places. Help Reverend White work with the homeless. Thank you."

REVEREND CARMEN BROWN, PUBLIC SPEAKER: "Good morning, Commissioners. I am Reverend Carmen Brown. I came before you this morning because I thought the meeting was starting late and I thought you were slipping on your etiquette. I just wanted you to remain strong in your presence in what you do for Fulton County, for the state of Georgia. But I also want to say if Kamala Harris can say, Kamala Harris for the people, I want you all to take up that mantra as well, for the people. Give the people some relief, some recovery, because we come down here to ask for relief and recovery. And you, as our elected officials, we expect relief and recovery; from the housing fraud, to the situations going on with the jail. We know that you can't handle everyone's personal situation, but collectively, for the people, work for the people and the respect that you are seeking or that you need, will come from the people when they feel like you support them. We have supported you with a vote to come in here and do the work for the people. So the people need you to do the work. The people are tired. The people are fed up, and the people are moving to other avenues that will express that we need to do something different. So don't have to be voted out of office because you have worked diligently for this county; but you can do more."

CHAIRMAN PITTS: "Fifteen seconds."

REVEREND CARMEN BROWN, PUBLIC SPEAKER: "You can give people relief; you can give them the help that they need. All of these organizations that are up and running because of funding sources from Fulton County and second and third party sources, the funding sources, they are there, so help the people. Thank you."

CLERK GRIER: "Mr. Chairman and Members of the Board, we have four speakers on Zoom."

RICO DOLLAR, EXTERNAL AFFAIRS: "Good morning, Commissioners. The first person to speak is Kevin Muldowney. Kevin Muldowney."

KEVIN MULDOWNEY, PUBLIC SPEAKER: "Good morning, Commissioners. Agenda item 24-0568, the \$99,000 proposed election monitoring contract makes no sense at all. This contract specifies that work will commence in August of '24 with the final report November '24. As most of you realize, we're in the month of September, first deadline missed. Some of the personnel involved is a bit of head scratcher. Ryan Germany was involved in the 2020 debacle, and obstructed transparency with the secretary of state's office. He was the protector of the ill-fated elections superintendent, Rick Barron. Barron was finally fired when the results of the Carter-Jones report came out. Carter Jones -- Carter Jones is part of the proposed monitoring team as well. The same Carter Jones that reported that temp workers were still -- that we still heavily rely on today,

were ill-motivated and, for the most part, just didn't care. You didn't listen to him then. Why would now be any different? The Carter Center is also part of the proposal. We used them in the 2022 election. Their employees had a reputation of just sitting around and not doing much. They signed off on the election and the election had to be recertified due to incomplete results. The real kicker in this proposal is that the SEB, 2023-025 has not been resolved at all. Anyone paying attention knows that at the last State of Election Board meeting, 23-025 had been reopened and an investigation has been ordered. Could that be why the SEB hasn't proposed a monitoring team or even signed off on this document?"

CHAIRMAN PITTS: " Fifteen seconds."

KEVIN MULDOWNEY, PUBLIC SPEAKER: "This is more than enough to make this proposal null and void. This is a real case of putting the cart before the horse. Please stop the madness. Thank you very much."

RICO DOLLAR, EXTERNAL AFFAIRS: "The next person to speak is Matt Rowenzcak."

MATT ROWENZCAK, PUBLIC SPEAKER: "Good morning, Commissioners. I want to show you the improper and inadequate nature of agenda item 24-0568, which is in regard to the potential monitoring team for Fulton County Elections. First of all, the potential for a monitoring team originated from the State Elections Board due to the election violations discovered from 2020. They're in the middle of discussing whether or not a monitoring team will be implemented, so why is the county initiating this costly measure? The same county where the issues occurred in the first place. Secondly, the agenda item is not correct. It references SEB 2023-025 being resolved with a reprimand. That is not correct. The Board is still in discussion on this item. Thirdly, what if the State Election Board approves a separate monitoring team? In that case, the county will have then imposed \$200,000 unnecessarily on Fulton taxpayers. Fourthly, the content of the proposal is inadequate. We have almost the same individuals who have previously audited Fulton County. As an example, we have Carter Jones who told us that workers hired through temp agencies lacked competency and motivation, yet we're still using temp agencies. So Fulton taxpayers are paying for another audit to realize the same recommendations to then do nothing about it? Finally, the attached proposal says the work will be conducted for four months beginning in August; we're now in September. So Fulton County taxpayers are now having to foot the bill for the original cost of a hundred thousand, which was four months of work and now is for less than three months of work. Make it make sense, Commissioners. The Fulton County Election Board seems to be ramming an item through that is so clearly improper, inappropriate, and --"

CHAIRMAN PITTS: "-- 15 seconds."

MATT ROWENZCAK, PUBLIC SPEAKER: "-- inadequate. I recommend you reject this item until the State Election Board has made its decision. Thank you."

RICO DOLLAR, EXTERNAL AFFAIRS: "The next person to speak is Lucia Frazier."

LUCIA FRAZIER, PUBLIC SPEAKER: "Good morning, Commissioners. I'm echoing the same comments about the current proposal of the Fulton Election Monitoring Team. It has not been approved by the SEB. I was at the last meeting when they -- they have not agreed on this current list. It was not even created by the whole SEB. The SEB is bipartisan, and they do have a plan to create a bipartisan group of people coming, and a group of people that is noncorrupt. The team needs to have a hundred percent election integrity champions who have shown honesty; and it needs to have a strong mix of people with strong professional backgrounds. And so the current team, as you've heard, has dishonest members. So please hold this vote until you actually get the final list that's approved by the SEB. Also, I just want to mention that I'm really disappointed about not passing a rollback millage rate that would have kept our taxes leveled. There is still so much money waste in so many departments; and just to give you one example, in the Elections department, they buy those little memory cards. They pay like \$50 a memory card; very, very expensive. And they could be up to \$5 each. So this is just one example of items that we could be reducing costs, saving money in many places in the departments, and helping give that back to the taxpayers so we can spend it the way we want to. Thank you very much."

RICO DOLLAR, EXTERNAL AFFAIRS: "The next person to speak is Joseph Sordi."

JOSEPH SORDI, PUBLIC SPEAKER: "Good morning, Commissioners. My name is Joseph Sordi. I'm the chief executive officer of Strategic Security Corp, the security contractor that was in contract with the Fulton County Jail and Sheriff Labat. I'd like to thank you, the Board, for being -- willing to recognize that outstanding invoices and our letter of demand for payment, and it was with a heavy heart that we had to suspend services at the Fulton County Jail. And any subsequent challenges it created for the Sheriff, the deputies, and those in our care and custody, as we all had a great working relationship with the entire executive staff of the Fulton County Jail. We have made Sheriff Labat aware of the looming deadline and even offered an amendment to the contract to hold off suspending services. However, we received no response to our numerous requests or any good-faith effort to address the situation. Strategic Security remains open to any dialogue and cooperation in order to find a mutually acceptable solution to this challenging situation. And upon resolving it, we can immediately resume services in the jail, a system restoring law and order, accountability, integrity, as well as a safe environment for those in the care and custody of Fulton County. All doing so at a significantly cost savings to the county rather than the Sheriff directly hiring additional staff. I thank you all for all our time, and you have the availability to contact me at any time to address this matter."

RICO DOLLAR, EXTERNAL AFFAIRS: "The next person to speak is Ben Howard."

BEN HOWARD, PUBLIC SPEAKER: "Greetings, Commissioners, and Staff; and special greetings, fellow citizens. Ben Howard, Senior Advocate and Public Policy Analyst. Thanks for the interest in revitalizing the Commission on Disability Affairs. Melissa Firestone would be smiling. Discounting the dustup regarding the revision minutes of the Housing Authority of Fulton County, the Housing Authority is moving monumentally in the directions of true citizen participation. Its next meeting is Thursday, September 19th at 10:00 a.m., and is truly open to the public in person and virtually. The Commission on Elder Affairs meets a week from tomorrow, the second Thursday of the month at 11:30 a.m. Board members would be pleasantly surprised if the practice of providing updated board member attendance sheets is resumed for this new board as well as the practice during the days of Dorothy Benson, Helene S. Mills, and Lathanger Murray. Stay tuned."

RICO DOLLAR, EXTERNAL AFFAIRS: "The next person to speak is Derrick Blasingame."

DERRICK BLASSINGAME, PUBLIC SPEAKER: "Good morning, Commissioners. Derrick Blasingame. I should say the Honorable Derrick Blasingame. Hopefully, I won't be disconnected this time or pause, whatever y'all did the last time I attempted to join your meeting. I want to talk about Sheriff Labat and this termination of the security. Now, during my recent visit to the Fulton County Jail, I think it was August 27th when they brought me in and, of course, they wanted my opinion about things. Those security guards, all they do is hand out toilet paper they sit over in the tower, they don't do any interaction with any of the inmates, and they serve absolutely no purpose. So I say terminate the contract, pay our correction officers, pay our deputies to do that job. I bet they were paying that security company to do. Two, how in the hell can the Sheriff unilaterally -- unilaterally make a hiring decision without it being competitive. All jobs in Fulton County be -- in Fulton County are competitive. So if he's going to just give jobs away, I want one of those jobs, and he should put me on because I have just as much experience as any of those security guards being in Fulton County Jail. Three, no executive in this county can just make a decision to tortuously interfere with the contract. There is completely -- there is -- evident that there is a noncompete agreement in that agreement, and he basically coerced this company to take on this task, train their employees, and pretty much not pay them, and took their employees, and Sheriff Labat should be ashamed of himself. Number four, the Fulton County Sheriff needs to be investigated for mishandling money from this county. This Board has empowered him financially since he's been in office, and he has done nothing but come back and throw you all under the bus and play political shenanigans with the taxpayers' dollars. It's time for Sheriff Labat to be called to the carpet. Derrick Blasingame, the government watchdog."

RICO DOLLAR, EXTERNAL AFFAIRS: "The last person to speak is Douglas Ruhl. Douglas Ruhl. And with that said, that concludes the Zoom public comments."

CHAIRMAN PITTS: "Thank you. Continue, please."

CLERK GRIER: "On page 7, County Manager's Items, under Open and Responsible Government, **24-0568**, Registration and Elections: Request for approval of a contract in the total amount of \$99,600 for monitors for the Fulton County November Election."

CHAIRMAN PITTS: "So, Mr. Manager, or --"

DICK ANDERSON, COUNTY MANAGER: "-- I believe Nadine Williams and the board chair are coming down, Mr. Chairman."

CHAIRMAN PITTS: "Okay. Ms. Allen, Ms. Williams."

SHERRI ALLEN, CHAIRPERSON, FC BRE: "Good morning, Commissioners. I'm Sherri Allen, the Chair of the Fulton County Board of Registration and Elections, and we're asking for approval of the monitoring proposal from -- that we have presented from the Ryan Germany team. We -- this is resolving SEB 2023-025. We were issued a reprimand on May 7th. Although the State Election Board does not have legal authority to require monitors, we agreed as part of that resolution and as part of that reprimand to have monitors for the 2024 General Election. The agreement said that it was a mutually agreeable triune agreement with the State Election Board, the Fulton County Board of Registration and Elections, and the Secretary of State's Office. The Secretary of State signed off on the proposal, the Fulton County Board of Registration and Elections on July 11th, after the Secretary of State signed off, also approved the proposal, and then we submitted it to the State Election Board. The State Election Board had -- on August 7th, had two proposals before it. Now, we initially had two proposals before us as well. One of the proposals said that, instead of the -- under hundred thousand dollars, which we requested, because at first it was over \$200,000. We requested under a hundred thousand dollars from both, but the second proposal stated that if during their monitoring, they could come back and ask us for more money and we did not feel that that was fiscally responsible for Fulton County. We sent it to the State Election Board; the State Election Board had a hearing. They listened to Mr. Germany who spoke for the proposal team. They asked, was that a bipartisan team, he said, yes. They listened to another proposal that had never come before us, but asked, was it a bipartisan proposal, they were told, no. So we felt that it was best to continue to go with Germany Monitoring Team. One of the concerns we had was the reopening of the SEB 2023-025 and, on August 19th, the Attorney General issued a public opinion saying that that was administratively final, which is what we believed as well. So we are still trying to work with the State Election Board with regard to monitors. On August 21st, I met with Chairman Fervier. He asked to meet with me, and the State Election Board, brought a proposal, but they did not give us any specifics. What was suggested was that each member of the State Election Board provide two monitors for Fulton County. There was nothing discussed about what the extent of the agreement would

be; nothing discussed about how much it would cost the county; but that is still an open topic. I ask would the Chairman like to come and make a proposal. We had the Carter Center make a proposal at our last hearing. I asked would Chairman Fervier and the State Election Board would like to come and make a proposal, and they declined it. If the State Election Board does come back with something that we can consider, of course, we would do so. We felt that time was of the essence, so that's why we are pushing this forward. Our meeting -- where we approved it was July 11th, so we had already missed a month. We are already starting our election calendar. We started poll worker training yesterday. On the tenth, we will have accuracy and logic testing, and we felt we needed to move forward because the next State Election Board meeting is not until September 20th. If they came with a proposal at September 20th, our next meeting would not be until October 10th, and then that's less than 30 days before the election. We feel that it is -- and the Board feels it's in the best interest of Fulton County to have a monitoring team. And for another second set of eyes, we agree that it should be monitored, but we want to make sure that a monitoring team can get in place and start really working, and not just wait until its early voting and Election Day."

CHAIRMAN PITTS: "All right. The motion on the floor is to approve by Commissioner Barrett, and I seconded the motion to approve. Vice Chair Abdur-Rahman, followed by Commissioner Ellis, followed by Commissioner Thorne."

VICE CHAIR ABDUR-RAHMAN: "Thank you, Chairman. Chairwoman, first of all, let me thank you for the work that you all are doing. I know we're in political season, and there's political theater. At the end of the day, I've looked at it, I have had conversations; I'm in support of it. I have never known someone to have a problem with monitoring. I think it's a great idea. I appreciate your sentiment and what you said, quote, 'in the best interest of Fulton County'. We would hope -- we would hope that what is in the best interest of Fulton County is what's the best interest of the state as well. We would hope, optimistically. But I would be remiss if I didn't say it disturbs me that we politicize everything, when we are trying to do what is right. We know what was put in place, we know our areas of weakness and strength; and I believe that the Board of Registration and Elections of Fulton County is doing a great job. Are you all perfect, no; but I do believe this monitoring and what you all are trying to do is a step in the right direction. Now that's my opinion, and I wanted to say it publicly because here again you have all of these different situations, conversations, innuendos; but I want to be openly on record that we have to do what's best for Fulton County and we hope that's best for the state. So thank you for what you all are doing. Continue to stay above what I call political fodder, and let's try to make sure that we do the things that are best, not for any particular party, but what's best to make sure that we have safe, secured elections and give the citizens of Fulton County the opportunity to vote; the opportunity to vote without interference; and the opportunity to have their say on Election Day, so thank you."

CHAIRMAN PITTS: "Commissioner Ellis."

COMMISSIONER ELLIS: "Thanks, Mr. Chair. Thank you all for being here. Thank you for the work you're doing. I think we've had a couple of really pretty decent election cycles since 2020. This particular matter that's before us, as you said, was a result of the SOS investigation related to 2020, and then this reprimand and then the agreement that three parties would agree to a monitor, correct? So really absent this, we probably wouldn't be discussing a monitor. Because we've never -- this is not sort of standard practice within the construct of Elections. So if I heard you right, there was sort of an agreement between two of the parties, but not the third, at this stage."

SHERRI ALLEN, CHAIRPERSON, FC BRE: "Yes."

COMMISSIONER ELLIS: "So if we were to enter into an agreement, we technically would not be in compliance with the terms and conditions of the reprimand, I guess, or which way would you describe it?"

SHERRI ALLEN, CHAIRPERSON, FC BRE: "What the State Election Board can do is give the discipline of the reprimand, and that is what we -- they gave. It was more or less a gentleman -- general woman's agreement to have the -- to have monitors, and we wanted to continue in the spirit of that still trying to work with them to work out this monitoring arrangement without waiting until we were just on the cusp of the Election to start the agreement."

COMMISSIONER ELLIS: "Yeah. And I could appreciate the willingness to try to; you know, do our part in this and, you know, appreciate that -- that perspective. But I guess, at the same time, we got this -- we have a third-party, the three parties in the agreement, you know, one is not in agreement with the particular monitor, the monitoring arrangement that we have selected at this stage."

SHERRI ALLEN, CHAIRPERSON, FC BRE: "Yes. They told us that we had until July to approve. We approved, the Secretary of State approved. Then they said they would refer us to the Attorney General's office, if we didn't have the agreement to work it out. The opinion from the Attorney General came down saying that they could not refer to the Attorney General's Office. We're still trying to work it all out so that all three parties are in agreement."

COMMISSIONER ELLIS: "Right. Yeah, and again, I appreciate the proactive, you know, desire to do that. But there's still -- but we've still got -- we'd like to get that agreement from -- consent from the SEB."

SHERRI ALLEN, CHAIRPERSON, FC BRE: "Yes. And they also haven't come back to me with any additional -- I didn't have names. I didn't have anything. They haven't come back, and I have invited them to, but they have not."

COMMISSIONER ELLIS: "Right. Okay. I understand that, and I think that's important. I guess my concern with all of it is, we could proceed on this, and we're still coming back

and we're having a further discussion because the third party disagrees with this particular approach. And I guess, from my vantage point, I mean we wouldn't be doing this if they didn't issue this, and we're not going to be potentially in compliance with it if we do execute this and we could be coming back and look at spending more funds. I would rather see us only execute the agreement upon such time as all the parties have agreed to, the particular monitor. And to send them a letter and say, we're prepared to - we're prepared to act, we're waiting on your consent in approval of such, and if we don't receive it, we'll consider our part done, because we've made a good-faith effort, otherwise, if we don't hear back from you, weren't not proceeding with a monitor. Because, you know, you've not allowed an adequate enough time to be able to execute it. End of story. You know, so I think that there's responsibility that we need some sort of response back from them and should call upon that before we were to execute a particular agreement. That's just my opinion and personal view in terms of where we stand on this today, so."

CHAIRMAN PITTS: "Commissioner Thorne."

COMMISSIONER THORNE: "Hi. Thanks for coming down here today, and thank you for all the work you're doing with the Board, taking it over, kind of in the Super Bowl moment, preparing for the 2024 Election. First of all, I want to thank County Manager, Dick Anderson, for putting this on our agenda item, because my understanding when they first approved -- or that it was first brought forward, it was a \$149,000 expense, and the former chairwoman wanted to get it under a hundred, so that we didn't -- it didn't come before us, so that we didn't weigh in on it. So I appreciate it being brought forward for discussion. I think that really helps us have some transparency here that we're not trying to hide; we're not trying to slip monitors in. So I appreciate you for being down here, Ms. Allen, too. I wish I could have met with you prior to this, I like to resolve a lot of my questions I have, so that you will know what I'm going to ask. Maybe some things will be resolved before I ask these things. So the State Board of Elections did not approve these monitors, but they did put in an option where every board member on the State Board of Elections could put two monitors in; is that correct?"

SHERRI ALLEN, CHAIRPERSON, FC BRE: "That is what they suggested. They didn't say anything more."

COMMISSIONER THORNE: "That's what they suggested, but you brought forward only the Ryan Germany proposal?"

SHERRI ALLEN, CHAIRPERSON, FC BRE: "The Ryan Germany proposal was already approved in July. They had not suggested anything at that point. It was approved before I became chair."

COMMISSIONER THORNE: "Okay. But your Board didn't weigh in the possibility of having two members from each State Board Election member appoint?"

SHERRI ALLEN, CHAIRPERSON, FC BRE: "Yes, we did. We discussed it August 29th at our meeting, and we said if they brought back more information as to who the parties would be, and brought back more information as to whether or not there would be a fiscal cost, just like any proposal would require, that our Board would considerate it. We did discuss it, and we said we would consider it further."

COMMISSIONER THORNE: "Further. So there is a possibility that other monitors may be may be coming in and we may have to pay for those monitors as well?"

SHERRI ALLEN, CHAIRPERSON, FC BRE: "I don't know what -- I don't know that, because they haven't said anything more to me."

COMMISSIONER THORNE: "Okay. And also, when you approved it, it was for four months. It was brought up that now we're only looking at three months as potentially we're only going to pay \$75,000 versus \$99,000?"

SHERRI ALLEN, CHAIRPERSON, FC BRE: "I can see where that would be the agreement, because they was supposed to start in August."

COMMISSIONER THORNE: "Okay. And then you had a presentation with the Carter Center, and you said -- you had two gentlemen come up and present, but do we have anything in writing?"

SHERRI ALLEN, CHAIRPERSON, FC BRE: "We do not have anything in writing, and that's -- the Carter Center -- the Board asked me -- the Board members asked me to reach out to the Carter Center because we were being held up by the State Election Board with regard to having an agreement. And so, they asked me to reach out to the Carter Center, and it was my understanding at the time the reprimand was issued that those members on the State Election Board at the time had suggested the Carter Center. The Board asked me to reach out to the Carter Center, they asked me to discuss with the Carter Center that it had to be a bipartisan group that they may have to bring another team on. I did as the Board requested, asked the Carter Center to come make a formal proposal, so it wasn't just something that I said, but that the public could hear exactly what the Carter Center would propose. And I also asked the State Election Board to also come and make a formal proposal so that we could consider everything at the same time. And so, that's why the Carter Center made their proposal. They were already in the Ryan Germany proposal, but we felt that it could be more robust monitoring of the election, because they can put people in each precinct, and I asked them to talk with Germany team. They've been in talks with the Germany team, about working together and working so that across-the-board Fulton County will be well covered with regard to monitoring in every area."

COMMISSIONER THORNE: "Okay. But we don't have anything in writing formally, like who's going to be placed and how many monitors are going to be put in? Because in 2020, we had a bunch of NGOs that were working for free, that were just coming in and

volunteering. We had the ACLU clearing absentee ballots, having access to our voter rolls. Being able to unmark people as voted and clearing their absentee ballots and they have this access on their personal laptops. So we had hundreds of NGO ACLU people involved in our elections. And from my understanding, the Carter Center hires ACLU workers and common-cause workers, and other NGOs. So my fear is if we don't have anything in writing, we are going to have these groups, like the election group, back in our election process, which is not going to make it secure, and it's not going to develop faith. So we need to know exactly what they're doing, where they're going to be, and who's going to be working. Ryan Germany's proposal states exactly who's going to be working and what their expertise is, what their background is. We need the same from the Carter Center. So today if we approve this, are we approving the Carter Center to coming in to our elections process?"

SHERRI ALLEN, CHAIRPERSON, FC BRE: "The Carter Center is involved already with the Ryan Germany team that's in this proposal. They were already in talks with the Carter Center, and when we looked at the proposal, the proposal already had the Carter Center in. The issue is a more robust team. I understand that they are working in conjunction at the proposal. I do know that Mr. Solimon [Phonetic.] who made the proposal will be the one working on the Ryan Germany team."

COMMISSIONER THORNE: "Okay. Because like I said, I can't have just a random person come up from the Carter Center. They've only done international elections; they haven't done any domestic elections. It's a complex process. They were in our elections in 2022. I just feel like we wrote SB-202 to prevent NGOs that are funded -- privately funded from being in our election process, so I don't even know if it's legal. Soo Jo, maybe you can weigh in to see if it's legal to have unpaid entities working in our election process."

Y. SOO JO, COUNTY ATTORNEY: "I would have to look that up and research that specifically. But I do not think it is unprecedented to have certain volunteers involved in the elections process in limited capacities as observers."

COMMISSIONER THORNE: "Okay. So I think a lot of people too just have a lot of mistrust in the monitors that are in the past that we've had in the past. Carter Jones is listed. He was our monitor in 2020. We didn't do signature verifications per absentee ballot. By law, we had to compare signatures to see if it was a valid absentee ballot or not and we simply decided not to do it. Carter Jones didn't catch that. I don't know how he could have missed it. If you're observing absentee ballot processes, that should have been a red flag. That should have been written in his report. The fact that we didn't save 380,459 ballot images, all of the ballot images from early voting and from Election Day voting, is a big red flag; Carter Jones missed it. He didn't discover that. Private -- actually, somebody from Good Governance, Marilyn Marks, requested an open records the summer after the election and was told, oh, sorry, we don't have any of the ballot images. So you can't even do a proper audit of an election if you don't have the ballot images to compare. There were ten early voting tabulators that were

entered into the account with no chain of custody. There was no signing by managers that they were actually used in the precinct. Those votes -- there were 17,000 votes on those 10 machines. Somebody could've easily just wheeled them into the warehouse and put them there for early voting. Oh, here's part of the count. Or, better yet, since they tabulated the early voting on different machines, they could have just had a memory card, oh, here's 17,000 votes without that chain of custody. Of course, that's why they don't want to resolve SB 2023-025, is because that was never really looked at. There's been poor batch management, record-keeping, chalk it up to error, but it would be good if they actually investigated and found out what really happened there. During the hand recount, there was double scanning of votes. The governor even verified this, and sent a letter, and Fulton County had to sign a consent order last year in 2023 where 6,695 total votes are unaccounted for. There were errors. They were double scanning, there were falsified tally sheets. We have counters just simply wrote 850 for Biden, zero for Trump. That offset was 4,593 false votes for Biden. There were also, from what I hear, test ballots that were entered into the system into those counts, which I was one who complained before the election that test ballots weren't secure in the election process. I was actually muted by Ryan Germany when I tried to speak at the State Board of Elections meeting. Carter Jones wasn't there when the big State Farm Arena scandal happened, when poll watchers were told to leave, and then after they all left, then the counting restarted. He came later in the process. There were also poll watchers in the hand recount that said they came across pristine ballots that had never been folded, and they showed him, and he discounted them. So I think that's why a lot of the people are kind of skeptical, because it feels like we're just going to have another rubber stamp, oh, look, everything's okay. Ryan Germany is our friend; we're hiring our friend, because he gave us a rubberstamp, back in 2020, him and Carter Jones. Matt Mashburn was also there. He's written up in the report. They reprimanded us for using temp agencies in that 36-page unabridged report, and now we're using more temp workers than ever. So I hope you understand why I would like it if we could -- I understand having the training, you want people to come in to monitor the training. I'm not against monitors. I'm just against perhaps just these type of monitors, and be willing and opened if the State Board comes back to appoint monitors that will really address the issues and look at SEB 2023-025 and get monitors that have computer experience to look at who manages the EMS server and uploading results, because we hired the person that made the errors last time. They're now full time on our staff. The person that didn't upload the ballot images, the person that didn't do the documentation for those ten early voting tabulators, are now on our staff. And it seems like we turn a blind eye in 2020 and said look the other way. Oh, now, we're going to have these monitors and they're going to say everything's, okay, so SEB 2023-025 should just go away. And I appreciate the effort, but I hope you understand why I'm not for it at this time. I don't mind Carter Jones and Ryan Germany coming back in, but I think we need better monitors as well to offset, to make it truly a bipartisan -- elections is nonpartisan. And then I also would hope that the Carter Center could be more specific on areas that they're going to be monitoring, and who is going to be monitoring it. If they're going to be hiring ACLU and Common Cause people to come in, then that's one side. That's a left-leaning side that we're now putting extra observers in every single precinct. These

are the same people that ACLU that was in our election process last time, along with Vote At Home, another NGO, along with The Elections Group. The Elections Groups were experts from Chicago that were involved in our election process: experts. Yet we see these pages and pages of errors that were done, especially in the absentee ballot processing system, and they were in our elections in August, working in our warehouse for free; there's about five of them. Ryan Macy is the one who, when there weren't enough ballots in the second -- the second machine count, he was able to electronically add on almost 16,000 ballots to the count, to make it look, okay. He was a NGO; he was with the Elections Group. So I just hope you can make an effort to make sure that we -- if the Carter Center is placing people in there, that it is truly bipartisan, nonpartisan people. All these people say they aren't, but then we hear them speaking at the meetings and they're Fair-Fight activists. We can't hide it. So that's all I ask, is that you understand why I can't vote for this."

CHAIRMAN PITTS: "All right. Commissioner Barrett followed by Commissioner Arrington."

COMMISSIONER BARRETT: "Thank you, Mr. Chairman. Thank you, Madam Chairwoman, and Ms. Williams for your work on this. I think we, you know, have sort of found ourselves in a damned if we do, damned if we don't, sort of position. And I think the State Elections Board is not working in good faith with you all. My take here is that, in order to get three groups to agree on something, all three groups' needs to actually be serious about coming to an agreement. And, you know, if we wait for the State Elections Board to agree to something reasonable that the Secretary of State's Office and your Board can agree with as well, we won't have monitoring. That's the damned if we do, damned if we don't problem. So I understand what and why we're moving forward with this contract with only two of the three parties in agreement. It makes abundant sense to me that we are better off honoring the intent of the resolution to have monitoring in there, because we're not ever going to get agreement with the three groups. And the later we wait, damned if we do, damned if we don't the more accusations we will have about not having been monitored for some portion of the beginning of this process, so I am a hundred percent behind this. I think you've done great work in, you know, examining every possible angle of it. I think the Carter Center's involvement is a positive and, you know, I'm certainly open to Commissioner's Thorne, you know, request to have more information about their involvement. But I think this is absolutely the right move, and I just wanted to make my thoughts known and be very clear and appreciative of your work."

CHAIRMAN PITTS: "Commissioner Arrington."

COMMISSIONER ARRINGTON, JR.: "Thank you, ladies, for your work on behalf of the residents of Fulton County. I guess I just really want to thank my colleagues. I wasn't really sure how I was going to vote on this, but after hearing them speak, I know I'm going to vote, now. Thank you."

CHAIRMAN PITTS: "Commissioner Hall."

COMMISSIONER HALL: "Thank you, Mr. Chair. And thank you to all of the Commissioners who have spoken before me. You have asked many of my questions. The only thing I have left is to thank Nadine Williams and Madam Chair for the work that you've done. You just came on Board and really have made a big difference. I'm pleased to hear the report that you have given today. You are very knowledgeable. Thank you. What I have left on my list of questions is this \$99,600, which it says will be paid in monthly installments of \$24,900. And I've heard some statements and discussion on the cost and just wanted to know how is this cost being broken down by monitor? How much is each monitor being compensated? I noticed on page 3, it says that team member Monica -- I think that's Childress, will not be accepting any compensation for her services. And so, if you could explain that, because there are, let's see: one, two, three, they're four other monitors. So she's not receiving any payment, what are the others receiving, and what will happen to her payment?"

SHERRI ALLEN, CHAIRPERSON, FC BRE: "First, I want to say that from my understanding, Monica Childress will not be on the team because of some prior commitment that she cannot be on the team. I'm not aware that they are paying each of themselves individually. That is not my understanding. My understanding is for all the work that is being done, that was the contract, but not on an individual basis like broken down per person."

COMMISSIONER HALL: "Okay. So this document should actually have her removed and not part of the team?"

SHERRI ALLEN, CHAIRPERSON, FC BRE: "That's what I've been told. I haven't been told that formally, but I have been told that she is unable to be on the team."

COMMISSIONER HALL: "Oh, okay. Then this needs to be updated because in the information it actually has her as part of the team; and it has in the -- on the last page, the third page which is signed by Registrations and Elections and the office of Georgia Secretary of State, that team member Monica Childress will not be paid. Will not be accepting any compensation for her services, but it doesn't say that she won't be on the team. So the \$99,600 is covering what, since it's not paying each monitor?"

SHERRI ALLEN, CHAIRPERSON, FC BRE: "It's covering all of the work that they are doing. And they have stated to me that they may have to bring other members on. At one point, they said they may need an auditor, but that wouldn't change the nature of this contract, it wouldn't change the amount, but they may be bringing other people in as members of the team. I do know that the Carter Center is working with a team in Georgia with regard to a monitoring team that's conservative, so that it's balanced across the board, and we did ask the Board to ask for that. But there is not a greater cost because of any of that."

COMMISSIONER HALL: "Thank you very much."

CHAIRMAN PITTS: "Commissioner Thorne."

COMMISSIONER THORNE: "I just wanted to verify, Monica Childress, I spoke with Ryan Germany this morning, and he said she was not on the team, that US Election Assistance Commission thought it would be best off if she did not participate in this. So she's definitely off, and I don't know if that needs to be struck, because I was concerned about having her on the team at one point."

CHAIRMAN PITTS: "Okay. All right. Other comments at this time?"

COMMISSIONERS: (No response.)

CHAIRMAN PITTS: "All right. The motion on the floor is to approve. I'd appreciate your favorable vote."

CLERK GRIER: "And the vote is open. And the motion passes; five yeas, two nays."

CHAIRMAN PITTS: "Next item."

CLERK GRIER: "**24-0569**, Real Estate and Asset Management: Request approval to increase spending authority in total amount of \$275,270.74 to cover the cost to provide additional on-site landscape, ground maintenance, and lawn care services."

CHAIRMAN PITTS: "We have a motion to approve by Commissioner Natalie Hall, seconded by Commissioner Thorne. Please vote."

CLERK GRIER: "And the vote is open. And the motion passes; six yeas, zero nays."

CLERK GRIER: "Under Health and Human Services, **24-0570**, Public Works: Request approval to renew an existing contract in an amount not to exceed \$185,709.50 to provide building code administration, construction management, and planning services."

CHAIRMAN PITTS: "We have a motion to approve by Commissioner Thorne; it's seconded by Vice Chair Abdur-Rahman. Please vote."

CLERK GRIER: "And the vote is open. And the motion passes; six yeas, zero nays."

CLERK GRIER: "24-0571: Request approval to renew an existing contract to provide in an amount not to exceed \$500,000 to provide large water meter installation services."

CHAIRMAN PITTS: "All right. Motion to approve by Vice Chair Abdur-Rahman; seconded by Commissioner Thorne. Please vote."

CLERK GRIER: "And the vote is open. And the motion passes; six yeas, zero nays."

CLERK GRIER: "On page 8, 24-0572: Request approval to renew an existing contract in an amount not to exceed \$620,000 to provide small water meter installation services."

CHAIRMAN PITTS: "All right. Motion to approve by Vice Chair Abdur-Rahman; seconded by Commissioner Thorne. Please vote."

CLERK GRIER: "And the vote is open. And the motion passes; six yeas, zero nays."

CLERK GRIER: "24-0573: Request approval of recommended proposals in an amount not to exceed \$2 million to provide standby engineering services."

CHAIRMAN PITTS: "We have a motion to approve by Commissioner Thorne; it's seconded by Commissioner Barrett. Please vote."

CHAIRMAN PITTS: "And the vote is open. And the motion passes; six yeas, zero nays."

CLERK GRIER: "24-0574: Request approval of a Resolution of the Fulton Board of Commissioners to accept the city of Atlanta Selection of Brown and Caldwell SL King as the winning bidder of its procurement for program management services for the Tom Lowe Water Treatment Plant."

CHAIRMAN PITTS: "Motion to approve by Commissioner Thorne; it's seconded by Commissioner Barrett. Please vote."

CLERK GRIER: "And the vote is open. And the motion passes unanimously."

CLERK GRIER: "Commissioner's Action Items, **24-0575**: Request approval of a Resolution designating Fulton County Georgia as a Purple Heart County; and for other purposes, sponsored by Commissioner Arrington."

CHAIRMAN PITTS: "Motion to approve by Commissioner Barrett, seconded by Commissioner Natalie Hall. Commissioner Arrington."

COMMISSIONER ARRINGTON, JR.: "Thank you, Mr. Chair. Colleagues, I hope that you will support this. Like many of you veterans are -- I believe that our veterans need to be honored, and this is an additional way to honor them. Proud to have brought the Veterans Empowerment Board to Fulton County, and glad to see that there were additional funds allocated toward that program. This program will not cost us anything, and I appreciate your support. Thank you."

CHAIRMAN PITTS: "All right. Motion on the floor is to approve. Please vote."

CLERK GRIER: "And the vote is open. And the motion passes unanimously."

CLERK GRIER: "County Manager's Presentation and Discussion Items under Health and Human Services, **24-0576**, Public Works: Transitioning to advanced meter infrastructure, water meter reading in 2025."

DAVID CLARK, DIRECTOR, PUBLIC WORKS: "Good morning, all. David Clark, Director of Public Works here for Fulton County. We wanted to just spend a few minutes today just kind of introducing a new type of water meter that we are proposing to start implementing in 2025. It's called an advanced metering infrastructure type water metering. It allows us to do a number of things of tracking our water consumption uses at the residential level, but more importantly, it allows us to remotely read water meters and get rid of our manual reading processes, which is right now costing about \$600,000 a year to implement. Adriana is going to be actually doing the presentation. I'll let her introduce herself in a second. She's the engineering administrator over our water distribution division for Public Works. Next slide, please. Just to quickly -- I'm not going to go through everything on this -- but our water system is provided to the residents of North Fulton County, north of the Chattahoochee River, with the exception of small area around the historical center of parts of Roswell. You can kind of see some of our stats there. Overall, we have about 80,000 water meters in use right now, and those are the meters that will be transitioned out as a part of this process, so Adriana."

ADRIANA BUSTILLOS, PUBLIC WORKS: "Good morning, Commissioners. Adrianna Bustillos, administrator for the water distribution system. Next slide, please. Our existing water metering system provides portable water to approximately 80,000 paying customers divided into five total (inaudible.) zones for residential zones which are billed bimonthly, and one commercial zone which is billed monthly. We currently have a

combination of manual-read meters and automated meter reading devices. Of those 80,000, approximately 3,000 are commercial customers, and the remaining 77,000 are residential customers. Of those, 45 percent are manual meter reads and 55 percent are AMR drive-by system. It's important to say that more than half of our meters are older than ten years, and their usual nominal average life is 15 years. With age, meters become -- slow down on the register the flow. They become less accurate at lowest flow rates, and the existing additional AMR radio devices are reaching their end-of-life. Next slide, please. So we're currently having some challenges with the meter reading services. Back in April 2015, due to staffing costs and efficiency, Fulton County contracted a third-party company to provide meter reading services, the same contractor as Cobb and Gwinnett counties. The issues we're having with the contractor are one, staffing: inability to maintain capable staff, meter readers are not reading all devices because of old AMR malfunctioning devices, and we have a building backlog due to the contractor delays or in complete reads. These delays are costing customer dissatisfaction. Next slide, please. Now, before we move any further, let me give you a little background information on the meter reading technology and evolution. The first type of meters used in the water industry were manual meter reads, which required to manually open the meter box and observe and record the numerical register reading. This is a difficult labor market and it's a dying industry. Then the meters evolved to radiofrequency reading where automated meter readings, which required to walk or drive by the meters to get the data transformed to billing in electronic files. And the most current technology is the one that we're discussing, the advanced metering infrastructure, which is an integrated system of water meters, communication networks, and data management systems that enable direct communication between the meters and the billing system. Next slide, please. We divided the benefits of the AMI in three different categories: financial, improve customer service, and technical advances. The first one is that network services cost less than current field, labor, and vehicle costs. Fulton County will have the ability to create monthly bills to all customers. Customers will have access to a web portal, view the water usage in real-time, pay bills online, and will have improved customer communications and customized messages. On the technical advances, these meters provide now hourly readings and alarms. You can obtain more accurate low-flow readings, more accuracy for the life of the meter, which is usually between 15 to 20 years, potential leak detection, which will help to reduce the nonrevenue water, a potential remote connect and disconnect service. We see the AMI meters not just as meters, but as sensors that can gather important information that make our process more responsive and effective. Next slide, please. So currently in the Metro area, there are some municipalities that are already deployed, the AMI meters. Some of these are the city of Roswell, Forsyth, Coweta, DeKalb, Henry County, Athens/Clarke, city of Dallas, city of Calhoun, and the city of Winder. There are others that are currently transitioning to AMI meters, which are Clayton County, Gwinnett County, city of Atlanta, Cherokee County, Rockdale, city of Gainesville, and Fayette County. Next slide, please. So what's next? We anticipate the following schedule: Prepare the RFP and advertise it so we can receive and evaluate proposals by December 2024, following January 2025, the negotiation of the contract and selection of the vendor with BOC awarding the contract in February 2025. Then in April,

execute the agreement and notice to proceed. We anticipate a full deployment of three years with the rate of 26,000 meters per year, and an expected completion date December 2027. The cost of the AMI implementation will be incorporated into the rate study. Thank you."

CHAIRMAN PITTS: "That's it."

DAVID CLARK, DIRECTOR, PUBLIC WORKS: "We're certainly happy to answer any questions, but that's all we had."

CHAIRMAN PITTS: "Are there any questions? Commissioner Thorne."

COMMISSIONER THORNE: "Okay. You mentioned that we have a combination of manual read and then AMR? What is AMR and AMI? What are the differences?"

DAVID CLARK, DIRECTOR, PUBLIC WORKS: AMI is completely remote. We can read all meters remotely without having to send a technician out in the field. AMR, we don't have to open up the lid, but a technician still has to be reasonably close, usually about ten or 15 feet from the meter so the device actually reads the meter. So we still have to send staff, or in this case, a contractor, out to read the meter. They just don't have to manually read it. It's done electronically."

COMMISSIONER THORNE: "Okay. I mean, I'm certainly before -- I've had a lot of customer issues lately due to staffing -- the staffing problems that we've had with our subcontractor, so I think this is very good. Do we have an estimate of what the cost -- do we have a ballpark figure of the cost?"

DAVID CLARK, DIRECTOR, PUBLIC WORKS: "Each meter is about \$400 installed. We have 80,000 meters, so it's about a 32 million to 35 million-dollar overall project."

COMMISSIONER THORNE: "And would we implement it in one year, multiple years? What are you looking at?"

DAVID CLARK, DIRECTOR, PUBLIC WORKS: "It's a three-year --"

COMMISSIONER THORNE: "-- three-year project?"

DAVID CLARK, DIRECTOR, PUBLIC WORKS: "-- implementation schedule. About 25,000, 26,000 meters a year."

COMMISSIONER THORNE: "Okay. Okay, thank you."

CHAIRMAN PITTS: "Commissioner Arrington."

COMMISSIONER ARRINGTON, JR.: "Thank you, Mr. Chair. Commissioner Thorne asked some of the questions that I was going to ask, so I won't defer. I wanted to know the cost, and so you say it will save 600,000 a year, so it saves, over ten years six million, over 15 years \$9 million, but it also costs 32 million to install, but it sounds like definitely the wave above the future and what we need to be moving to."

DAVID CLARK, DIRECTOR, PUBLIC WORKS: "We definitely think so. You're right. The cost of direct return is not as ideal as some other improvements Public Works has done. But given the fact that it is getting harder and harder to find a vendor who's willing to read the meters, without this type of program, we either need to start bringing meter reading back as county employees, which obviously has an expensive cost of labor associated with it. So we really feel this is probably best way. The only thing this really does, and this is becoming more and more evident through our pilot projects, the customers like the fact that they can log onto a system and actually see their water use in real-time. We've caught a couple of leaks much more quicker that way, as well as they've been able to look at, when they have a spike in their bill, exactly what's caused it, and a lot of times they can go back and actually tie that to a time they were doing some extensive irrigation or if they actually have a small leak somewhere."

COMMISSIONER ARRINGTON, JR.: "So, thank you for that. That sounds great, but it also sounds like there is some type of software component that might be in addition to the \$400 a meter."

DAVID CLARK, DIRECTOR, PUBLIC WORKS: "Yes, there is."

COMMISSIONER ARRINGTON, JR.: "And what is that cost?"

DAVID CLARK, DIRECTOR, PUBLIC WORKS: "It depends on which system that you go to, but each cost is about \$50,000 a year for the software licenses."

COMMISSIONER ARRINGTON, JR.: "Okay. So then another \$500 to \$750,000 on top of the --"

DAVID CLARK, DIRECTOR, PUBLIC WORKS: "-- but also, we're already paying the software license for AMR, which is almost \$50,000 a year, too; so that part is almost a wash."

COMMISSIONER ARRINGTON, JR.: "Okay. Thank you."

CHAIRMAN PITTS: "Commissioner Ellis."

COMMISSIONER ELLIS: "Thank y'all for this. Just a few quick questions: So we've been doing it for a while, validated it. Obviously, it's working. When we go, as we sort of bleed these through, -- well, sort of two things. For any new development right now,

what have we been doing with new development right now? What type of meters has been going in?"

DAVID CLARK, DIRECTOR, PUBLIC WORKS: "AMR."

COMMISSIONER ELLIS: "Okay. So going forward for any new development will be -- will it be you said AMR, right?"

DAVID CLARK, DIRECTOR, PUBLIC WORKS: "Correct."

COMMISSIONER ELLIS: "Going forward, it will all be AMI?"

DAVID CLARK, DIRECTOR, PUBLIC WORKS: "There will be a time next year after we choose the AMI meter, that will become our standard in all new development will automatically be converted to an AMI meter."

COMMISSIONER ELLIS: "Okay. So the -- are we tackling the -- as we do the rollout, are we doing manual read first and then AMR? Or how's it -- or is it really not -- can you not state it that way per se?"

DAVID CLARK, DIRECTOR, PUBLIC WORKS: "Unfortunately, our manual read meters and our AMR meters are so intermixed that --"

COMMISSIONER ELLIS: "-- right."

DAVID CLARK, DIRECTOR, PUBLIC WORKS: "-- that it's not like we have one section of the county that's exclusively manual read. So what we'll probably wind up doing is, there's a transponder that has to be installed somewhere, usually on top of a water tank, as part of the AMI process. So we'll install the transmitter, and then figure out the area that can be read by that transmitter, and that's how we will identify the different areas over the three-year period."

COMMISSIONER ELLIS: "Okay. And as we roll them on, are we going to roll -- as things are moved to AMI, will we convert to monthly billing on those particular -- those meters?"

DAVID CLARK, DIRECTOR, PUBLIC WORKS: "I'll certainly defer that to Hakeem in the finance. I mean, that is clearly our --"

COMMISSIONER ELLIS: "-- you thought you were going to get out easy over there."

SHARON WHITMORE, CHIEF FINANCIAL OFFICER: "Jaunius Simokaitis the water/sewer billing manager is here. We'll let him take that question."

JAUNIUS SIMOKAITIS, MANAGER, WATER/SEWER: "Jaunius Simokaitis, billing and collections manager. It would be challenging to -- it's possible, but we would have to do some evaluation of the process of converting to the monthly billing. From the data perspective, absolutely, no issues. Just we probably would have to, as part of the undertaking, redo how we bill areas, so we currently we have billing zones, and then that's a large geographical area, small geographical area. Within that zone is a book so we would have to redo our billing books, if you will. But technically, from the data perspective, yes, we should be able to do it."

COMMISSIONER ELLIS: "Okay. Well, I -- I mean, that's fine that you don't necessarily have a plan or anything map right now. But I would encourage us to, you know, look at that in terms of we're going to implement by zone and you can tie it up with the billing system, I think it, you know, definitely -- I know customers would appreciate the consistency of seeing that versus where the, you know, 60-day general type billing cycle that we've been on. So I would, you know, ask that we, you know, kind of build that and seek to build that into our plan. And I don't have any other questions on the billing, per se. But we will get this whole view in to for customer and so forth, your view into water usage is going to be much improved?"

DAVID CLARK, DIRECTOR, PUBLIC WORKS: "Oh definitely. That is one of the parts that will be part of this project."

COMMISSIONER ELLIS: "And the useful life of these meters relative to the other ones, if they've been around long enough to sort of validate that you're going to get a potential longer useful life out of them?"

DAVID CLARK, DIRECTOR, PUBLIC WORKS: "Most of them come with a twenty-year type of warranty, and the actual weak point is the battery that it takes to send the reading back to the transmitter. And that is a twenty-year battery, and so that's -- that's what most people are seeing 20 years, very few have been in place for the full 20 years, but everything is trending toward the twenty-year life cycle versus the ten to 15 that you have with the current meters that we have a today."

COMMISSIONER ELLIS: "Okay. All right. Thank you."

CHAIRMAN PITTS: "Commissioner Arrington."

COMMISSIONER ARRINGTON, JR.: "Commissioner Ellis talked about the developers, and so I'm wondering would we also need a Resolution or something requiring developers doing new developments to install AMI instead of AMR? And what regulation requires them to do AMR presently, and when would we switch priorities or directions?"

DAVID CLARK, DIRECTOR, PUBLIC WORKS: "Yeah. The developer really doesn't see any type of change through this. We already installed the meters for the developer

whenever they ask us to, and so we just passed that on cost directly onto them. The type of meters actually referenced in our type of specifications and I'll certainly work the attorney's office to make any changes that is needed as part of the transition."

COMMISSIONER ARRINGTON, JR.: "Yeah, because I guess it's good to know that we actually are installing for them when they ask. But, you know, if we're going to AMI and we know that's where we're going in 2025, it seems like, at some point -- I mean, I would hate for someone to come in and install a new AMR tomorrow and then next year --"

DAVID CLARK, DIRECTOR, PUBLIC WORKS: "-- right. Six weeks from now, we're moving.

COMMISSIONER ARRINGTON, JR.: "So we're already within three months or four months, so then you got to ten- to 15-year life AMR that's been replaced in two years, so it seems like to me the sooner the better that we can require AMI going forward, that we should do that?"

DAVID CLARK, DIRECTOR, PUBLIC WORKS: "I definitely think you have some good points, Commissioner. I'll work with Adriana and we'll make that happen."

COMMISSIONER ARRINGTON, JR.: "And we probably need to reach out to, at the very least, city of Atlanta, because they probably need to have some type of mirror Ordinance or Resolution, because I would imagine that that would affect us as well."

DAVID CLARK, DIRECTOR, PUBLIC WORKS: "They're actually slightly ahead of us in this process."

COMMISSIONER ARRINGTON, JR.: "Awesome. Well, but in particular, I'm talking about the Resolution requiring the AMI. They might be ahead of the process that y'all are discussing, but in particular, the Resolution requiring or Ordinance, requiring AMI going forward, is more what I was --"

DAVID CLARK, DIRECTOR, PUBLIC WORKS: "I'll certainly reach out to the Watershed, Commissioner."

COMMISSIONER ARRINGTON, JR.: "Thank you."

CHAIRMAN PITTS: "All right. Other questions?"

COMMISSIONERS: (No response.)

CHAIRMAN PITTS: "All right. The motion on the floor is to approve. Let's vote, please."

CLERK GRIER: "And the vote is open --"

COMMISSIONER ARRINGTON, JR.: "-- Mr. Chair?"

CHAIRMAN PITTS: "Yes."

COMMISSIONER ARRINGTON, JR.: "What are we approving? Because this is listed as -- well, it seems like it's virtually listed as a discussion item or a presentation. Are we going forward with this or what this?"

CHAIRMAN PITTS: "That is a great question. And I'm looking at the --"

DAVID CLARK, DIRECTOR, PUBLIC WORKS: "At this time, staff is not looking for any specific approval from the Commissioners. We just want to use this as an opportunity because it is going to be something you'll see as part of the budget over the next couple of months."

COMMISSIONER ARRINGTON, JR.: "Thank you."

CHAIRMAN PITTS: "Thank you. Yeah, there was a motion on the floor to approve it. I'm looking at the screen. Thank you, sir. All right. Before we had a -- actually, there was a request to add an item to the agenda today. And as you know, that requires a super majority vote of five. There were only four of us here at the time, but that matter needs to be added to the agenda today. Would you sound that again please, ma'am? We need to amend the agenda to add that item because --"

CLERK GRIER: "-- yes, 24-0579, Discussion, Sheriff's Office: Outstanding invoices."

CHAIRMAN PITTS: "And particularly in light of the fact that Mr. -- what's his name, Mr. Joseph Sordi, from Strategic Securities, spoke during public comment about his concerns, so we need to add that and discuss that item today. So we would like to entertain a motion to amend today's agenda to add that item to the agenda. All right. The motion to do so by Commissioner Thorne; seconded by Vice Chair Abdur-Rahman. Let's vote, please."

CLERK GRIER: "And the vote is open. And the motion passes; five yeas, two nays."

CHAIRMAN PITTS: "All right. It's 11:50. Lunch is enroute, but I'll entertain a motion to recess for lunch and executive session where we may discuss items of real estate -- what's the other one? Litigation and personnel. We've got to have some discussion in executive session first. All right. The motion to do so, approved by Commissioner Ellis; seconded by Commissioner Thorne. Let's vote, please."

CLERK GRIER: "And the vote is open. Yes. And the motion passes; six yeas, zero nays."

(Executive Session began at 11:50 a.m.)

(Resumed Regular Session at 1:26 p.m.)

CHAIRMAN PITTS: "Without objection, we will resume the regular order of business. Items from Executive Session, Madam County Attorney."

Y. SOO JO, COUNTY ATTORNEY: "Thank you, Mr. Chairman. Is there a motion to approve the request for representation in items three, four, five, and six of the Executive Session agenda?"

CHAIRMAN PITTS: "We have a motion to do so by Commissioner Barrett, it is seconded by Commissioner Thorne. Let's vote, please."

CLERK GRIER: "And the vote is open. And the motion passes unanimously."

Y. SOO JO, COUNTY ATTORNEY: "And is there a motion for approval of settlement in the matter of Court Reporters of the State Court of Fulton County, item seven on the Executive Session, in a total amount of \$45,592.12, with applicable pay rate adjustments?"

CHAIRMAN PITTS: "All right. Motion to approve by Commissioner Thorne, seconded by Commissioner Arrington. Please vote."

CLERK GRIER: "The vote is open. And the motion passes unanimously."

Y. SOO JO, COUNTY ATTORNEY: "No further action items from Executive Session."

CHAIRMAN PITTS: "All right. We have one, one more item that was added."

CLERK GRIER: "Yes, Mr. Chairman, **24-0579**, Discussion, Sheriff's outstanding invoices."

CHAIRMAN PITTS: "All right. You want to begin, Madam CFO, or you want to hear from the Sheriff first?"

SHARON WHITMORE, CHIEF FINANCIAL OFFICER: "It's the Board's pleasure."

CHAIRMAN PITTS: "Yes, sir."

COMMISSIONER ELLIS: "Just a point, Mr. Chair, what specifically are we -- is this -- are we looking to discuss here? I mean, every department has outstanding invoices. They have a budget to pay them, so what, why are -- what's -- what's the special reason why we're discussing a particular department's invoices today?"

COMMISSIONER ARRINGTON, JR.: "But it was put on the agenda as an emergency item, so it's got to be something dealing with the emergency."

CHAIRMAN PITTS: "That's correct. And that, to the extent that -- it's my understanding that we have received a demand letter or demand letters that there are certain outstanding invoices that have not been paid out of -- by the Sheriff. And therefore we, as Fulton County, will have to make a decision as to whether or not we pay or we ask the Sheriff to pay for out of his budget. But the services were provided to the county. We received the services, and theoretically, I suppose, we owe for the services that have been provided to us. So that's what's before us, and that's the emergency. And you also heard today at the -- during the public comment section, the President of -- what's it called? The Strategic Security has made some statements again about his situation. So I think it's -- well, it is an emergency. Yes, sir."

MICHAEL SHOATES, CHIEF OF STAFF, SHERIFF: "Good afternoon. Michael Shoates, Chief of Staff, Fulton County Sheriff's office. Good afternoon, Mr. Chair, fellow Board Members, thank you for the opportunity to address you today. The Sheriff's office is at a point where we need your assistance. The Sheriff recognizes that this is his, and I'll go even further to say this is the Executive Staff of the Sheriff's office responsibility to manage the amount of funding allocated each year. We take full responsibility for doing so. We need the Board's assistance, however, regarding funding. And hope we can work in a more collaborative manner with you to ensure that our jail is safe for staff and our residents. There have been significant changes in our budget. Excuse me. There have been significant changes in our budget and access to funds. Collectively, the county and the Sheriff's office with the BOC, did not have an opportunity to address this because the Fiscal Year '24 Budget process was already underway. For today's discussion, I have the facts related to the Sheriff's office outstanding invoices. I'm asking today for funding of \$5.9 million, which will cover the amount of all outstanding invoices as well as vendor payment expenses for the remainder of the calendar year. Then as we conclude our budget process for fiscal year '25 during the coming months, we're respectfully asking that you consider funding our agency at a level for us to operate effectively. So I'm here to answer your questions."

CHAIRMAN PITTS: "Okay. Madam CFO. So the request today is for the -- for 5.9 million?"

MICHAEL SHOATES, CHIEF OF STAFF, SHERIFF: "Yes, sir."

SHARON WHITMORE, CHIEF FINANCIAL OFFICER: "Thank you, Mr. Chairman. I think that the County Manager handed out to each of you copy a spreadsheet that I

prepared that summarized the information that the Sheriff's office had provided to us over the weekend, with regard to the amounts that are outstanding and owed to several vendors, as well as some other expenses that the Sheriff's office has identified. In that document, what you'll see is that the Sheriff's Department has \$2,283,757.18 in amounts that they've identified as being outstanding and owed to third-party entities, those being Strategic Security, Corp in the amount of \$1,075,591.77; Leo Technologies, 643,275.46; and Allied Building Security, \$115,866.30 and Axon for \$449,023.65. In addition to that, based on the information that they've provided, they have identified three areas of additional expense categories, one being the jail counselors that were previously paid from the inmate welfare fund. The total amount for that was 466,680. That's the total contract balance for each of those counselors. They did not identify the amount of those contract balances that have been worked and have not been paid for yet. So I don't have an amount that would be considered truly outstanding for services already rendered. So I've identified that as a TBD. They've -- they identified the emergency food service that was provided for members of the jail staff and other contractors who work at the jail during the kitchen outage situation earlier, earlier this year. That was a hundred -- \$111,553.71. And a payment to Boyd Elementary School for cleaning of the kitchen after we used that facility, which was \$9,723.18. So that's a total of 121,276 in outstanding amounts for those particular services. The total amount for amounts owed to others for contracts as well as the emergency food service situation related to the jail kitchen outage is \$2,405,034.07. As of today, I was able to confirm through the Fulton County Police Department that they have, in fact, already paid the invoices for Allied Building Security. So we can take those off the list, bring the total amount outstanding down to 2,289,167.77. We currently have \$2,137,496 set aside in non-agency that was originally programmed to provide funding for jail overtime for the jail -- for the jail -- double overtime for the jail units. However, the Board subsequently did not act on the double-overtime resolution that was brought forward. So those resources could be used to cover a portion of what is identified as being currently outstanding. If we were to use those resources to cover the amounts that I've previously identified as being outstanding, that would leave about \$151,671.77 that we would need to find elsewhere to cover the invoices for services that have already been provided. So that's the document that I prepared, trying to summarize what the Sheriff's office had sent over, over the weekend related to expenses that are currently outstanding. The document does also identify the annual cost for each of those and what the Sheriff's office has identified as the amount that is unbudgeted. Those amounts in total were 16.2 million as the annual cost for each of these areas, including overtime for the Sheriff's office, and then an unbudgeted amount if you include the overtime projection through the end of year of 8.6 million. My numbers will look a little bit different than the way the Sheriff's office presented it to us, primarily because of the presentation of the overtime. They included the overtime in the outstanding balance. I moved it over into unbudgeted because the overtime is being covered as it is being incurred. So currently, we do not have a large outstanding amount of unpaid overtime. But we have overtime that is likely to be incurred that may not have a funding source. So that's the document that I prepared to present to you. It's a little bit different than what Michael shared. But I think it's just in the -- the presentation. I do believe the

outstanding amounts are the same. The difference, again, is related to the view on overtime."

CHAIRMAN PITTS: "Yes, sir."

MICHAEL SHOATES, CHIEF OF STAFF, SHERIFF: "There is one additional change from yesterday, and that's on the -- with the outstanding invoices received from -- the last invoices received from Strategic, so that -- that we received yesterday, so that's the only -- that would be the only change."

SHARON WHITMORE, CHIEF FINANCIAL OFFICER: "Thank you, Michael. So there will be some additional costs from Strategic then."

CHAIRMAN PITTS: "Okay. You're suggested, not suggested, your statement, Madam CFO, is that's it's two point -- 2.1, right?"

SHARON WHITMORE, CHIEF FINANCIAL OFFICER: "2.1. Mr. Chairman, 2.1 is what we have available in non-agency --"

CHAIRMAN PITTS: "I'm sorry, two -- 2.289?"

SHARON WHITMORE, CHIEF FINANCIAL OFFICER: "2.289."

CHAIRMAN PITTS: "All right. And then you're suggested that -- not, you suggesting -- you're requesting 5.9 today?"

MICHAEL SHOATES, CHIEF OF STAFF, SHERIFF: "That is in total, as Ms. Whitmore articulated, the -- she broke it up by those that are outstanding compared to those that are forecast. In addition, the -- there are some that are not outstanding. For instance, our jail contractors, we continue to pay them through reallocation of funds internally. But we are not going to be able to sustain that. So we've requested the funding for that going forward. So that is not outstanding. So our numbers do align, they're separated separately based on Ms. Whitmore's categories of what's outstanding and what we perceive as forecast."

CHAIRMAN PITTS: "Well, what makes up the forecast, is what I'm getting at?"

MICHAEL SHOATES, CHIEF OF STAFF, SHERIFF: "What we've planned -- what we have forecasted payments to be. For instance, our jail contractors, to pay them for the remainder --"

CHAIRMAN PITTS: "Specifically, the other contractors, other than the three or four here, I need the names of it, which firms, do you know? And the amount. That's the 3.6."

MICHAEL SHOATES, CHIEF OF STAFF, SHERIFF: "For Full Circle, one of the contractors, \$5000; Harvey Glenn, inmate caseworker \$24,000; Kenneth Cunningham, inmate caseworker \$23,000; Mr. Habib Gullah (phonetic), caseworker \$50,000; Sydney Watson \$24,000; chaplain services \$57,000."

CHAIRMAN PITTS: "All right. Vice Chair Abdur-Rahman, Commissioner Barrett, Commissioner Ellis, Commissioner."

VICE CHAIR ABDUR-RAHMAN: "Thank you, Chairman. Thank you, Mr. Shoates. I would -- I guess what I'm asking, this is somewhat of an emergency nature, would you -- would you say that this is emergency?"

MICHAEL SHOATES, CHIEF OF STAFF, SHERIFF: "Yes, ma'am."

VICE CHAIR ABDUR-RAHMAN: "Okay. Is there is a reason that the Sheriff is not here?"

MICHAEL SHOATES, CHIEF OF STAFF, SHERIFF: "Well, I'm available to answer the question because I'm -- I have the information, I have -- I'm closer to the information. I'm able to provide all the facts."

VICE CHAIR ABDUR-RAHMAN: "Okay. But is there reason that -- I mean, you said it's clearly emergency. I'm just wondering why the Sheriff isn't here today in an emergency situation, asking for funding."

MICHAEL SHOATES, CHIEF OF STAFF, SHERIFF: "Well, we have actually several emergencies ongoing at this time. There is a school shooting in Barrow County, which Fulton County Sheriff's office is assisting. We have a couple of emergencies at the jail. He's been in several different places today."

VICE CHAIR ABDUR-RAHMAN: "Okay, alrighty. My concern with this, first of all, let me be crystal clear where I am on law enforcement, where I am on the jail, where I am on the effectiveness of it. I know that it takes money to run it. Where I'm confused is, and I hope you can answer this question, it was brought to my attention that there was a building on Old National that is being paid for, \$10,000 a month by the Sheriff's department, and it's no one in the building. The building is not occupied at all. And I don't know if you can answer that right today or now, but I would like to know. Because at the end of the day, all of us are taxpaying citizens of Fulton County, and we're stewards to the taxpaying citizen. But as this information begin to come in, I need to know why, if we've got an emergency, if there's a building on Old National where \$10,000 a month has been paid. And to my understanding, and I could be wrong, this has been over two years that it's being paid. So I do need an answer to that."

MICHAEL SHOATES, CHIEF OF STAFF, SHERIFF: "We can definitely get you all the information you need on that. I will say, yes, we do have a facility on Old National, we

are paying the rent on it. We -- there was negotiations to transfer that lease to the City of South Fulton, that recently has fallen through. And that -- but that was ongoing for some time with the assistance of our partners in the County Attorney's office and in D.R.E.A.M., specifically. But, yes, we can definitely get you some more information."

VICE CHAIR ABDUR-RAHMAN: "Can you tell me if it's occupied or not?"

MICHAEL SHOATES, CHIEF OF STAFF, SHERIFF: "It is not occupied."

VICE CHAIR ABDUR-RAHMAN: "It's not occupied? Okay. I just would need to know this -- narrative that I've been seeing in the media play out about contention, about willingness not to work together. I want to go on record. I have no problem having a conversation. I have no problem supporting a request. However, what I do have a problem with is accountability and having a conversation. If you have a conversation with everybody but me, and then when it's time to come for me to look at this, then the questions I have are going to be posed to you, and you may or may can't answer them. So I think if we are going to look at what the Senate report said, as far as the relationship here, because personally, myself, I don't speak on this Body, and I'm I would never speak on this Body. I can only say, when I look at media reports, I feel as though this Body is being thrown under the bus, like we're not trying to work with the Sheriff. When, and it's my opinion that majority of the time when there's a need, we should -- we come up, we supply the need. Now, with the need, there is an accountability issue. And this not nothing, Mr. Shoates, that I just started talking about. I've been talking about accountability for a long, long time. Because nowhere can you ask for the money and don't expect for a person to ask for accountability. That is the business model of success. If I'm running a business and I'm using money and someone asked me for the accountability of it, I should not be offended and I should not take that personal. Now, maybe that's a conversation that I may should not have in this Body, but I don't know other, what time to have it because of the nature of the relationship right now as it stands. And so what I'm going to say to you, and I'm not going to become belabored in this point. Two things I would like moving forward, I would like some accountability, I would like to be given information, not before the four alarm is set off. Because with the strategic -- and County Manager, you said, what's the name of the company?"

DICK ANDERSON, COUNTY MANAGER: "Strategic Security Corp."

VICE CHAIR ABDUR-RAHMAN: "Strategic Security Corp has been reaching out to my office, I know, maybe two weeks now. And I'm trying to figure out what's going on that this vendor is coming to the Commissioners, and then here again, we're talking about relationships. But any vendor that comes and says, well, we can't be paid because the Sheriff's office said you won't fund them, to me gives the message of undermining. Because that's not the intention of me, and on the surface, I don't think it's the intention of anybody on this Body. But to have that come from an outside vendor to come straight to my office to say that you all are not paying them, and the reason that you all

are not paying them whether, you all may not even said that, you understand? I'm trying to give you the benefit of the doubt, because the Sheriff's not here. So I can't ask him, so I have to ask you. For a vendor to come and say they're not being paid, and they haven't been paid in quite a while, and to say that, well, the reason that we're being told that we can't be paid is because the Commissioners are un-funding, is unfair. And it already sets us at an adversary role that should not be there. And so today, I'm going to go on record saying, I do have a problem with that. I do believe that at some point, the Sheriff and this Body as a whole are going to have to come to some agreement. Because we're not going to be able to serve the citizens of Fulton County with this playing out in media, with this playing out via emails. And so, you know, whether you want to take it as, taking it back to him as sincere, or me being on a soapbox, I want the listening public to know that the narrative out there and the spin that's being put out there, I'm very disappointed by it. Because at the end of the day, they don't call just the Sheriff's name, they don't call just the Board of Commissioners, they say Fulton County. Now, one thing about Strategic, Strategic was here speaking this morning, but so was other citizens with their concerns about this blank-check policy. And we know sometimes the citizens don't have all the information. But if you don't give the sitting Commissioners all the information, and you don't give it to us in a timely manner, then you cannot expect for us to make a decision on something that is deemed as emergency. And so moving forward, I would like to have some type -- people can call it a truth, they can call it whatever they want to call it. But from my office, there has to be a better line of communication, there has to be some mutual respect, and there must be accountability. Thank you, Chairman."

CHAIRMAN PITTS: "Thank you, Vice Chair. Commissioner Dana Barrett."

COMMISSIONER BARRETT: "Thank you, Mr. Chairman. Just because I -- for clarity, Madam Vice Chair, and also because I'd like to see you get what you need to move on. Can you be a little more specific about what you want to see in terms of accountability? I just like to -- I'd like to help them help you."

VICE CHAIR ABDUR-RAHMAN: "Well, in terms of accountability, I think accountability comes with -- in different forms. For one, we do have a procurement process, for one. For two, we do ask that decisions that are being made that ultimately may affect the taxpaying citizen, and we have to take the burden for that, that we're not caught in the dark. I think what accountability, when we're talking about a budget, but we're also talking about property that hasn't been occupied, and \$10,000 is ultimately taxpayers' money being spent possibly over two-year period. That's accountability. So what I'm saying today, openly to you and the Sheriff's office, is that I will never, ever tell you what's best for how you to run the Sheriff Department. That is not my lane. I'm not going to do that. But what I am going to ask is for accountability to ask the questions and give the answers in a timely fashion. Because Strategic reaching out to me as a Commissioner and I knew nothing about it, to me speaks to an accountability issue. I do not know whether this situation with the nonpayment of them been going on four months, seven months, eight months. Do you understand? I would rather for the

Sheriff to tell me what's going on or to tell this Body or to tell the County Manager than to find out about it in the news. That's accountability."

COMMISSIONER BARRETT: "Fair enough."

VICE CHAIR ABDUR-RAHMAN: "So do -- are you getting an understanding of where I am on this?"

COMMISSIONER BARRETT: "I mean, I think I'm -- what I'm hearing is -- and I think there is -- I do think it is safe to say, I mean, the state reported it, you know, I think it is safe to say that there is not a good relationship right now between this Body and the Sheriff. And so, you know, I think there is, it sounds like what I'm hearing is communicating early and often, when problems arise, when there's something that can't be paid, that's what I'm hearing. Like, more communication, I think, writ large, is what I'm getting from that, is that, would you say that's true?"

VICE CHAIR ABDUR-RAHMAN: "Well, I don't know if a good relationship --"

COMMISSIONER BARRETT: "Well, I was on more communication --"

VICE CHAIR ABDUR-RAHMAN: "-- is the --"

COMMISSIONER BARRETT: "-- that was the question."

VICE CHAIR ABDUR-RAHMAN: "-- is the right word for it. Because from time to time, this whole body right here, I might not have the best relationship with, but I'm going to respect you. I'm going to have a conversation with you. So I don't know if good relationship is the best word for it. I think the lines of communication, like I said earlier, respect going both ways, and understanding that the end of the day, this is not adversarial. Me asking for accountability is not adversarial, because the money comes from the taxpaying citizen. So that's what I mean."

COMMISSIONER BARRETT: "Fair enough. On that front --"

VICE CHAIR ABDUR-RAHMAN: "Excuse me one second. You were getting ready to say something, Mr. Shoates?"

MICHAEL SHOATES, CHIEF OF STAFF, SHERIFF: "If I may."

VICE CHAIR ABDUR-RAHMAN: "Okay, go ahead."

MICHAEL SHOATES, CHIEF OF STAFF, SHERIFF: "I believe the Sheriff does agree and understand, and has a willingness to collaborate. I have reached out to each Chief of Staff to provide more information, you know, and ask if they would like to be more up to date. We can do a better job, and we will do a better job of communication, providing

information. That's not an issue. I believe that's something that the Sheriff and his entire staff would like to do. So I can say that much. As far as the reaching out from Strategic CEO, I do understand your concern, and I do understand getting that information late. That is something that we have to acknowledge. We -- but I will also say that we have been in constant communication with them despite what has been said. In fact, while I was on the phone with the CEO, me personally, while I was on the phone with him, the staff received a text from the company to telling them to walk off the job. And this was before their stated deadline. And so we have been in communication, but -- and at that time, we were also working to try and build good-faith efforts. I promised him that I could not do an entire payment, one of the larger payments. But I told him when I talked to him last week that going forward I was trying to make sure that we did pay something to make sure that as we were working towards a resolution, one of my propositions was to use the \$2.1 million that was set aside in non-agency for the Sheriff's office that we don't have access to. It was specifically for that, and that's what the efforts we were working towards. We made -- when I made that promise to him to make some small payment last week, I think I talked to him on Wednesday, and I told him that I could promise that, I think it was Tuesday or Wednesday of last week. And I told him that I would promise to make a payment to him. And it was for the staff that they provide at the South Annex, it was \$19,000, and that posted on Friday. And so we were -- as we were in negotiations, he was continuously reaching out otherwise, which kind of hampered the negotiations. So as far as, excuse me, as far as what I -- what I initially said about the collaboration, I definitely stand by that. And we are -- we stand ready and willing to do that."

COMMISSIONER BARRETT: "Speaking to the question of how the invoices sort of get paid, and how much gets paid, and how the CFO interacts with all of that, or her team over in Finance, how -- what is the -- can you just, for the sake of me and anybody else who wants to learn more about this, how does that process work from your end? The invoices are mailed to you, to your office, and then -- then what happens from there?"

MICHAEL SHOATES, CHIEF OF STAFF, SHERIFF: "So this one, this particular invoice, created some challenges that we're not used to. They were outside of the normal process. And it initiated -- it was upon initiation of the whole contract last year. In October of last year, September and October of last, there was -- more specifically in September, we were undergoing some staff changes. Some of them were associated with some spending out of the wrong funds, I think, so we had a -- we had some staff changes in our financial leadership in the agency. Some of the invoices -- well, all of the initial invoices went to that particular email."

COMMISSIONER BARRETT: "Oh, gotcha."

MICHAEL SHOATES, CHIEF OF STAFF, SHERIFF: "And that took, I can say specifically, 79 days for that first initial invoice before we realized that we weren't getting the invoices. And so later, I think in like, November 3rd, we made up for it after capturing a lot of the invoices that were going to the wrong email and paid those. After

that, it became a little bit more regular. Let me see, just a second, I can tell you exactly. Oh, there it is. So after that, for instance, let's see, from the date of invoice, and I'll just start it at October 16th of 2023. That was the invoice date. It was sent to -- it was process -- it was vetted. There's a process that we have to go through once we get an invoice. Once we get the invoice, we send it to Jail Command. They have to vet the invoice to make sure that all of the hours and the people are appropriately charged on that invoice. Once everything has been vetted, we process that through our Finance Unit, who sends that to the County Accounts Payable. County Accounts Payable received -- or we sent it on October 24th, and it was, a check was issued on November 3rd. So there was no delay --"

COMMISSIONER BARRETT: "Okay."

MICHAEL SHOATES, CHIEF OF STAFF, SHERIFF: "-- in that particular aspect. And so that took about 18 days. And so if you look at most of 2023, most of them were in that range except for the earlier invoices. And so every invoice in 2023 was paid. The amount on the invoice was paid exactly, so there was no shortage --"

COMMISSIONER BARRETT: "So generally speaking, the amount of time it takes from when the invoice comes into you, putting aside the email confusion, to the vetting process through Jail Command, to getting it over to Accounts Payable is about how many days?"

MICHAEL SHOATES, CHIEF OF STAFF, SHERIFF: "It can take up to maybe a week or so, maybe -- you know, the --"

COMMISSIONER BARRETT: "No judgment, I just want --"

MICHAEL SHOATES, CHIEF OF STAFF, SHERIFF: "-- in these days --"

COMMISSIONER BARRETT: "-- to understand."

MICHAEL SHOATES, CHIEF OF STAFF, SHERIFF: "The invoice date is the actual date that the invoice was generated. So I can't tell you the exact date that we received it."

COMMISSIONER BARRETT: "Sure."

MICHAEL SHOATES, CHIEF OF STAFF, SHERIFF: "And so it may be a delay in that as well."

COMMISSIONER BARRETT: "Yeah."

MICHAEL SHOATES, CHIEF OF STAFF, SHERIFF: "But I would say generally, the -- our Finance unit, working with the county, worked very well, and the process is pretty smooth. And I would say generally, we try and tell everybody that it's net 30 days."

COMMISSIONER BARRETT: "Okay."

MICHAEL SHOATES, CHIEF OF STAFF, SHERIFF: "That was generally handled in that same nature last year. This year, we had other challenges, and it started at the beginning of the year, which everybody knows, started with the cyber attack and some other issues. So we've had various issues throughout. And so there were significant delays early on, and then later as well. But generally, I would say, from the invoice date, it may take approximately 40 days."

COMMISSIONER BARRETT: "Okay. And so on the outstanding invoices that are currently sort of in this -- in the mix for this 1 million 75-whatever it is total, how -- how did that, did that process break down on those particular invoices? Were -- does it -- did it take longer to get over the Accounts Payable? Because it sounds like they're saying they didn't know about this at all until this last week, or something."

MICHAEL SHOATES, CHIEF OF STAFF, SHERIFF: "So actually, the County Finance unit was great in notifying us about the discrepancy late last year, because it was recognized early on. The budget team specifically, I talked to them and relayed that to our Finance person at the time. Again, that goes back to that change in the financial administration. So the initial two calls that I received from County Finance that said, this doesn't look right, you may want to look at this, was relayed to our staff. It did not properly get addressed. That is our internal issue. So once that issue was recognized, the budget process had already started."

COMMISSIONER BARRETT: "So, I'm sorry, I'm -- I don't mean to cut you off, I just want to make sure I'm getting the question answered. So on the current outstanding invoices for 2020 -- right now, the bills that are outstanding, they took how long to get from you to Accounts Payable?"

SHARON WHITMORE, CHIEF FINANCIAL OFFICER: "I don't think they've been submitted yet, because they've -- they're out of spending authority in their purchase order for this particular contract. So they haven't gotten to the point where they've processed them on their end and sent them over to Accounts Payable for Accounts Payable to be able to pay them."

COMMISSIONER BARRETT: "Okay."

MICHAEL SHOATES, CHIEF OF STAFF, SHERIFF: "When we initially started to try and address that was we initially -- that's when I made the suggestion or proposition to use the \$2.1 million in non-agency to -- to address it. That was a couple of months ago when we were trying to formulate that and get that before the Board. There was several

months ago we came before the Board in Executive Session regarding some security-related issues. At that time, we wanted to bring more, but those -- that was not an appropriate venue, being Executive Session, to discuss all of the items. So that was the first time that we were going to present it before the Board. And so we -- it was not presented to -- it has not been presented to the county, because we have to have the funding mechanisms set up to present the properly -- the payment for processing."

COMMISSIONER BARRETT: "Okay. So the reason it wasn't -- okay, so let's back up. The -- how much did we spend with Strategic Security in 2023, total?"

MICHAEL SHOATES, CHIEF OF STAFF, SHERIFF: "We spent \$766,000."

COMMISSIONER BARRETT: "That -- the whole year?"

MICHAEL SHOATES, CHIEF OF STAFF, SHERIFF: "For 2023, it was -- we didn't start the -- we didn't start using them until August of last year."

COMMISSIONER BARRETT: "Oh, gotcha. Okay. And so that was -- and so I understand -- so that was like, basically one quarter's worth of --"

MICHAEL SHOATES, CHIEF OF STAFF, SHERIFF: "Basically."

COMMISSIONER BARRETT: "Okay. So the total -- so you were -- the budget should have been set out for 2024, based on that amount, but spread out for the full year?"

MICHAEL SHOATES, CHIEF OF STAFF, SHERIFF: "Absolutely."

COMMISSIONER BARRETT: "And what would that total have been if that had been done?"

MICHAEL SHOATES, CHIEF OF STAFF, SHERIFF: "It would have been about 4.6 million."

COMMISSIONER BARRETT: "So that would have been -- and that, somehow that math wasn't done properly and put into the budget properly --"

MICHAEL SHOATES, CHIEF OF STAFF, SHERIFF: "It was not."

COMMISSIONER BARRETT: "-- for -- okay. And so that's where you're saying the budget process had already been --"

MICHAEL SHOATES, CHIEF OF STAFF, SHERIFF: "Correct."

COMMISSIONER BARRETT: "-- started. So at what point did you all realize that that was off, the -- what needed -- what needed to happen, and what was budgeted?"

MICHAEL SHOATES, CHIEF OF STAFF, SHERIFF: "Early in the year. Early in the year, we began forecasting, you know, and paying bills. And we began to reallocate money. We've paid some of Strategic out of our operating, as well as other. There, I think it is worth noting that, not only was, we made mistake internally as far as our Finance group in budgeting this. We also were severely impacted by the change of -- involvement of the inmate welfare unit. With that, we took on additional cost that impacted our operational budget. And so we were attempting to reallocate internally, and make a way through some of our changes in how the -- you know, how the inmate welfare money was used, and how we had to pay jail contractors, how we had to pay other normal operating costs that normally would have come out of there, that we just accepted. So there was -- it was a culmination of things that, you know, caused us to get where we are."

COMMISSIONER BARRETT: "Yeah, okay. Yeah, I was just trying to understand that process. So I appreciate that. I may -- I may come back with some more questions, but that's all I have for right now."

VICE CHAIR ABDUR-RAHMAN: "Chairman -- excuse me, Commissioner Ellis."

COMMISSIONER ELLIS: "Thank you, Vice Chair. So just since we were talking about the Strategic Security one, continue on that, just so I understand this. So, all right, first off, this particular contract, there's no -- there was no procurement process that went through the county. This was a contract that was signed directly by the Sheriff; is that is correct?"

MICHAEL SHOATES, CHIEF OF STAFF, SHERIFF: "That is correct."

COMMISSIONER ELLIS: "So the expenditure, as you noted in last year for this was 766,000?"

MICHAEL SHOATES, CHIEF OF STAFF, SHERIFF: "Yes, sir."

COMMISSIONER ELLIS: "For services between August and the end of the year?"

MICHAEL SHOATES, CHIEF OF STAFF, SHERIFF: "Yes."

COMMISSIONER ELLIS: "Okay."

MICHAEL SHOATES, CHIEF OF STAFF, SHERIFF: "And with that money we were able to pay that last year out of our budget using salary savings."

COMMISSIONER ELLIS: "Okay, all right. And the value of this contract was entered in to this year was, on an annual basis, was 4.6 million?"

MICHAEL SHOATES, CHIEF OF STAFF, SHERIFF: "Yes."

COMMISSIONER ELLIS: "Okay. All right. So -- all right. Even if it sort of said liberally, you know that 766,000 was for five months, if I just moved out to a quarter --"

MICHAEL SHOATES, CHIEF OF STAFF, SHERIFF: "So --"

COMMISSIONER ELLIS: "-- that didn't roll up to 4.6, if I -- on an annualized basis."

MICHAEL SHOATES, CHIEF OF STAFF, SHERIFF: "So the contract is paid based on the FTEs, the employees that -- and that was initially why the -- the invoice and the early invoices from last year, were lesser amounts."

COMMISSIONER ELLIS: "Okay."

MICHAEL SHOATES, CHIEF OF STAFF, SHERIFF: "They were -- it took them less time to staff up. They had, I think at that time, we were averaging about 25 or so employees --"

COMMISSIONER ELLIS: "Okay."

MICHAEL SHOATES, CHIEF OF STAFF, SHERIFF: "-- where today, we're averaging over 70."

COMMISSIONER ELLIS: "Okay. So they -- all right, so, but the amount entered in -- you -- the amount that was in the budget for 2024 was 1.4 million?"

MICHAEL SHOATES, CHIEF OF STAFF, SHERIFF: "I believe so."

COMMISSIONER ELLIS: "Is that the amount, is it 1.4, 1.3?"

SHARON WHITMORE, CHIEF FINANCIAL OFFICER: "It's like, 1 million, 320-something thousand."

COMMISSIONER ELLIS: "And what has been expended -- what have we paid for, putting aside any amounts in dispute, what have we paid to Strategic Security so far this year?"

MICHAEL SHOATES, CHIEF OF STAFF, SHERIFF: "We've paid \$1.6 million."

COMMISSIONER ELLIS: "1.6 million. Okay. And you've known for how long that there have been amounts unpaid that they have requested payment for? How many months?"

MICHAEL SHOATES, CHIEF OF STAFF, SHERIFF: "June. June, July, and August."

COMMISSIONER ELLIS: "Okay. All right, so over 90 days at this point. Okay. There is one other contract, I believe with Leo Tech. That contract that was not county-procured thing. That was a contract entered in directly with the Sheriff, correct?"

MICHAEL SHOATES, CHIEF OF STAFF, SHERIFF: "Yes."

COMMISSIONER ELLIS: "Okay. So, no --"

MICHAEL SHOATES, CHIEF OF STAFF, SHERIFF: "I'm sorry. And I have to correct that. There is no contract on that one, that was month to month."

COMMISSIONER ELLIS: "This was a -- okay. So there's no contract, but it was a month-to-month arrangement that was entered into directly by the Sheriff's Department?"

MICHAEL SHOATES, CHIEF OF STAFF, SHERIFF: "Yes, sir."

COMMISSIONER ELLIS: "Okay. So no engagement with the County Procurement on that. There is a entity, Axon, is that a contract that was -- is there a contract that exists with that?"

MICHAEL SHOATES, CHIEF OF STAFF, SHERIFF: "Yes, we have a contract with Axon."

COMMISSIONER ELLIS: "Okay. And that's a contract that didn't go through County Procurement, but was entered into directly by the Sheriff?"

MICHAEL SHOATES, CHIEF OF STAFF, SHERIFF: "That's correct. However, if I may speak on that one, that was one of the items that I was referencing when I mentioned the change in funds. This was initially paid out of the inmate welfare fund. It was requested in our FY24 budget, which did not -- was not passed, it was denied. And the -- we were not aware at the time that this was being paid out of the inmate welfare until after the budget was submitted. And so when we -- and the -- when the invoice was due in December, we paid that, 2023's invoice out of 2024 operating funds. So the amount requested is to cover what is -- will be due later this year."

COMMISSIONER ELLIS: "Okay. Just so kind of the listening public kind of understands what takes place when we have situations in the rest of county government. There are times when we have a point in time when we know that we've got a service that we need more money than we had potentially contracted for. We recently had discussion, I think, around several things, but we had one lengthy one about senior transportation, for example. And just in every -- every situation I can think of, we're having these conversations in advance, before there's a funding shortage. Department brings it forward, they discuss why there'll be a projected shortage, funding

shortage, we make whatever determinations we're going to make as a Board. You're a little bit different. You're giving -- you're given a pot of money, largely to manage and operate within, right, which you -- so you would be different than, for example, a department managed by the County Manager's team. You referenced some, maybe some changes in personnel that would have happened in 2023. But we're in September of 2024. What financial controls do you have in place, or why didn't you have financial controls in place that would have identified this as an issue before it became an issue?"

MICHAEL SHOATES, CHIEF OF STAFF, SHERIFF: "With the closing of the inmate welfare fund and the end of last year and the change in personnel, as you said, that was done at the end of the year when the budget process was concluded from our end. And we did not -- we had very limited, if not any of -- opportunity to make changes to it. Come in to this year, our new staff has worked to balance what we're -- our obligations are. And in doing that, we've also requested additional funding. And I think that what has to be noted is that, we have, for all of these -- these invoices, these bills, we had been making plans, and we had been working towards payment. And yes, it is -- it is at a critical juncture at this point. But we have been working towards this effort since the beginning of the year. We recognized the failures at the end of last year, we started to implement changes. And at the beginning of this year, we were hampered in our efforts in various ways. And we, you know, have made attempts to engage the Board through, you know, through the Executive Session and prior to, and since. So we -- we've brought this -- we've tried to make this known. And we've also, at the same time, we've tried to mitigate some of the responsibilities internally through reallocation."

COMMISSIONER ELLIS: "Yeah, I get -- I think, maybe you misunderstood my question. Things happen where we can see that we're not necessarily going to have appropriate funds budgeted for a particular item. In the normal course of business, it comes to you ahead of time not after the point in time where you've engaged all the services, and you've run up bills in excess of a budgeted amount. So my question, we have these types of controls in place within the construct of the rest of county government, which we have visibility into through the Manager, who directly reports to us, or most all of the, you know, components of the county government. My question is what controls and mechanisms do you have in place to identify that there aren't recurrences of this in the future? That there are amounts, you went out and incurred services when you have no means to pay for them. That's a huge problem. I think you all understand it that this is a huge problem that you go and you create an obligation, potentially with no funding source to back it up. So what is the financial controls that are being placed around that to ensure that this kind of stuff does not happen? Because the failsafe can't be, we're going to come to the Commission, and it's emergency, we need more money because we've already incurred such-and-such services that we have funds for."

MICHAEL SHOATES, CHIEF OF STAFF, SHERIFF: "I do recognize and understand what you're saying, and we -- we did identify early on that there was going to be a shortfall. However, due to -- we in conjunction, basically at the same time, we

continued with the services as we sought to find opportunities to fix the situation, whether that be reallocation internally or a request for additional funding. We started that early on. We -- we initially, I think the biggest push was in May, when we were trying to bring some things before the Board. However, like I said, we had to pull some of those back, as we were -- the Executive Session was not -- was not the place to present Strategic and some of the other public items. So we only kept items necessary for, you know -- but I acknowledge what you're saying, as far as, and this goes back to what Commissioner -- Vice Chair Abdur-Rahman said, the communication in the -- the earlier notification of certain information, we've -- we attempt to do that when we -- every time we submit a budget. And we tell you everything we need up front. We've -- a lot of this stuff that we're talking about, some of it, we made a mistake. For instance, Strategic, we made a mistake. For some of the other items, Leo and others, we knew we needed that for the safety and wellbeing of our inmates. That is critical to keep people safe. We -- we have -- we moved in an effort for safety, balancing safety and the available resources. And to gain additional resources, we -- we should have been in more communication. And that goes back to the collaborative effort on both sides. We can provide enough -- we can provide a lot of information. But we also don't receive a lot of requests independently either."

COMMISSIONER ELLIS: "Yeah. You know, I appreciate your attempt to respond, Mr. Shoates. But I don't feel like I really got an answer in terms of, you know, what sort of financial controls exist to forecast these things and to highlight them before they're an issue and development plan to address them before there's an issue. So that, that's missing from -- and I don't want to belabor the point, but at least for this Commissioner, you know, that -- that's missing, and I'm not -- I'm not hearing that. You know, and then -- and then in terms of collaboration with us and that sort of things, I mean that, that's all fine and well. But I mean, recognize, we're not when operators, right? I mean, we're allocators when it really comes to your budget. And we're in reliance upon you and your staff and your team to manage within the confines of that budget. And you know, not -- collaboration or not, I mean, we should never be placed into a situation where, you know, X-million dollars have been spent, and you're telling me you have no funds to pay for the services that were provided, never should be in that situation. I mean, and that's not a collaboration thing, that's -- that's a management thing, right? So what -- you know, when we -- we're -- when we go through, I mean, obviously we went through, kind of our millage rate setting process, we have a budgetary team that looks at stuff and where we're at and that sort of stuff. And we're forecasting what kind of revenue we're ultimately going to have to come in a year versus strike up against what we're budgeted. And our management team at that point in time, they look at and they make decisions around, what might you do differently as it relates to resourcing, and et cetera for the end of the year to make sure you can live within the confines of your budget. Corporations do this all the time, right? I mean, A, we're not going to hire for XYZ position. We're going to cut down on our travel budget, you know, those sorts of things. These are natural things that sort of occur in the context of managing a financial budget. What -- and I -- you know, I'm not seeing anything in terms of coming from the Sheriff's department, in terms of what -- how have you sought to reprioritize, trim back

expenditures, look at doing away with things that maybe not necessarily are mission critical. I've not seen any real evidence or discussion of that, whereas these are the types of things we would see within the context of operation of normal county management."

MICHAEL SHOATES, CHIEF OF STAFF, SHERIFF: "So one thing I can offer is, going forward -- and I know, I hear you about the collaboration. But I believe that that is important. And the reason I say that is, for instance, if -- if we were to have -- if I, my counterparts and I, the -- your Chief of Staff, if we were to meet biweekly or monthly so I can address whatever issues or whatever questions they may have, whatever they're receiving from the public, whatever, and then also to give forewarning of items -- we -- that is a -- that is something that we can offer is more, like I said, communication. I can -- we can move -- we can address and move forward with this together, and -- but I can't -- there's certain things, of course, not being the elected policymaker, I'm not going to --"

COMMISSIONER ELLIS: "Yeah."

MICHAEL SHOATES, CHIEF OF STAFF, SHERIFF: "-- commit to. But there are certain things that I can say that we can -- we can collectively do."

COMMISSIONER ELLIS: "Yeah. And I understand that. And look, I think everybody up here wants to, you know, kind of operate from a collaborative standpoint. But, you know, bear in mind, I mean, like there are multiple other entities of county government that you know, we don't -- we don't have that kind of capacity, nor is it really necessarily our role, right? But, I mean, they're two sort of basic things that we would generally look for all of our entities to do, whether they directly report to us, or whether they're, you know, are in a situation like yours, and that's to operate within their budget, and to follow the county procurement protocol, right? I mean, so those are -- I mean, those are relatively straightforward things, right? That's not going to be solved by us collaborating better. That's a management decision to do those two things. Questions around, should there be consideration for other allocation and that sort of stuff, that's a different conversation takes place, could happen during budget time, could happen at other times. But it can be happening in this kind of context, not after the fact. You know, so just don't misunderstand, you know, kind of us not wanting to meet every two weeks to go line by line through your financials, because that's just not -- that's not -- that's not what our role is. And nor, you know, with something like this Strategic Security even be on my radar screen, right, for, you know, you know, for that matter. And you know, and in Executive Session is not really a format for. It's -- it's money, it's taxpayer money. It needs to be open, it needs to be public as much as possible. You know, we shouldn't all hid from that. And look, I'm general -- I mean, I'm a person, if -- if I owe something, I pay it, okay? I mean, that's how I operate, and I think, you know, that's how all of us probably, you know, intend to operate in our lives if we've received, you know, legitimate services. But the one thing I'm not hearing is how have you sought to -- you've entered into these arrangements, there appear to be, potentially funds that have being owed -- that have been owed. How have you sought to reprioritize within your budget to pay for

those things, versus just come and ask for more funding? And I'm not -- and I'm not hearing that. And I just, I mean, you know, you want to all send me a white paper on that and tell me that, you know, that's great. I mean, like our management is, you know -- which is -- will do for us, and they'll say, okay, we're going to be short. Here's what we're going to do, and here's where we're going to have -- here's how we're going to operate to ensure we're not going over budget. But if I look at our last financial report, and this is why I think if you owe something, you need to figure out a way to pay for it within the construct of your own budget. And that's kind of where I land on this in general. And I'll -- and I realize these are macro numbers, but they're real numbers, at least from what I -- what, in terms of the non-agency component, this stuff that specifically within your budget, not the stuff that we placed in there for non-agency or for inmate outsourcing, some other things like that. You've got a 2024 budget, and our Finance staff can correct me if I'm wrong on this, of 146.3 million; does that sound about right? Okay. Through the end of July, there was expenditures of 80.864 million; is that correct?"

SHARON WHITMORE, CHIEF FINANCIAL OFFICER: "Yes, Commissioner Ellis."

COMMISSIONER ELLIS: "Okay. So I screwed up my math in that millage rate stuff, so I'm going to get this correct here. So I'm doing this on the fly, might have a bad calculator. So if I trend that out at the same rate, that'd be 57.76 million in additional spend through the main remainder of the year?"

HAKEEM OSHIKOYA, FINANCE DIRECTOR: "I'm not sure what you calculated, Commissioner."

COMMISSIONER ELLIS: "All right. So if the expenditures for the Sheriff's Department in the general fund budget line is 80.864, what does that trend to for an annual expenditure? Straight line."

HAKEEM OSHIKOYA, FINANCE DIRECTOR: "You mean for the entire year?"

COMMISSIONER ELLIS: "Yes."

HAKEEM OSHIKOYA, FINANCE DIRECTOR: "For 12 months?"

COMMISSIONER ELLIS: "Yeah."

HAKEEM OSHIKOYA, FINANCE DIRECTOR: "Oh. I mean, it's going to be less than -"

COMMISSIONER ELLIS: "Is it 138.624?"

HAKEEM OSHIKOYA, FINANCE DIRECTOR: "Around there, um-hmm."

COMMISSIONER ELLIS: "Okay. And the budget amount is 146.3?"

HAKEEM OSHIKOYA, FINANCE DIRECTOR: "Yes."

COMMISSIONER ELLIS: "Okay. That's a differential of 7.6 million?"

HAKEEM OSHIKOYA, FINANCE DIRECTOR: "Yes, Commissioner."

COMMISSIONER ELLIS: "Okay. So I'm going to go back and I'm going to put my question back to you. How have you sought to reprioritize, recognizing some of those may be very tough decisions that would need to be made, to operate within the confines of your budget and pay for, you know, whatever stuff that you intend to do?"

MICHAEL SHOATES, CHIEF OF STAFF, SHERIFF: "Okay. I think that it's important to recognize that our budget, the vast majority of our budget, by far, is personnel. After you back out the personnel-related expenditures and our major contracts like, Naphcare and others, we have an operating budget of about \$10 million. With that, with that \$10 million, we effectively took a -- and I understand that the \$146 million, which was budgeted for the Sheriff's office; however that is not a true reflection of, for instance, last year. Last year, our base budget was \$133 million. This year in FY24, there were other expenses that normally were paid outside of the Sheriff's office that are moved to the Sheriff's office, and the funding for that was also moved. So it artificially increased the Sheriff's office budget. But in reality, we received a 3 percent salary attrition vacancy cut. So we had \$3 million cut, so our true -- if you look at the apples to apples from last year's budget, our salary is \$3 million less, \$2.9 million less than it was last year. So we're having -- we have less -- now, I understand your question about what are we doing internally to -- to -- in efforts to balance a budget. We have canceled contracts. We have reallocated resources as much as possible. We are limited in doing so based on our limited operating budget. Our operating budget for an agency this size of less than \$10 million a year, that's putting us in a lot of predicaments."

COMMISSIONER ELLIS: "Mr. Shoates, I appreciate the commentary, but I just -- given that you can't explain to me how you -- we all got surprised with running up stuff that we didn't have funds to pay for, I just don't have -- it doesn't provide me with a lot of confidence in any sort of -- any sort of budgetary explanation. I just, looking at that raw numbers, you know, between -- between the buckets that we've allocated to you all, we've allocated, you know, a 66 percent growth in, you know, budgetary expenses over the past five years. I'm looking at the run rates for this year. You're scheduled to run in just that general fund component, recognize that there are other funds that we've allocated that are sitting in other buckets, which total up to about 184 million. You projected a run up of 138.624, and you got a total budget of 146.3. Somebody's got to do the work to figure out where the funds are to pay what you owe and to operate within the budget. This should not be an emergency to be placed upon us. This should be an emergency that should be placed upon the Sheriff's Department to figure it out within the construct of their budget. Personnel is a big expenditure when it comes to any

business or any operation. It's in -- you know, it is an expense, it has to be managed just like any other expenditure. So, you know, the bills, obviously -- if there's stuff that's there that needs to be paid, it needs to be paid. But you all need to operate within the confines of your budget. And you need to follow the county procurement rules. And I apologize for taking too long, Mr. Chair."

CHAIRMAN PITTS: "Commissioner Arrington."

COMMISSIONER ARRINGTON, JR.: "Thank you, Mr. Chair. I think Commissioner Ellis makes a lot of good points. I mean, we don't want any department spending outside of their allocated budget. I think what we have is an anomaly based on the loss of control of that inmate welfare fund. And I think more importantly, his points about the county procurement process that was just recently adopted. So there was no way that you all could have complied with the rule that didn't exist. There was whole another question of whether that rule is constitutional not. But certainly, you couldn't comply with a rule that didn't exist. So I think Commissioner Ellis' point when he said, hey, he pays his bills, and we all try to pay our bills. And we assume you all do the same thing, right? And I think his line of questioning towards what are we going to do to make sure this doesn't happen again, because, you know, we got stuck with the bill, right? And so if we're stuck with the bill, we might have to pay it. But we want to know what systems are being put in place to make sure that this doesn't happen again in the future, right? And I think that's a fair question. But at the same time, I think this an anomaly based upon, again, the loss of the inmate welfare fund, the adoption of the new procurement rule. And so -- and if my memory serves me correctly, the staff had recommended an additional \$5 million towards overtime at budget time, and this Board voted to reduce that to 2 million. So you got to have perspective, right? And you got to look at the whole picture. And so it's not enough to just say, oh, well, you ran over your budget. Well, no, you asked for more money from the beginning, and you didn't get all the money that you needed, right? And so I think we have to keep that perspective in mind. And so not only did you not get all the money that you needed, you lost control of an additional fund that frankly, we, and we in general, and the Chair specifically should have been all the welfare -- Inmate Welfare Committee, you should have known about, right? So probably, I would recommend coming up with something maybe to -- and I don't know if it's meeting with us weekly or biweekly or monthly. But certainly, I would say with Finance, right? I would say, you know, if you got something that's net 30, yeah, we need y'all talking with Finance. Because I told y'all, she know where the bodies are. She know where that money is. She had -- you got it right over here, 2.1, right over here. She's good, that's her job. But we don't want to be in this position going forward. And I think anything that you guys can do to work with Finance to say, hey, we've adopted this plan. And maybe it's not every 30 days, maybe it's once a quarter. I don't know what the cadence should be, right? But adopting some plan to work with Finance to say, hey, here's what we've come up with to ensure -- or to do our best, right? Because I mean, you know, it's a crazy world out there, to ensure that this - - that we don't get caught in this position again going forward, right? There's enough stuff that comes up that we have to pay for that no one budgeted for or thought of

whatever, right? We get change orders all the time on construction projects, million dollar, multimillion dollars change orders on construction projects, right? But there's enough time to talk about them and to vet it, and I think that is kind of the difference. And so, you know, you guys have been making the requests for money, right? And frankly, despite the fact that there may have been a 60 percent increase over the last five years, I don't think, you know, most of those requests, probably 90 percent of those requests this year have been denied. So I just think we have to put all the facts out there. You guys asked for more money from the beginning. You didn't get all the money you asked for. You lost another fund, adopted new rules around procurement. So I think we've all got to, as you say, collaborate. But I think even more than collaborate, I think we've got to press reset. I think we've got to press reset, and start back over from equal ground. And certainly, I'm here to work -- to work with you. I think everyone here should want to work with you. And I think, you know, frankly, we need to have -- more conversations need to be had so that we are not pointing fingers at each other in public. I don't think that benefits us. I don't think it benefits you or the Sheriff's office. And I certainly don't think it benefits the residents of Fulton County. So we need -- we all need to do a better job of having better communication on the front end so that we can try to avoid these situations. So thank you all for the work that you're doing. Please work with our County Manager and CFO so that, you know, we can avoid being put in these positions in the future."

CHAIRMAN PITTS: "Commissioner Bridget Thorne."

COMMISSIONER THORNE: "A lot's been said, so I'll try not to be redundant. But with that being said, I'm going to be a little redundant. I agree, it was kind of hard for me to find out about the back payment that we need to make by finding out in the news, instead of having a conversation with your departments. It's the taxpayers money. It's our responsibility, but it's also your responsibility. We gift you that money to run our jail. And I just -- I was also curious, as Commissioner Ellis, were what cuts you're making in other departments to kind of reallocate the existing finances that you do have that are in your purview. You gave us some generalities, but not really many specifics. So maybe for me, I could use more specifics."

MICHAEL SHOATES, CHIEF OF STAFF, SHERIFF: "So I can provide more specifics. You know, I can send those to you. I don't have everything in front of me, but I can tell you some of the -- some of the general things that we are doing. We've cut -- we've cut back on overtime, which sometimes I believe might be a -- might be a detriment in that different kind of way. But we have cut back in some of the overtime that we've used. We've terminated contracts. We have reallocated money. We have made efforts. I, like I said, I can't completely articulate in detail, everything and standing here. But we have made efforts. And I believe, I mean, as mentioned earlier, with the -- with the operating budget that we have that we actually can use of about \$10 million, we've paid some of these, for instance, like I said, we paid Axon the 2023 invoice already. We've paid some of Strategic already that was not -- that was not previously allocated towards that. We've made efforts. But I completely understand and appreciate the request for

better communication and more of a heads up. We can do better with that, and I will do that."

COMMISSIONER THORNE: "With that being said, can you -- can you explain Axon, what is that for?"

MICHAEL SHOATES, CHIEF OF STAFF, SHERIFF: "So --"

COMMISSIONER THORNE: "Because you said you typically pay for that out of the inmate welfare fund?"

MICHAEL SHOATES, CHIEF OF STAFF, SHERIFF: "That's how it had been paid historically, yes, that's how it was paid in the past. There are several things related to Axon. The biggest thing is with our tasers and body-worn cameras. And that is used throughout the facility."

COMMISSIONER THORNE: "Okay. And you said that -- I think you made a comment that you've paid for later this year as well for that."

MICHAEL SHOATES, CHIEF OF STAFF, SHERIFF: "For Axon? No, ma'am."

COMMISSIONER THORNE: "No?"

MICHAEL SHOATES, CHIEF OF STAFF, SHERIFF: "We paid 2023. The invoices typically come toward the end of the year. And so that came during the budget process. So we did pay 2023's out of the 2024 operating budget."

COMMISSIONER THORNE: "Okay, okay. I misunderstood then. And then you guys had a kitchen outage, 111,000 to pay for catered food to be brought in."

MICHAEL SHOATES, CHIEF OF STAFF, SHERIFF: "Yes."

COMMISSIONER THORNE: "Is that just for staff, or is that staff and inmates?"

MICHAEL SHOATES, CHIEF OF STAFF, SHERIFF: "That was for staff only."

COMMISSIONER THORNE: "Staff only. For how many months was that?"

MICHAEL SHOATES, CHIEF OF STAFF, SHERIFF: "Approximately, how many months was that? It -- let's see it's probably over -- probably something over a month. I would say probably five weeks or so. Five -- yeah."

COMMISSIONER THORNE: "Five weeks, so roughly 16, 17,000 a week?"

MICHAEL SHOATES, CHIEF OF STAFF, SHERIFF: "I'm sorry?"

COMMISSIONER THORNE: "16, 17,000 a week for staff meals?"

MICHAEL SHOATES, CHIEF OF STAFF, SHERIFF: "Yeah, so for security reasons, staff is not allowed -- we've, through incidents in the past, staff is not allowed to bring anything into the facility. They're in the facility for 12 hours a day, and so we do provide adequate meal for them. And they are -- I mean, we're obligated to -- to make sure that they are taking care of and made whole. And so, yes, we spent, you know, I'm not sure of the exact amount, but it was about 111,000 for the entire incident. And I'll further say that we received a lot of help from the county as far as that whole process. We had a lot of -- we had a lot of equipment that went down, and some of it triggered other things to go down, which even today, we've been made aware that there are four kettles that went down today. And so we continue to have emergencies that -- that arise, like, literally every single day. And so the easiest way to provide what was absolutely necessary for our staff was to provide the catered food."

COMMISSIONER THORNE: "Okay. So the non-agency fund could cover a bulk of what you need to pay off right now, correct, all but 151,000? Let's say, if we were on a tight budget ourselves, and we didn't have money to give you, what would you do?"

MICHAEL SHOATES, CHIEF OF STAFF, SHERIFF: "We have constantly been working to try and see what we can do to rectify the situation. But there is -- it's obvious that we need assistance, and that's why I'm here."

COMMISSIONER THORNE: "Okay. And you've hired a new financial person since you let the other one go last year?"

MICHAEL SHOATES, CHIEF OF STAFF, SHERIFF: "Yes, ma'am."

COMMISSIONER THORNE: "And have you thought about putting out for bid, go through the proper procurement for Strategic Security and those others that you don't have contracts with, or you've never put out to bid?"

MICHAEL SHOATES, CHIEF OF STAFF, SHERIFF: "There's been a lot of recent changes, and I can't comment on those right now."

COMMISSIONER THORNE: "Okay."

MICHAEL SHOATES, CHIEF OF STAFF, SHERIFF: "But there has been a lot of recent changes, you know, in effect through the Board action. But I'm not at liberty to speak on those."

COMMISSIONER THORNE: "Okay, okay. Thank you."

CHAIRMAN PITTS: "Commissioner Dana Barrett."

COMMISSIONER BARRETT: "Thank you, Mr. Chairman. Just a couple of quick things. It does seem to me like the disconnect in terms of us not knowing about this is because there was money that we -- and they're not paying attention to me right now, but that's okay -- on the -- on the in between your department, Madam CFO and the Sheriff's Department in terms of this non-agency money that you're saying is now, could be used to pay this, just so I understand the -- why that money is sitting there. There was money in the original budget in the Sheriff's office for double overtime, but then we rejected doing that; is that correct?"

SHARON WHITMORE, CHIEF FINANCIAL OFFICER: "Essentially, yes, Commissioner."

COMMISSIONER BARRETT: "And so I guess what I'm wondering is, why did that money land in the general fund and non-agency instead of in the Sheriff's budget?"

SHARON WHITMORE, CHIEF FINANCIAL OFFICER: "When we originally proposed it, it was there and identified specifically for jail overtime based on utilization. And because the Board's authorization of that double-overtime rate, I should back up and say it was for the double overtime at the jail, for the jail unit. And since the Board's authorization for the double-overtime rate had expired in the previous year, we placed it in non-agency pending the renewal of that. And then it would have been moved to the Sheriff's office as it was -- as it was needed."

COMMISSIONER BARRETT: "It just seems to me that it would have been more straightforward if that money was already budgeted for something for the Sheriff's office that it be in the Sheriff's budget. Because that -- it sounds like that would have solved at least part of this problem right off the bat. Because when they went to put the invoices in, they could have selected wherever that 2.1 was sitting within their own budget, and passed that on over to Accounts Payable. But it sounds like, and again, feel free to correct me if I'm wrong here. But it sounds like what actually happened was they didn't know what to code it to, and they were wanting to work that out with y'all, but somehow, I don't know why that got delayed or what happened. But it doesn't sound like there's a solid mechanism of communication when things like this come up. And it does -- and I said this to y'all when we were meeting yesterday. I think there does seem to be -- like, we do seem to have put ourselves a little too in the weeds, I think, with their, you know, line-by-line spending and in particular as it relates to the money that we put in that inmate services line item in the general fund and what we were going to pay out of it or not. And then this also seems like it falls into that same camp a little bit, where it is money that is available to them, was earmarked for them, albeit for a particular thing. But if I'm a constitutional officer, and I'm the Sheriff, it feels to me like I should be able to move money around within my budget. So even though it didn't -- isn't able to be used for the double overtime, it still should be able to be used. Am I not getting that right?"

SHARON WHITMORE, CHIEF FINANCIAL OFFICER: "It was our recommendation that it was there for the double-overtime requests that the Sheriff had, you know, been talking about during the budget process. So we did not move the money into the Sheriff's budget because the Board didn't interact, and didn't act on the double -- the double-overtime resolution that would allow for the double overtime, you know, to take place. So I guess from our perspective, because they were put in the budget for that specific purpose, and then that was not approved, we did not view them necessarily as resources that were available to the Sheriff for his use for any other purpose."

COMMISSIONER BARRETT: "Yeah, but see that, I guess that's exactly -- so I am sort of getting it right, I think. So I am -- that is sort of exactly what I'm saying. It's like we're sort of making a line-by-line decision. Well, it was earmarked for this, we're not going to be able to use it for this, therefore, they don't get to have it anymore. That -- that's the part that feels like too in the weeds to me, and too in the line by line. Like, that money was allocated for them, they have an expense, you know. Again, this is just from, you know, 1,000 feet up, looking down. This is what it looks like to me. That said, given that that money was earmarked for specifically expenses for the Sheriff, it seems logical to me that we would go ahead and use that, which you're already recommending, so, you know, no harm, no foul on that. But it does seem like, we should go ahead and use that money to pay these bills. The question becomes, how do we improve the communication so that we don't get into a situation? Like, what can we do on this end, along with whatever they're doing on that end to make the communication easier when bills come in. If they're not sure where they can pull it from, or if they're looking like something's going to go over budget, how do we improve that? What can we offer to kind of help build that bridge?"

SHARON WHITMORE, CHIEF FINANCIAL OFFICER: "Commissioner Barrett, we have been meeting with the Sheriff's Department on a routine basis regarding the Jail Bridging Plan. And we could certainly add an opportunity to discuss operational, you know, operational concerns that they have. But it is important that they work within the resources that ultimately the Board does provide to them. So when I hear you say something like, if they have a bill that they can't pay, the only mechanism that we have would be to sound additional money to them through a budget amendment --"

COMMISSIONER BARRETT: "Right, but I mean --"

SHARON WHITMORE, CHIEF FINANCIAL OFFICER: "-- which we only set aside about a million dollars a year for that purpose --"

COMMISSIONER BARRETT: "Not to interrupt you, but for example, the emergency money, you know, that was spent because the kitchen was not functional, is not something they could have known to budget for. So it does seem like that is something that should have been a budget sounding, no?"

SHARON WHITMORE, CHIEF FINANCIAL OFFICER: "When that occurred, we allowed them to use the emergency P-card in order to be able to provide the resources. This is sort of the cleanup after that, in order to identify the funds to cover those costs. Because their food service provider is actually the one that is to be providing the staff meals under the food service contract."

COMMISSIONER BARRETT: "Okay. Well, now I'm -- now, I've gotten myself too far in the weeds. All right, well, I just think, you know, I hear what you're saying. I certainly heard what Commissioner Ellis said about operating within their budget. I think they hear that as well. But I do think there's a communication breakdown too. And, you know, if they're asking for our help, there's a problem, and it did not play out in a way, I think that would have all liked to see it play out, I think, as my fellow Commissioners have said about, you know, hearing things the first time in the news and all of that. What I'm asking is, what can we do to help facilitate the communication? And just scolding them is not it. So it needs to be more than that."

DICK ANDERSON, COUNTY MANAGER: "Well, I mean, my suggestion would be the fundamental thing that could be done to better the process is, if the Sheriff's office comes with the crisp definition of what the gaps are, what the issues are, and it's not a rolling reveal. I mean, what you have today is several weeks' worth of discussion with the Sheriff's office and the Finance staff and myself to get to this. That's why it becomes more and more of an issue. And that would be the best anecdote for that problem is, you've got to be on top of what your budget is, on top of what the projections are, be able to communicate that in a concise fashion, not here's this problem, that problem, and this other problem, which is largely the conversations that we have. I'm not being critical, but that's the -- that's the way to improve it. And then if we have that, we can bring that forward to you, or make any other adjustments that we can make within the authority that we have. But we can't do that if you can't define the problem. I mean, fixing a problem is defining it, step one."

COMMISSIONER BARRETT: "Well, I think, I hear what you're saying, and I think some of it is defined. And I, you know -- and I, you know, I know Commissioner Arrington brought this up, but I will again, the -- when everything changed around the inmate welfare fund, we took on, by choice, in the general fund, saying, well, we're going to pay for certain things that used to get paid for in the inmate welfare fund. To me, those things should have been put back into their budget, and they should have been able to pay for those directly, instead of us making some sort of granting decision about which of those things we would pay and which we wouldn't, based on a criteria that doesn't really exist anymore, because there -- the resolution that created all of that is gone. All this to say, I hope we get it right in the 2025 budget. I still am not clear on exactly how we resolve what is happening throughout the rest of the year, in terms of what bills they're going to have, what commitments are outstanding. I do think we have some clarity around this 2 million. I mean, I don't hear anybody saying we shouldn't pay for it the way you are recommending --"

CHAIRMAN PITTS: "We haven't heard from everybody yet."

COMMISSIONER BARRETT: "Well, I get that."

CHAIRMAN PITTS: "Okay, thank you."

COMMISSIONER BARRETT: "We vote from almost everybody. But I haven't heard anybody strongly say that that was not an option. I think we agree that we have obligations, we have to pay for them. But I -- I'm not sure I quite yet -- and this is, I guess, why it's good to have discussion. But I'm not quite sure yet that we have a good resolution of how to get from September 1 to December 31 with the remaining expenses that we're going to have. So I don't know that there's an answer for that right now, but maybe that's something that y'all can come up with over the next couple of weeks and bring to us at our next meeting. Did you want to add to something, Michael?"

MICHAEL SHOATES, CHIEF OF STAFF, SHERIFF: "Well, I will say that in addition to my comments and Commissioners responses about collaboration, we can do a better job of collaborating with county administration, as far as us getting them information. The county -- the county administration has done very well by us, as far as assisting in a lot of different emergency efforts and otherwise. And they were -- they notified us of the -- of the discrepancy late last year in the budget process. And so I have to acknowledge that, because they have been of assistance, we can better -- we have -- we're good partners and collaborators with the county administration. But we can be better. And as Ms. Whitmore said, we already meet, I think it's biweekly, regarding the Jail Bridging Plan. And we can expand that somewhat to talk further operationally for certain things. But there's always room for improvement, and I accept that."

COMMISSIONER BARRETT: "Thank you."

CHAIRMAN PITTS: "Commissioner Natalie Hall."

COMMISSIONER HALL: "Thank you, Mr. Chair. First, let me say thank you to both of you for standing here before us today. Michael, you have provided numerous solutions. But unfortunately, I think a lot of them weren't heard. Because I kept hearing the same questions asked of you repeatedly even after you provided solutions. So just want to let you know, I did hear you, and you had some great solutions. Earlier, a lot of things that were said here today, really made me think back to the Senate Subcommittee recent recommendations. There was so much said here that I just had to go and pull it because it was nagging at me. I feel like I heard it before, and I did. Like, for instance, when my colleague mentioned that it just really doesn't look good for us to, you know, publicly look like we have a bad relationship between this Body and the Sheriff. And I felt like I heard that before, and I did, because in this, it is called the draft summary recommendations of the Senate Public Safety Subcommittee on the Fulton County Jail. And the committee members were Senator Randy Robertson, who's the Chairman, Senator John Albers, Senator Sonya Halpern, Senator Brian Strickland, Senator Chuck

Payne and Senator Tim Bearden. And there was a line in here that, I know I heard this before, and I found it, and it said, the public and private relationship between the County Commissioners and Sheriff has been tenuous, unprofessional and not the conduct the citizens should expect. Weekly professional meetings should take place to improve the relationship, trust, and spirit of teamwork to solve the problems. So when it was said earlier, I think, by one of my other colleagues about maybe we should meet weekly or biweekly, or at least there should be some meeting between Finance, this was actually written in that recommendation. So it is agreed upon by many. Also, what struck me was, I -- it made me have a question, because I heard one of my colleagues say that we gift you your budget. And that was something I had never heard before, ever. And I want to make sure it's clear that I never known us to gift it. I thought it was our required duty as a Body to approve a balanced budget, and that included the Sheriff's budget. So I just want to ask, Madam CFO, Mr. County Manager, Madam County Attorney, anyone who could answer that question, if are we gifting them their budget? Anyone can jump in."

SHARON WHITMORE, CHIEF FINANCIAL OFFICER: "The Board approves their budget and provides them with the resources. I'm -- gifting, I'm not sure is a technical term, but I -- but I would say it's a budget approval or an award would be the -- or appropriation, one of those."

COMMISSIONER HALL: "Okay. Thank you, thank you. Because when I heard that, kind of perked up because I have never heard it stated in that manner. And also, based on the commentary that has taken place today, it made me think back to one of these other items that says, the Fulton County Sheriff's office and the Fulton County District Attorney's office established policies and procedures related to request for proposals that include involving the Fulton County Finance Department as advisors in selecting contractors for special needs and services not specifically provided for or requested in their annual budgets. And so that goes back to much of the commentary earlier from various members of this Body concerning these contractors and everything. It's very clear here that they recommend that the Sheriff's Department utilize the Finance Department as advisors. And advisors means that they provide advice, advice, meaning guidance or recommendations offered with regard to prudent future action. And prudent, meaning, acting with and showing care and thought for the future. So that would resolve that issue. And then some comments led me to recommendation that the County Commission should work with the Sheriff to benchmark best practices and industry standards to create and pass a transparent and reasonable budget. And once passed, provide oversight and not micromanage of the budget or the operations of the Sheriff. I think this is pretty good, because everything that we've discussed today, pretty much has been provided as a recommendation from the Senate Subcommittee. And so I think we have a very good guide to help us, and it's just something we need to act on. Thank you all for your time and for your comments, appreciate you."

CHAIRMAN PITTS: "Commissioner Arrington."

COMMISSIONER ARRINGTON, JR.: "All right. So I heard that the food provider is supposed to provide the staff meals. Yeah, we had to go spend 100 some-odd thousand, so are they going to pay that back?"

MICHAEL SHOATES, CHIEF OF STAFF, SHERIFF: "Well, we also have to provide the --"

COMMISSIONER ARRINGTON, JR.: "Or do we get a credit for that 111,000 off of what we owe them since we had to -- they were unable to provide it and we had to go get it from somewhere else?"

MICHAEL SHOATES, CHIEF OF STAFF, SHERIFF: "So I'm going to let Ms. Joyner speak on that, because she's -- manages our contracts."

AMELIA JOYNER, CHIEF COUNSEL, SHERIFF: "Good afternoon, Commissioner. Actually, it was not that the food vendor could not provide the meals, it was that our facility would not allow them to provide the meals. They were ready to cook and deliver the meals. We didn't have the equipment or, you know, gas leaks that were occurring."

COMMISSIONER ARRINGTON, JR.: "All right, so --"

AMELIA JOYNER, CHIEF COUNSEL, SHERIFF: "So it's a --"

COMMISSIONER ARRINGTON, JR.: "-- send me the contract. I need to see how that's written up. Because I don't -- either they supposed to provide it, or they're not."

AMELIA JOYNER, CHIEF COUNSEL, SHERIFF: "Well, they certainly are. They certainly are supposed to provide it. But it's kind of the impossibility, right? If they cannot use the kitchen that we were responsible for having a fully-functional kitchen then, you know, one could argue that perhaps it is that they can't perform because we stopped them from performing by --"

COMMISSIONER ARRINGTON, JR.: "Well, I would say that was an act of God. I don't think we stopped them. I think we -- I mean, I would also want to see the plan going forward. I want to know that in our contracts going forward that there is a provision that either gives us credit. If we've got to go out and spend another \$100,000, we need a credit off of what we owe them, or they need to reimburse us, one or the other."

AMELIA JOYNER, CHIEF COUNSEL, SHERIFF: "Agreed."

COMMISSIONER ARRINGTON, JR.: "And so, you know, because right now, we're about 100,000 some-odd short on what y'all need, and that could be it right there. But, you know, perhaps the contract is not written that way. But, you know, we need to try to guard against that in the future. I would hate -- he just said four more boilers went

down, so we got to go buy another \$100,000 worth of food and -- I'm -- we need to guard against, either they provide them, or they don't."

AMELIA JOYNER, CHIEF COUNSEL, SHERIFF: "Agreed."

COMMISSIONER ARRINGTON, JR.: "Whether our equipment is working or not, peanut butter and jelly, something. But we can't -- we're virtually paying twice for those meals, right? And so we need some type of plan to -- so that we do not have to do that again either. Thank you."

CHAIRMAN PITTS: "All right, anything else? All right. So you're asking for 5.9 today, correct?"

MICHAEL SHOATES, CHIEF OF STAFF, SHERIFF: "Yes, sir."

CHAIRMAN PITTS: "Okay, all right. This was a discussion, what's your pleasure? You want to add something else?"

VICE CHAIR ABDUR-RAHMAN: "Chairman, with all the respect, I know they asked for 5.9 today. But in good conscience, I could not support that amount. From what I heard -- what I heard, it sound like it may be a fourth of that. But for me, I would need a little bit more information to support. Like I said in my earliest comments, I don't want this to be adversarial, but in my opinion, we're stewards of the taxpayer dollars. So I want a concrete number for emergency purposes only in order to vote on. That's what I would need."

CHAIRMAN PITTS: "Okay. Commissioner Arrington."

COMMISSIONER ARRINGTON, JR.: "I would just make a motion to approve for today, the 2.137 that Finance has authorized, at least get that to them, and then maybe in a couple weeks, we can circle back and continue to work on figure out how we get the rest of it."

COMMISSIONER BARRETT: "Second."

CHAIRMAN PITTS: "All right. The motion to approve two-point -- what is it, 2.17?"

COMMISSIONER ARRINGTON, JR.: "Yeah, and I think this money is already in non-agency, it was already allocated for Sheriff's office for overtime according to Ms. Whitmore. So it's basically, just making this money available to them so that, you know, until we can get back and maybe talk about the other -- the other 3 million or 3.6, I guess it is, or something. But, you know, this should at least be a stopgap."

CHAIRMAN PITTS: "Okay. All right. The motion on the floor by Commissioner Arrington, seconded by Commissioner Natalie Hall. Commissioner Barrett, you want to be heard. All right. Let's vote."

CLERK GRIER: "And the vote is open. And the motion fails; three yeas, two nays."

CHAIRMAN PITTS: "All right. Yes."

COMMISSIONER BARRETT: "So what do you want to do then, for those of you that voted no, about the more immediate need of paying these bills? Because I feel like we now, we just left them with no way to pay bills that we have to pay --"

CHAIRMAN PITTS: "No, that's not --"

COMMISSIONER BARRETT: "-- and we didn't really make a decision."

CHAIRMAN PITTS: "That's not true. They have money in their budget. Ellis made a great case for that."

COMMISSIONER BARRETT: "Well --"

CHAIRMAN PITTS: "So anything, you got another motion?"

COMMISSIONER BARRETT: "No. But I'd like to ask some questions then because I -- the record -- the -- our County Manager recommended a particular funding line of where to get the money so we could pay these bills, and we just said no to it. So what are we going to do? What are they supposed --"

VICE CHAIR ABDUR-RAHMAN: "Do you -- would you like for me to speak on behalf of my no? Because I have -- I have no problem. Even though you're not the Sheriff, I'm more than happy to tell you why I voted no. One reason, the Sheriff is not here. I have further questions. It does not mean I will not approve it. What it means is, I need to have a conversation with the Sheriff. And upon having that conversation with the Sheriff, now remember, for almost two years, we're talking about a year and a half, the Sheriff told me, money was accidentally spent that shouldn't have been spent out of a particular area, and it was spent. That's his words, not mine. So I need to have a conversation with the Sheriff. I need to get a few questions answered for favorable vote. Do you have a problem with that, Commissioner Barrett?"

COMMISSIONER BARRETT: "You vote however you want. I just --"

VICE CHAIR ABDUR-RAHMAN: "I'm just saying -- you asked a question about my no vote for the taxpaying citizens of Fulton County. So since you asked the question publicly in front of everybody, I want to publicly give my answer, which is, I will have the

questions that I need to ask, that I think is beneficial for the taxpaying citizens. And I will revisit this for favorable vote."

CHAIRMAN PITTS: All right.

COMMISSIONER BARRETT: "Vice Chair, no disrespect. My question was really about whether or not -- what is the direction to the county --"

VICE CHAIR ABDUR-RAHMAN: "Your question was, we voted no --"

CHAIRMAN PITTS: "Commissioners --"

COMMISSIONER BARRETT: "But right, and why --"

VICE CHAIR ABDUR-RAHMAN: "And so I gave you an answer as to why I voted no."

COMMISSIONER BARRETT: "Okay."

CHAIRMAN PITTS: "Commissioners. Commissioners, please. That motion failed. Anything --"

VICE CHAIR ABDUR-RAHMAN: "Chairman, with all due respect, I just want to give two things I would like to -- for this Body to recognize, not with you all. Thank you, I appreciate you all. One, I just wanted a moment of quick silence. We had four individuals to die today, in a -- in a shooting here in Georgia. And I think we could give them a moment of silence. I know everybody wants to leave, but if we could give them a moment of silence, just out of respect that four people lost their lives, Chairman."

CHAIRMAN PITTS: "Thank you."

VICE CHAIR ABDUR-RAHMAN: "I would like to do that."

CHAIRMAN PITTS: "All right. Thank you."

VICE CHAIR ABDUR-RAHMAN: "The last thing, County Manager and Dr. Roshell, I did not want the citizens that came down here earlier with the concern about the art teacher. So I did want you, you know, I didn't want to belabor the point and you all to go in it. But it is being worked, we're trying to find a solution. It is not that we're not taking care of it. You all were already doing something, because I heard over this weekend, I got calls about it. So I know that you were working on it, but the public didn't know. So if you can just quickly, just speak to it, Dr. Roshell, I would appreciate it."

DR. PAMELA ROSHELL, COO, FC: "Thank you for the opportunity, Madam Vice Chair. So earlier today, we did have several members of the public bring their concern about the arts instructor in classes at our four multipurpose facilities. The first thing that I would like to say is that no -- every facility will continue to receive arts services. The solution or the problem that we were trying to solve, is that the Benson Center had a longtime staff member to retire. That left a gap in the service provision at that center. And so for a short period of time, October through December, the Arts Center staff at the other three multipurpose facilities that is -- those are the Darnell facility, the Mills facility, and the Bowden facility, will provide arts classes one day a week each, in order to help fill that gap. The other solution that we are going to implement is that David Manuel's team, the Department of Arts and Culture, will also provide two service levels. One, there are several trained artists in the Department of Arts and Culture that will provide classes. And Arts and Culture also has a contract provision in their department that will allow them to contract with individual artists, who we will also deploy at the Benson Center to provide those classes. So Madam Vice Chair, you're right. We were made aware of the issue. We have been working on that problem, and we want to ensure that all four of our facilities will have access to arts services during this next cycle of classes, which will be October through December. Our goal is to fill the vacant position at Benson by December so that we can then revert back to normal operations, which is each of those three instructors, the one that will do one day at Benson from Darnell, the one that will do one day at Benson from Mills. And one day a week from Bowden, will then not provide that one day a week because we will have the person on staff at Benson."

VICE CHAIR ABDUR-RAHMAN: "So this is just a temporary measure to make sure that we have ongoing art classes throughout the entire Fulton County. It's just temporary. I know that you got recruitment going on and everything --"

DR. PAMELA ROSHELL, COO, FC: "Yes, ma'am."

VICE CHAIR ABDUR-RAHMAN: "But it is temporary. And I think, you know, some of the information that got out that was incorrect."

DR. PAMELA ROSHELL, COO, FC: "Yes, ma'am."

VICE CHAIR ABDUR-RAHMAN: "And so I thought it was better that we address it today, because they have not stopped calling my office. So I wanted to openly ask for the Fulton County seniors to please, have patience with us, as we work through this recruitment and making sure that everybody get the services of the arts."

DR. PAMELA ROSHELL, COO, FC: "Yes, ma'am. Thank you for the opportunity."

VICE CHAIR ABDUR-RAHMAN: "Thank you. Thank you, Chairman, I appreciate you indulging me."

CHAIRMAN PITTS: "Any other matters to come before us today? All right, we are adjourned. Thank you."

There being no further business, the meeting adjourned at 3:16 p.m.

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EXHIBIT 7

RETRIEVED FROM DEMOCRACYDOCKET.COM

From: Janice Johnston <jjohnstonmd.seb@gmail.com>

Sent: Tuesday, October 1, 2024 8:58 PM

To: Allen, Sherri <Sherri.Allen@fultoncountyga.gov>; John Fervier <jfervier.seb@gmail.com>; Rick Jeffares <rjeffares.seb@gmail.com>; Michael Coan <mcoan@sos.ga.gov>; Sara Ghazal <saraghazal.seb@gmail.com>; Janelle King <jking.seb@gmail.com>

Cc: Thorne, Bridget <Bridget.Thorne@fultoncountyga.gov>

Subject: Monitor team additions

Good afternoon Sherri,

It was nice to meet you yesterday and have an open and frank discussion with John and me about the monitor team. Would you please send the contract and financial plan concerning the monitor plan? I hope that Fulton County will comply with the agreement of the May 8th meeting as proposed by Ed Lindsey. The State Election Board would like to consider John Fervier or Mike Coan as the monitor team leader.

It is my understanding that you were able to add a last minute agenda item to the county commissioner's last meeting regarding the addition of two polling places. I think the addition of eight people to the monitor team is a priority agenda item for consideration and approval. I request you and Commissioner Thorne add this to the agenda for the meeting tomorrow.

The following people are recommended by SEB Fervier, Jeffares, King, and Johnston for addition to the monitor team.

Christine Propst
Heather Honey
Elizabeth Delmas
Colonel Frank Ryan
Mark Davis
George Balbona
Alton Danielson
Tom Moore

Best to you,
Janice W Johnston MD

Sent from my iPhone