

**MINUTES OF THE 2011
CHARTER REVIEW COMMISSION MEETING
JUNE 6, 2011**

A meeting of the Charter Review Commission was held on Monday, June 6, 2011 at the Government Center, Columbus Georgia. Mr. John Shinkle, Chairman, presiding.

PRESENT: other than Mr. Shinkle, were Mr. Rick Alexander, Judge John Allen, Mr. W. J. Barrs, Mr. Madden Hatcher, Jr., Mr. David Helmick, Mr. Julius Hunter, Jr., Mr. Bob Hydrick, Mr. D. L. Moore, Ms. Brinkley Pound, Mr. Ben Richardson, Mr. Alton Russell, Mr. Tracy Sayers, Ms. Gloria Strode, Mr. Jorge Vega, Mr. Brad Williams, and Mr. John Woodward.

ABSENT: Mr. Mario Davis, Mr. Michael Eddings, Ms. Gladys Ford, Ms. Mary Sue Polleys, Ms. Audrey Tillman, Mr. Sam Welborn, and Mr. Fife Whiteside.

ALSO PRESENT: Marshal Greg Countryman, City Manager Isaiah Hugley, City Attorney Clifton Fay, Assistant City Attorney Lucy Sheftall, other guests and members of the media.

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This meeting was called to order at 3:05 p.m.

APPROVAL OF MINUTES: Minutes of the May 2, 2011 meeting of the Charter Review Commission was submitted and approved upon the adoption of a motion made by Mr. Vega and seconded by Mr. Helmick, which carried unanimously by those 18 Commission Members present for this meeting.

Mr. Shinkle reminded the commission that at their committee meetings, it is completely up to the chairperson of that committee to recognize members of the public present at the meetings. He said this is not mandatory or required and pointed out that the public hearings are for the public to speak on what may come out of these meetings. He said what commissioners are charged with at those committee meetings is deciding what if any changes should be made to their respective article(s).

Mr. Shinkle also requested that during today's subcommittee reports, committee members indicate if they would like to make their presentation to this commission in July or August. He pointed out that Mr. Hatcher has already expressed that he would make his presentation in July. He said the commission would then vote in September on the proposals that comes out of the committees to take to the public hearings.

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SUBCOMMITTEE REPORTS:

Committee 2 – Article III

Mr. Julius Hunter, Committee Chair informed the commission that his committee met on May 12, 2011 and prior to the meeting he sent a memo to the Council asking that they provide us their comments with regard to the issues we were discussing. Pursuant to that, Councilor Mike Baker attended our meeting and on my way to the meeting on May 12, I received a call from Councilor

Davis who advised me that he was not going to make it to the meeting but he did want to express his positions on a few things. With regard to term limits, Councilor Davis felt that we already have term limits with the voters voting every four years and he was not in favor of term limits. With regard to the make up of Council, where we currently have eight Councilors representing individual districts and two at-large, he felt like that should stay the same, and I tend to agree with Councilor Davis.

Mr. Hunter said with regard to the make of Council District seats, one of the concerns of Councilor Davis is that if it went to more than two at-large Council districts, there is the potential to have a number of Councilors located in one particular part of town. He (Councilor Davis) further noted that currently there are three City Councilors who live in his district - himself and the two at-large Councilors.

Mr. Hunter said this was discussed further during their meeting and one of the things they discovered is that it cost more to run for an at-large election than it does for a district election. He said that would have an effect on persons interested in running for Council in an at-large election. He said Mr. Russell was concerned that some Councilors would represent their district to the detriment of the city as a whole. He said another concern of Councilor Baker is that if the districts were to be enlarged, that Councilor would be less in touch with his constituents.

Mr. Vega felt like the arguments of keeping the districts the same were well said by Councilor Davis when he noted that currently there are three Councilors that live in his (Councilor Davis') district. With regard to the issue of the at-large districts, we discussed four at-large districts and six representative districts or six at-large and four representative districts and this was the main focus of the discussion. Mr. Hunter said Mr. Helmick proposed the idea of three at-large and seven representative districts but the discussion ended with considering eight representative districts and two at-large or consider four at-large and six representative districts.

Mr. Alexander dealt with the issue of at-large Councilors having less accountability and Councilor Baker who was at the meeting said he did not feel this was so, but did say that at-large Councilors do have a different perspective than district Councilors being that they are representing the city as a whole.

Mr. Hunter pointed out that Mr. Helmick brought up the issue of transparency of Council with regard to spending and he is in favor of putting into the Charter a provision of transparency with regard to Council spending. He said the majority view at their meeting felt like this was a budgetary issue that Council could deal with, but we are going to continue to discuss this at our next meeting as Mr. Helmick is very strong in his belief that we should have Council transparency to the point that he would like to see it in the Charter.

Mr. Alexander brought up the position of the Internal Auditor but said this is an area another group is discussing; however we did touch on that provision. He pointed out that this was Mr. Fife Whiteside's first meeting since his appointment on the Charter Review Commission. He said we felt like we are ready to go ahead and vote up or down on these particular issues and what we are going to do at our next meeting (Thursday, June 9, 2011 at 4:00 p.m.) is go ahead

and one more time assess each issue we have and vote up or down and then come back to the commission with their report.

Upon the completion of Mr. Hunter's report, several members of the commission expressed their opinions and concerns about some of the issues discussed.

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Committee 3 – Article IV

Mr. J. Madden Hatcher, Committee Chair said his committee met on May 23, 2011 and pointed out that there were several citizens present at this meeting. He said the first item discussed was the creation of the Internal Auditor's position and their committee is still of the opinion that this position should be included in the Charter to be in the same position of responsibility and accountability as the City Manager, City Attorney, Police Chief, Fire Chief and the Prison Warden. He said in the Charter there is also a reference to the Public Safety Director, but this position have been abandoned many years ago leaving the Public Safety Directors to report directly to the Mayor.

Mr. Hatcher said the next item discussed was the provision to expand the authority of the Mayor to discharge certain city officials such as the City Manager, City Attorney, Police Chief, Fire Chief, Prison Warden and the Internal Auditor if this position is added to the Charter. He said they discussed that it would take the vote of six Councilors to reverse the decision of the Mayor to terminate an employee. He said they also discussed the residence of persons in the positions of City Manager, City Attorney, Fire Chief, Police Chief, Prison Warden, and Internal Auditor stipulating that they have to become residents of Muscogee County within 90 days of their employment. Also that the City Attorney must be a member of the State Bar and in good standing and the Internal Auditor should be a CPA or a Certified Internal Auditor.

Mr. Hatcher pointed out that at their meetings, he does allow guests and citizens to make statements and express their opinions which some of them did. He said Mr. Vega did point out that all of these proposed changes to the Charter have to be voted on by the people of Columbus.

Mr. Hatched then pointed out that their next meeting would be July 13, 2011 at 3:00 p.m. at the Pezold Management Office located at 600 Brookstone Centre Parkway.

Note: City Attorney Fay and Assistant City Attorney Sheftall joined the meeting during this portion of the proceedings with the time being 3:24 p.m.

Upon completion of Mr. Hatcher's presentation, several members of the Commission commented on residency requirements and termination of officials by the Mayor.

Note: Ms. Melanie Slaton joined the meeting during this portion of the proceedings with the time being 3:26 p.m.

Mr. Vega pointed out that we have to address if we are going to change the authority of the Mayor does that not also require a corresponding change to the authority of the City Manager as well.

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Committee 4 – Articles V & VIII

Judge John Allen, Committee Chair informed the commission that his committee met last week and the principal topic of discussion was the Marshal’s Office. He said he tried running a research on the Marshal’s Office and ran into some problems which he will address later, but essentially the Marshal’s Office in its present form was created in the Georgia Laws of 1983 but the greatest detail of the functions of what this office should be, but it was created as an integral part of Municipal Court, independent and their duties are described as it relates to carrying out the functions of Municipal Court. Consequently, after hearing the arguments from members of our committee, and it was not unanimous because everyone was not there, we decided that the Marshal’s Office operates effectively, should be left intact as an integral part, and exist as an agency that it does.

Judge Allen said Municipal Court is also defined in its functions as what it is the Marshal’s Office has to carry out. He said getting rid of the Marshal’s Office; one would have to think about how it would affect the operations of Municipal Court. He said his opinion is that you cannot force the Sheriff to take these officers, as the Sheriff is a Constitutional Officer. He said Municipal Court was originated with the view that the Marshal’s Office was there to carry out the functions of the court.

Judge Allen said with regard to the complaints of the Marshal’s Office, he is not sure it is a Charter issue as it is a management issue and the Director of Public Safety should look into the complaints, maybe an efficiency study by Council and/or Mayor to determine what role the Marshal should be playing in relationship to the Police Department, Sheriff Department, and other related agencies. He said they voted on this and the majority voted for this to be the final recommendation, which will be presented to the Commission in August.

Judge Allen then encouraged questions and comments from members of the Commission, with several members expressing their opinions and concerns on this issue. Judge Allen said the Georgia Law of 1983 is the first one to describe in-depth the duties as they relate to Municipal Court. He said if this body wants to consider putting it to this Council to determine if they want to distinguished or merge the Marshal’s Office, there are a lot more considerations to undertake because it was brought into existence solely to function with Municipal Court and with the Sheriff being a Constitutional Officer we can’t just say will take over this function because the Sheriff’s Office is defined both in the constitution Statuary and otherwise. He said the job that the Marshal is doing in this area is good. They perform well as an independent office of Municipal Court and so the issues that we are concerned with is them going beyond what their defined duties are; however, this is a matter to be taken up budgetary or by those who have the authority, such as Council.

Judge Allen said he researched the Marshal's Office from 1800's and there is no way one can chronologically put together this research unless you know where it is. Somehow we need footnotes in this Charter to tell us where are the ordinances or laws that relate to the given section because it just doesn't exist.

Mr. Barrs said he was told that the Marshal's Office and the Sheriff's Office both had confined hours of duty and responsibility, to which Judge Allen responded that the Sheriff has a 24-hour constitution requirement to carry out his duties in relation to the county. He said not the Marshal's Office, but Municipal Court has specific requirements that it is open from 8:00 a.m. – 5:00 p.m. and consequently the Marshal's Office as an integral part of that operation would have to be open those hours at minimum, but it is not confined to those hours.

Mr. Russell said the main concern is that the Marshal's Office is not addressed in the Charter and it should remain like that because anything we put into the Charter would be a positive or negative depending on what way it is looked at. He said the fact that it is not currently in the Charter, he doesn't think it should be put into the Charter tomorrow. He said whether or not it is operating efficiently is a budget issue and the Council should deal with that.

Judge Allen further pointed out that in Section 8-505 of the Charter said this Charter of 1993 repeals the Charter of 1971, which is our foundation Charter. He then referred to City Attorney Fay to look into this to see what effect, if any, it has on things. He then made some references to Section 8-203 stating that if there is a law that benefits any portion of the county that the governing body shouldn't choose it to benefit the entire county. He said it seems like we are choosing two different benefits for different sections of the community.

After a few additional minutes of discussions, Judge Allen suggest that City Attorney Fay look into having references in the charter directing readers where to look for additional information – foot notes.

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Committee 5 – Article VI & Appendix

Ms. Brinkley Pound (Committee Chair) said her committee met on May 13, 2011, discussed some old items, but the real purpose of the meeting was three items: District Run-off Voting, partisan versus non-partisan elections, and Council District designation based on the census data. She said Ms. Boren was present at this meeting and the first thing she spoke about was an instant run-off voting and the expenses and challenges that go along with run-off elections. She said an instant run-off voting procedure eliminates the need to have any kind of run-off election. She said it is a rank voting and the Secretary of State's Office is currently investigating this statewide and there are several jurisdictions that already use instant run-off voting. She also said the major concern with this is the estimated cost for a run-off in Muscogee County is \$70,000 - \$80,000 compared to the cost per vote in a general or primary election, which is musc higher. This is one of the reasons for conducting run-off voting because it decreases the cost for conducting elections.

Ms. Pound said another subject discussed by Ms. Boren was partisan and non-partisan office, and in our City Charter, the only offices we provide for are the Mayor and Council being non-partisan. Ms. Pound said Ms. Boren gave no specific information on that, but she would like to hear others opinion on this issue. Ms. Pound further pointed out that the Probate Judge have requested that the position of Probate Judge be designated as non-partisan following that of all other judges' offices. She said for a partisan election half of the qualifying fee goes to the city and the other half goes to the State and for a non-partisan election, all of the qualifying fees stay with the local city government.

Ms. Pound said the third item discussed was the Council district designations and the Charter is very specific between each individual District (1 through 8) and what voting district blocks and tracks designates each of the voting districts. She said the reason our Charter does not match the 2000 census data is that it was not properly aligned when things were passed and this is something she is working very hard to prevent going forward. She said Ms. Boren did suggest that we delete all of the precinct names because those tend to change. She also pointed out that the biggest challenge her committee will have is once the other committee determines how many districts we are going to have and making sure that all the designations are correct within the Charter.

Ms. Pound made some references to population changes after which she informed the commission that they have not set a date for their next meeting but did stress that it would be lengthy because they would like to present their findings in August. Upon the completion of Ms. Pound's presentation, several members of the commission commented and expressed their concerns regarding this portion of the Charter.

Responding to a question by one of the commissioner's, City Attorney Fay informed the commission that there were four people who were ineligible and we are still awaiting the final list from the Grand Jury. Additional discussion on the process included the timeframe for the grand jury and which grand jury.

Ms. Tillman, Chairperson for Committee 1 – Articles I, II, VII was absent from this meeting, but Mr. Hydrick pointed out that the discussion was about the second LOST and the allocation of monies collected from this L.O.S.T – 70% for public safety and 30% for roads and infrastructure. He said they discussed how this L.O.S.T did not make available funds for general government operations the way the original L.O.S.T did and the discussion was centered around whether or not the millage rate needs to be increased. He made some references regarding the millage cap and the property tax freeze, after which Mr. Shinkle pointed out that the basic services fee was discussed that Council has the ability today to apply county-wide basic services fee but in the discussion with Councilors Thomas and Pugh, both of them pointed out that although Council could do that today, they would not support it without a vote and if a basic services fee is a partial remedy to the current situation, they would want it to go before the public for a vote. Mr. Shinkle then set an August date for Committee 1 (Articles I, II, VII) presentation.

Mr. Shinkle reminded the commission that the July meeting is not on the first Monday because that is 4th July holiday. The meeting would be on the second Monday, which is July 11, 2011. At this time we will have the proposals coming from Article IV – Executive Committee and Article

III – Legislative committee. He said proposals require 13 votes to go on the ballot and a proposal voted on by this commission does not automatically go on the ballot.

With there being no further discussion, this meeting was adjourned with a motion made by Mr. Alton. Seconded by Ms. Slaton and carried by those 18 members of the commission present for this meeting, with the time being 4:27 p.m.

Tameka Colbert
Recording Secretary

1:19:25