

**MINUTES OF THE 2011
CHARTER REVIEW COMMISSION MEETING
SEPTEMBER 12, 2011**

A meeting of the Charter Review Commission was held on Monday, September 12, 2011 at the Government Center, Columbus Georgia. Mr. John Shinkle, Chairman, presiding.

PRESENT: other than Mr. Shinkle were Mr. Rick Alexander, Mr. W. J. Barrs, Mr. Mario Davis, Mr. Michael Eddings, Ms. Gladys Ford, Mr. Madden Hatcher, Jr., Mr. David Helmick, Mr. Julius Hunter, Jr., Mr. Bob Hydrick, Mr. D. L. Moore, Ms. Mary Sue Polleys, Ms. Brinkley Pound, Mr. Ben Richardson, Mr. Alton Russell, Mr. Tracy Sayers, Ms. Gloria Strode, Ms. Audrey Tillman, Mr. Jorge Vega, Mr. Sam Wellborn, Mr. Fife Whiteside and Mr. Brad Williams

ABSENT: Judge John Allen, Ms. Melanie Slaton and Mr. John Woodward.

ALSO PRESENT: City Manager Isaiah Hugley, City Attorney Clifton Fay, Assistant City Attorney Lucy Sheftall, Recording Secretary Tameka Colbert and other guests and members of the media.

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

APPROVAL OF MINUTES: Minutes of the August 1, 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 Mr. Jorge Vega, which carried unanimously by those 17 Commission Members present for this meeting.

Note: Mr. Fife Whiteside joined the meeting at 3:02 p.m.

Chairman Shinkle advised that the first Public Hearing would be Monday, September 26, 2011 at the Muscogee County Library located on Macon Road at 6:00 p.m. He then said the second Public Hearing would be October 17, 2011 in the South Columbus area. He said Eddy Middle School cafeteria has been reserved for the second Public Hearing but the location could possibly change. He advised that he had spoken with City Attorney Clifton Fay and Assistant City Attorney Lucy Sheftall about the ground rules of the Public Hearings. He said his suggestion is that each committee chairperson presents the proposed changes to the public, and following the presentation the floor would be open for public comments with a five-minute restriction per person. He then asked the Commissioners if there was anyone with a better suggestion or would any Commissioner like to add to or make any changes to what he has suggested.

Mr. Michael Eddings said at our last meeting Ms. Polleys had brought up a subject about recommending a change to Article 4. He said there was some discussion among the Committee Members about this particular change, which was adding a “for cause” section. He said the consensus was that this issue should come up at a Public Hearing but we did not vote on this issue.

Chairman Shinkle indicated that Mr. Madden Hatcher has some possible amendments to take to the Public Hearing and asked if this issue could be discussed during the time of Mr. Hatcher's presentation.

Note: Mr. Ben Richardson joined the meeting at 3:05 p.m.

Mr. Eddings then pointed out that Mr. Hatcher's amendments do not include the suggestion made by Ms. Polleys.

Mr. Shinkle said this issue would fall under Mr. Hatcher's committee. He then said that there was no motion made in regard to this issue.

Mr. Eddings said there were several discussions about the need to add a "for cause" section in regard to the Mayor taking action to terminate any one of the City Officers. He said several members agreed with Ms. Polleys including him; this action would strengthen the clause to make it to where there would be no frivolous action taken against those City Officers.

Mr. Shinkle said before we get into that discussion, let's finish talking about the Public Hearing and then we will cover the discussion on the subject of Article 4 once Mr. Hatcher is recognized.

Mr. Rick Alexander asked if the Commissioners would need to make any comments.

Note: Ms. Gladys Ford joined the meeting at 3:06 p.m.

Mr. Shinkle said no comments are needed from the Commissioners. He said we are going to state the changes that are being proposed in each of the articles.

Note: Ms. Audrey Tillman joined the meeting at 3:07 p.m.

Ms. Brinkley Pound asked if the changes would be published in the newspaper, and she also asked would the citizens have to sign up to speak.

At this time several members of the Commission expressed that it would be essential to publish the changes and also have citizens to sign up to speak, in order to properly manage the meeting.

Note: Mr. Tracy Sayers joined the meeting at 3:10 p.m.

Chairman Shinkle asked City Manager Hugley if there were any monies to fund the publishing of the proposed changes.

City Manager Hugley said the question is will the reporters cover the proposed changes in their story and if not we will find some money to do it. He said the second question is what newspapers should they be published in.

Mr. Tracy Sayers suggested that the proposed changes be placed on the City's website.

Mr. Ben Richardson asked City Attorney Fay what are the legal rules or requirements as it applies to publishing changes.

City Attorney Fay said there are no legal requirements.

City Manager Hugley said if you were going to do something in print media, it would be best that it be written in the manner in which it would appear on the ballot.

Chairman Shinkle said he agrees with the City Manager. He said we would have to get very concise with these proposals and then publish them. He then asked if it would be the pleasure of the Commission to publish the proposed changes in a concise form, as they would be reflected on the ballot, in all circulars that are appropriate.

Mr. Bob Hydrick said at this point, we are not making these recommendations to amend the Charter; we are having the Public Hearing to say that these are the subjects that we are seeking the public's input on. He said he feels that the changes should be pitched in a brief summary and said it should be made clear that these changes are only under consideration.

At this time Mr. Bob Hydrick made a motion to publish the proposed changes in a summary form, in all circulars that are appropriate. Seconded by Ms. Gloria Strode and carried unanimously by those 22 member of the Commission present at the time, with Commissioners John Allen, Melanie Slaton and John Woodward being absent for this meeting.

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OLD BUSINESS:

Tabled Motion –Subcommittee 2 – Article III:

Chairman Shinkle called attention to a tabled motion that was made by Mr. David Helmick at the last Charter Review Commission Meeting.

Mr. David Helmick stated his motion to bring the term limit legislation to the public hearing. After stating his motion he gave a brief summary explaining that this legislation allows a

Councilor to serve three full terms, sit out one term and then be allowed to run again if they so choose to. He said this legislation would not affect any of the Councilors until the year 2025.

After several minutes of discussion concerning this matter with numerous Commission Members stating their views and comments, Mr. Helmick made a motion to bring the term limit legislation to the public hearing. Seconded by Mr. Jorge Vega and defeated by a vote of 19 to 3 with Commissioners Rick Alexander, Mario Davis and David Helmick voting in favor and all other 18 members voting to defeat, with Commissioners John Allen, Melanie Slaton and John Woodward being absent from this meeting.

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SUBCOMMITTEE REPORTS:

Committee 3 – Executive Committee – Article IV

Mr. Madden Hatcher advised that Committee 3 met on August 29, 2011. He said each Commission Member should have a document that shows revision to Section 4-335 and 4-336. *(A copy of this document is attached to the minutes and also filed in the Clerk of Council’s Office. See Attachment A).* He indicated that this is the same proposal that was voted on during the last meeting in so far as the ability of the Mayor or the Council discharging a City Officer. He said what we changed was the review process. He said the first one was a procedure that is currently in the Charter, which is that the Mayor may recommend the removal and dismissal of any City Officer. The affected City Officer shall be served with written notice of his/her removal and given an opportunity to be heard by the Council. Such removal and dismissal shall be effective when confirmed by the affirmative vote of six (6) members of the Council. He said it also went on to say that the individual would have an appeal to the City Council, which was redundant, so we eliminated that second appeal to the City Council. He said the third method that is already in the Charter is the Council, without a recommendation of the Mayor, may remove, dismiss and discharge any City Officer with the affirmative vote of seven (7) members of the Council voting in favor of such removal, dismissal or discharge. He said we also had another appeal to the City Council that permitted them to overturn their previous vote with six votes, which made no sense; so we eliminated that portion. He then went on to say the other thing that was added by the Committee was that the Mayor might remove, dismiss and discharge any City Officer. Such dismissal shall be effective immediately subject to the affected City Officer’s right to appeal such action by the Mayor as provided in Section 4-336 of this Subchapter. He then read aloud Section 4-336.

Ms. Gloria Strode pointed out that at the last meeting the Commission did vote on this item to go to the public hearing. She said what we did was go back and clean up some of the repetitious language.

Subsequent to the Commission Members reviewing the information submitted by Mr. Madden Hatcher, Chairman Shinkle asked if there were any questions or comments.

At this time Ms. Mary Sue Polleys made a motion to amend Sub-section 2 of Section 4-355 to add the words “for cause” to the language that states the Mayor may remove, dismiss and discharge any City Officer. Seconded by Mr. Michael Eddings.

Ms. Brinkley Pound pointed out that in Section 6-500 there are grounds for removal and it also states the causes.

Mr. Tracy Sayers said this section is not subject to employees; it only applies to elected officials. He said we had a long discussion about cause and part of what we said about cause is that it is the appeals process.

Mr. D. L. Moore said he agrees with Ms. Polleys that cause does give a definite defense.

Mr. Julius Hunter said he does support having the language “for cause” added to Sub-Section 2 of Section 4-335 but he would also like to add the language to Sub-section 1 and 3, as well.

Mr. Bob Hydrick said we did not include the language originally because it would be almost impossible to terminate someone with a “for cause” clause.

Mr. Hunter then said the argument is that a new Mayor would be able to come in and dismiss individuals without cause, which leaves no protection for those employees.

Mr. Eddings said the distinction between Sub-sections 1 and 3 is that in Sub-section 1 the Mayor is simply making a recommendation, whereas in Sub-section 2 the Mayor is actually taking action. He said he does not think that adding “for cause” in those sub-sections would be necessary because the Council would already be involved.

Mr. Jorge Vega stated that it is very difficult to define cause. He said we would have to really define it and list almost every scenario that we could imagine because if not, it would be very difficult to take action against an individual.

After much discussion had taken place regarding the motion made by Ms. Polleys to add the “for cause” clause to Sub-section 2 of Section 4-355, the motion was defeated by a vote of 16 to 6 with Commissioners Michael Eddings, Julius Hunter, D. L. Moore, Mary Sue Polleys, Sam Wellborn and Mr. Fife Whiteside voting in favor and all other 16 members voting to defeat, with Commissioners John Allen, Melanie Slaton and John Woodward being absent from this meeting.

Mr. Bob Hydrick then made a motion to accept the amended clean up changes to Section 4-335 and Section 4-336. Seconded by Mr. Sam Wellborn and carried by those 22 members of the Commission present for this meeting, with Commissioners John Allen, Melanie Slaton and John Woodward being absent from this meeting.

Mr. Hatcher said there were some omissions in Section 4-302, Sub-section 10. He said we suggest that it be changed to read as follows: Confer with and advise all elected and appointed officials of the consolidated government who are not under the immediate control or jurisdiction of the Council but who receive financial support therefrom, such as Sheriff, Tax Commissioner,

Clerk of Courts and Probate Judge. The change would be to include the words “receive, Tax Commissioner and Clerk of Courts”. Mr. Hatcher explained that there was nothing being changed in this particular section but there was adding the words that appeared to be omitted. Mr. Hatcher made a motion to add the omitted word to Section 4-302, Sub-section 10. Seconded by Mr. Jorge Vega.

City Attorney suggested that this change be included in the motion that was made earlier to cleanup typographical errors in Sections 4-335 and 4-336.

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Committee 1 – Articles I, II & VII

Chairman Shinkle said in the absence of Ms. Audrey Tillman, Mr. Bob Hydrick discussed the proposal of Committee 1 at the last meeting and we did pass a motion to consider the \$500 Service Fee.

Ms. Tillman said in Article VII, Section 100, Sub-section 2 there is a provision and we are recommending an addition of language to specifically reference a collection of a service fee not to exceed \$500. She said this is a basic services fee that we have debated and discussed for the last several meetings. She said she assumes that Mr. Hydrick discussed the fact that we have come to a conclusion that as a sub-committee, we do not have the right to impose a fee. She said we believe that this section, as it is currently printed, indicates that the Council may impose the fee. She said Council has indicated that they are not particularly inclined to impose such a fee without it being brought to the people. She said as a Sub-Committee we got together and determined that we would suggest to this Commission, the inclusion of language specific to a proposed basic services fee. She said the point is not to assess a \$500 fee; it is to assess the portion of \$500 that is not already paid in property taxes. She also said she assumes that the exemptions that currently exist would be considered by Council.

Ms. Tillman made a motion to adopt the suggested language of collection of a basic service fee not to exceed \$500. Seconded by Mr. Sam Wellborn.

Chairman Shinkle said at the Revenue Commission meetings they have discussed the prospects of submitting some type of sunset provision on property tax in the year of 2013. He said there were several comments that this idea might bridge the needs for the City.

Mr. Alton Russell said according to City Attorney Fay, the Council already has the authority to do this and he feels that the Commission is wasting time discussing this issue.

Chairman Shinkle asked City Attorney Fay if it was illegal for the Charter Review Commission to impose a \$500 fee.

City Attorney Fay said it could be included in the legislation but this body cannot assess an act for a fee.

Mr. Hatcher said this is a big lightning rod in the community. He said he feels that if this were placed on the ballot it would cause a loss of support for other items and if the Council already has the authority to do it he does not know why the issue is being discussed.

Following 13 more minutes of discussion concerning the motion made by Ms. Tillman, the motion was carried by a vote of 16 to 6 with Commissioners Madden Hatcher, D. L. Moore, Mary Sue Polleys, Ben Richardson, Alton Russell and Fife Whiteside.

Ms. Tillman said she has a couple of cleanup items and said in Article I the references to Bibb City should be stricken as a separate entity within Muscogee County. She said because that was the last entity, within Muscogee County, Article I, Section -104, which says nothing construed in the Charter will affect any incorporated municipality within Muscogee County, we should consider taking that entire section out. She said the final change would be in Article VII the inclusion of the letter "a" which was left out.

In conclusion, Chairman Shinkle thanked the Commission for their hard work, and with there being no further business to discuss, the meeting was adjourned at 4:22 p.m.

Tameka Colbert
Recording Secretary