

**CHARTER REVIEW COMMISSION MEETING**  
**May 2, 2011**

A meeting of the Charter Review Commission was held on Monday, May 2, 2011 at the Government Center, Columbus Georgia. Mr. John Shinkle, Chairman, presiding.

**PRESENT:** Mr. Rick Alexander, Judge John Allen, Mr. W. J. Barrs, Mr. Michael Eddings, Ms. Gladys Ford, Mr. Madden Hatcher, Jr., Mr. David Helmick, Mr. Bob Hydrick, Mr. D. L. Moore, Ms. Mary Sue Polleys, Ms. Brinkley Pound, Mr. Alton Russell, Mr. John Shinkle, Ms. Melanie Slaton, Ms. Gloria Strode, Ms. Audrey Tillman and Mr. Jorge Vega, Mr. Sam Wellborn, Mr. Brad Williams and Mr. John Woodward.

**ABSENT:** Mr. Mario Davis, Mr. Julius Hunter, Mr. Ben Richardson, Mr. Tracy Sayers and Mr. Fife Whiteside.

**ALSO PRESENT:** Mayor Teresa Tomlinson, City Attorney Clifton Fay, Clerk of Council Tiny B. Washington, Ms. Tameka Colbert, Secretary and members of the media were present as well.

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This meeting was called to order at 3:01 p.m.

Chairman Shinkle advised the members of the Charter Review Commission that the remaining Charter Review Commission meetings would be held at the Government Center in the Ground Floor Conference Room. He also thanked Ms. Gloria Strode for the organization of the U.S. Census Meeting.

**APPROVAL OF MINUTES:** Minutes of the April 4, 2011 meeting of the Charter Review Commission was submitted and approved upon the adoption of a motion made by Mr. Sam Wellborn and seconded by Mr. Jorge Vega, which carried unanimously by those 16 members of the Commission that were present for the meeting.

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**Note:** Mr. Alton Russell took his seat at 3:05 p.m.

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**SUB-COMMITTEE MEETING SCHEDULE:** After distributing a proposed schedule to the Commission members, Chairman Shinkle expressed his desire to discuss a timeline for the Commission. He said he would like to have recommendations from the sub-committees by July 11, 2011 Charter Review Commission Meeting. He said he would like to divide the committee reports in order to vet the recommendations that come from each sub-committee.

Ms. Brinkley Pound said she thinks that this is a fine idea with the exception of redistricting.

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**Note:** Mr. D. L. Moore took his seat at 3:07 p.m.

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Chairman Shinkle went on to say that on September 12, 2011 the Commission will decide which recommendations will go to public hearing. He expressed two proposed dates for each public hearing, which are listed as follows: September 26, 2011 and October 17, 2011. He advised that the Commission's work has to be completed by April 18, 2012.

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**Note: Ms. Melanie Slaton took her seat at 3:08 p.m.**

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Mr. John Woodard asked what role the Commission has in promoting any recommendations that are made.

Chairman Shinkle said he would suggest that the Commission not have a role in promoting recommendations but as private citizens you may.

With there being no objections to the proposed schedule, Chairman Shinkle proceeded to move on to the sub-committee reports.

### **COMMITTEE REPORTS:**

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

Ms. Audrey Tillman advised that Sub-Committee 1 met on April 20, 2011 in the main Library in the CB&T Conference Room. She advised that Mr. Tyler Townsend, Vice- Chair of the Revenue Review Commission was in attendance. She said the Revenue Review Commission and Sub-committee 1 are very closely related, in terms of reviewing aspects of the Article 7, which is the City's financial system. She said two things that were discussed were the millage rate and basic services fee. She said we do not necessarily desire to make any constitutional changes to the Charter but we owe the citizens of Muscogee County some assurance that their concerns will be addressed. She said we did expect to receive information from the Finance Department but did not receive it in time for the meeting but it will be available for the next meeting.

She there was discussion regarding the millage limitation and there was a consensus amongst every person who was present that millage limitation is a really tough issue. She said changing the millage rate would affect every property tax owner.

She said we are making progress but there has been no real consensus at this point. She advised that the next meeting would be held on May 3, 2011 at the Mildred Terry Library at 3:30 p.m.

#### **Sub-Committee 2 – Article III:**

Mr. Helmick advised that Sub-committee 2 met on April 14 & 26, 2011. He said during the April 26, 2011 meeting Mr. Carmen Cavezza, former City Manager was in attendance.

Mr. Helmick said we continued to discuss term limits. He said the Committee has agreed that the best way would be to grandfather in all of the Councilors; the clock would not begin to run until the term limits are passed. He said Mr. Cavezza favored term limits of two terms for a total of eight years.

Mr. Helmick said there was discussion regarding the makeup of Council. He said the current layout of Council is 8 district Councilors and 2 at-large Councilors. He said some individuals have expressed that there should be more at-large positions, which would allow citizens to have more say in who is actually serving and there would be more Councilors with the entire city and county in the forefront of their minds.

Mr. Helmick stated that the Committee also discussed the regularity of Council Meetings. He said the Charter is somewhat unclear as it stands; it requires at least two meetings per month but also says a meeting should be held once a week. He said the Council is currently holding two meeting per month and there is also a Proclamation Session and a Work Session. He said we continue to hear from persons involved in the process that advocate removing the term in the Charter that says, "which shall be held at least once in every week". He said if this wording were removed, it would allow Council to meet, as they deem necessary as long as it is at least two meetings per month.

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**Note: Ms. Mary Sue Polleys took her seat at 3:30 p.m.**

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Mr. Helmick indicated that there was an issue, which came about at the April 26<sup>th</sup> meeting regarding transparency and the Council's spending. He went on to say that Council allocates money on education, training, travel, schools and conferences. He said there was a recommendation that Council publicly disclose the monies and how they are spent. He expressed that citizens should know how their money is being spent and it should be fully transparent. He indicated that there was opposition against the recommendation with the point being made that the information is already available.

Mr. Helmick said the Legislative Sub-committee feels that there is some overlap with the Executive Sub-committee and there has been discussion of collaboration of the two Committees to discuss matters that overlap.

Mr. Jorge Vega said with regard to the at-large districts, Chairman Julius Hunter indicated that even though districts elect the Council members, he did not feel that there was a single Council member who does not care about the community as a whole.

Mr. Alton Russell asked, in the event that the Commission recommends a 6-Council districts and 4 at-large posts, how does it transfer to the Districting Commission as to when they have to have it together in order for it to go on the ballot.

City Attorney Clifton Fay responded by saying the Districting Commission has a timeline and they would have to do whatever they propose by the end of their six months.

Chairman Shinkle asked who is going to draw the lines.

City Attorney Fay said we would rely heavily on the General Assembly and their data.

Mr. Bob Hydrick explained that the Commission would have to draw the lines according to the Charter that is in affect. He said if the Charter is changed in 2012, the lines would have to be drawn before the 2014 election.

Discussion went on for another seven minutes regarding the points of interests of Sub-committee 2, with several of the Commissioners expressing their views and concerns.

### **Sub-Committee 3 – Article IV:**

Mr. Madden Hatcher advised that Sub-Committee 3 met on April 25, 2011 at the office of Pezold Management Group. He said several guests were in attendance: Ms. Ollie Tarver, City Manager Isaiah Hugley, Clerk of Municipal Court Vivian Creighton Bishop, Marshal Gregory Countryman, and Mr. Edward Dubose, President of the NAACP.

Mr. Hatcher said the first item of business discussed by the Committee was concerning a letter that was addressed to Chairman Shinkle regarding Sub-committee 3 holding its meeting in an improper place. He advised that he had spoken with the City Attorney who stated as long as the meetings are open to the public and proper notification of the meeting is given they are in compliance with Georgia law. He advised that the Committee would continue to meet in the same location, which is the office of Pezold Management Group, 600 Brookstone Centre Parkway.

Mr. Hatcher said the Committee went on to discuss boards, commissions and authorities that are mentioned in the Charter. He said in the organizational chart of the City of Columbus there are a number of boards and commission that are not mentioned. He said we were very fortunate to have City Manager Hugley attend the meeting because he was able to provide a wealth of information about the boards and commissions. He said Mr. Edward Dubose expressed that he likes the government as it currently stands. Mr. Hatcher advised that the Committee would be reviewing other consolidated governments in Georgia.

Mr. Hatcher advised that the next meeting would be held at the same location on May 23, 2011 at 3:00 p.m. (the office of Pezold Management).

Chairman Shinkle said the letter that was received from the Mayor summarized comments that were made by guests who appeared at the Council Meeting.

City Attorney Fay stated for the record that the Mayor and Council received a complaint regarding the meeting place of Sub-committee 3. He then reiterated that it is perfectly legal to

meet wherever the sub-committee would like to meet as long it is posted for the media and the public at least 48 hours ahead of time.

#### **Sub-Committee 4 - Article V & VIII:**

Judge John Allen advised that he was not in attendance of the meeting that took place on April 26, 2011 but, Mr. Ben Richardson, Ms. Mary Sue Polleys was in attendance along with several guests who were in attendance: Honorable Judge Michael Cielinski Municipal Court Clerk Vivian Creighton Bishop, and Marshal Gregory Countryman.

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 nothing in the Charter that specifies how the Marshal's Office is constituted.

He said there was mention of including something in the Charter about the Marshal's Office. He said this Consolidated Government's latest creation was in 1983 and there were several branches and agencies listed but the Marshal's Office was never put in the Charter.

City Attorney Fay said the creation of the original charter in 1971 said we are going to keep Municipal Court the way it exists today and the Municipal Court is codified in the Charter. He further explained that if the General Assembly decides to add or remove an article in the Charter they would have the authority to do so. He said currently the Charter reference is to Municipal Court, which includes the Judge, Clerk and the Marshal.

Judge Allen said his interpretation is that under the enabling legislation the legislator created Columbus Consolidated Government in 1983 and consequently the legislator could change anything they wanted to without coming to the people but if it is in the Charter there are specific steps to be taken.

Judge Allen pointed out that the Committee discussed issues regarding Recorder's Court. He said we would have further discussion with Judge Cielinski in reference to how to improve the administration and authority of Recorder's Court.

Judge Allen advised that the next Committee meeting would be held on May 31, 2011, in the conference room on the 7<sup>th</sup> floor of the Government Center.

#### **Sub-Committee 5 - Article VI & Appendix:**

Ms. Brinkley Pound advised that Committee 5 met on April 15, 2011 and the next Committee meeting is scheduled for May 13, 2011. She said there was brief discussion regarding Article VI as far as adding a specific time frame for the establishment of the Districting Commission. She said currently, the Grand Jury appoints the Districting Commission, but there are no specifics on time or deadline.

Ms. Pound indicated that most of the discussion that took place at the meeting was in regards to Appendix 2 where certain political activities are prohibited by consolidated government employees. She said the Committee obtained copies of the HATCH ACT and we turned to the City Attorney for clarification, which he did a very good job of clarifying the information. She said this issue would be brought back to the next Committee meeting.

At this time Chairman Shinkle requested that Ms. Pound educate the Commission on the current HATCH ACT. Ms. Pound then read the HATCH ACT aloud to the Commission. After reading the HATCH ACT, Ms. Pound explained that the National Sheriff's Association, the Major County Sheriff's Association and the National Trooper's Coalition have gotten together to compose a HATCH ACT reform ACT of 2011 in order to allow more latitude for employees to run for office without having to relinquish their jobs.

She said the Commission also discussed the issue of persons living in different counties, for example if you are a Sheriff in Muscogee County how does that affect you running for a partisan position in Harris County if that is where you live. She said there was a lot of discussion regarding limiting the ability of any citizen to participate in the political process by not allowing them to run for an elected position where they live. She said the Committee is working on trying to fix the language to allow more flexibility but no decision was made.

With there being no further business to discuss, this meeting adjourned at 4:35 p.m.

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Tameka Colbert, Secretary