

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

FULTON COUNTY REPUBLICAN
PARTY ,

Plaintiff,

v.

FULTON COUNTY BOARD OF
COMMISSIONERS, ROBB PITTS,
BRIDGET THORNE, BOB ELLIS,
DANA BARRETT, NATALIE HALL,
MARVIN S. ARRINGTON, JR., and
KHADIJAH ABDUR-RAHMAN,

Defendants.

2023CV382174

Case No. _____

**COMPLAINT FOR DECLARATORY JUDGMENT AND APPLICATION FOR
WRIT OF MANDAMUS AND INJUNCTIVE RELIEF**

INTRODUCTION

1. Fulton County has more people registered to vote than there are voting-age residents in Fulton County. By any measure, Fulton County's voter registration lists evince problems. By the measure of state and federal law, Fulton County's 113% registration rate is evidence that it is "not making a reasonable effort to conduct a voter list maintenance program in accordance" with the law. *Jud. Watch, Inc. v. Griswold*, 554 F. Supp. 3d 1091, 1107 (D. Colo. 2021).

2. To help bring Fulton County's voter registration lists into compliance with the law, Jason Frazier used his expertise in engineering and data analysis to identify registration errors and bring them to the county's attention. Both federal and state law permit private citizens to bring such challenges. Given Frazier's relevant

experience and demonstrated commitment to preserving the integrity of Georgia's elections, the Fulton County Republican Party recognized that he is uniquely suited to help the county's election process. As a result, they nominated him to serve as a member of the Fulton County Board of Elections and Registration.

3. In a cynical act of partisanship, the Fulton County Board of Commissioners rejected the nomination. They did so *because* Frazier had sought to compel Fulton County to clean up its voter rolls. Frazier's efforts to clean up the voter rolls are endorsed by federal and state law. But instead of commending Frazier for his efforts, the Board of Commissioners punished him.

4. Worse still, the Board of Commissioners violated state law in rejecting Frazier's nomination. Section 14-33 of the Fulton County Code states that the Board of Commissioners "shall" appoint two members each from the two major political parties. The Fulton County Republican Party nominated Jason Frazier and Mike Heekin to serve on the Board of Elections. The Board of Commissioners rejected Frazier's nomination even though the law requires that it approve the political parties' chosen nominees. In rejecting Frazier's nomination, the Board of Commissioners violated Georgia law.

JURISDICTION

5. This Court has jurisdiction to grant mandamus relief under O.C.G.A. § 9-6-20.

6. This Court is authorized to grant a declaratory judgment under O.C.G.A. § 9-4-2.

7. All of the acts alleged in this complaint were done by Defendants within this judicial district and under the color of Georgia law.

PARTIES

8. Plaintiff Fulton County Republican Party is a political party in Fulton County, Georgia as defined by O.C.G.A. § 21-2-2(25) and is authorized under Fulton County Code § 14-33 to nominate candidates to serve on the Fulton County Board of Elections and Registration.

9. Defendant Fulton County Board of Commissioners is a political subdivision of the State of Georgia and is responsible for the policies, practices, customs, and regulations of the Fulton County government, including the Fulton County Board of Elections and Registration. The Board of Commissioners and its members can be served at 141 Pryor Street, SW, Tenth Floor, Atlanta, Georgia 30303.

10. Defendants Robb Pitts, Bridget Thorne, Bob Ellis, Dana Barrett, Natalie Hall, Marvin S. Arrington, Jr., and Khadijah Abdur-Rahman are members of the Fulton County Board of Commissioners. They are sued in their official capacities and can be served in their official capacities at 141 Pryor Street, SW, Tenth Floor, Atlanta, Georgia 30303.

BACKGROUND

11. Fulton County has 862,182 registered voters, according to the most recent reports from the Georgia Secretary of State in February 2023.¹

¹ Ga. Sec'y of State, Election Data Hub (Feb. 2, 2023), <https://www.sos.ga.gov/election-data-hub>. [EXHIBIT 1]

12. Fulton County has a citizen voting-age population of 758,910, according to the most recent census data.²

13. The number of registered voters in Fulton County currently exceeds by more than 100,000 the number of Fulton County residents who are eligible to vote.

14. According to the U.S. Census Bureau, 63.2% of the citizen voting-age population was registered nationwide in the November 2022 election.³

15. Compared to the 63.2% national voter registration rate, Fulton County's voter registration rate of 113% is impossibly high.

16. The National Voter Registration Act (NVRA) requires states to maintain accurate voter registration records. Congress enacted the NVRA “to protect the integrity of the electoral process,” in part by “ensur[ing] that accurate and current voter registration rolls are maintained.” 52 U.S.C. § 20501(b). The NVRA obligates states to “conduct a general program that makes a reasonable effort to remove the names of ineligible voters from the official lists of eligible voters” due to death or change of residence. *Id.* § 20507(a)(4). “[F]ederal law makes this removal mandatory.” *Husted v. A. Philip Randolph Inst.*, 138 S. Ct. 1833, 1842 (2018).

17. Fulton County's 113% registration rate leads to but one conclusion: for years, Fulton County has violated federal and state law by failing to maintain accurate voter rolls.

² U.S. Census Bureau, Citizen Voting Age Population (CVAP) Special Tabulation from the 2017-2021 5-Year American Community Survey (Feb. 1, 2023), https://www2.census.gov/programs-surveys/decennial/rdo/datasets/2021/2021-cvap/CVAP_2017-2021_ACS_csv_files.zip. [EXHIBIT 2]

³ U.S. Census Bureau, Table 4a, Reported Voting and Registration of the Total Voting-Age Population, for States: November 2022, https://www2.census.gov/programs-surveys/cps/tables/p20/586/vote04a_2022.xlsx. [EXHIBIT 3]

18. In response to failures by counties such as Fulton to remove ineligible voters from their registration lists, the Georgia Legislature created a private right of action allowing “[a]ny elector of the county or municipality [to] challenge the right of any other elector of the county or municipality, whose name appears on the list of electors, to vote in an election.” O.G.C.A. § 21-2-230(a). The NVRA creates a similar private right of action to enforce violations of federal voter-registration law. *See* 52 U.S.C. § 20510(b).

19. Jason Frazier, an engineer with experience analyzing large data sets, detected thousands of inaccuracies in Fulton County’s voter registration lists. Consistent with federal and state law, he filed challenges to correct Fulton County’s voter rolls.

20. The Fulton County Board of Elections and Registration oversees the conduct of election and the registration of voters and absentee balloting procedures. O.G.C.A § 21-2-40; Fulton Cnty. Code § 14-32.

21. The Fulton County Code mandates that five members “shall be appointed” to the Board of Elections according to the procedures described in Fulton County Code § 14-33.

22. The Fulton County Board of Commissioners is the “governing authority of Fulton County” responsible for appointing members of the Board of Elections. Fulton Cnty. Code § 14-33.

23. Under the mandatory appointment procedures, two members “shall be appointed” by the Board of Commissioners “from nominations made by the

chairperson of the county executive committee of the political party whose candidates at the last preceding regular general election held for the election of all members of the General Assembly received the largest number of votes in this state for members of the General Assembly.” Fulton Cnty. Code § 14-33(1). Another two members “shall be appointed” by the Board of Commissioners “from nominations made by the chairperson of the county executive committee of the political party whose candidates ... received the second largest number of such votes.” *Id.* § 14-33(2). The fifth member “shall be appointed” by the Board of Commissioners “from nominations made by the Fulton County legislative delegation in the General Assembly.” *Id.* § 14-33(3).

24. Stephanie Endres is the chairwoman of the Fulton County Republican Party and has served in that role since March 2023. She is the chairperson of an executive committee of a political party authorized to nominate candidates to the Board of Elections under Fulton County Code § 14-33.

25. Over the course of several weeks, the Fulton County Republican Party received applications and interviewed candidates for its nominees to the Board of Elections. An interview panel handled the application process, interviewed candidates, deliberated, and recommended candidates to the chairwoman. The chairwoman reviewed those recommendations, approved them, and presented them to an executive committee comprised of over seventy members. The executive committee in turn deliberated and approved the nominations of Jason Frazier and Mike Heekin to the Board of Elections. Stephanie Endres then nominated Frazier and Heekin to serve as the two Republican nominees to the Board of Elections.

26. On June 7, 2023, the Board of Commissioners convened to vote on the nominations to the Board of Elections.⁴

27. The Board of Commissioners approved resolutions to appoint the two nominees from the Fulton County Democratic Party to serve on the Board of Elections.⁵

28. The Board of Commissioners approved the resolution to appoint Republican nominee Mike Heekin to serve on the Board of Elections.⁶

29. At the meeting, Commissioner Bob Ellis confirmed with the County Attorney that Jason Frazier meets the qualifications for appointment to the Board of Elections: Frazier is a resident and elector of Fulton County, does not hold elective public office, and is not a candidate for elective public office.⁷ See Fulton Cnty. Code §§ 14-33, -34.

30. No Commissioner disputed that Jason Frazier meets the qualifications to sit on Board of Elections under Fulton County Code §§ 14-33, -34.

31. More than forty citizens spoke in support of Jason Frazier's nomination at the meeting.⁸

⁴ Fulton Cnty. Bd. of Comm'rs, *Post Agenda Minutes* (June 7, 2023), <https://fulton.legistar.com/View.ashx?M=E2&ID=1073504&GUID=1DA3355F-808C-4ECC-857A-C694CB778A42>. [EXHIBIT 4]

⁵ *Post Agenda Minutes*, *supra* note 4, at 15-16. [EXHIBIT 4]

⁶ *Post Agenda Minutes*, *supra* note 4, at 13. [EXHIBIT 4]

⁷ Fulton Cnty. Bd. of Comm'rs, *Regular Meeting*, at 3:05:39 (June 7, 2023), https://fulton.granicus.com/player/clip/276?view_id=2&redirect=true&h=d3ff3de36700a658dbd5e118383db7db. [EXHIBIT 5]

⁸ See *Regular Meeting*, *supra* note 7, at 0:38:18. [EXHIBIT 5]

32. Commissioner Ellis warned that rejecting Frazier’s nomination would deviate from the Commission’s established practice, violate the statute, and lead to litigation.⁹

33. Nevertheless, by a 3–2 vote, the Board of Commissioners failed the resolution to appoint Jason Frazier to serve on the Board of Elections.¹⁰

34. In failing to appoint Frazier to the Board of Elections, the Board of Commissioners violated the mandatory appointment procedures in Fulton County Code § 14-34.

35. In voicing her opposition to Jason Frazier’s nomination, Commissioner Dana Barrett said that Frazier was not a “good-faith nomination” because of his challenges to Fulton County’s failure to maintain its voter rolls.¹¹

36. No Commissioner contested that Jason Frazier meets the statutory qualifications to serve on the Board of Elections. *See* Fulton Cnty. Code §§ 14-33, -34. No Commissioner defended Fulton County’s poor voter-roll maintenance. And no Commissioner claimed that Frazier lacked authority to challenge Fulton County’s registration lists under Georgia law.

37. To the extent the Board of Commissioners had any discretion over its appointments to the Board of Elections, it abused that discretion by rejecting Jason Frazier’s nomination.

⁹ *Regular Meeting, supra* note 7, at 3:05:39. [EXHIBIT 5]

¹⁰ *Post Agenda Minutes, supra* note 4, at 14. [EXHIBIT 4]

¹¹ *Regular Meeting, supra* note 7, at 3:10:40. [EXHIBIT 5]

COUNT I

Failure to Perform a Legal Duty in Violation of Fulton County Code § 14-33

38. Plaintiff repeats and realleges each of their prior allegations.

39. Fulton County Code § 14-33 sets the procedures for the appointment of members of the Fulton County Board of Elections and Registration:

The board shall be composed of five members, each of whom shall be an elector and resident of Fulton County, who shall be appointed in the following manner:

Two members shall be appointed by the governing authority of Fulton County from nominations made by the chairperson of the county executive committee of the political party whose candidates at the last preceding regular general election held for the election of all members of the General Assembly received the largest number of votes in this state for members of the General Assembly;

Two members shall be appointed by the governing authority of Fulton County from nominations made by the chairperson of the county executive committee of the political party whose candidates at the election described in paragraph (1) of this section received the second largest number of such votes; and

One member shall be appointed by the governing authority of Fulton County from nominations made by the Fulton County legislative delegation in the General Assembly, which member shall be designated permanent chairperson of the board. The Fulton County legislative delegation shall be composed of all senators and representatives in the General Assembly whose districts are wholly or partially in Fulton County.

Fulton Cnty. Code § 14-33.

40. “‘Shall’ is generally construed as a word of command.” *Mead v. Sheffield*, 601 S.E.2d 99, 100 (Ga. 2004). “The import of the language is mandatory,” and it “precludes any discretion on the part of the officer” acting under the statute. *State v. Collier*, 612 S.E.2d 281, 283 (Ga. 2005).

41. Georgia law requires that two members “shall be appointed” from the nominations put forward by the Fulton County Republican Party. Fulton Cnty. Code § 14-33.

42. Stephanie Endres, as the chairwoman of the Fulton County Republican Party, duly nominated Jason Frazier and Mike Heekin to serve as the two Republican nominees to the Board of Elections.

43. By rejecting the nomination of Jason Frazier, the Fulton County Board of Commissioners violated its mandatory duty under Fulton County Code § 14-33 to appoint the two members nominated by the Fulton County Republican Party.

COUNT II

Abuse of Discretion in Violation of Fulton County Code § 14-33

44. Plaintiff repeats and realleges each of their prior allegations.

45. As an elector and Fulton County resident who is not a candidate for political office, Jason Frazier is qualified to sit on the Fulton County Board of Elections and Registration. *See* Fulton Cnty. Code §§ 14-33, -34.

46. To the extent the Board of Commissioners has discretion to appoint members to the Fulton County Board of Elections and Registration, the Board of Commissioners’ rejection of Jason Frazier was arbitrary, capricious, unreasonable, and a gross abuse of discretion.

COUNT III

Violation of Article I, § 4 and Article 2, § 1 of the U.S. Constitution

47. Plaintiff repeats and realleges each of their prior allegations.

48. The Elections Clause of the U.S. Constitution provides that the “Times, Places and Manner of holding Elections for Senators and Representatives, shall be

prescribed in each State by the Legislature thereof.” U.S. Const. art. I, § 4. Similarly, the Electors Clause provides that “[e]ach State shall appoint, such Manner as the Legislature thereof may direct, a Number of Electors” to elect the President of the United States. U.S. Const. art. II, § 1.

49. The Georgia Legislature enacted the mandatory procedures governing appointment of the Fulton County Board of Elections and Registration. *See* Act of Feb. 10, 1989, No. 250, 1989 Ga. Laws 4,577, *codified as amended* at Fulton Cnty. Code §§ 14-31 to -44; Act of Feb. 10, 2013, No. 322, 2013 Ga. Laws 4,503.

50. The mandatory procedures codified at Fulton County Code §§ 14-31 to -44 govern the “Manner of holding Elections for Senators and Representatives,” U.S. Const. art. I, § 4, and the “Manner” of choosing presidential electors, U.S. Const. art. II, § 1.

51. The Fulton County Board of Commissioners is not the “Legislature” of Georgia. U.S. Const. art. I, § 4; U.S. Const. art. II, § 1.

52. By violating a mandatory requirement imposed by Georgia Legislature to appoint two members from the Fulton County Republican Party, the Fulton County Board of Commissioners violated the Elections Clause and the Electors Clause of the U.S. Constitution. *See* U.S. Const. art. I, § 4; U.S. Const. art. II, § 1.

COUNT IV
Declaratory Relief Under O.G.C.A § 9-4-1

53. Plaintiff repeats and realleges each of their prior allegations.

54. In rejecting Jason Frazier’s nomination to the Fulton County Board of Elections and Registration, Defendants violated Fulton County Code § 14-33, U.S. Const. art. I, § 4, and U.S. Const. art. II, § 1.

55. There is an actual and justiciable controversy between Plaintiff and Defendants about the parties’ legal rights and obligations that can be remedied only by a declaration of this Court under O.C.G.A. § 9-4-1.

56. Plaintiff has met the requirements for, and are entitled to, prospective declaratory relief that Defendants violated state and federal law.

COUNT V
Mandamus Relief Under O.G.C.A § 9-6-20

57. Plaintiff repeats and realleges each of their prior allegations.

58. “Mandamus will issue against a public official only where the petitioner has demonstrated a clear legal right to relief or a gross abuse of discretion.” *Burke Cnty. v. Askin*, 732 S.E.2d 416, 419 (2012) (citation omitted).

59. In rejecting the nomination of Jason Frazier, the Fulton County Board of Commissioners violated the clear legal right of the Fulton County Republican Party to its chosen nominee.

60. To the extent the Board of Commissioners has discretion to appoint members to the Fulton County Board of Elections and Registration, the Board of Commissioners’ rejection of Jason Frazier was arbitrary, capricious, unreasonable, and a gross abuse of discretion.

61. Plaintiff has a clear legal right to relief for which there is no adequate remedy at law.

COUNT VI
Injunctive Relief under O.C.G.A. § 9-4-3

62. Plaintiff repeats and realleges each of its prior allegations.

63. Plaintiff seeks to maintain the status quo by restraining the Board of Commissioners from filling the vacancy on the Board of Elections pending this Court's consideration of the within request for relief.

64. "The purpose of a temporary restraining order or interlocutory injunction is to preserve the status quo while a case is pending." *Slone v. Myers*, 288 Ga. App. 8, 14, 653 S.E.2d 323 (2007), *overruled on different grounds*, *Reeves v. Upson Med Ctr.*, 315 Ga. App. 582, 726 S.E.2d 544 (2012). When deciding whether to issue a temporary restraining order and/or interlocutory injunction, the trial court should consider whether: (1) there is a substantial threat that the moving party will suffer irreparable injury if the injunction is not granted; (2) the threatened injury to the moving party outweighs the threatened harm that the injunction may do to the party being enjoined; (3) there is a substantial likelihood that the moving party will prevail on the merits of her claims at trial; and (4) granting the [relief] will not disserve the public interest. *Bishop v. Patton*, 288 Ga. 600, 604, 706 S.E.2d 634 (2011) ("The first factor ... is the most important one, given that the main purpose of an interlocutory injunction is to preserve the status quo temporarily to allow the parties and the court time to try the case in an orderly manner"), *disapproved upon other grounds*, *SRB Inv. Servs. LLLP v. BB&T*, 289 Ga. 1,5 n.7, 709 S.E.2d 267 (2011) ("To the extent that our opinion in *Bishop* ... may

be read as requiring the moving party to prove all four ... factors to obtain an interlocutory injunction, it is hereby disapproved").

65. All four of these factors are met, and Plaintiff is entitled to a temporary restraining order and interlocutory injunction.

A. There is a Substantial Threat that Plaintiff Will Suffer Irreparable Injury if Defendants are Not Restrained and Enjoined.

Absent temporary restraint, the vacancy on the Board of Elections is subject to being filled by Board of Commissioners appointment which could occur as early as the next meeting on Wednesday, July 12, 2023.¹² Once the vacancy is filled, Plaintiff will permanently lose its right to the appointment of its nominee Jason Frazier, a statutory right, which will be filled by another person not of Plaintiff's choosing.

B. The Balance of the Equities Favor Plaintiff.

Issuing a temporary restraining order while the present request is considered does not irreparably harm the Board of Commissioners. A missing member reduces the Board of Elections but does not cause a quorum failure or prevent said Board of Elections from functioning. However, if Defendants exercise their authority under Fulton Code 14-37 to appoint another individual, Plaintiff's right to have Jason Frazier approved for the open board seat is lost as there is no clear path to unwind such an appointment.

¹² <https://cm.fultoncountyga.gov/-/media/2023-BOC---Meeting-Schedule-English.ashx> [EXHIBIT 6]

C. There is a Substantial Probability that Plaintiff Will Prevail on the Merits.

The likelihood of the plaintiff's ultimate success is not the determinative factor for the purposes of the instant motion. *See Garden Hills Civic Assoc., Inc. v. MARTA*, 273 Ga. 280, 281, 539 S.E.2d 811 (2000) ("[T]he possibility that a party obtaining a preliminary injunction may not win on the merits does not determine the propriety or validity of a trial court's [decision to grant] a preliminary injunction") (citation and punctuation omitted). However, Plaintiff is very likely to prevail on the merits of his claims. As evidenced by this Petition, supporting affidavit and exhibits attached hereto, Plaintiff has a clear legal right under Section 14-33 of the Fulton County Code to have its nominee Jason Frazier appointed to the Board of Elections and Defendants have no legitimate objection.

D. The Requested Relief Would Not Disserve the Public Interest.

The public interest will be served by assuring that the intention of Section 14-33 is implemented, and Defendants' obvious intention to circumvent that law is thwarted.

WHEREFORE, Plaintiff respectfully requests that this Court enter judgment in favor of Plaintiff and against Defendants and provide the following relief:

- A. A Rule Nisi issue commanding Defendants to appear and show cause why the relief demanded herein should not be granted.
- B. A declaratory judgment that Defendants violated Fulton County Code § 14-33, U.S. Const. art. I, § 4, and U.S. Const. art. II, § 1.
- C. A writ of mandamus ordering Defendants to appoint Jason Frazier to the Fulton County Board of Elections and Registration.

- D. Plaintiffs reasonable costs and expenses of this action, including attorneys' fees; and
- E. All other, further relief that Plaintiff may be entitled to.

Respectfully submitted on June 29, 2023.

/s/ David E. Oles Sr. _____
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Georgia
Secretary of State
Brad Raffensperger



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Election-Specific Data Hubs

[December 6, 2022 Runoff](#)

[November 8, 2022 General Election](#)

Data Hub - Voter Registration

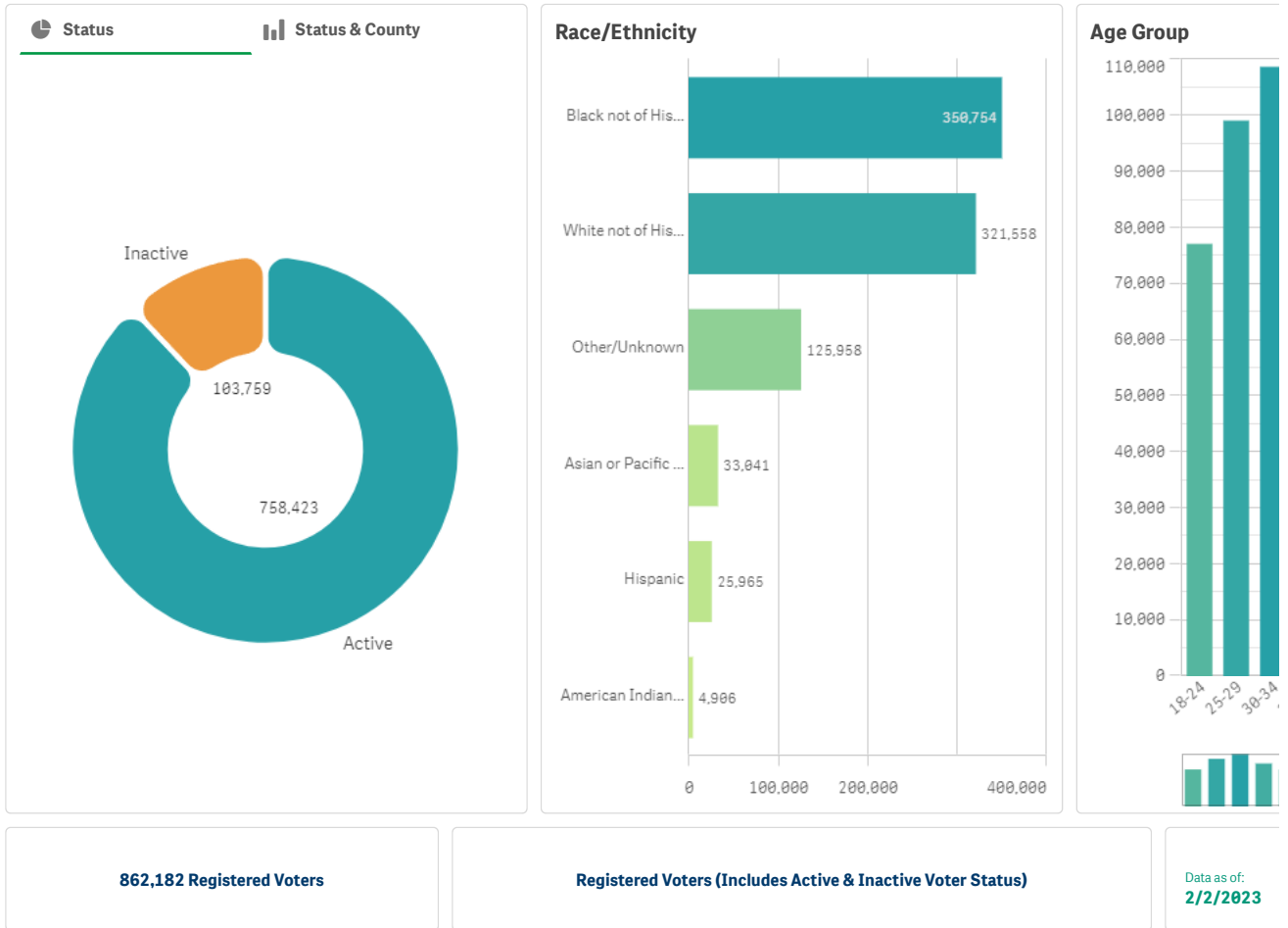
Use this interactive tool to visualize registration data. Click on the buttons labeled Active Voters and Registered Voters to toggle between data graphics.





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Interactive. Make Selections by Clicking on any Chart.



Normal Page Break Preview Page Layout Custom Views

Ruler Formula Bar Gridlines Headings

Zoom 100% Zoom to Selection

New Window Arrange All Freeze Panes

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View Side by Side Synchronous Scrolling Reset Window Position

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Macros

A5813 : fx Fulton County, Georgia

	A	B	C	D	E	F	G	H	I	J	K	L	M
5794	Forsyth Co	American	05000000US	8	925	101	670	71	925	101	670	71	
5795	Forsyth Co	Asian and	05000000US	9	2405	448	1360	339	2365	443	1320	332	
5796	Forsyth Co	Black or Af	05000000US	10	1810	487	655	265	1710	486	595	255	
5797	Forsyth Co	American	05000000US	11	145	135	135	126	145	135	135	126	
5798	Forsyth Co	Remainde	05000000US	12	785	313	555	258	735	304	505	249	
5799	Forsyth Co	Hispanic o	05000000US	13	23455	0	15445	0	16915	787	9320	691	
5800	Franklin Co	Total	05000000US	1	23255	0	18140	79	22810	168	17755	170	
5801	Franklin Co	Not Hispar	05000000US	2	22065	0	17395	81	21775	123	17170	123	
5802	Franklin Co	American	05000000US	3	40	40	40	40	40	40	40	40	
5803	Franklin Co	Asian Alon	05000000US	4	335	51	265	73	80	101	80	101	
5804	Franklin Co	Black or Af	05000000US	5	2045	146	1535	89	2045	146	1535	89	
5805	Franklin Co	Native Hav	05000000US	6	0	27	0	27	0	27	0	27	
5806	Franklin Co	White Alo	05000000US	7	19235	27	15340	27	19200	32	15305	31	
5807	Franklin Co	American	05000000US	8	105	40	90	32	105	40	90	32	
5808	Franklin Co	Asian and	05000000US	9	15	28	15	28	15	28	15	28	
5809	Franklin Co	Black or Af	05000000US	10	210	114	20	32	210	114	20	32	
5810	Franklin Co	American	05000000US	11	4	11	4	11	4	11	4	11	
5811	Franklin Co	Remainde	05000000US	12	80	88	80	88	80	88	80	88	
5812	Franklin Co	Hispanic o	05000000US	13	1190	0	740	0	1030	110	585	108	
5813	Fulton Co	Total	05000000US	1	1054285	0	826170	154	979475	3844	758910	3398	
5814	Fulton Co	Not Hispar	05000000US	2	978120	0	774415	156	923620	3385	725990	2989	
5815	Fulton Co	American	05000000US	3	1275	416	965	220	1275	416	965	220	
5816	Fulton Co	Asian Alon	05000000US	4	79415	777	63120	580	49615	1860	36875	1599	
5817	Fulton Co	Black or Af	05000000US	5	457525	1359	348260	959	448170	2024	339875	1677	
5818	Fulton Co	Native Hav	05000000US	6	260	101	245	94	255	100	235	92	
5819	Fulton Co	White Alo	05000000US	7	417120	34	347915	34	402885	1845	335015	1683	
5820	Fulton Co	American	05000000US	8	1635	415	1275	307	1605	416	1245	305	
5821	Fulton Co	Asian and	05000000US	9	6585	756	3530	545	6045	738	3200	508	
5822	Fulton Co	Black or Af	05000000US	10	8450	1086	4980	825	8075	1043	4610	784	
5823	Fulton Co	American	05000000US	11	1245	340	1170	319	1245	340	1170	319	
5824	Fulton Co	Remainde	05000000US	12	4605	851	2955	572	4450	835	2800	563	
5825	Fulton Co	Hispanic o	05000000US	13	76170	0	51750	0	55855	1342	32920	1202	
5826	Gilmer Co	Total	05000000US	1	31045	0	25080	75	30065	413	24185	336	
5827	Gilmer Co	Not Hispar	05000000US	2	27300	0	22820	75	27140	125	22665	141	

PLAINTIFF'S EXHIBIT 2

Table 4a. Reported Voting and Registration of the Total Voting-Age Population, for States: November 2022

(Numbers in thousands)

Characteristic	Total population	Total citizen population	Registered					Total voted
			Total registered	Percent registered (Total)	Margin of error ¹	Percent registered (Citizen)	Margin of error ¹	
UNITED STATES	255,457	233,546	161,422	63.2	0.5	69.1	0.5	121,916
ALABAMA	3,857	3,716	2,499	64.8	3.0	67.3	2.7	1,688
ALASKA	531	516	373	70.2	2.9	72.2	2.9	282
ARIZONA	5,731	5,093	3,560	62.1	3.2	69.9	3.3	2,844
ARKANSAS	2,277	2,188	1,360	59.8	3.0	62.2	2.8	961
CALIFORNIA	29,870	25,315	17,032	57.0	1.7	67.3	1.6	13,044
COLORADO	4,571	4,384	3,162	69.2	3.7	72.1	3.5	2,687
CONNECTICUT	2,839	2,527	1,778	62.6	4.1	70.4	3.8	1,253
DELAWARE	798	754	578	72.4	4.5	76.6	4.0	409
DISTRICT OF COLUMBIA	512	476	393	76.7	2.5	82.4	2.5	300
FLORIDA	17,520	15,449	9,770	55.8	1.8	63.2	1.9	7,575
GEORGIA	8,314	7,601	5,275	63.4	3.7	69.4	3.6	4,323
HAWAII	1,079	1,019	651	60.3	4.0	63.9	4.0	509
IDAHO	1,489	1,417	917	61.6	4.2	64.7	4.0	685
ILLINOIS	9,648	8,824	6,110	63.3	2.7	69.2	2.6	4,600
INDIANA	5,199	4,903	3,259	62.7	3.5	66.5	3.2	2,056
IOWA	2,422	2,345	1,732	71.5	3.8	73.9	3.7	1,215
KANSAS	2,173	2,087	1,587	73.0	3.8	76.1	3.4	1,239
KENTUCKY	3,431	3,233	2,321	67.6	4.7	71.8	4.6	1,690
LOUISIANA	3,437	3,263	2,215	64.4	3.3	67.9	3.3	1,574
MAINE	1,150	1,131	856	74.4	2.8	75.6	2.8	722
MARYLAND	4,716	4,364	3,301	70.0	3.5	75.6	3.4	2,525
MASSACHUSETTS	5,518	4,892	3,618	65.6	2.7	74.0	2.3	2,776
MICHIGAN	7,777	7,517	5,797	74.5	2.9	77.1	2.7	4,757
MINNESOTA	4,380	4,210	3,255	74.3	3.9	77.3	3.7	2,680
MISSISSIPPI	2,198	2,166	1,572	71.5	2.7	72.6	2.6	1,005
MISSOURI	4,744	4,655	3,532	74.5	3.8	75.9	3.9	2,460
MONTANA	886	878	613	69.1	3.6	69.8	3.6	496

Voted			
Percent voted (Total)	Margin of error ¹	Percent voted (Citizen)	Margin of error ¹
47.7	0.5	52.2	0.5
43.8	3.3	45.4	3.0
53.1	2.8	54.6	2.7
49.6	3.1	55.8	3.3
42.2	3.0	43.9	2.8
43.7	1.6	51.5	1.6
58.8	4.4	61.3	4.1
44.1	4.1	49.6	4.2
51.2	3.9	54.2	3.9
58.6	2.9	62.9	3.0
43.2	1.9	49.0	2.1
52.0	3.6	56.9	3.6
47.2	3.6	50.0	3.7
46.0	2.4	48.3	2.4
47.7	2.7	52.1	2.8
39.5	2.9	41.9	2.8
50.2	3.8	51.8	3.7
57.0	4.3	59.4	4.0
49.3	5.9	52.3	6.0
45.8	3.8	48.2	3.8
62.7	3.5	63.8	3.6
53.5	3.4	57.9	3.7
50.3	2.8	56.7	2.8
61.2	3.0	63.3	2.9
61.2	4.2	63.7	4.0
45.7	2.6	46.4	2.6
51.9	3.2	52.9	3.2
56.0	3.6	56.5	3.6

NEBRASKA	1,460	1,351	933	63.9	4.0	69.1	3.8	659
NEVADA	2,451	2,206	1,436	58.6	3.4	65.1	3.4	1,123
NEW HAMPSHIRE	1,143	1,106	804	70.3	3.3	72.6	3.3	654
NEW JERSEY	7,163	6,241	4,402	61.5	3.1	70.5	3.3	3,151
NEW MEXICO	1,625	1,511	1,026	63.1	3.1	67.9	3.4	818
NEW YORK	15,238	13,516	8,897	58.4	2.5	65.8	2.5	6,631
NORTH CAROLINA	8,175	7,533	4,583	56.1	3.3	60.8	3.2	3,439
NORTH DAKOTA	575	554	418	72.8	2.7	75.6	2.7	288
OHIO	9,024	8,708	5,890	65.3	2.8	67.6	2.9	4,162
OKLAHOMA	2,999	2,841	1,936	64.6	3.0	68.1	2.9	1,335
OREGON	3,345	3,122	2,581	77.2	2.6	82.7	2.3	2,185
PENNSYLVANIA	10,124	9,741	7,009	69.2	2.3	72.0	2.2	5,843
RHODE ISLAND	880	843	626	71.2	3.4	74.3	3.5	458
SOUTH CAROLINA	4,045	3,868	2,491	61.6	3.8	64.4	3.9	1,736
SOUTH DAKOTA	676	658	460	68.1	4.2	70.0	4.4	351
TENNESSEE	5,391	5,145	3,467	64.3	2.7	67.4	2.6	2,291
TEXAS	22,057	19,029	12,416	56.3	2.0	65.2	2.0	8,935
UTAH	2,455	2,278	1,536	62.6	3.3	67.4	3.3	1,204
VERMONT	528	521	393	74.5	3.2	75.4	3.1	324
VIRGINIA	6,583	6,043	4,487	68.2	3.1	74.3	2.7	3,216
WASHINGTON	6,016	5,511	4,140	68.8	2.6	75.1	2.6	3,292
WEST VIRGINIA	1,406	1,400	877	62.3	5.0	62.6	5.1	538
WISCONSIN	4,591	4,461	3,225	70.2	3.4	72.3	3.2	2,715
WYOMING	440	437	274	62.3	3.5	62.8	3.5	214

¹ This figure added to or subtracted from the estimate provides the 90-percent confidence interval.

NOTES:

Estimates may not sum to totals due to rounding.

Information on confidentiality protection, sampling error, nonsampling error, and definitions is available at <https://www.census.gov/programs-surv>

Source: U.S. Census Bureau, Current Population Survey, November 2022

45.1	3.2	48.8	3.3
45.8	3.5	50.9	3.5
57.2	3.3	59.1	3.3
44.0	3.1	50.5	3.3
50.3	2.9	54.1	3.2
43.5	2.4	49.1	2.5
42.1	2.8	45.7	2.7
50.0	2.9	52.0	3.0
46.1	2.6	47.8	2.7
44.5	2.8	47.0	2.7
65.3	3.3	70.0	3.2
57.7	2.4	60.0	2.4
52.1	3.6	54.4	3.7
42.9	3.4	44.9	3.5
52.0	3.9	53.4	4.0
42.5	2.7	44.5	2.7
40.5	2.0	47.0	2.1
49.0	3.1	52.8	3.2
61.4	3.4	62.2	3.4
48.8	3.2	53.2	3.2
54.7	2.8	59.7	2.8
38.2	5.2	38.4	5.3
59.1	3.1	60.9	2.9
48.6	3.5	49.0	3.5

[eys/cps/technical-documentation/complete.22.html](#)>

**FULTON COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING**

June 07, 2023
10:00 AM



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



POST AGENDA MINUTES

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

Scheduled date for ratification: June 21, 2023

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, Vice-Chairman (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, Commissioner (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**23-0361 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 Regular Meeting Agenda for separate consideration. **(ADOPTED AS AMENDED)**

A motion was made by Commissioner Hall and seconded by Commissioner Barrett, to adopt the Consent Agenda as amended by removing item #23-0365 for separate consideration as requested by Chairman Pitts. The motion passed by the following vote:

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

Absent: Arrington

23-0362 Board of Commissioners

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

Proclamation recognizing "Chasing the Dream Hank Aaron Bridge and Plaza Appreciation Day." **(Hall)**
May 18, 2023

Proclamation recognizing "Shoville Appreciation Day." **(Hall)**
May 27, 2023

Proclamation recognizing "Julius Ceasar Appreciation Day." **(Hall)**
May 27, 2023

Proclamation recognizing "Dr. Lisset Bird Pickens Appreciation Day." **(Hall)**
May 27, 2023

Proclamation recognizing "Motto Appreciation Day." **(Hall)**
May 27, 2023

Proclamation recognizing "Martell Holt Appreciation Day." **(Hall)**
May 27, 2023

Proclamation recognizing "Atlanta Caribbean Carnival Appreciation Day." **(Hall)**
May 27, 2023

Proclamation recognizing "Adrienne Grainger Smith Remembrance Day" **(Pitts)**
May 30, 2023

Proclamation recognizing "CNN Appreciation Day." **(Abdur-Rahman)**
June 1, 2023

Proclamation recognizing “BreAsia Denna Powell Remembrance Day.”
(Abdur-Rahman)
June 2, 2023

Proclamation recognizing “Mary Louise Palmer Remembrance Day.”
(Abdur-Rahman/Pitts)
June 2, 2023

Proclamation recognizing “Travis Harper Appreciation Day.” **(Abdur-Rahman)**
June 3, 2023

Proclamation recognizing “Southwest Atlanta High School Class of 1973
Appreciation Week.” **(Abdur-Rahman)**
June 3-11, 2023

Proclamation recognizing “Harry A. Jordan, Jr. Appreciation Day.” **(Pitts)**
June 6, 2023

Commissioners' District Board Appointments

23-0363 Board of Commissioners

FULTON COUNTY CITIZENS COMMISSION ON THE ENVIRONMENT (APPROVED UPON ADOPTION OF THE CONSENT AGENDA)

The Fulton County Citizens Commission on the Environment shall consist of citizens from throughout Fulton County to be appointed by the Members of the Board of Commissioners. There shall be fourteen (14) members to serve on the Commission. In making such appointments, the Fulton County Board of Commissioners shall ensure that the terms of appointment are staggered. Each District Commissioner shall appoint one Commission member to a four (4) year term. Each District Commissioner shall also appoint one Commission member to a two (2) year term to ensure staggered terms. After the expiration of each appointee's initial term, the regular term of office for such an appointee shall be four (4) years. No term of any member shall extend beyond the term of the District Commissioner who appointed the member to serve on the Fulton County Citizens Commission on the Environment; however, each member may continue to serve beyond his/her term until replaced. After the expiration of any appointee's initial term, the Commission may recommend to the Fulton County Board of Commissioners a list of eligible persons for consideration as appointees to the Commission.

Staggered Terms

Term = 2 Years

Term = 4 Years

Term = Four-year terms, however initially each District Commissioner appoints one member to a two-year term and one member to a four-year term

Terms below expired: 12/31/2022

Lynn McIntyre (**Hausmann**)

Christopher Lemons (**Arrington**)

Mandisha Thomas (**Abdur-Rahman**)

Belinda Morrow (**Vacant**) (**Pitts**) (**Resigned**)

Chairman Pitts nominated Danyell Little to replace Belinda Morrow for a District appointment to a term ending December 31, 2024.

Arts and Libraries

23-0364 Arts and Culture

Request approval of a Change in Award from Orchestra Noir to Q. Parker Legacy Foundation for the purpose of awarding funding in the total amount of \$15,000.00 (Non-recurring) Approved by the Board of Commissioners Agenda Item 23-0044 FY2023 Final Adopted Budget Line J. **(APPROVED UPON ADOPTION OF THE CONSENT AGENDA)**

Open & Responsible Government**23-0365 County Manager**

Request approval of an agreement between Fulton County, Georgia, the Tax Commissioner of Fulton County, Georgia and the City of South Fulton, Georgia for the billing and collection of solid waste fees. **(APPROVED)**

ITEM REMOVED FROM THE CONSENT AGENDA FOR SEPARATE CONSIDERATION AS REQUESTED BY CHAIRMAN PITTS

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

Vice-Chairman Ellis offered a friendly amendment to modify the Agreement by removing the compensation component and allocating the funds to the Tax Commissioner's budget. The amendment was not accepted.

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

Nay: Pitts

Did Not Vote: Ellis

Justice and Safety**23-0366 Emergency Services**

Request approval of an Intergovernmental Agreement between Fulton County and Fulton County School Police for the provision of the Digital 800 MHz Radio System Access. The IGA is retroactive January 1, 2023, through December 31, 2023, with three (3) automatic renewals commencing on January 1 of each successive year, ending December 31, 2026. **(APPROVED UPON ADOPTION OF THE CONSENT AGENDA)**

23-0367 Juvenile Court

Request approval of a Resolution approving the acceptance of saplings from Trees Atlanta, Inc. for the purpose of supporting Juvenile Court's Courtyard of Second Chances Project located at 395 Pryor Street SW, Atlanta, Georgia; and for other purposes. **(APPROVED UPON ADOPTION OF THE CONSENT AGENDA)**

REGULAR MEETING AGENDA**23-0368 Board of Commissioners**

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

a. A motion was made by Commissioner Abdur-Rahman and seconded by Vice-Chairman Ellis, to adopt the Regular Meeting Agenda as amended by moving up item #23-0382 as requested by the County Manager; and revising items #23-0381, #23-0386 and #23-0387. The motion passed by the following vote:

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

Absent: Arrington

b. A motion was made by Commissioner Thorne and seconded by Vice-Chairman Ellis, to reconsider the Regular Meeting Agenda to move up items #23-0386 through #23-0389, and #23-0391. The motion passed by the following vote:

Yea: Pitts, Thorne, Ellis, Barrett, Hall, and Arrington

Abstain: Abdur-Rahman

23-0369 Clerk to the Commission

Ratification of Minutes. **(RATIFIED)**

Regular Meeting Minutes, May 3, 2023

Recess Meeting Post Agenda Minutes, May 17, 2023

Special Called Post Agenda Minutes, May 22, 2023

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

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

Absent: Arrington

23-0370 Board of Commissioners

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

Proclamation recognizing "Art Geter Appreciation Day." **(Arrington)**

PUBLIC HEARINGS**23-0371 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 30 minutes at the Regular Meeting, nor will this portion exceed thirty minutes at the Recess Meeting.** In the event the 30-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. Similarly, written comments (that were timely submitted) not previously read, may be read at the end of the meeting. For more information or to arrange a speaking date, contact the Clerk's Office. **(CONDUCTED)**

50 Speakers: Councilmember Lee Hills (Board of Registration/Elections); Josh McKoon (Board of Registration/Elections); Stephanie Endres (Board of Registration/Elections); Jill Trammell Cusick (Board of Registration/Elections); Julie Adams (Board of Registration/Elections); Jamie Parrish (Board of Registration/Elections); Ginger Bradshaw (Board of Registration/Elections); Christine Propst (Board of Registration/Elections); David Callahan (Board of Registration/Elections); Debra Alexander (Board of Registration/Elections); Michael Gordon (Board of Registration/Elections); Beckie Parker (Board of Registration/Elections); Rob Cunningham (Board of Registration/Elections); Alexa Finke (Board of Registration/Elections); Caroline Jeffords (Board of Registration/Elections); Katie Benson (Board of Registration/Elections); Matt Rowenczak (Board of Registration/Elections); Dane Seibert (Board of Registration/Elections); Anita Hogan (Board of Registration/Elections); Clay Jones (Board of Registration/Elections); Nia Corsten (Board of Registration/Elections); Brian Dunn (Board of Registration/Elections); Joseph Medley (Board of Registration/Elections); Candy Muldowney (Board of Registration/Elections); Aunna Dennis (Board of Registration/Elections); Orient Roy (Board of Registration/Elections); Kevin Muldowney (Board of Registration/Elections); Henry Fellows Jr., (Board of Registration/Elections); Sarah Pedro (Board of Registration/Elections); Anita Lane (Board of Registration/Elections); Stephanie Miller (Board of Registration/Elections); Mara Gaudio (Board of Registration/Elections); Paul

Hershen (Board of Registration/Elections); Brett Chromy (Board of Registration/Elections); Jami Tucker (Board of Registration/Elections); Stephanie Ali (Board of Registration/Elections); Earl Ferguson (Board of Registration/Elections); Mark Stancil (Board of Registration/Elections); Catherine McDonald (Board of Registration/Elections); Jane Zoellick (Board of Registration/Elections); Gail Lee (Board of Registration/Elections); Jennifer Kimbell (Essential Theatre/Thank You for Support); Julian Bene (Commercial Appraisal); Paul Bolster (Commercial Appraisal); Kim Brooks (Board of Registration/Elections); Ben Eskew (Board of Registration/Elections); Leigh Eskew (Board of Registration/Elections); David Outten (Board of Registration/Elections); Kristin Nabers (Board of Registration/Elections); and Vic Tripp (Board of Registration/Elections)

2 Zoom Speakers: Ben Howard (Senior Services) and Adrian Coleman (Board of Registration/Elections)

5 Emailed Comments: Angeline Payne (Board of Registration/Elections); Kathy Whitehouse (Board of Registration/Elections); Jeffrey P. Ricker (Board of Registration/Elections); Mike Koblentz (Board of Registration/Elections); and Julie Allen (Board of Registration/Elections)

COUNTY MANAGER'S ITEMS

Open & Responsible Government

23-0372 Finance

Review and approval of June 7, 2023 Budget Soundings
(PRESENTED/APPROVED)

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

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

23-0373 Human Resources Management

Request approval to modify the classification section of the Classification and Compensation plan by adding the new titles of Legislative Policy Analyst (grade 19), Water Meter Specialist (grade 9), Senior Water Meter Specialist (grade 11), Director of Communications, Sheriff (grade 27) and by changing the salary range for the classification of Purchasing Cards Program Coordinator from grade 18 to grade 17. (APPROVED)

A motion was made by Vice-Chairman Ellis and seconded by Commissioner Hall, to approve. The motion passed by the following vote:

Yea: Pitts, Ellis, Barrett, and Hall

Did Not Vote: Thorne, Arrington, and Abdur-Rahman

23-0374 Real Estate and Asset Management

Request approval to increase the spending authority - Department of Real Estate and Asset Management, 22ITB134894C-MH, Maintenance and Testing of Fire Intrusion Alarm Systems in the amount of \$35,975.00 with Entec Systems, Inc. (Suwanee, GA), to provide immediate replacement of obsolete fire alarm control panel at the Fulton County Health and Human Services facility located at 4700 North Point Parkway, Alpharetta, GA 30022. Effective upon BOC approval.
(APPROVED)

A motion was made by Vice-Chairman Ellis and seconded by Commissioner Hall, to approve. The motion passed by the following vote:

Yea: Pitts, Ellis, Barrett, and Hall

Did Not Vote: Thorne, Arrington, and Abdur-Rahman

23-0375 Real Estate and Asset Management

Request approval to increase the spending authority - Department of Real Estate and Asset Management, 22ITB134949C-GS, Tree Removal Services Countywide in the amount of \$75,000.00 with ArborServ, Inc. (Lithonia, GA), to provide additional tree removal services and related debris clean-up in support of landscape renovation projects at selected Fulton County libraries approved and funded as a part of the FY 2023 facilities capital plan. Effective upon BOC approval. **(APPROVED)**

A motion was made by Vice-Chairman Ellis and seconded by Commissioner Hall, to approve. The motion passed by the following vote:

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

Did Not Vote: Ellis

23-0376 Real Estate and Asset Management

Request approval to increase the spending authority - Department of Real Estate and Asset Management, 20ITB125775C-CG (B), Electrical On Call Maintenance Services Countywide in the total amount of \$138,500.00 with ALL-N-1 Security Services, Inc. (Atlanta, GA), to provide immediate replacement and installation of 1,065 emergency exit lights in the Fulton County Government Center and Justice Center Complexes located at 141 Pryor Street, SW, Atlanta, GA 30303 and 185 Central Avenue, SW, Atlanta, GA 30303. Effective upon BOC approval.
(APPROVED)

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

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

23-0377 Real Estate and Asset Management

Request approval to accept a name change and authorizing the Department of Purchasing & Contract Compliance to reflect the name change of CBRE Heery, LLC (affiliate with CBRE Heery/Russell - a joint venture; Heery International, Inc./McAfee3; and CBRE Heery + Russell) to Turner & Townsend Heery, LLC. Effective upon BOC approval. **(APPROVED)**

A motion was made by Vice-Chairman Ellis 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

23-0378 Real Estate and Asset Management

Request approval of a recommended proposal - Fulton County Department of Real Estate and Asset Management, RFP#23RFP041723K-JA, Design/Build Services for the Fulton County Behavioral Health Crisis Center in the total amount of \$11,377,902.00 with Hogan Construction Group, LLC (Norcross, GA), to provide Design/Build services for the construction of the Fulton County Behavioral Health Crisis Unit at the Oak Hill Child Adolescent & Family Center located at 2805 Metropolitan Parkway, SW, Atlanta, GA 30315. Effective upon issuance of Notice to Proceed (NTP) through the anticipated issuance of a Temporary Certificate of Occupancy (TCO) after 217 calendar days or until completion of the construction project as determined by Fulton County. **(APPROVED)**

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

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

Health and Human Services**23-0379 Community Development**

Request approval of a Resolution by the Board of Commissioners to authorize the adoption and approval of the 2023 HUD Annual Action Plan to secure federal funds supporting projects and services needed by its low- and moderate-income citizens. Funding is as follows: Community Development Block Grant Program (CDBG) in the amount of \$1,475,286.00 and HOME Investment Partnership Program in the amount of \$775,570.00. A Fulton County general fund match is not required for the CDBG Program. Fulton County uses its general fund to support the required 25% match for the HOME program. **(APPROVED)**

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

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

Did Not Vote: Pitts

23-0380 Community Development

Request approval of a contract between Fulton County and Next Level Boys Academy, LLC in the amount of \$75,000.00 to provide services for youth and young adults in Fulton County; and to authorize the Chairman to disburse funds and execute and administer contracts, and other related documents consistent with any necessary agreement in support of this funding allotment. **(APPROVED)**

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

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

Did Not Vote: Pitts

Justice and Safety**23-0381 Sheriff**

Request approval to amend an existing contract - Sheriff's Office, 17RFP07012016B-BR, Inmate Medical Services with NaphCare of Fulton County, LLC (Birmingham, AL) in the amount of \$4,786,187.20 to provide physical and mental health services to inmates at the Fulton County Jail facilities which includes Rice Street Jail, Atlanta City Detention Center, and Alpharetta Jail . Effective July 1, 2023 through December 31, 2023. **(APPROVED)**

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

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

23-0382 Sheriff

Request approval to accept the assignment and assumption of the contract - Sheriff's Office, pursuant to Article 29 (Assignability) of the Contract, the County consents to the assignment of Contract 17RFP07012016B-BR, Inmate Medical Services with NaphCare, Inc. to NaphCare of Fulton County, LLC and authorizing the Department of Purchasing & Contract Compliance to reflect the name change. Effective upon BOC approval. **(APPROVED)**

A motion was made by Commissioner Hall and seconded by Vice-Chairman Ellis, to approve. The motion passed by the following vote:

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

COMMISSIONERS' ACTION ITEMS**23-0383 Board of Commissioners**

Request approval of an Ordinance to amend Chapter 101 (General Provisions and County Governing Authority), Article 2 (County Governing Authority), Division 2 (Rules of Order and Procedure), Section 101-66 (b)(1) of the Fulton County Code of Ordinances in order to impose a distribution requirement before a member of the Fulton County Board of Commissioners may place a proposed Resolution or Ordinance on the Agenda for consideration or final vote; to require that the proposed Resolution or Ordinance appear as a discussion item at the first meeting in which it is introduced and voted on at the second meeting; and for other purposes. **(Arrington) (HELD)**

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

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

23-0384 Board of Commissioners

Request approval an Ordinance to amend Chapter 101 (General Provisions and County Governing Authority), Article 2 (County Governing Authority), Division I (Generally), to create a new section 101-75 of the Fulton County Code of Laws to provide a fair, open and transparent procedure for the Board of Commissioners to make Full Board Appointments to various Boards, Commissions, Taskforces, Committees, Councils and Authorities affiliated with, or operating on behalf of Fulton County, Georgia; and for other purposes. **(Arrington) (HELD)**

A motion was made by Commissioner Abdur-Rahman and seconded by Commissioner Barrett, to hold. The motion passed by the following vote:

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

Did Not Vote: Pitts, and Ellis

23-0385 Board of Commissioners

Request an Ordinance to amend Chapter 2, Article II, Division 2, Section 2-80 of the Code of Laws of Fulton County relating to the Code of Ethics regarding nominations to the Fulton County Board of Ethics to replace the disbanded Fulton County Personnel Board with the South Fulton Chamber of Commerce, Inc., and for other purposes. **(Pitts) (APPROVED)**

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

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

Commissioners' Full Board Appointments**23-0386 Board of Commissioners****BOARD OF REGISTRATION AND ELECTIONS (APPROVED)**

The Board shall be composed of five members, each of whom shall be an elector and resident of Fulton County, who shall be appointed in the following manner:

(1) Two members shall be appointed by the governing authority of Fulton County from nominations made by the chairperson of the county executive committee of the political party whose candidates at the last preceding regular general election held for the election of all members of the General Assembly received the largest number of votes in this state for members of the General Assembly;

(2) Two members shall be appointed by the governing authority of Fulton County from nominations made by the chairperson of the county executive committee of the political party whose candidates at the election described in paragraph (1) of this section received the second largest number of such votes; and,

(3) One member shall be appointed by the governing authority of Fulton County, which member shall be designated permanent chairperson of the board.

Term = 2 Years

Term below expires: 6/30/2025

Patrice Perkins-Hooker (**Chair/BOC**)

Terms below expire: 6/30/2023

Dr. Kathleen Ruth (**Fulton County Republican Party/BOC**)

Mark Wingate (**Fulton County Republican Party/BOC**)

Aaron Johnson (**Fulton County Democratic Party/BOC**)

Teresa K. Smith Crawford (**Fulton County Democratic Party/BOC**)

The Fulton County Republican Party nominated Mike Heekin for a Full Board appointment (effective July 1, 2023) to a term ending June 30, 2025.

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

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

23-0387 Board of Commissioners**BOARD OF REGISTRATION AND ELECTIONS (MOTION TO APPROVE FAILED)**

The Board shall be composed of five members, each of whom shall be an elector and resident of Fulton County, who shall be appointed in the following manner:

(1) Two members shall be appointed by the governing authority of Fulton County from nominations made by the chairperson of the county executive committee of the political party whose candidates at the last preceding regular general election held for the election of all members of the General Assembly received the largest number of votes in this state for members of the General Assembly;

(2) Two members shall be appointed by the governing authority of Fulton County from nominations made by the chairperson of the county executive committee of the political party whose candidates at the election described in paragraph (1) of this section received the second largest number of such votes; and,

(3) One member shall be appointed by the governing authority of Fulton County, which member shall be designated permanent chairperson of the board.

Term = 2 Years

Term below expires: 6/30/2025

Patrice Perkins-Hooker (**Chair/BOC**)

Terms below expire: 6/30/2023

Dr. Kathleen Ruth (**Fulton County Republican Party/BOC**)

Mark Wingate (**Fulton County Republican Party/BOC**)

Aaron Johnson (**Fulton County Democratic Party/BOC**)

Teresa K. Smith Crawford (**Fulton County Democratic Party/BOC**)

The Fulton County Republican Party has nominated Jason Frazier for a Full Board appointment (effective July 1, 2023) to a term ending June 30, 2025.

a. A motion was made by Commissioner Abdur-Rahman and seconded by Commissioner Arrington, to call the question. The motion passed by the following vote:

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

Nay: Pitts, and Ellis

b. A motion was made by Commissioner Thorne and seconded by Vice-Chairman Ellis, to approve. The motion failed by the following vote:

Yea: Thorne, and Ellis

Nay: Pitts, Barrett, and Abdur-Rahman

Did Not Vote: Hall, and Arrington

23-0388 Board of Commissioners

BOARD OF REGISTRATION AND ELECTIONS (APPROVED)

The Board shall be composed of five members, each of whom shall be an elector and resident of Fulton County, who shall be appointed in the following manner:

(1) Two members shall be appointed by the governing authority of Fulton County from nominations made by the chairperson of the county executive committee of the political party whose candidates at the last preceding regular general election held for the election of all members of the General Assembly received the largest number of votes in this state for members of the General Assembly;

(2) Two members shall be appointed by the governing authority of Fulton County from nominations made by the chairperson of the county executive committee of the political party whose candidates at the election described in paragraph (1) of this section received the second largest number of such votes; and,

(3) One member shall be appointed by the governing authority of Fulton County, which member shall be designated permanent chairperson of the board.

Term = 2 Years

Term below expires: 6/30/2025

Patrice Perkins-Hooker (**Chair/BOC**)

Terms below expire: 6/30/2023

Cathy Woolard (**Chair/BOC/Pitts**)

Dr. Kathleen Ruth (**Fulton County Republican Party/BOC**)

Mark Wingate (**Fulton County Republican Party/BOC**)

Aaron Johnson (**Fulton County Democratic Party/BOC**)

Teresa K. Smith Crawford (**Fulton County Democratic Party/BOC**)

The Fulton County Democratic Party has nominated Teresa K. Smith Crawford for a Full Board reappointment to a term ending June 30, 2025.

a. A motion was made by Commissioner Arrington and seconded by Commissioner Abdur-Rahman, to call the question. The motion passed by the following vote:

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

Nay: Pitts

Did Not Vote: Ellis

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

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

23-0389 Board of Commissioners

BOARD OF REGISTRATION AND ELECTIONS (APPROVED)

The Board shall be composed of five members, each of whom shall be an elector and resident of Fulton County, who shall be appointed in the following manner:

(1) Two members shall be appointed by the governing authority of Fulton County from nominations made by the chairperson of the county executive committee of the political party whose candidates at the last preceding regular general election held for the election of all members of the General Assembly received the largest number of votes in this state for members of the General Assembly;

(2) Two members shall be appointed by the governing authority of Fulton County from nominations made by the chairperson of the county executive committee of the political party whose candidates at the election described in paragraph (1) of this section received the second largest number of such votes; and,

(3) One member shall be appointed by the governing authority of Fulton County, which member shall be designated permanent chairperson of the board.

Term = 2 Years

Term below expires: 6/30/2025

Patrice Perkins-Hooker (**Chair/BOC**)

Terms below expire: 6/30/2023

Cathy Woolard (**Chair/BOC/Pitts**)

Dr. Kathleen Ruth (**Fulton County Republican Party/BOC**)

Mark Wingate (**Fulton County Republican Party/BOC**)

Aaron Johnson (**Fulton County Democratic Party/BOC**)

Teresa K. Smith Crawford (**Fulton County Democratic Party/BOC**)

The Fulton County Democratic Party has nominated Aaron Johnson for a Full Board reappointment to a term ending June 30, 2025.

a. A motion was made by Commissioner Arrington and seconded by Commissioner Abdur-Rahman, to call the question. The motion passed by the following vote:

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

Nay: Pitts

Did Not Vote: Ellis

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

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

23-0390 Board of Commissioners
FULTON COUNTY BOARD OF TAX ASSESSORS **(APPROVED)**

The Fulton County Board of Tax Assessors shall be a five-member board, whose members shall be appointed by the full Board of Commissioners of Fulton County upon nomination by any member of the board of commissioners. Of the five members, at least one shall be a resident of the City of Atlanta, at least one shall be a resident of that portion of Fulton County that lies north of the municipal limits of the City of Atlanta, and at least one shall be a resident of that portion of Fulton County that lies south of the municipal limits of the City of Atlanta.

Term = 4 years.

Term below expires: 6/30/2023

Salma Ahmed **(Post 3) (BOC-North Fulton/Pitts)**

Chairman Pitts and Commissioner Abdur-Rahman nominated Lee Morris to replace Salma Ahmed (Post 3), upon the completion of term (June 30, 2023), for a Full Board appointment to a term ending June 30, 2027.

A motion was made by Commissioner 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

COUNTY MANAGER'S PRESENTATION AND DISCUSSION ITEMS

Justice and Safety

23-0391 Sheriff
Presentation and discussion of Fulton County Sheriff's Office (FCSO) Bridging Plan. **(PRESENTED)**

EXECUTIVE SESSION**23-0392 Board of Commissioners**

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

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

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

Nay: Ellis

b. A motion was made by Commissioner Barrett and seconded by Commissioner Hall, to approve the requests for representation in items #1 and #2 as discussed in Executive Session. The motion passed by the following vote:

Yea: Pitts, Ellis, Barrett, and Hall

Did Not Vote: Thorne, Arrington, and Abdur-Rahman

ADJOURNMENT

There being no further business, the meeting adjourned at 4:34 p.m.

PLAINTIFF'S EXHIBIT 5

Full access to this video can be found at:

https://fulton.granicus.com/player/clip/276?view_id=2&redirect=true&h=d3ff3de36700a658dbd5e118383db7db

Or a copy can be provided to the Court upon request.

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

FULTON COUNTY REPUBLICAN
PARTY,

Plaintiff,

v.

FULTON COUNTY BOARD OF
COMMISSIONERS, ROBB PITTS,
BRIDGET THORNE, BOB ELLIS,
DANA BARRETT, NATALIE HALL,
MARVIN S. ARRINGTON, JR., and
KHADIJAH ABDUR-RAHMAN,

Defendants.

Case No. _____

**AFFIDAVIT OF STEPHANIE ENDRES IN SUPPORT OF COMPLAINT FOR
DECLARATORY JUDGMENT AND APPLICATION FOR WRIT OF
MANDAMUS AND INJUNCTIVE RELIEF**

The undersigned Affiant, being duly sworn on his oath, deposes and says that:

1.

My name is Stephanie Endres, I reside in Fulton County, and I am of legal age to make this affidavit.

2.

I am the current Chairwoman for the Fulton County Republican Party and I submit this affidavit in support of the COMPLAINT FOR DECLARATORY JUDGMENT AND APPLICATION FOR WRIT OF MANDAMUS AND INJUNCTIVE RELIEF filed concurrently herewith.

3.

I have personal knowledge concerning the matters discussed herein, and am under no disability that would prevent my testimony.

4.

The facts set forth in the foregoing COMPLAINT FOR DECLARATORY JUDGMENT AND APPLICATION FOR WRIT OF MANDAMUS AND INJUNCTIVE RELIEF are true and correct.

5.

The Fulton County Republican Party is aware of, and intends to exercise its statutory right to be represented on the Fulton County Board of Elections.

6.

As described in the Complaint, the Fulton County Republican Party used a democratic process to identify and nominate its candidates for appointment to the Board of Elections. Consideration was open to any resident of Fulton County submitting an application. An interview panel handled the application process, interviewed candidates, deliberated, and recommended candidates to the chairwoman. The chairwoman reviewed those recommendations, approved them, and presented them to an executive committee comprised of over seventy members. The executive committee in turn deliberated and voted to approve the nominations of Jason Frazier and Mike Heekin to the Board of Elections. The chairwoman then nominated Frazier and Heekin to serve as the two Republican nominees to the Board of Elections.

7.

The nominating process involved the participation of numerous persons and imposed substantial costs in terms of time and effort; and any effort to consider additional candidates as the result of the Fulton County Board of Commissioners' failure to approve Jason Frazier to the Board of Elections would result in substantial and undue hardship on the Fulton County Republican Party.

8.

The Fulton County Republican Party is deeply concerned that the Fulton County Board of Commissioners may now declare a vacancy on the Board of Elections and exercise its authority under Fulton County Rule 14-37 to appoint another individual to the Fulton County Board of Elections, thereby denying the Fulton County Republican Party of its statutory right to have its nominee approved.

FURTHER AFFIANT SAYETH NOT.

Respectfully this 29 day of June, 2023.


Stephanie Endres

Subscribed and sworn to before me, this 29 day of June, 2023. [Notary Seal:]


[signature of Notary]

Margaret Macomber
[printed name of Notary]
NOTARY PUBLIC



My commission expires: May 23, 2025.