



CITY COUNCIL MEETING

Awet Eyasu – Vice-Mayor

*Jamie Carroll
Ahmed Hassan*

*Laura Hopkins
Debra Johnson*

Robin I. Gomez– City Manager

AGENDA

Tuesday, September 1, 2020 7:00PM
By ZOOM

A. CALL TO ORDER

B. ROLL CALL/ PLEDGE OF ALLEGIANCE

C. ADMINISTRATIVE BUSINESS/ PRESENTATION

C1) Approve Minutes: Council Meeting 8/6/2020 and Special Call Meeting 8/21/2020

D. REPORTS:

- 1) Planning & Zoning Report
- 2) City Manager's Report
- 3) City Attorney's Report
- 4) Council Remarks
- 5) Mayor's Report

E. PUBLIC COMMENTS

Any member of the public may address the Council, during the time allotted for public comment. Each attendee will be allowed 3 minutes for comments at the discretion of the Presiding Officer. The public comment period will be limited to 40 minutes and it is not a time for dialogue. If your public comment contains a series of questions, please submit those to the City Clerk in writing. This will facilitate follow-up by the council or staff. The City Council desires to allow an opportunity for public comment; however, the business of the City must proceed in an orderly, timely manner.

F. OLD BUSINESS

G. NEW BUSINESS

G1) Approve Resolution to Declare a Vacancy in the Office of Councilmember and to Call a Special Election to Fill the Unexpired Term

G2) Increase the Amount of Money for the Rental Relief Program

G3) Housing relief to unemployed residents both rent and Mortgage relief by partnering with non-profit organizations and intergovernmental cooperation

G4) Work Force Development for Unemployed

G5) Consider "Joining Common Cause's lawsuit against Trump's Census Memo"

G6) Discuss Removing Section 13-3 from the Municipal Code

H. ADJOURNMENT:

MINUTES
CLARKSTON CITY COUNCIL

Thursday, August 6, 2020

Officials Present by Teleconference

Mayor: Awet Eyasu
Council: YT Bell, Jamie Carroll,
Ahmed Hassan, Laura Hopkins, Debra Johnson
City Manager: Robin I. Gomez
City Clerk: Tracy Ashby
City Attorney: Stephen Quinn

A. CALL TO ORDER

Vice-Mayor Eyasu called the meeting to order at 7:00pm.

B. ROLL CALL/ PLEDGE OF ALLEGIANCE

Present: YT Bell, Jamie Carroll, Laura Hopkins, Debra Johnson, Awet Eyasu,
Ahmed Hassan arrived 8:49PM.

C. ADMINISTRATIVE BUSINESS/ PRESENTATION

C1) Approve Minutes: Council Meeting 7/7/2020 and Special Call Meeting 7/21/2020 Minutes

Debra Johnson made a motion to approve the minutes for the Council Meeting 7/7/2020 and Special Call Meeting 7/21/2020 Minutes. Laura Hopkins seconded the motion. A vote was called and the motion carried. (5, 0).

D. REPORTS:

1) Planning & Zoning Report

Shawanna Qawiy reported on activities in her Department and the status of ongoing projects. The Planning & Zoning Committee will have their next meeting on 7/21/2020 to hold a Public Hearing on amending the zoning ordinance to include NR3 to require submit plans for a rezoning request. Ms. Qawiy answered questions regarding the tree survey for the East Avenue development.

2) City Manager's Report

Mr. Gomez provided a detailed status of the current City operation under covid. He thanked the City Staff for their work and patience under this unique situation. The City continues to provide city services and residents can contact staff through electronic (email) and phone. He provided a financial report through July 31, 2020 and discussed the SPLOST fund current balance.

3) City Attorney's Report

Stephen Quinn provided the status of the CARES Act funding thru DeKalb County. The County is working on the IGA agreement and the current IGA calls for Clarkston to receive \$1.3 million in funds. The IGA is not final but does not impose any additional restrictions beyond what the original CARES Act restrictions were and the City Manager advised he would forward the CARES Act guidelines with the staff Friday report.

4) Council Remarks

YT Bell reported she is working with key Clarkston stakeholders and non-profits for a central website to provide information on services and resources.

Jamie Carroll stated he continues to attend the Clarkston Early Learning Task Force meetings and they discussed information from the National Leagues of Cities that can assist with education. He thanked the City for opening the dog park.

Laura Hopkins thanked the City for the great job with the walking tour of developments. She thanked Debra Johnson and Vice Mayor Eyasu for their hard work with the food distribution events.

Debra Johnson reported on the successful Food drive event and she thanked the Public Works Department for making an additional food pick up for distribution and the Chief and her staff for assisting with the event. She stated that Clarkston has partnered with DeKalb County and there should be one distribution each month through the end of the year.

5) Mayor's Report

Vice Mayor Awet Eyasu reported on his attendance of the Mayors meeting for DeKalb County on the CARES Act funding. He was hopeful the IGA will be completed shortly and the City will hold a special call to adopt. He attended the Early learning Task force meeting. He thanked the City Manager, Debra Johnson and all volunteers that participated in the food drive.

E. PUBLIC COMMENTS

Any member of the public may address the Council, during the time allotted for public comment. Each attendee will be allowed 3 minutes for comments at the discretion of the Presiding Officer. The public comment period will be limited to 40 minutes and it is not a time for dialogue. If your public comment contains a series of questions, please submit those to the City Clerk in writing. This will facilitate follow-up by the council or staff. The City Council desires to allow an opportunity for public comment; however, the business of the City must proceed in an orderly, timely manner.

Susan Hood thanked the City Staff for how they have addressed operations during the covid issue. She provided a reminder that West Nile season will be starting and for residents to be mindful and she discussed Friendship Forrest.

Warren Hadlock requested signage be provided to businesses for the mask mandate and for Friendship Forrest to continue to honor the original intention of a nature preserve.

Brian Medford thanked the Public Works for clearing Rowland Street and he requested the Council proceed with the professional Zoning ordinance rewrite through the RFP process.

Ellie Thaxton discussed concerns with preventing renters from being evicted by allocating the remaining Housing Fund and providing additional funds under the CARES Act.

Chris Busing addressed concerns with Sanctuary Cities and Counties and his concerns with a mask mandate.

The Vice-Mayor closed public comments.

F. OLD BUSINESS

None

G. NEW BUSINESS

G1) Public Hearing: Text amendment to the Clarkston Zoning Ordinance Require Site Plan for Rezoning Applications seeking the NR-3 designation.

Laura Hopkins provided an overview of the proposed text amendment to amend the Clarkston Zoning Ordinance, Appendix A of the City Code of Ordinances, Article III-Administration-to Require a Site Plan for Rezoning Applications seeking the NR-3 designation. The amendment would require the submission of a development plan, drawn to scale provided to the Council in advance before any vote for a zoning request in NR-3.

The Vice Mayor opened the Public Hearing

In Support

Warren Hadlock spoke in support of the Text amendment to the Clarkston Zoning Ordinance Require Site Plan for Rezoning Applications seeking the NR-3 designation

Shana McAllister spoke in support of the Text Amendment

Dean Moore spoke in support of the Text Amendment

In Opposition

Brian Medford spoke in opposition of the text amendment. He encouraged holding for a comprehensive Professional Zoning Review.

Council discussion on the financial impact on smaller developers of requiring a site plan. Council also discussed approving this text amendment versus waiting for the full zoning review/rewrite.

Laura Hopkins made a motion to approve G1 to add the NR3 Zoning code to the designation of zoning codes that require a site plan to change. Awet Eyasu seconded the motion. A vote was called and the motion carried (3- Yes: Eyasu, Hopkins, Johnson, 1- No: Carroll, 1- Abstain: Bell).

G2) Declare Surplus police vehicles

The City Manager stated this is to meet Georgia Code to declare two police vehicles as surplus to allow them to be sold at auction.

YT Bell made a motion adopt the resolution to Declare Surplus police vehicles. Debra Johnson seconded the motion. A vote was called and the motion carried (5, 0).

G3) Approve MOA between Majestic Indian Creek, LLC and the City for a Stormwater Improvement Project (DeBelle St and the Atlanta Area School for the Deaf)

The City Manager stated the purpose is to approve a Memorandum of Agreement between Majestic Indian Creek LLC (representing Indian Creek Apartments located at 928 N Indian Creek Rd) and the City of Clarkston for Majestic to share in the cost of the stormwater infrastructure improvement project located on DeBelle St and the adjacent property housing the Atlanta Area School for the Deaf.

Awet Eyasu made a motion to approve MOA between Majestic Indian Creek, LLC and the City for a Stormwater Improvement Project (DeBelle St and the Atlanta Area School for the Deaf). YT Bell seconded the motion. A vote was called and the motion carried (5, 0).

G4) Form a standing advisory committee on Equity, Inclusion, and Opportunity

Laura Hopkins discussed the purpose to add a new Standing Advisory Committee Equity, Inclusion, and Opportunity and her interest to Chair the committee.

Debra Johnson made a motion to adopt the resolution establishing a standing advisory committee on Equity, Inclusion, and Opportunity and to appoint the members. Laura Hopkins seconded the motion. Discussion with the City Attorney if a second item is required to appoint the Chair. The City Attorney advised the item could be addressed under one motion.

Councilmember Ahmed Hassan joined the meeting (8:49pm).

Debra Johnson amended her motion to form a standing advisory committee on Equity, Inclusion, and Opportunity and to appoint Councilwoman Hopkins as the Chair. Laura Hopkins seconded the motion. A vote was called and the motion carried (6, 0).

G5) Housing relief to unemployed residents both rent and mortgage relief by partnering with non-profit organizations and intergovernmental cooperation.

Awet Eyasu discussed his interest for the City to provide continued rent assistance and to include mortgage assistance from the Affordable Housing Fund. When the DeKalb IGA for the CARES Act funding is completed, then the Council can revisit the assistance and funding review.

Jamie Carroll discussed that he sponsored item G6 and perhaps the discussion could be combined with supporting the rent assistance as the mortgage issue is not pressing at this time and funding can be replaced with the CARES Act funds. Discussion on apportion to dedicate to rental assistance or mortgage relief.

Jamie Carroll proposed \$75k total to be used for both and provide as requested.

Awet Eyasu made a motion to allocate \$25,000 from the Affordable Housing Fund to provide temporary mortgage assistance due to Covid and to allocate \$25,000 for rental assistance and amend the mortgage resolution to reduce the lien from three years to one year. Discussion on reducing lien timeframe.

Vice Mayor Eyasu withdrew his motion.

Vice Mayor Eyasu made a motion to allocate \$25,000 from the Affordable Housing Fund to provide temporary mortgage assistance due to Covid and to allocate \$50,000 for rental assistance due to Covid and to amend the mortgage resolution to remove the lien clause. Debra Johnson seconded the motion. A vote was called and the motion carried (6, 0).

G6) Emergency Assistance Program - Increase the funds for the Rental Relief Program, Clarify to Allow for up to One Half of Three Months of Back Rent to be Paid to Qualified Applicants

Councilman Carroll stated he felt this could be tabled until the next month as item G5 has allotted additional funds for rental assistance.

Councilman Carroll made a motion to table until next month's meeting. YT Bell seconded the motion. A vote was called and the motion carried (6, 0).

G7) Friendship Forest policies: Native species only policy and ban on artificial fertilizers, pesticides, herbicides and ban on active sporting activities to insure that Friendship Forest remains a passive park

The Vice Mayor provided background on the purpose of the item to insure that Friendship Forest, which the City has spent considerable funds on, will remain as a passive park. Discussion that the design of the open field area is part of the reasons visitors consider it an appropriate place to set up for sport play.

Jamie Carroll made a motion to adjourn the meeting. YT Bell seconded the motion. A vote was called and the motion carried (6, 0).

Meeting adjourned 9: 44p.

H. ADJOURNMENT:

Laura Hopkins made a motion to adjourn the Council Meeting. Awet Eyasu seconded the motion. A vote was called and the motion carried (6, 0).

Meeting adjourned

MINUTES

CLARKSTON CITY COUNCIL

Friday, August 21, 2020, 7:00PM

Officials Present by Zoom

Vice- Mayor:	Awet Eyasu
Council:	Jamie Carroll, Laura Hopkins, Debra Johnson,
City Manager:	Robin I. Gomez
City Clerk:	Tracy Ashby
City Attorney:	Stephen Quinn

A. CALL TO ORDER –SPECIAL CALL MEETING by Zoom

Vice Mayor Awet Eyasu called the meeting to order at 7:14p.

B. ROLL CALL

Awet Eyasu, Jamie Carroll, Debra Johnson, Laura Hopkins

Absent: Ahmed Hassan

C. OLD BUSINESS

None

D. NEW BUSINESS

D1) Consider Intergovernmental Agreement with DeKalb County Regarding Acceptance and Expenditure of Funds under the Federal Cares Act for Covid-19 Relief.

Public Comments

The Vice-Mayor opened public comments

There were no public comments.

The Vice-Mayor closed the public comments.

On April 24, 2020, DeKalb County received \$125,341,475 in CARES proceeds, which proceeds were based on the population of both incorporated and unincorporated areas of DeKalb County (except the City of Atlanta and the CARES Act authorizes a county recipient of CARES proceeds to transfer a portion of the proceeds to cities that lie within its geographical area. DeKalb County has offered to fairly apportion CARES funds between residents of incorporated and unincorporated areas of the County by distributing CARES funds to municipalities on a per-resident basis. Adopting the Resolution will allow the City Manager and City Attorney to negotiate with DeKalb County to arrive at final agreeable terms for an Intergovernmental Agreement consistent with the terms of this Resolution.

Council discussion on the adoption of the IGA.

Jamie Carroll made a motion to approve the Resolution Intergovernmental Agreement with DeKalb County Regarding Acceptance and Expenditure of Funds under the Federal Cares Act for Covid-19 Relief. Awet Eyasu seconded the motion. A vote was called and the motion carried (4, 0)

CITY OF CLARKSTON

ITEM NO: G1

CLARKSTON CITY COUNCIL MEETING

HEARING TYPE:
Council Meeting

BUSINESS AGENDA / MINUTES

ACTION TYPE:
Resolution

MEETING DATE: September 1, 2020

SUBJECT: Approve Resolution to Declare a Vacancy in the Office of Councilmember and to Call a Special Election to Fill the Unexpired Term

DEPARTMENT: City Administration

PUBLIC HEARING: ☐ YES ☒ NO

ATTACHMENT: ☒ YES ☐ NO
Pages: 2

INFORMATION CONTACT: ROBIN I. GOMEZ
PHONE NUMBER: 404-296-6489

PURPOSE:

To discuss and approve a resolution declaring a vacancy in the office of Council and calling for a special election to fill the unexpired term of the office of Council, said term to conclude on December 31, 2021.

NEED/ IMPACT:

The Georgia Constitution Article 2, Section 2, Paragraph V, provides that the office of an elected municipal official immediately becomes vacant upon the official qualifying for another elected office, which occurred on August 12, 2020, when YT Bell qualified as a candidate for the Clarkston Mayor Special Election. The Clarkston City Charter, Section 2.05 (a) provides that a vacancy in the office of Council shall be declared by the Vice Mayor at a regular meeting of the City Council and shall be affirmed by a majority vote of the City Council. Clarkston City Charter, Section 2.05 (c) provides that such a vacancy is to be filled by a special election if the term of the vacant seat will not expire in the next twelve (12) months (term to conclude Dec 31, 2021). Furthermore, Clarkston City Charter, Section 2.05 (c) provides that such a special election shall be held on a date provided by GA code, Section 21-2-540(c), which is the date of the Primary Election to be held on March 16, 2021.

Consequently, approving the resolution would direct the City Election Superintendent, City Clerk, to call a special election to be held on March 16, 2021, to fill the remainder of the unexpired term of the Clarkston Councilmember which concludes on December 31, 2021. A Qualifying Period that complies with applicable State law shall be established and published by the City Election Superintendent.

RECOMMENDATIONS:

Staff recommends that the City Council adopt the referenced resolution declaring a vacancy in the office of Council and calling for a special election to fill the unexpired term of a Councilmember, said term to conclude on Dec 31, 2021.

RESOLUTION NO. _____

**BY THE CLARKSTON CITY COUNCIL TO DECLARE A VACANCY IN THE
OFFICE OF COUNCILMEMBER AND TO CALL A SPECIAL ELECTION TO
FILL THE UNEXPIRED TERM OF FORMER COUNCILMEMBER BELL.**

WHEREAS, Councilmember Yterenickia “YT” Bell qualified as a Candidate to participate in the special election for the office of Mayor on August 12, 2020; and

WHEREAS, Georgia Constitution Art. 2, § 2, ¶ V provides that the office of an elected municipal official immediately becomes vacant upon the official qualifying for another elective office; and

WHEREAS, Clarkston City Charter Sec. 2.05(a) provides that a vacancy in the office of Councilmember shall be declared by the Vice Mayor in a regular meeting of the City Council and shall be affirmed by a majority vote of the City Council; and

WHEREAS, Clarkston City Charter Sec. 2.05(c) provides that a vacancy in the office of Councilmember is to be filled by a special election if a regular municipal election is not scheduled to occur within twelve (12) months from the date that the vacancy is declared; and

WHEREAS, Charter Sec. 2.05(c) provides that such special election shall be held on a date provided for by O.C.G.A. § 21-2-540(c); and

WHEREAS, the next available date for a special election under O.C.G.A. § 21-2-540(c) to fill the vacancy in the office of Councilperson is the third Tuesday in March 2021.

NOW THEREFORE, BE IT RESOLVED that Vice Mayor Eyasu has declared the office formerly held by Councilwoman Bell to be vacant as set forth above and the City Council does hereby affirm the existence of such vacancy.

BE IT FURTHER RESOLVED by the City Council that the City Election Superintendent shall call a special election to be held March 16, 2021, to fill the remainder of the unexpired term of Councilwoman Bell, which concludes on December 31, 2021.

BE IT FURTHER RESOLVED that a Qualifying Period that complies with applicable State law shall be established and published by the City Election Superintendent.

[signature page follows]

SO RESOLVED, this _____ day of _____, 2020.

**CITY COUNCIL
CITY OF CLARKSTON, GEORGIA**

AWET EYASU, Vice Mayor

ATTEST:

Tracy Ashby, City Clerk

Approved as to form:

Stephen G. Quinn
Stephen Quinn, City Attorney

CITY OF CLARKSTON

ITEM NO: G2

CLARKSTON CITY COUNCIL MEETING

HEARING TYPE:
Council Meeting

BUSINESS AGENDA / MINUTES

ACTION TYPE:
Resolution

MEETING DATE: September 1 2020

SUBJECT: Increase the Amount of Money for the Rental Relief Program

DEPARTMENT: City Administration

PUBLIC HEARING: ☐ YES ☒ NO

ATTACHMENT: ☒ YES ☐ NO
Pages: 1

INFORMATION CONTACT: Jamie Carroll
PHONE NUMBER: 404-296-6489

PURPOSE:

Continue to provide temporary rental payment assistance by increasing the program's funding.

NEED/IMPACT:

At the June meeting, the Council approved a \$100,000 temporary rental payment assistance program funded from the City's Affordable Housing Trust Fund and authorized an additional \$50,000 at the August Council meeting; for a total of \$150,000.

As of August 18 (the date of this writing) the City has made 225 payments, totaling \$133,591.25. It is anticipated that the remaining balance of \$16,408.75 will be paid out by August 20 (will provide an update at the Aug 25 Council Worksession), reducing the available funding to \$0.00.

The City has received over 500 inquiries with nearly 200 from individuals residing outside of the City's limits (boundary/border). Most of those have been referred to the United Way's 2-1-1 line, Envision Atlanta, Positive Growth, Inc, CPACS, and/or Star-C.

We are anticipating minimal if any reduction in folks applying for the temporary rental payment assistance over the next month or two.

CITY OF CLARKSTON

ITEM NO: G3

CLARKSTON CITY COUNCIL MEETING

HEARING TYPE:
Council Meeting

BUSINESS AGENDA / MINUTES

ACTION TYPE:
Resolution

MEETING DATE: September 1, 2020

SUBJECT: Housing relief to Unemployed residents both rent and mortgage relief by partnering with non-profit organizations and intergovernmental cooperation.

DEPARTMENT: City Administration

PUBLIC HEARING: ☐ YES ☒ NO

ATTACHMENT: ☐ YES ☐ NO
Pages:

INFORMATION CONTACT: Awet Eyasu, VM
PHONE NUMBER: 404-296-6489

PURPOSE:

Discuss the City providing housing relief to unemployed residents both rent and mortgage relief by partnering with non-profit organizations and intergovernmental cooperation.

NEED/IMPACT:

At the August meeting, the Council approved allocating an additional \$50,000 from the Affordable Housing Trust Fund for assisting with rent payments. The Council also approved allocating \$25,000 for mortgage assistance from the AHTE.

RECOMMENDATION

Staff has no recommendation.

CITY OF CLARKSTON

CLARKSTON CITY COUNCIL MEETING

ITEM NO: G4

HEARING TYPE:
Council Meeting

BUSINESS AGENDA / MINUTES

MEETING DATE: September 1, 2020

ACTION TYPE:
Resolution

SUBJECT: Clarkston Work Force Development Initiative

DEPARTMENT: City Administration

PUBLIC HEARING: ☐ YES ☒ NO

ATTACHMENT: ☐ YES ☐ NO
Pages:

INFORMATION CONTACT: Awet Eyasu, Debra Johnson
PHONE NUMBER: 404-296-6489

PURPOSE:

This agenda item is to discuss Clarkston Work Force Development Initiative.

CITY OF CLARKSTON

ITEM NO: G5

CLARKSTON CITY COUNCIL MEETING

HEARING TYPE:
Council Meeting

BUSINESS AGENDA / MINUTES

ACTION TYPE:
Resolution

MEETING DATE: September 1, 2020

SUBJECT: Consider "Joining Common Cause's lawsuit against Trump's Census Memo"

DEPARTMENT: City Administration

PUBLIC HEARING: ☐ YES ☒ NO

ATTACHMENT: ☒ YES ☐ NO
Pages:

INFORMATION CONTACT: Awet Eyasu, Debra Johnson
PHONE NUMBER: 404-296-6489

PURPOSE:

Discuss the City Joining Common Cause's lawsuit against Trump's Census Memo

NEED/IMPACT:

On July 24, 2020, Common Cause; Atlanta, GA; Paterson, NJ; Partnership for the Advancement of New Americans and individual plaintiffs located in New York, Florida, and California filed a lawsuit in the D.C. District Court challenging the Trump Administration's recent Memorandum to the Census Bureau instructing the Bureau to not include undocumented immigrants in their apportionment calculations.

The plaintiffs are inviting additional cities and towns to join as plaintiffs. Currently, cities including Dallas, TX; Dayton, OH; Denver, CO; Portland, OR; San Antonio, TX; San Diego, CA; San Gabriel, CA; South Bend, IA; and others are considering joining as plaintiffs.

Cities and towns throughout the United States are where the largest numbers of Americans reside. Erasing immigrant families from the Census will reduce the representation of these cities and towns, and the millions of people who live in them, in Congress, state legislatures and every level of government. Moreover, erasing immigrant populations from the Census will also deprive these cities of federal dollars that represent the tax dollars paid by residents - citizen and non-citizen alike, documented and undocumented alike.

RESOLUTION NO. ____

A RESOLUTION BY THE CLARKSTON CITY COUNCIL, RESPONDING TO THE TRUMP ADMINISTRATION'S ATTEMPT TO EXCLUDE UNDOCUMENTED PERSONS FROM THE 2020 CENSUS COUNT APPORTIONMENT BASE AND RECOGNIZING THE IMPORTANCE OF COUNTING ALL PERSONS IN THE 2020 CENSUS.

WHEREAS, the U.S. Constitution mandates a decennial count of the whole number of persons in each state, and such census count is used to apportion congressional seats in the U.S. House of Representatives based on population and by extension, political representation and federal resources at the state and local level; and

WHEREAS, on July 21, 2020, President Trump issued a memorandum directing the Secretary of Commerce, who oversees the U.S. Census Bureau, to provide data regarding citizenship and immigration status for the purpose of using this data to exclude undocumented persons from the census apportionment count; and

WHEREAS, the City of Clarkston, GA, is a vibrant community of 13,500 people located in DeKalb County, Georgia. Clarkston is proud of its ethnic diversity with half the population born outside the U.S., hailing from over 50 countries across 6 continents. The city proudly boasts of being the most diverse square mile in America.

WHEREAS, given the City's large immigrant population, some of whom are also undocumented, the Trump Administration's threatened actions would in effect erase a segment of the population from the census count, which would deprive the City and its residents of fair political representation and adequate federal funding that is commensurate with the City's total population.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CLARKSTON, GEORGIA, DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The City of Clarkston hereby recognizes that our U.S. Constitution and laws mandate the Census counts all persons, regardless of citizenship or immigration status, to ensure a complete, fair and accurate 2020 Census.

SECTION 2. The City of Clarkston is firmly committed to the inclusion of all persons counted in the 2020 Census for purposes of apportionment and redistricting as constitutionally and legally mandated.

SECTION 3. The City of Clarkston is strongly opposed to any efforts to exclude immigrants from the census, apportionment or redistricting numbers.

SECTION 4. The City of Clarkston, GA, hereby proudly joins the plaintiffs, including the Cities of Atlanta, GA; Dayton, OH; El Paso, TX; Paterson, NJ; Portland, OR; and South Pasadena, CA in the complaint *Common Cause, et al v. President Donald Trump, et al*, to uphold the constitutional and legal right of all persons residing in the United States to be counted in the Census.

SO RESOLVED, this ____ day of _____, 2020.

CITY COUNCIL
CITY OF CLARKSTON, GEORGIA

Awet Eyasu, Vice Mayor

ATTEST:

Tracy Ashby, City Clerk

Common Cause v. Trump Administration

Case Background

On July 24, 2020, Common Cause; Atlanta, GA; Paterson, NJ; Partnership for the Advancement of New Americans and individual plaintiffs located in New York, Florida, and California filed a lawsuit in the D.C. District Court challenging the Trump Administration's recent Memorandum to the Census Bureau instructing the Bureau to not include undocumented immigrants in their apportionment calculations.

[The full Common Cause v. Trump Administration complaint is available here.](#)

The plaintiffs are inviting additional cities and towns to join as plaintiffs. Currently, cities including Dallas, TX; Dayton, OH; Denver, CO; Portland, OR; San Antonio, TX; San Diego, CA; San Gabriel, CA; South Bend, IA; and others are considering joining as plaintiffs.

Why should cities and towns join as plaintiffs?

Cities and towns throughout the United States are where the largest numbers of Americans reside. Erasing immigrant families from the Census will reduce the representation of these cities and towns, and the millions of people who live in them, in Congress, state legislatures and every level of government. Moreover, erasing immigrant populations from the Census will also deprive these cities of federal dollars that represent the tax dollars paid by residents – citizen and non-citizen alike, documented and undocumented alike.

Immigrant families often have a mix of citizen and non-citizen family members. Amongst non-citizen family members, there is often a mix of people with different immigrant documentation and status. People who have entered legally can fall out of status or have their status changed by new federal policies. Young people brought to the U.S. by parents without documentation, may have obtained temporary legal status. Erasing households from the Census count that are believed to have undocumented individuals will **fall heaviest on cities and towns**, which already have thinly stretched resources to cope with COVID 19, on top of regular city services.

Policy Background

What does the Administration's Census Exclusion memorandum do?

On July 21, 2020, President Donald Trump issued a memorandum requiring the Secretary of Commerce (which oversees the Census Bureau) to exclude immigrants without legal immigration documents from the apportionment base following the 2020 Census. This memo directs the Secretary to provide President Trump with the information needed in order to exclude undocumented immigrants from being counted in congressional seat allocations.¹

Why is the Census Exclusion memorandum unconstitutional?

The U.S. Constitution, Article I, Section 2 as amended by the Fourteenth Amendment, states that the apportionment of how many congressional seats go to each state is based on a Census count of the population of **"whole number of persons in each state"**.

By statute, the President is required to send to Congress a statement of the count showing the “whole number of persons in each state” and the number of congressional seats each state gets. 2 USC § 2a(a). The number of seats in the House of Representatives is fixed at 435 by federal law.²

The memo orders the Secretary of Commerce to send to the President the Census tabulation of total population for congressional apportionment (13 U.S.C. 141(b)), with additional information that would allow the President to exclude the number of undocumented people from the final count.

This memo is counter to the plain language in the U.S. Constitution and federal statutes. It also runs counter to the consistent practice of previous Administrations. The complaint cites legal memos from the Departments of Justice under **Presidents Carter, Reagan, H.W. Bush, and Obama** that reaffirm this 250-year precedent. The complaint documents the stance taken by President Ronald Reagan’s Administration:

In the DOJ’s view, it was “clear” that, under the Fourteenth Amendment, “all persons, including aliens residing in this country, [must] be included” in the congressional apportionment base. (emphasis added). In fact, the DOJ noted, the Reconstruction Congress “rejected arguments that representation should be based on people with permanent ties to the country” and “consciously chose to include aliens.” Id. at 2-3.

In its 1988 opinion, the DOJ went on to explain that, for apportionment purposes, the Fourteenth Amendment makes no distinction between “aliens” who are and are not lawfully present in the United States. Furthermore, DOJ explained, in analyzing the Fourteenth Amendment, “the Supreme Court . . . has read the word ‘person’ to include illegal aliens.”

The Census Exclusion memorandum flies in the face of 250 years of established precedent and the clear language of the U.S. Constitution.

Timeline

The initial complaint was filed on July 23. An amendment to the complaint will be filed on or before August 10. Additional cities seeking to join the case should send confirmation no later than August 6.

Counsel

Emmet Bondurant of Bondurant, Mixson, & Elmore, LLP, [Gregory Diskant](#), Aron Fischer, and Jonah Knobler of the firm [Patterson Belknap Webb & Tyler LLP](#), and Michael Kimberly of McDermott Will & Emery will serve as legal counsel. *These firms are providing the services pro bono, which means plaintiffs will not be charged for any attorney fees, or other costs such as filing fees, and court costs.*

CITY OF CLARKSTON

ITEM NO: G6

CLARKSTON CITY COUNCIL MEETING

HEARING TYPE:
Council Meeting

BUSINESS AGENDA / MINUTES

ACTION TYPE:
Resolution

MEETING DATE: September 1, 2020

SUBJECT: Discuss Removing Section 13-3 from the Municipal Code

DEPARTMENT: City Administration

PUBLIC HEARING: ☐ YES ☒ NO

ATTACHMENT: ☒ YES ☐ NO
Pages:

INFORMATION CONTACT: Debra Johnson, Awet Eyasu
PHONE NUMBER: 404-296-6489

PURPOSE:

Discuss the City Removing Section 13-3 from the Municipal Code

NEED/IMPACT:

Section 13-3 was adopted in 1991 to provide for Restriction on the use of certain athletic parks. The full section 13-3 is cited below:

- (a) It shall be unlawful for any person over the age of twelve (12) years to use the athletic field in Milam Park in the city which lies contiguous to Norman Road for the purpose of playing baseball or softball.
- (b) For the purposes of this section, one shall be considered as playing baseball or softball if he is a participant on a team which is playing or practicing baseball or softball on said field or if he strikes a baseball or softball with a bat while located on that field or throws a baseball or softball on that field; provided, however, nothing contained herein shall preclude any person who is acting as a coach for children twelve (12) years old and under to participate in coaching drills with such children.
- (c) The city shall post signs at the subject field to inform the public of the restrictions as set forth in this section.
- (d) Any person who shall be in violation of this section shall be punished in accordance with section 1-7 of this Code.

RECOMENDATION

Staff has no recommendation.