

**MINUTES OF THE 2011
CHARTER REVIEW COMMISSION MEETING
NOVEMBER 7, 2011**

A meeting of the Charter Review Commission was held on Monday, November 7, 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. Mario Davis, Mr. Madden Hatcher, Jr., Mr. David Helmick, Mr. Julius Hunter, Jr., Mr. Bob Hydrick, Ms. Mary Sue Polleys, Ms. Brinkley Pound, Mr. Ben Richardson, Mr. Alton Russell, Mr. Tracy Sayers, Ms. Melanie Slaton, Ms. Gloria Strode, Ms. Audrey Tillman, Mr. Jorge Vega, Mr. Sam Wellborn, Mr. Fife Whiteside, Mr. Brad Williams and Mr. John Woodward.

ABSENT: Mr. W. J. Barrs, Mr. Michael Eddings, Ms. Gladys Ford and Mr. D. L. Moore.

ALSO PRESENT: Deputy City Manager David Arrington, Councilor Glenn Davis, Councilor Judy Thomas, City Attorney Clifton Fay, Assistant City Attorney Lucy Sheftall, Recording Secretary Tameka Colbert and other guests and members of the media.

=====
This meeting was called to order at 3:00 p.m.

Chairman Shinkle started the meeting by stating that the concept that was agreed upon during the last meeting was that motions would be made that would go on the ballot and the Commission would vote on those motions at the December meeting. He said we have received some emails from some concerned citizens regarding how the Commission is communicating to the public, how the minutes are posted and whether or not the Commission is doing things correctly. He then stated that he asked City Attorney Clifton Fay to make comments addressing the rules of the Commission.

City Attorney Clifton Fay stated that the Constitutional Amendment that created the Charter Review Commission was passed in 1980 and there were no websites to display the minutes. He said when the Commission has a public meeting Ms. Tiny Washington or her deputy takes the minutes. He said the only official minutes of the Charter Review Commission that need to be recorded are if there is a quorum for a commission meeting and the only place they have to be filed is the Clerk of Council's Office. He said it is a courtesy to the citizens of Columbus that the minutes are placed on the City's website. He said there is no requirement that minutes be taken at the public hearing but minutes will be posted on the City's website as courtesy to citizens. Then he reiterated that the only minutes that have to be recorded are the minutes of the Charter Review Commission's official meeting, which is being done and filed in the Clerk of Council's Office as required by law. He then said that the Charter Review Commission is meeting the law requirements as it relates to minutes and the Commission has met the law requirements by holding two public hearings. He said there were two advertisements published in the paper for each public hearing as required by law. City Attorney Fay reiterated that the Commission has met what the law requires with respect to the minutes and the two public hearings.

Chairman Shinkle said the purpose of the public hearing is to determine the opinions of the public. He said if there were some issues that were not covered and the public wants us to cover them they would be allowed to voice those issues at the public hearing or the public could put ideas out there to add to what is already being discussed. He said in our two public hearings we put out everything that we have been discussing and we had very little feedback. He then asked City Attorney Fay if another public hearing would be required if there was a material change to information that has already been proposed.

City Attorney Fay responded by saying the 1980 Constitutional Amendment says that the Charter Review Commission is required to have two public hearings. He said if something comes up that the Commission feels is a material change to what has already been proposed the Commission Members could choose to have another public hearing.

Mr. Ben Richardson requested that a caveat be placed on the website stating that legally we are following the law but as a courtesy we are displaying the minutes on the City's website.

Chairman Shinkle then asked Ms. Tameka Colbert if she could forward this information to Ms. Tiny Washington.

APPROVAL OF MINUTES: Minutes of the October 3, 2011 meeting of the Charter Review Commission was submitted and approved upon the adoption of a motion made by Mr. David Helmick and seconded by Ms. Audrey Tillman, which carried unanimously by those 21 Commission Members present for this meeting.

Chairman Shinkle indicated that City Attorney Clifton Fay and Assistant City Attorney Lucy Sheftall will write the change that will go on the ballot regarding the grammatical changes and the elimination of some of the outdated names in the Charter such as Bibb City. He said they will write this information up as it will appear on the ballot and have it ready for us in December.

Mr. John Woodward asked if information that is being presented on the ballot regarding the grammatical changes explain that this does not change any power in the Charter. He said there may be some confusion by a voter who does not really understand.

City Attorney Fay responded by saying, on the ballot questions, we have to say at the beginning of each question "for approval of change in the existing Charter of the City of Columbus, which provides that". He said we will try to do this in a succinct way, in one or two sentences and if we feel that there is a need to add a sentence to explain it, it would say "this does not affect any of the powers and so on".

Mr. David Helmick asked if the ballot language would be specifically decided by the City Attorney's Office.

City Attorney Fay said the City Attorney's Office will work with the Election's Superintendent Nancy Boren to make it as plain as we can. He said it's not the Commission's job to come up with the wording for each question.

=====

SUBCOMMITTEE REPORTS:

Committee 1 – Articles I, II & VII

Ms. Audrey Tillman said Subcommittee 1 met two weeks ago and as to Articles I & II those grammatical changes have been submitted and we would like to move those forward for correction. She said as to Article VII the language that we submitted originally, giving the Council specific authority in addition to the general authority to impose a basic services fee not to exceed \$500, we are recommending that this additional language be included in Article VII, Section 7-100, Subsection 2. At this time Ms. Tillman made a motion to take the additional language to the ballot stating “to assess and collect a service fee in an amount not to exceed \$500, on each property subject to taxation by the consolidated government to offset a portion of the cost of providing police and fire services under such rules and regulations as prescribed by ordinance provided that each assessment shall be reduced by amount of ad valorem taxes paid for the same calendar year in which the fee is assessed on the same property.” Seconded by Ms. Melanie Slaton.

Mr. Brad Williams said he has voted in support of this amendment both times because he felt as though this was an issue that could be addressed by conversation. He said we had two public hearings to allow the city to come speak and at that point he continued to question why he would vote for this amendment. He said we have elected officials that have the power to handle this right now. He said he is not an elected official but this is an issue that needs to be addressed and he would hope that the City Council would take it up and address it. He said the Commission has forced the conversation and it has been covered in the newspaper, at two public hearings and the Charter Review Commission meetings. He then said he does not feel that it is his job to say that this is an amendment that should be made or place a cap on City Council’s power.

Mr. Rick Alexander said he does agree with Mr. Williams and said he would hate to put the Commission as a fee setting Commission.

Mr. Bob Hydrick said if this passes we are not setting the fee; the Council has to set the fee. He said all we are doing is clarifying that they have the power to do it. He said there are some attorneys that say that the Council already has the power to impose the fee but there are others that say they don’t have the power. He said the Council would have to vote on it and take the action; nothing that the Commission does would impose this fee. He said we are not voting to impose the fee; we are voting to give the Council the specific power to do so.

Mr. Alexander said he is opposed to the \$500 cap.

After several minutes of conversation concerning this matter, with several Commissioners voicing their concerns there were no changes made to the proposed amendment. The motion made by Ms. Tillman remained tabled until the December meeting.

*** **

Committee 2 – Legislative Committee – Article III

Mr. Julius Hunter said after attending both public hearings, Subcommittee 2 only has one recommendation specifically referring to Section 3-103, Subsection 4. He said we would strike the language that says “which shall be held at least once in every week”. He said the idea is to make it clearly understood that Council must meet at least twice a month; they could meet, as many times as they want, but they would have to have at least two regular meetings in each month. At this time Mr. Hunter moved to strike the language in Section 3-103, subsection 4 stating, “which shall be held at least once in every week.” Seconded by Mr. Jorge Vega.

The motion made by Mr. Hunter remained tabled until the December meeting.

*** **

Committee 3 – Executive Committee – Article IV

Mr. Madden Hatcher stated that Subcommittee 3 had not had a meeting and would like to defer their motion until the December meeting.

At this time Ms. Mary Sue Polleys asked if the Internal Auditor was included in the list of individuals that could be fired by the Mayor.

Mr. Hatcher said we have not decided yet and said that is one of the things we will talk about during our next committee meeting.

Chairman Shinkle said any motion that comes in December would be voted on in January.

*** **

Committee 4 – Article V & VIII

Judge John Allen said we decided at the August 1st meeting what changes we were going to recommend as final suggested changes to the Charter. He said in Section 8-203 the changes are to read as follows: for the purposes of all applicable laws, the consolidated government shall constitute a municipality and a county or both. If a law applicable to municipalities and the same or another law applicable to counties are in conflict, the governing body should have the power to choose that version of said law that most benefits the county and/or populace at-large. He said this was in lieu of the language that previously said to treat one section of the county as a county and another section as a municipality. At this time Judge Allen made a motion to amend Section 8-203 to state “for the purposes of all applicable laws, the consolidated government shall constitute a municipality and a county or both. If a law applicable to municipalities and the same or another law applicable to counties are in conflict, the governing body should have the power to choose that version of said law that most benefits the county and/or populace at-large.” Seconded by Mr. John Woodward.

The motion made by Judge Allen remained tabled until the December meeting.

*** **

Sub-Committee 5 - Article VI & Appendix:

Ms. Brinkley Pound made a motion to Article VI, Section 6-101, Subsection 2 to remove the specific listings of all of the precincts, tracts, blocks and VTDs from the Charter. Seconded by Ms. Melanie Slaton.

She made a motion to add the words “final of each decennial year” around the words grand jury and to change the word “qualified voter” to “registered voter” in Section 6, 102, Subsection 1. She said this section is regarding the beginning of the timeline for the Redistricting Commission and we felt that defining exactly what grand jury should be selected to define the Commission was important. She said the rest of the Article has time restraints on it, but there was nothing at the starting line. She also pointed out that a person could be qualified to vote but not necessarily registered to vote. The motion was seconded by Ms. Gloria Strode.

She made a motion to include the words “including that with the largest circulation” in Section 6-201 and 6-400. She said throughout the Charter there were distinctions between exactly what type of written publication had to obtain a notice and this was just to align with every thing else in the Charter. The motion was seconded by Ms. Melanie Slaton.

She made a motion to add all of the O.C.G.A. code references pertaining to the petitions and removal of elected officials to Section 6-201 and 6-202, Section 6-400, Subsection 5, Section 6-500 and 6-501. Seconded by Ms. Melanie Slaton.

She made a motion to add the words “in Muscogee County” after the words “reference to in employees” in Appendix 2 Section 7A and & 7B. She said this was to allow employees of the Columbus Consolidated Government to participate in the processes of Government where they live in order to be able to practice their rights as citizens. The motion was seconded by Ms. Melanie Slaton.

The motions made by Ms. Brinkley Pound remained tabled until the December meeting.

*** **

Other Business:

Mr. David Helmick said when the Charter Review Commission came to be, there was some confusion in the appointment process as far as whether the outgoing Mayor and City Councilors or the incoming Mayor and City Councilors make the actual appointments to the Commission. He said he would like to bring up the possibility to clarify that language or cause the legislature to clarify that language. He said this is not in the actual Charter; it is in the enabling legislation that created the Charter Review Commission that says the Commission should be formed in

January. He said he does not think that it would come from the Charter Review Commission to make the change, but he could foresee the Commission forwarding a letter to the local delegation recommending that the language be cleaned up.

City Attorney Fay said the enabling law comes from the local constitutional amendment. He said this body cannot address this issue but the Commission could write the legislators and ask them to look at it. He said the local constitutional amendments are now manned by the Georgia Constitution so the language cannot be amended, it can only be repealed by the voters.

*** *** ***

Mr. Alton Russell said going back to his original proposal regarding the terms of the city officers, there were some people who said they thought it was a bad idea, but he did some research and found that this was not a bad idea for other very successful cities. He then educated the Commission on his findings and said he did not find a city or county that required a super majority to hire or fire the City Manger or City Attorney. He said he thinks that a four year unlimited term to make those persons accountable is more than fair and honest.

Chairman Shinkle asked Mr. Russell if he had any additions or changes that he would make in the Charter.

Mr. Russell said he does not have them at this time.

Chairman Shinkle then suggested that a formal motion be brought before the Commission at the December meeting.

Mr. Tracy Sayers asked if it would be a good idea to have another public hearing once all of the questions are put into ballot format. He said if we lay it out on the ballot without having a chance to educate the people, he is not certain that it would be understood. He said once the final ballot is put together we should have a public forum, not to change it, but to explain it.

Chairman Shinkle said it would be at the pleasure of the Commission to hold another public hearing.

With there being no further business to discuss, the meeting was adjourned at 3:55 p.m.

Tameka Colbert
Recording Secretary