

CHARTER REVIEW COMMISSION MEETING
April 4, 2011

A meeting of the Charter Review Commission was held on Monday, April 4, 2011 at the Government Center, Columbus Georgia. Mr. John Shinkle, Chairman, presiding.

PRESENT: Mr. Rick Alexander, Judge John Allen, Mr. Mario Davis, Mr. Madden Hatcher, Jr., Mr. David Helmick, Mr. Julius Hunter, Mr. Bob Hydrick, Ms. Mary Sue Polleys, Ms. Brinkley Pound, Mr. Alton Russell, Ms. Melanie Slaton, Ms. Gloria Strode, Ms. Audrey Tillman and Mr. Jorge Vega.

ABSENT: Mr. W. J. Barrs, Mr. Michael Eddings, Ms. Gladys Ford, Mr. D. L. Moore, Mr. Ben Richardson, Mr. Tracy Sayers, Mr. Sam Wellborn, Mr. Brad Williams and Mr. John Woodward.

ALSO PRESENT: Mayor Teresa Tomlinson, City Manger Isaiah Hugley, Assistant City Attorney Jaimie DeLoach, Clerk of Council Tiny B. Washington, Ms. Tameka Colbert, Secretary and members of the media were present as well.

This meeting was called to order at 3:03 a.m.

Chairman Shinkle advised the members of the Charter Review Commission that Mr. John J. Rodgers has submitted his resignation due to health issues. He also advised that Councilor Mike Baker has appointed Mr. Fife Whiteside to replace Mr. Rodgers, but he has not been sworn in as a member.

Ms. Gloria Strode advised the Commission that the U.S Census Bureau, the Chief Geographer Wes Flack and the Data Dissemination Team would be in the Council Chambers on April 27, 2011 at 3:00 p.m.

APPROVAL OF MINUTES: Minutes of the March 7, 2011 meeting of the Charter Review Commission was submitted and approved as amended upon the adoption of a motion made by Mr. David Helmick and seconded by Ms. Audrey Tillman which carried unanimously by those 14 members of the Commission who were present for this meeting. The following amendments were made to the March 7, 2011 minutes; the meeting date for Sub-Committee 2 was changed from March 30, 2011 to March 17, 2011 as well as a comment made by Judge John Allen (there is nothing in the ordinance that says you can remove them *after* their 4-year term is up) the word *after* was deleted and the word *during* was inserted.

SUB-COMMITTEES RECOMMENDATIONS: Chairman Shinkle requested the Commission's feedback on his visualization of how the sub-committees should operate. He said he is viewing that the sub-committees would come to a decision about the changes they are recommending and bring them back before the full Commission. He

said the full Commission would then discuss the changes and vote whether or not to take them to a public hearing. He explained that the proposed changes would not go to the ballot but only to a public hearing. After the public hearing the changes would go back to the sub-committee with the comments that were made in the public hearing. Once the issues have been tweaked, they will then be brought back before the full Commission to be considered for a second public hearing. He then said if the Commission approves the changes after the second public hearing they would then go on the ballot.

Mr. Madden Hatcher asked if the actual recommendation of the Charter Review Commission should be taken to the public hearing.

Note: Ms. Melanie Slaton arrived at 3:15 p.m.

Chairman Shinkle indicated that he and Assistant City Attorney Jaimie DeLoach had some discussion regarding this issue. He said if we tweak it again after the second public hearing, are we required to have another two public hearings. He said Ms. DeLoach advised him that, in her opinion, it is not necessary to have two more public hearings.

Mr. David Helmick read from the 1983 Georgia Law stating “the Commission shall be required to hold at least two public hearings to determine the sentiment of the citizens regarding any proposed changes in the existing Charter recommended by the Commission.”

Chairman Shinkle asked if it was the pleasure of the Commission to abstain from taking any action until all recommendations are submitted and once the recommendations are submitted the two public hearing would be held. He went on to say, we would tweak it and get it to a point where we think it is appropriate to go on the ballot, and then we would have the two public hearings. Once we have had the two public hearings, if there is something substantial that the Commission feels should be taken back to a public hearing, we would make the determination at that time.

COMMITTEE REPORTS:

Sub-Committee 1 – Articles I, II, VII:

Ms. Audrey Tillman advised that Sub-Committee 1 met on March 22, 2011 in the Muscogee County Library at 3:30 p.m. She advised that Finance Director Pam Hodge and Ms. Betty Middleton, Chief Appraiser from the Board of Tax Assessors were present. She said we had a number of questions specifically relative to the discussion of the Basic Services Fee. She then reiterated that the Basic Services Fee was not a recommendation and said we are in the information gathering stage, which is why it was critical to have Ms. Hodge and Ms. Middleton present. She said the Finance Office provided information

showing that there are 31,000 homes in Muscogee County that pay less than \$500 in property taxes. She said the Committee has requested more information in terms of how many of those 31,000 falls within existing homestead exemptions. She said any recommendations that the Committee would or would not make, would require careful review for possible exceptions. She advised that the next Sub-Committee Meeting would be on April 20, 2011 at the Macon Rd. Library at 3:30 p.m. She said at this meeting we expect to have the number of residents who pay less than \$500 in property taxes and what categories those individuals fall into in terms of homestead exemptions. She said there was discussion relating to whether the Charter Review Commission is the proper body to consider or recommend a Basic Services Fee or would the Council be the more appropriate body to make those recommendations. She advised that City Attorney Clifton Fay would be present at the next meeting to address any questions regarding the authority of the Charter Review Commission. She also advised that she and Mayor Teresa Tomlinson has some discussion regarding the Revenue Review Commission and said there is the potential for overlap in some of the direction that the Revenue Review Commission has been given. She said they may be viewing the same type of information and inquiries that we are and we want to avoid any type of overlap and be as efficient as possible.

Mr. Jorge Vega asked if the Committee has had a chance to look at millage limitations.

Ms. Tillman advised Mr. Vega that the Committee has not a chance to look at millage limitations, but there has been a great deal of discussion surrounding the issue.

Sub-Committee 2 – Article III:

Mr. Julius Hunter advised that Sub-Committee 2 met on March 17, 2011 at the Government Center in the Ground Floor Conference Room. He advised that Chairman John Shinkle and City Manager Isaiah Hugley were in attendance at the meeting. He said the meeting was mainly driven by input that was received from the public. He said we discussed the pros and cons of establishing a minimum compensation for City Council. He said after discussion, we came to a preliminary agreement that it would be best to leave the wording as is and allow the Council to continue to authorize their compensation. Mr. Hunter said with regards to the organization of City Council, a particular citizen expressed their concern relating to the City Council holding weekly meetings. He said this particular citizen pointed out that it was the intent of those who wrote the initial Charter that City Council meet every week. He said the Committee discussed this matter thoroughly and came to a preliminary decision to remove the wording in Section 3-103 Paragraph 4, which would allow Council to continue to keep the current meeting schedule. He said the wording that would be removed from this section state “which shall be held once every week” but the wording that states “in no event shall fewer than two regular meeting be held in any month” will remain. He went on to explain that Council has the authority to meet more than twice a month if needed. He said we have reached out to City Council and invited them to the next Committee meeting to include their input concerning the issues pertaining to City Council. He said

the Committee also discussed the number of terms that a City Councilor could serve. He said we had input from the public suggesting that there be term limits and after much discussion, the Committee came to a preliminary agreement to allow the voters to decide how long a Councilor could serve. He advised that the Committee discussed the pros and cons of increasing the number of at-large council districts and decreasing the number of Councilors by district. He said this was a very controversial subject and the Committee did not come to a decision. He advised that the next Committee Meeting would be on April 14, 2011 at the Government Center in the Ground Floor Conference Room at 4:00 p.m.

At this time, Chairman Shinkle advised that he had spoken with former City Manager Carmen Caveza, who expressed a strong opinion regarding two of the issues discussed by Sub-Committee 2. He advised that he suggested that Mr. Caveza attend one of the upcoming Sub-Committee meetings or Charter Review Commission meetings.

Sub-Committee 3 – Article IV:

Mr. Madden Hatcher advised that Sub-Committee 3 met on March 28, 2011 at the office of Pezold Management Group and the next meeting will be held at the same location on April 25, 2011 at 3:00 p.m. Mr. Hatcher indicated that copies of the Ordinance of Columbus Georgia that deals with the Internal Auditor, as well as material from the Charter of Athens, Clarke County Georgia were distributed among the Committee members. He also indicated that there was additional information distributed to Committee members regarding the Internal Auditor's position with the City of Jacksonville. He said the Committee engaged in a general discussion about the form of Government currently found in the Charter, which are Mayor, City Manager and Council. He said most of the Committee members view that the Mayor is clearly the ceremonial head of our government. He said the Committee agreed that the Charter should be amended to include an additional sentence in Section 4-100 stating "all members of the Executive Branch named in Article 4 shall report to and be accountable to the Mayor of Columbus Georgia". He said all Committee members agreed that the Mayor should have some authority to discharge those persons that work under the Mayor. He advised that the Committee is considering an amendment to Article 4, to permit the Mayor to terminate anyone who is accountable to the Mayor, but the termination could be overridden or vetoed by a vote of 6 members of City Council.

Mr. David Helmick asked who would be affected by this particular change.

Mr. Hatcher advised that the City Manager, the City Attorney, the Police Chief and the Fire Chief would be affected by the proposed changes and said the Internal Auditor would only be affected if the position is elevated to Charter status.

Discussion went on for another ten minutes concerning this matter with the Mayor and several Commissioners expressing their views and concerns.

Sub-Committee 4 - Article V & VIII:

Judge John Allen said the Committee has general concerns about how to maintain the historical aspect of the existing Charter without having to make amendments. He said maybe a footnote could be added at the end of the article to reflect changes that are made to the Charter.

Judge Allen suggested that the Marshal's Office be mentioned in the Charter under Municipal Court, given that, the Marshal's Office is created as a subdivision of Municipal Court. He pointed out that there is no where in the Charter that specifies how the Marshal's Office is constituted.

He then suggested that Section 8-203 be amended to state "If a law applicable to municipalities and the same or another law applicable to counties are in conflict, the Council shall be authorized (or "shall") choose to avail the city/county of the most beneficial law."

Mr. Hatcher suggested that the Commission seek advice from the City Attorney regarding this particular code section.

Assistant City Attorney DeLoach said although she feels that Judge Allen's solution is a very workable solution, whenever there is a conflict, whatever benefits the County most would be the way we want to interpret the law. She then advised that the City Attorney's Office would take a look at the difference between General Services District and Urban Services District to ensure that the Council or Mayor has the authority to choose which reading is more beneficial.

Judge Allen advised that the Committee will invite the Finance Director to their next meeting to provide insight on whether independent agencies or city agencies are being monitored in areas where payments are to be made to the City. He also advised that the Committee would be inviting Officials/Judges over Recorders Court to share an array of concerns relating to control, terms of court, terms of employment; coordination with other agencies, specifically state court, clerk's offices, etc.

He advised that the next Committee meeting is scheduled for April 26, 2011 at 12:00 p.m. in the conference room on the 7th floor of the Government Center.

Sub-Committee 5 - Article VI & Appendix:

Ms. Brinkley Pound advised that the next Committee meeting is scheduled for April 15, 2011 at 4:00 p.m. in the Synovus Room of the Columbus Public Library. She said this time we will focus a little more on Appendix 2, which is the Code of Ethics. She said we will specifically be looking at the Hatch Act. She explained that the Hatch Act prohibits City Employees, who receive federal grant funds, from seeking political office or doing political activities. She said this Act typically affects law enforcement and Public Safety.

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With there being no further business to discuss, this meeting adjourned at 4:36 p.m.

Tameka Colbert, Secretary