

*James Balli - Chairman
Keith Brady
Terry Clark*



*Rachel Little
Rey Martinez
Gene Scarbrough*

Immigration Enforcement Review Board

Summary of Meeting

Date: January 8, 2019
Time: 10:00 AM
Location: The Board members met via conference call.

The public was invited to attend and a conference line was made available to the public at the offices of the Georgia Department of Audits and Accounts; 270 Washington Street, SW, Atlanta, GA, 30334.

The Following Board Members Attended the Meeting by phone:

James Balli
Rachel Little
Rey Martinez
Keith Brady
Gene Scarbrough

The meeting was called to order at 10:00 AM by Chairman James Balli.

The first order of business was a discussion of Complaint 2017-13 (City of Decatur) and Litigation Matters from Parties Involved with Complaint 2017-13.

Chairman Balli noted that the first order of business was to discuss Complaint 2017-13 and the lawsuits filed against the Immigration Enforcement Review Board.

Chairman Balli noted that Casey Cagle filed a complaint in November 2017 against the City of Decatur alleging violation of the State's sanctuary policy (OCGA 36-80-23).

Subsequent to receiving the complaint, two lawsuits were filed against the Immigration Enforcement Review Board, alleging violations with the State's Open Meetings Law and the State's Open Records Law, respectively.

Chairman Balli noted that through mediation between the attorney for the IERB, the City of Decatur, and the Law Firm of Wilson, Morton, & Downs, LLC, a tentative agreement has been reached on the lawsuits

and the complaint. The purpose of the meeting is discuss the terms of the agreement and to vote on the terms.

The Open Meetings Lawsuit filed by the City of Decatur was discussed first. Per the consent order, the Immigration Enforcement Review Board agrees to (1) adopt a regular meeting schedule for 2019 and make the schedule available to the public, (2) make written summaries available to the public within the statutory period, (3) Set aside the Review Panel's hearing conducted on May 15, 2018 on Complaint 2017-13, (4) Make the proposed decision of the Review Panel for Complaint 2017-13 null, void, and of no effect, and (5) Pay the City of Decatur \$12,000 for attorney's fees and cost by February 8, 2019.

Upon explanation of the consent order, Rey Martinez motioned to accept the Consent Order and Final Judgment of Civil Action 2018CV303253. Rachel Little seconded the motion. The Board unanimously voted to approve the Consent Order and Final Judgment.

The Open Records Lawsuit filed by Wilson, Morton & Downs, LLC was discussed next. Per the consent order, the IERB agrees to comply with the Open Records Act going forward and the Board Chair intends to reverse a policy statement from a former Chair (on March 9, 2012) and state that the Board will no longer invoke the exemption of O.C.G.A. §50-18-72 (a) (4) for documents that exist within pending matters before the IERB that are adjudicatory, rather than investigative, in nature.

Upon explanation of the consent order, Rachel Little motioned to accept the Consent Order and Final Judgment of Civil Action 2018CV303253. Keith Brady seconded the motion. The Board unanimously voted to approve the Consent Order and Final Judgment.

The Board then moved its attention to Complaint 2017-13 (City of Decatur). Chairman Balli provided an overview of the complaint, the General Order that initiated the complaint, and the actions of the Board to date. Chairman Balli noted that through mediation, the City of Decatur, has agreed to amend the General Order for the City of Decatur's Police Department (Chapter 7 – FORCE, DETENTION, AND ARREST – Section 03-d – Immigration Status). As amended, police officers would not be subject to disciplinary action for violation of the General Order. Chairman Balli noted that this General Order was amended by the City of Decatur on December 28, 2018.

Chairman Balli noted that a Consent Order and Final Decision has been prepared for Complaint 2017-13 against the City of Decatur. The Consent Order concludes that (1) the current General Order does not violate O.C.G.A. §36-80-23, (2) the proposed decision of the IERB Review Panel for complaint 2017-13, which was never adopted but released to the general public on May 19, 2018 is null, void, and of no effect, and (3) the disposition of this matter by the IERB pertains solely to the General Order (Chapter 7 – Force, Detention and Arrest, Section 03-d – Immigration Status) in relation to the City's alleged non-compliance with O.C.G.A. §36-80-23. Disposition of this complaint does not bind the Board's decision making authority for any other complaints with the Board.

Upon explanation of the Consent Order and Final Decision, Keith Brady motioned to accept the Consent Order and Final Decision for IERB Complaint 2017-13. Rey Martinez seconded the motion. The Board unanimously voted to approve the Consent Order and Final Decision.

The next order of business called for a discussion of the appeals filed on several complaints.

Chairman Balli noted that the Board voted to dismiss the following complaints during the December 5, 2018 meeting of the Immigration Enforcement Review Board:

- 2017-01 – Gwinnett County Board of Education
- 2017-03 – DeKalb County Board of Education
- 2017-04 – Glynn County Board of Education
- 2017-07 – Hall County Board of Education
- 2017-08 – Bibb County Board of Education
- 2017-09 – Whitfield County Board of Education
- 2017-11 – Bulloch County Board of Education

Following the meeting, Mr. D.A. King submitted documents to the Board appealing the decisions made on December 5, 2018. Chairman Balli recognizes that the appeals were filed within 30 days. However, Chairman Balli noted that the decisions to dismiss the complaints were made during a meeting of the full Board where a quorum was present.

After discussion of State law and Board Rules, Rachel Little motioned to reject the appeals. Rey Martinez seconded the motion. The Board unanimously voted to reject the appeals filed for the above referenced complaints.

The next order of business was to set meeting dates for calendar year 2019.

Chairman Balli recommended the Board schedule its quarterly meetings for the third month in each quarter, and the 2nd Thursday of that month at 10:00 AM. Per this schedule, the 2019 meetings of the IERB will be on the following dates:

- March 14, 2019
- June 13, 2019
- September 12, 2019
- December 12, 2019

As there was no other business, Rey Martinez motioned to adjourn the meeting. James Balli seconded the motion. Chairman Balli adjourned the meeting at 10:34 AM.