

April 9, 2022

VIA EMAIL

Cobb County Board of Commissioners
Attention: Chairwoman Lisa Cupid
100 Cherokee St NE
Marietta, Georgia 30090

Cobb County Board of Commissioners,

As you are aware, Georgia law prohibits a county from using taxpayer funds to campaign against referendums. As the Georgia Supreme Court has explained, the “[e]xpenditure of county funds” to influence the outcome of a referendum “is not authorized as a facet of administration of county government.”¹ Accordingly, counties may not “use county money and county employees on county time” to influence the outcome of the Cityhood Referendums.²

Based on the available facts, it appears Cobb County has violated Georgia law in its efforts to defeat the four Cityhood initiatives in Cobb County’s respective Referendums. Cobb County has, at the least, allowed county officials and employees to oppose Cityhood efforts, on County time and through official County channels. And they have done so by promoting baseless speculation in the guise of “education.” Worse, the County’s “education” consists of half-truths and even outright lies.

We demand that Cobb County cease all expenditures of County resources to oppose the Cityhood Referendums. We have previously expressed our concern on the implicit and explicit bias in Cobb County’s awareness campaign and activities with the opposition ballot committee(s) to a group of Cobb executives. Not only has the unlawful behavior not been curtailed, but it also continues at an increasing velocity. Below is a non-exhaustive list of violations that we are aware of at the time of the letter:

County Official(s) Violations:

- County resources were used to attend a Government Affairs committee hearing where Cobb County staff and the Chairwoman Cupid and District 2 Commissioner lobbied the committee to not pass HB841³
- Commissioner Jerica Richardson released a video to the Governmental Affairs Committee Chairman that she additionally distributed via email⁴ where she states, “by fact, cities yield higher taxes and increased development. Given the economic makeup of the area I forecast such would be the inevitable outcome for the proposed city alongside a deluge of annexations just to balance the budget.” Richardson continues, “there are a multitude of questions that remain unanswered as to whether such rendered services would even be adequate for the area. For example, the tax base will likely require the use of part-time employees like firefighters or special public safety teams... I can only say that the city services may be feasible but inadequate without increasing the tax rate.”
- Chairwoman Cupid unlawfully engaged, without the approval of the BOC, a lobbyist including to assist with HB841⁵. As stated in the MDJ, “among those sitting in on Tuesday’s hearing was Sam Olens, former state attorney general and former Cobb County chairman, wearing an orange lobbyist badge. Olens declined to comment, but his partner, Daniel Baskerville, said he and Olens were at the Capitol on the county’s behalf.” Additionally, the County engaged Ed Lindsey as reported in the news⁵, “The county has also retained former state Rep. Ed Lindsey, who is co-chair of a group opposing Buckhead’s secession from Atlanta into a separate city.”

- Deputy County Manager James “Jimmy” Gisi said⁷, “Considering the issue of proposed cityhood, we believe that every registered voter should have the opportunity to cast their ballot on whether they approve of incorporating into a new city. We also believe that these registered voters should be equipped with as much factual data as possible so they can make the most informed decision when it comes time to go to the polls.”
 - While this statement sounds innocuous, Cobb County has proceeded to share misleading, incomplete, and factually incorrect information such as the four Cityhood initiatives will impact the budget by \$41m / year and the County will only save \$4.3m in reduced costs. This is a blatant misrepresentation of the facts by the county with the intent to dissuade voters. The county has disclosed it intends to redeploy these funds for other roles not currently filled having nothing to do with the Cityhood efforts.
- Cobb County Fire Chief Bill Johnson claims⁷ without knowing any to be fact: a “rumor” that the proposed city will be engaging part-time firefighters. That additionally, “They absolutely will see an increase in their response time,”
- Cobb County Communications Director Ross Cavitt and Commissioner Jerica Richardson attended and publicly addressed the audience at the East Cobb Alliance (anti-city group) launch event⁸ that was broadcast to the public on March 5, 2022. Neither made any attempt to attend or participate in the four Information Sessions nor Town Hall event hosted by the East Cobb Cityhood Committee. This demonstrates a clear bias and is evidence of supporting the anti-city campaign.
- Cobb Director/Comptroller William Volckmann inaccurately states at Cobb County’s Townhall⁷ against cityhood that: “they will be repurposing [the fire fund] for their general operations” while at the same time claiming that Cobb’s expense for firefighting is underestimated in the Feasibility study. Volckmann additionally misrepresents the impact of the four proposed cityhood on the Cobb operation budget. The overall reduction communicated by the county is not anywhere near the reduction available based on personnel cost alone.
- Director of Public Safety Randy Crider’s repeated assertions that residents’ homeowner insurance rates will go up with a City of East Cobb Fire Department without any 3rd party corroboration to support this claim. By consciously spreading this unverified and unsubstantiated claim, the sole purpose of the comment is to dissuade voters.
- Director of Public Safety Randy Crider makes a public comment at the Governmental Affairs Committee Hearing that the proposed City of East Cobb will be engaging part-time firefighters without any data or proof of this false assertion.¹⁰ By consciously spreading falsehoods and innuendo, the sole purpose of the comment is to dissuade voters.
- Director of Public Safety Randy Crider publicly stated that a typical response to a significant structure fire requires 11 people to initially respond. In subsequent town hall meetings, Fire Chief Bill Johnson shared a much higher number that was required to respond to the same fire. These contradictory numbers are very misleading to the public and meant to imply the proposed City of East Cobb will have diminished Fire services.^{7/9/10}
- Interim Cobb Police Chief Scott Hamilton stated in the recent town hall regarding police response that response times vary, depending on what kind of call is dispatched, but that a “city would probably have fewer officers for major calls.”^{7/11} The City of East Cobb Feasibility Study shows that 71 officers would cover 25 square miles compared to 49 officers that currently cover over 77 square miles out of Police Precinct 4. Yet, Chief Hamilton refers to none of the actual data.
- Cobb County posted videos⁷ where department leaders each present a list of questions that they have for the proposed city, implying that no one on the cityhood side can even answer simple questions. Cobb County’s “questions” conceal the truth that only the future elected officials of the City of East Cobb will be able to answer those questions. Nor has the County ever posed these questions directly to the Cityhood committees or offered to post the Committee’s responses.

County Employee Violations:

- Cobb County has, at County expense, produced and distributed misleading and inflammatory literature at Town Hall events to campaign against cityhood (Cobb County Cityhood Information handout). A couple of examples that improperly create fear, uncertainty and doubt are:
 - “Why is this process moving so quick?” The response implies a bias to the speed it is moving.
 - “What other fees could come with a new city?” The county responds in closing “This could result in higher costs to residents of the new city of those services”. This baseless speculation has only one purpose: to dissuade voters from supporting the Referendum.
- On a site visit to a senior living facility within the proposed city boundaries, fire personnel shared that the proposed city cuts the venue out of fire services and that the “facts” are on the Cobb government site that say how the venue will lose services.
- On www.cobbcounty.org – Cobb shares that the county’s government is not involved in the efforts to form new cities and did not conceive, formulate, or approve of any of the legislation. This statement of the County’s non-approval is inappropriate.

This letter is a demand for Cobb County, its employees, and agents to immediately cease and desist its campaign against Cityhood. As such, we demand the following:

1. Immediately direct all Cobb County staff and agents to cease speaking to the public in an official capacity about the cityhood efforts. As the above examples demonstrate, the potential for inappropriate advocacy, speculation, and untruth means that the County will continue to violate the law until this direction is given. All questions concerning cityhood shall be funneled through a named and appropriate resource at the director level or higher.
 - This shall be implemented with two business days of receipt of this letter.
2. Provide a section in the Cobb County Awareness Campaign website for the Cityhood Committees to respond and share data and responses to the County’s questions or information.
 - Access should be formalized and shared with the respective Committees by April 14, 2022.
3. This letter serves as an Open Records Request for Cobb County to produce the work product supporting Director/Comptroller Volckmann’s financials prepared and disseminated to the public as part of the Awareness Campaign including all email(s), handwritten notes, documents, spreadsheets, and any form of communication on the topic of Cityhood.
 - For example, the operating budgets for Fire Stations 15 & 21 and Police precinct 4.
 - Additionally, the work product justifying the loss of Revenue for all the proposed cities and the details of cost savings to include the reallocated resources.
 - These shall be provided to the East Cobb Cityhood Committee by April 15, 2022.
4. Prior to any future townhalls, The County shall submit in writing all questions it intends to ask regarding Cityhood to the respective Committees, at least five business days beforehand, and must share the responses as provided.
5. Have Cobb County engage a State of Georgia approved University to conduct an Impact Study to be shared with Cobb County residents. This third party, neutral study is to be the sole reference to describe the financial impact to Cobb County should the cityhood ballot measures succeed.

Cobb County is knowingly presenting biased, incomplete, and inaccurate information to the public. Meanwhile, the County has stated that it has no official position on the cityhood initiatives. While this disclaimer implies neutrality, Cobb County’s behavior has been anything but neutral. As far as we are aware, no County official has ever said anything positive about the cityhood proposals. In fact, Cobb’s desire to thwart the Cityhood efforts are clear as highlighted above and designed to create fear, uncertainty, and doubt in citizens’ minds—illegally influencing their vote.

We expect an immediate response and remedy from Cobb County on this unlawful campaign against the cityhood ballot initiatives currently scheduled for the May 24, 2022 vote and execution of the demands shared above.

Sincerely,

A handwritten signature in black ink, appearing to read 'C. K. C.', with a stylized flourish at the end.

Craig Chapin, President
East Cobb Cityhood Committee

CC: JoAnn Birrell
Keli Gambrill
Jerica Richardson
Monique Sheffield
H. William Rowling, Jr.
Dr. Jackie McMorris

References:

¹ McKinney v. Brown, 242 Ga. 456, 456 (1978).

² Harrison v. Rainey, 227 Ga. 240, 241 (1971).

³ **HB-841 – a bill to incorporate the City of East Cobb.**
<https://www.legis.ga.gov/legislation/60811>

⁴ **Jerica Richardson video. January 13, 2022 (3m 49 sec)**
<https://www.wevideo.com/view/2521965443?fbclid=IwAR0kI2in1zP21BFzIX7Mwl3cgg-xtYdXg8GyGfDzXY-M9hSbIxwqgJ8SWyQ>

⁵ **Cobb Co. government to create cityhood 'awareness campaign,' retains Sam Olens, as Vinings, Lost Mountain move forward – 02/03/22**
<https://finance.yahoo.com/news/cobb-co-government-create-cityhood-050100372.html>

⁷ **Cobb County Cityhood “Townhalls”, March 9, 2022, and March 24, 2022**
https://www.youtube.com/watch?v=W3H_EyThLoo
<https://www.youtube.com/watch?v=txhQiMvfYic>

⁸ **East Cobb Alliance was live. March 5 at 9:46 AM (49m 06 sec)**
<https://fb.watch/bXrhq-exs8/>

⁹ **Cobb County Cityhood Referendum Town Hall, Cobb County Fire Chief Bill Johnson - 03/09/22 (23m 50 sec)**
https://www.youtube.com/watch?v=W3H_EyThLoo

¹⁰ **Governmental Affairs 01.13.22, Cobb County, Director of Public Safety, Randy Crider - 01/13/22 (1hr 6 mins)**
<https://vimeo.com/showcase/8972626?video=664964990>

¹¹ **County officials take Cityhood town hall to East Cobb (East Cobb News article), Cobb County, Interim Cobb Police Chief Scott Hamilton**
<http://eastcobbnews.com/county-officials-take-cityhood-town-hall-to-east-cobb/>