

LEGISLATIVE REVIEW COMMITTEE

Thursday, May 12, 2022
City Hall Conference Room 301B

Committee Members Present:

Commissioner Russell Edwards, Chair
Commissioner Jesse Houle
Commissioner Carol Myers
Commissioner Ovita Thornton
Commissioner Allison Wright

Committee Members Absent:

Staff:

Niki Jones, Assistant Manager
Judd Drake, Attorney
Gavin Hassemer, Central Services
Mike Wharton, Sustainability Office

Jeanne Connell, Central Services
Alex Bond, Leisure Services

Commissioner Edwards called the meeting to order at 1:04 p.m.

A. **Approval of Minutes:**

The April 14, 2022 minutes were approved with no objection.

B. **Public Input:**

The following public input was received:

- Erin Jiminez – supported local marijuana ordinance as alternative to state charges;
- Alan Hart – supported local marijuana ordinance as alternative to state charges; and
- Wesley Grantham – supported local marijuana ordinance as alternative to state charges.

Commission Identified Items of Interest:

C. **Examine marijuana penalty options that could be embedded in local ordinance as an alternative to state charges. (Mayor Girtz assigned to LRC on February 1, 2022)**

Assistant Manager Niki Jones introduced the topic and shared that, following the previous LRC meeting, staff received feedback from Chamblee. City of Chamblee advised that they have not experienced any challenges to enforcing the ordinance; they shared this is likely because Chamblee's police officers are not arresting people for possession of less than an ounce of marijuana, and the fine is minimal. He also shared that Solicitor Grist from Macon-Bibb is willing to speak with staff; however, they have been unable to connect to date.

Commissioner Houle made a motion to direct staff to draft a parallel ordinance for possession of marijuana penalties. Commissioner Myers seconded.

Commissioner Houle shared that they would like to use the definition of marijuana that the City of Doraville uses, as it appears to be the most comprehensive researched. They also noted they would like to include Section III of the City of Tybee ordinance, which directs the Municipal Court Clerk to reduce the misdemeanor sentences from the past and re-sentence them as ordinance violations; Commissioner Houle also explained that this section also includes records restriction. Additionally, Commissioner Houle advised that they would like for the penalty to be \$1.

Commissioner Edwards requested clarification from Commissioner Houle on their motion and whether or not the specific details they outlined that they would like to be included would be considered part of the motion.

Commissioner Houle amended their original motion. Commissioner Houle made a motion to direct staff to bring back to the Committee an ordinance draft that considers Section III of the Tybee ordinance, the definition of marijuana used in the City of Doraville ordinance, and sets the penalty at \$1. Commissioner Myers seconded the motion.

Commissioner Myers requested clarification on the specific language of Section III of the City of Tybee ordinance. Commissioner Houle read Section III to the Committee, which states in part that the Clerk of Municipal Court “shall ensure that all prior misdemeanor marijuana convictions are resentenced as city ordinance violations; that such charges are restricted from the defendant’s GCIC, and that the court record is sealed if all charges related to the underlying arrest were dismissed, nolle prossed, or reduced to a city ordinance violation”. Commissioner Myers requested staff provide the pros and cons of the three points included in Section III of the City of Tybee ordinance. She shared that she agrees with drafting the ordinance.

Commissioner Wright explained that she did not support the motion, because the Committee has already learned that we do not prosecute possession of marijuana less than one ounce. She shared that she is supportive of the State of Georgia making this right; however, she does not agree with citing people and involving them in a court process when it is not enforced, as it causes stress to the individual and cost time and money to multiple people and agencies. Commissioner Houle explained that the intent would be that instructions to staff would accompany the ordinance to request they not change the current, relaxed posture approach to enforcement and prosecution. They also noted that the technology to be able to test substances could become more affordable or accessible over time, so this ordinance is a way to set it up for the future in case things change on a state or local level.

The motion passed 3-2, with Commissioner Thornton and Commissioner Wright opposed.

D. Review of regulation of use of gas-powered leaf blowers, including as pertains to our noise ordinance. (Mayor Girtz assigned to LRC on November 4, 2020)

Niki Jones introduced the topic by summarizing past discussion. He explained that staff has previously presented a two-year and three-year plan to transition from gas-powered leaf blowers to electric. Subsequently, Commissioner Edwards requested staff reach out to Mr. Daniel Mabe, a consultant with the American Greenzone Alliance who helps agencies and local governments transition to electric equipment. Staff was able to attend a conference with Mr. Mabe. Commissioner Edwards shared an overview of key points from the conference call with Mr. Mabe. He explained it was a great introductory call to learn about the services his organization provides, and he answered a few questions from staff, most notably about the repair of battery-powered tools. Commissioner Edwards noted that Mr. Mabe also touched on some key points the Committee previously discussed including not just implementing the tools but also managing the expectations of what the tools can do. He also noted that Mr. Mabe will prepare a proposal of what his organization will provide if ACCGov decides to contract with him to help with this transition. The proposal of services could be a la carte to customize it to best fit the needs of ACCGov.

Commissioner Thornton requested clarification if procuring the contract with Mr. Mabe would require a Request for Proposal (RFP) process. Niki Jones shared that his understanding of the

Purchasing Ordinance would not be required for contracts for \$50,000 or less; however, it certainly would be a best practice to procure the services. Attorney Judd Drake shared he could review the Purchasing Ordinance and follow up with the Committee. Commissioner Myers expressed interest in hearing from staff on their initial reaction and whether or not Mr. Mabe's services would be value-added for what is needed at this point. Commissioner Edwards clarified that they have not yet received any kind of proposal from Mr. Mabe, and he does not at this time have a recommendation regarding how we would engage him. Jeanne Connell shared her initial reactions to Mr. Mabe, and she is interested to see his proposal to determine if there is something that he can provide that is currently missing. Alex Bond shared that he was most interested in learning more about the training opportunities for the end-users.

Commissioner Wright shared that we could potentially use Mr. Mabe's expertise and experience, especially if he is not product-driven, to understand what he has learned and incorporate that in our procurement process for equipment purchases. She shared that she would support making a motion to move forward with recommending the \$50,000 priority in the budget cycle to capture what might be needed after we learn more from Mr. Mabe.

Commissioner Edwards inquired as to whether or not staff had a transition amount that would be needed. Niki Jones explained that staff has presented a two-year and a three-year transition plan; staff would recommend the three-year transition plan, but he shared that they could make the two-year plan work if it is the preferred approach. He explained that, if staff was going to engage a consultant, he would think it would be most helpful to get their feedback on whether or not we are on the right track with our transition plan approach. Commissioner Myers expressed concern about the price of the consultant, given that she recalled around \$20,000 being budgeted for the transition in the FY23 recommended budget, unless we are confident it would add value.

Regarding the question pertaining to procurement requirements, Gavin Hassemer explained that, even when procuring consultants under the \$50,000 threshold, three quotes for similar services would need to be obtained; therefore, there is no guarantee that this consultant would be selected, as it would be based on the price of the three quotes. He also shared a summary overview of the two-year and three-year estimates for Central Services. Alex Bond summarized the transition costs estimated for Leisure Services. Commissioner Myers inquired about the difference in the cost between this approach and staying the course with what is already being done; she also requested clarification on whether or not SPLOST Renewable Energy funds to offset the difference in cost. Gavin Hassemer shared some differences in cost between the current operational expenses and the anticipated expense if they transition to electric. Mike Wharton shared that he believes the expense discussed for transitioning leaf blowers would be within the scope of the SPLOST 2020 project.

Commissioner Myers inquired about how the Committee can ensure there would be funding included in the budget for the transition. Niki Jones explained that there is currently \$26,000 in the recommended budget; however, it would depend on whether or not more would be needed. Gavin Hassemer clarified that if only \$26,000 is budgeted, staff would look to transition seven or eight leaf blowers in the next year for Central Services and continue to request funds in the FY24 budget to continue the transition. Commissioner Myers requested clarification on how much more funding would be needed to transition in the two or three-year transition plans. Commissioner Houle reiterated that the two-year plan would require \$169,000, so if the two-year plan is pursued, an additional \$143,000 would be needed. Commissioner Wright explained that she believes an allocation for the consultant should be separate from the funding for the transition of the equipment, especially given that funding for the consultant would not be eligible for SPLOST funds.

The Committee discussed waiting on making a recommendation on this topic until staff receives a proposal from Mr. Mabe.

Commissioner Myers made a motion to recommend bringing forward an additional \$75,000 budget item for the transition to electric-powered leaf blowers, which may include prudent engagement of consultant services. Commissioner Thornton seconded.

Commissioner Houle inquired as to how much SPLOST 2020 funding is available for the transition.

The motion passed unanimously.

E. **Schedule/Agenda Changes**

The next LRC meeting is scheduled for June 9, 2022 at 1:00 p.m.

Commissioner Wright made a motion to adjourn the meeting. Commissioner Thornton seconded. The motion passed unanimously. The meeting adjourned at 2:05 p.m.