IN THE SUPERIOR COURT OF MUSCOGEE COUNTY
STATE OF GEORGIA

FILED IN OFFICE
2015 JAN -9 AM 9:22
N. LINDA PIERCE
MUSCOGEE COUNTY
SUPERIOR COURT

LINDA PIERCE, Clerk of Superior, State, and Juvenile Courts of Muscogee County, and the Columbus Board of Equalization,

Plaintiff,

v.

COLUMBUS, GEORGIA, TERESA P. TOMLINSON, Individually and as Mayor, JERRY "POPS" BARNES, Individually and as District 1 Councilor, GLENN DAVIS, Individually and as District 2 Councilor, BRUCE HUFF, Individually and as District 3 Councilor, EVELYN TURNER PUGH, Individually and as District 4 Councilor, MIKE BAKER, Individually and as District 5 Councilor, GARY ALLEN, Individually and as District 6 Councilor, EVELYN "MIMI" WOODSON, Individually and as District 7 Councilor, JUDY THOMAS, Individually and as District 9 Councilor, BERRY "SKIP" HENDERSON, Individually and as District 10 Councilor, ISAIAH HUGLEY, Individually and as City Manager, PAMELA HODGE, Individually and as Director, REATHER HOLLOWELL, as Human Resource Director, CLIFTON C. FAY, Individually and as City Attorney,

Defendants.

Civil Action Number:
SU14CV3472

TABLE OF AUTHORITIES

Cases: **Page**

Constitution & Statutes:

City Charter & Ordinances:

DEFENDANTS' CONSOLIDATED REPLY BRIEF IN SUPPORT OF THEIR GLOBAL MOTION TO DISMISS ALL CLAIMS WITH PREJUDICE AND THE INDIVIDUAL DEFENDANTS' MOTION TO DISMISS WITH PREJUDICE

Defendants Columbus, Georgia (hereinafter referred to as the "CCG"); Mayor Teresa P. Tomlinson, in her official and her individual capacity; District 1 Councilor, Jerry "Pops" Barnes, in his official and his individual capacity; District 2 Councilor, Glenn Davis, in his official and his individual capacity; District 3 Councilor Bruce Huff, in his official and his individual capacity; District 4 Councilor Evelyn Turner Pugh, in her official and her individual capacity; District 5 Councilor Mike Baker, in his official and his individual capacity; District 6 Councilor Gary Allen, in his official and his individual capacity; District 7 Councilor Evelyn "Mimi" Woodson, in her official and her individual capacity; District 9 Councilor, Judy Thomas, in her official and her individual capacity; District 10 Councilor Berry "Skip" Henderson, in his official and his individual capacity; Isaiah Hugley, in his official and in his individual capacity; Pamela Hodge, in her official and in her individual capacity; Reather Hollowell, in her official capacity; and Clifton C. Fay, in his official and his individual capacity (the Council Members and other government officials referred to herein as the "Individual Defendants" and all of the Defendants collectively referred to as the "Defendants"), file this Consolidated Reply Brief in Support of their Global Motion to Dismiss Plaintiff's Complaint with Prejudice and the Individual

Defendants' Motion to Dismiss with Prejudice, respectfully showing the Court the following:

INTRODUCTION

Linda Pierce, Clerk of the Superior Court of Muscogee County (the "Clerk") filed the present action on November 13, 2014. The Clerk is dissatisfied with the funds appropriated to her office by the duly elected Council of the CCG in the CCG's Fiscal Year 2015 ("FY 2015") budget. The Clerk's adopted FY 2015 budget (including the Superior Court Clerk budget, the Juvenile Court Clerk budget, and the Board of Equalization Budget) is $2,156,159. She wants a budget of $3,012,307. (Pl's. Compl., ¶ 122). She has turned to this Court – not a legislative body with actual budgetary authority – in an attempt to get more funds. The Clerk's tactics here amount to nothing more than heavy-handed budget negotiations. And these tactics are plainly contrary to Georgia law.

The Clerk's Complaint is rife with problems. She has sued the CCG, the Council Members of the CCG, and various other CCG officers and employees in their official capacities. All of these claims are barred by sovereign immunity, and are due to be dismissed immediately. *Georgia Dept. of Natural Resources v. Center for a Sustainable Coast, Inc.*, 294 Ga. 593, 755 S.E.2d 184 (2014). The Clerk's only remaining claims are pled against the Individual Defendants in their individual capacities. Those claims are all barred by legislative and/or official

immunity. *Saleem v. Snow*, 217 Ga. App. 883, 886, 460 S.E.2d 104, 107 (1995) ("Individuals acting in a legislative capacity are absolutely immune from suit."); *Butler v. Carlisle*, 299 Ga. App. 815, 683 S.E.2d 882 (2009) (official immunity insulated public officials from personal liability).

The very premise of the Clerk's complaint is wrong, and that is why the complaint is due to be summarily dismissed. She pleads her case as a mandamus case, but points to no clear right to relief, as she is required to do. She identifies no statutory duties she is unable to perform as a result of the funds appropriated for her office. *See, e.g.*, O.C.G.A. § 15-6-61 (delineating statutory duties required of Superior Court clerks). She does not plead what amount she needs to enable her to perform her constitutional duties, and why the amounts appropriated to her are insufficient to allow her to perform her constitutional duties. The crux of the Clerk's complaint is a request that this Court order the Defendants to adopt the budget *she wants*. That is not a cognizable claim under Georgia law.

The Clerk presented her budget request to Council. It was considered. The Council as part of the deliberative budget process chose to appropriate less money for the Clerk's budget than she requested. The fact is the Council exercised its discretion and appropriated the funds it deemed necessary for the Clerk. That is all the Council is required to do, and the Clerk cannot turn to this Court and ask it to substitute its discretion for the duly elected Council of the CCG. This Court has no

jurisdiction to legislate over budget issues and decide fiscal policy for the CCG. *See, e.g., Turner County v. City of Asburn*, 293 Ga. 739, 744, 749 S.E.2d 649, 690 (2013); O.C.G.A. § 36-5-22.1 (The "governing authority" [here the Council] of each county has "*original and exclusive jurisdiction*" over funds and property of county).

These rules exist for good reasons. Imagine the chaos that would ensue in Georgia if every unhappy elected official from 159 Georgia counties runs to court for an extra $100,000 or $1,000,000, because they think they need more money to do their jobs better. Where does the money come from when every county has a limited pool of funds? Do judges or juries decide how the money is to be appropriated? Under the Clerk's theory, the Council is merely an appropriation advisory panel, with every decision subject to later review and modification by the Superior Court. That is not the law in Georgia.

The pleading deficiencies in the Clerk's complaint are real and they are substantial. There is no cognizable claim pled in this case. This case should be dismissed now before more taxpayer funds are expended on a lawsuit that should never have been brought and cannot possibly succeed. Defendants' Motions to Dismiss are accordingly due to be **GRANTED**.

PROCEDURAL POSTURE

On December 8, 2014, all of the Defendants filed a Global Motion to Dismiss on numerous grounds. At the same time, the Individual Defendants filed a separate motion to dismiss all claims against them individually on the basis that sovereign immunity, official immunity, and/or legislative immunity insulated them from all alleged liability. The Clerk has responded separately to each motion. The issues arising in each motion cross over in the Court's overall analysis of the case. For that reason, Defendants have filed the present consolidated reply brief in support of both of their Motions to Dismiss so that the Court can fully consider the matter.

ARGUMENT AND CITATION OF SUPPORTING AUTHORITY

A. Defendants Are Immune from the Clerk's Claims.

1. Sovereign Immunity Bars The Clerk's Claims Against the CCG and her Official Capacity Claims.

GA. CONST. Art. 1, § 2, ¶ IX (d)(e) provides:

> (d) Except as specifically provided by the General Assembly in a State Tort Claims act, all officers and employees of the state or its departments and agencies may be subject to suit and may be liable for injuries and damages caused by the negligent performance of, or negligent failure to perform, their ministerial functions and may be liable for injuries and damages if they act with actual malice or with actual intent to cause injury in the performance of their official functions. Except as provided in this subparagraph, officers and employees of the state or its departments and agencies shall not be subject to suit or liability, and no judgment shall be entered against

> them, for the performance or nonperformance of their official functions. The provisions of this subparagraph shall not be waived.
>
> (e) Except as specifically provided in this Paragraph, sovereign immunity extends to the state and all of its departments and agencies. The sovereign immunity of the state and its departments and agencies can only be waived by an Act of the General Assembly which specifically provides that sovereign immunity is thereby waived and the extent of such waiver.

As the Clerk concedes in her brief, the Georgia Supreme Court recently examined the scope of sovereign immunity and overruled a number of prior decisions on the issue. *Sustainable Coast, supra*, 294 Ga. at 593, 755 S.E.2d at 184. In a sweeping opinion, the Georgia Supreme Court held that sovereign immunity "bars suits against the State or its officers and employees in their official capacities, unless and until sovereign immunity has been waived by the General Assembly." *Id.* at 599, 755 S.E.2d at 190. The Court reasoned that this rule applied regardless of the type of suit alleged by the plaintiff, whether legal or equitable:

> Accordingly, because we overrule *IBM v. Evans*, we conclude that the Court of Appeals erred when it reversed the trial court's dismissal of the Center's claim for injunctive relief based on sovereign immunity. We hold that sovereign immunity bars the Center's claim for injunctive relief against the State in this case, whether the Center brings that claim pursuant to the common law or O.C.G.A. § 12-5-245, and therefore, we reverse the judgment of the Court of Appeals insofar as it held the Center's claim for injunctive relief to be viable.

Id.; *see also Department of Human Resources v. Briarcliff Haven, Inc.*, 141 Ga. App. 448, 450, 233 S.E.2d 844, 846 (1977) (The word "suit" in the constitutional

grant of sovereign immunity "is all-inclusive and applicable to any type of action...In other words, it is an entirely new ball game as far as the doctrine of sovereign immunity is concerned.").[1]

The lesson of *Sustainable Coast* is that unless the General Assembly has by statute expressly waived sovereign immunity, counties and government officials (in their official capacities) are immune from liability for all claims. The Clerk has not alleged in her Complaint any specific waiver of sovereign immunity, nor does her general cite to the statutory mandamus remedy found in O.C.G.A. § 9-6-20 contain any express waiver of sovereign immunity. The Clerk's claims in this case, whether phrased in terms of mandamus or injunctive relief, cannot be against the CCG and cannot be against any of the Defendants in their official capacities. Rather, the CCG and the Defendants in their official capacities have absolute sovereign immunity from the claims asserted by the Clerk. *Sustainable Coast*, 294 Ga. at 599, 755 S.E.2d at 190. The claims against the CCG and the other Defendants in their official capacities are all due to be dismissed.[2]

---

[1]The Clerk has the burden of pleading and proving a waiver of sovereign immunity. *Banks v. Happoldt*, 271 Ga. App. 146, 148, 608 S.E.2d 741, 744 (2004) ("Sovereign immunity is not an affirmative defense that must be established by the party seeking its protection. Instead, immunity from suit is a privilege and the waiver must be established by the party seeking to benefit from the waiver."). The Clerk has done neither.

[2]The Clerk concedes that her injunctive claims against the CCG and the official capacity claims against the other Individual Defendants are barred by sovereign

2. Legislative Immunity Bars the Clerk's Claims.

Sustainable Coast holds that claims against government officials of any type can only be asserted against government officials in their individual capacities. *Sustainable Coast*, 294 Ga. at 599, 755 S.E.2d at 190. That does not, however, mean that those claims automatically move forward as the Supreme Court instructed that immunity defenses of government officials might limit the availability of relief. *Id.* ("In some cases, qualified immunity may limit the availability of such relief, but sovereign immunity will generally pose no bar."). That is the case here.

---

immunity, but argues that "sovereign immunity does not bar an action for mandamus against public officials in their official capacity." The Clerk's citation to *Pike Cnty. v. Callaway-Ingram*, 292 Ga. 828, 831, 742 S.E.2d 471, 474 (2013) does not support this proposition. *Pike County* did even not discuss the concept of sovereign immunity and the case was decided prior to *Sustainable Coast*. The *Pike County* Court affirmed the grant of injunctive relief against a county, while the Court in *Sustainable Coast* flatly holds that a county is immune from a claim for injunctive relief. The Supreme Court's opinion in *Pike County* is no longer good law, at least not to the extent the case made any holding as to sovereign immunity (which was apparently not even argued).

The Supreme Court did not distinguish between mandamus relief, injunctive relief, or any other type of relief in *Sustainable Coast*. It held that county officers are immune from liability regardless of the cause of action asserted unless there is an express waiver of sovereign immunity. Distinguishing between mandamus and injunctive claims in this case is nonsensical as the Clerk requests the same relief under either theory. *See also Marsh v. Clarke Cnty. School Distr.*, 292 Ga. 28, 30, 732 S.E.2d 443, 445 (2012) ("The writ of mandamus is much like a mandatory injunction.").

The Clerk complains in this case about the budget process for FY 2015. Budgeting is inherently a legislative function and, as such, actions taken and decisions made with regard to budget matters give rise to legislative immunity. As noted by the Court in *Woods v. Gamel*, 132 F.3d 1417, 1419-20 (11th Cir. 1998):

> Legislators have absolute immunity under section 1983 when they are "acting within their legislative roles," performing "legislative acts." [Footnote omitted]. *Brown,* 960 F.2d at 1011 (quoting *Tower v. Glover,* 467 U.S. 914, 920, 104 S.Ct. 2820, 2824, 81 L.Ed.2d 758 (1984)). But, the immunity "extends only to actions taken within the sphere of legitimate legislative activity." *Id.* (quoting *Finch v. City of Vernon,* 877 F.2d 1497, 1505 (11th Cir.1989)). It is the nature of the act, and not the position of the actor, which determines when absolute legislative immunity will apply. *See Yeldell,* 956 F.2d at 1062. Thus, whether the Marshall County Commissioners are entitled to such immunity depends upon whether when making budgetary decisions—including budgeting for the county jail—they were acting in their legislative capacity: was approving the budget a "legislative act"?
>
> An act is deemed legislative, rather than administrative or managerial, when it is policymaking and of general application. *See Brown,* 960 F.2d at 1011. "Only those acts which are 'necessary to preserve the integrity of the legislative process' are protected." *Yeldell,* 956 F.2d at 1062 (quoting *United States v. Brewster,* 408 U.S. 501, 517, 92 S.Ct. 2531, 2539, 33 L.Ed.2d 507 (1972)). "[V]oting, debate and reacting to public opinion are manifestly in furtherance of legislative duties." *DeSisto College, Inc. v. Line,* 888 F.2d 755, 765 (11th Cir.1989).
>
> *In this case, the commissioners' act of passing the budget was legislative: policymaking of general application. The county commissioners deliberated and then voted on a budget resolution for the entire county, not just the jail. The commissioners had a duty to adopt a budget under Alabama Statute § 11–8–3, which requires counties to pass annual budgets for all county-funded agencies and to do so without appropriating more funds than the county expects to collect for that year.*

Woods, 132 F.3d at 1419-20 (emphasis added); *see also Bogan v. Scott-Harris*, 523 U.S. 44, 55 (1998) ("Petitioner Bogan's [a city mayor] introduction of a budget and signing into law an ordinance also were formally legislative, even though he was an executive official. We have recognized that officials outside the legislative branch are entitled to legislative immunity when they perform legislative functions."); *see also* O.C.G.A. § 36-81-4(c) (proposed budgets of a county executive or mayor constitutes an "initial budgetary policy-making function").

In *Bryant v. CEO Dekalb County Jones*, 575 F.3d 1281 (11th Cir. 2009), the Eleventh Circuit examined the breadth of legislative immunity. There, an executive assistant to the Chief Executive Officer of a county argued that he was entitled to absolute legislative immunity because he prepared a budget proposal that was submitted to the county government as part of the budget process. The Eleventh Circuit held that the appropriate test for legislative immunity was not the title or position of the person involved, but rather "the immunity is justified and defined by the *functions* it protects and serves, not by the person to whom it attaches." *Jones*, 575 F.3d 1281 (emphasis in original; internal quotations omitted). Applying this test, the Eleventh Circuit found that the executive assistant was entitled to "*absolute legislative immunity* against any claims, including Lowe's retaliation claim, arising from actions directly related to his preparing and drafting the 2004 budget proposal." *Id.* (emphasis added).

Georgia state law is directly in line with these federal authorities. "Individuals acting in a legislative capacity are absolutely immune from suit." *Saleem*, *supra*, 217 Ga. App. at 886, 460 S.E.2d at 108. This blanket of immunity applies regardless of the action or inaction of the parties exercising legislative discretion, even if bad motives are shown. *Whipple v. City of Cordele*, 231 Ga. App. 274, 276, 499 S.E.2d 113, 115 (1988) ("[E]ven if the record were to include evidence showing that the motives of the county commission were suspect when they enacted this ordinance, the U.S. Supreme Court has recently held that local legislators are entitled to absolute immunity in performing their legislative functions, regardless of their motives.").

With these standards in mind, consider the claims of the Clerk. She argues in conclusory fashion that legislative immunity does not apply because "the Defendants lacked the home rule legislative power to adopt Ordinance No. 14-25 affecting the Clerk and her office because the Clerk's budget request was not presented to the Council by the Mayor, and was never considered, amended, or changed." (Pl's. Brief, p. 21). The Clerk utterly fails, however, to identify any acts on the part of any of the Defendants that were not performed as part of the legislative process. The Clerk admits that the Mayor submitted a proposed budget to Council. (Pl's. Compl., ¶ 122). She admits that she forwarded her budget requests to the City Manager, the Mayor, and the Council prior to the start of the

fiscal year. (*Id.*, ¶ 123). And she admits that the Council had all of these materials prior to adoption of Ordinance 14-25, which adopted the FY 2015 budget. (*Id.*, ¶ 129). There is no allegation that any of these Defendants did anything other than deliberate over a budget that the Clerk now dislikes.[3]

Legislative immunity extends to any actions of policymaking taken "in the sphere of legitimate legislative activity." *Bogan, supra*, 523 U.S. at 54. In this case, all of the acts of the Defendants alleged by the Clerk were legislative as they all involved the proposal and adoption of a budget. As the United States Supreme Court held:

> This leaves us with the question whether, stripped of all considerations of intent and motive, petitioners' actions were legislative. We have little trouble concluding that they were. Most evidently, petitioner Roderick's acts of voting for an ordinance were, in form, quintessentially legislative. Petitioner Bogan's introduction of a budget and signing into law an ordinance also were formally legislative, even though he was an executive official.

---

[3]The Clerk argues repeatedly that she is a "local unit of government" and her own "budget officer." She then turns that fiction into an argument that the CCG can take no action affecting the Clerk's office, even as to her budget. The Clerk is not a "local unit of government." O.C.G.A. § 36-81-2(c) ("Local unit of government" means "a municipality, county, consolidated city-county government or other political subdivision of the state."). She is also not her own "budget officer." O.C.G.A. § 36-81-4(b) (The "governing authority" is the "budget officer."). There is no question that the CCG has the authority to set the Clerk's budget. *Griffies v. Coweta County*, 272 Ga. 506, 507-08, 530 S.E.2d 718, 720 (2000) ("Griffies, as clerk of superior court, is an elected constitutional officer, and is not an employee of the county commission. Although Griffies is an independent constitutional officer, the county commission nevertheless has the authority to review and approve the proposed budget for the clerk's office that Griffies submits to them.").

. . .

> Respondent, however, asks us to look beyond petitioners' formal actions to consider whether the ordinance was legislative in *substance.* We need not determine whether the formally legislative character of petitioners' actions is alone sufficient to entitle petitioners to legislative immunity, because here the ordinance, in substance, bore all the hallmarks of traditional legislation. The ordinance reflected a discretionary, policymaking decision implicating the budgetary priorities of the city and the services the city provides to its constituents. Moreover, it involved the termination of a position, which, unlike the hiring or firing of a particular employee, may have prospective implications that reach well beyond the particular occupant of the office. And the city council, in eliminating DHHS, certainly governed "in a field where legislators traditionally have power to act." *Tenney, supra,* at 379, 71 S.Ct., at 789. Thus, petitioners' activities were undoubtedly legislative.

Bogan, 523 U.S. at 55-56 (emphasis added).

Exactly as in *Bogan*, the actions of the Mayor, the City Manager, the Finance Director, the City Attorney, and the Council Members in proposing, considering, and adopting a budget were legislative in nature. As such, they are entitled to legislative immunity for any claims against them in their individual capacity. The Clerk's claims are due to be summarily dismissed.[4]

---

[4]As the Court is well aware, the Clerk seeks the appointment of counsel at taxpayer expense. Given that a valid absolute defense exists, this case must be dismissed now. *See, e.g., Brown v. Crawford County, Georgia*, 960 F.2d 1002, 1010 (11th Cir. 1992) (internal footnotes omitted) ("This court is greatly disturbed by the district court's pressing this case through discovery and preparing it for trial, when a valid, absolute immunity defense existed. By prolonging this case, the district court failed to serve the purported goals of its local 'procedure' of saving the parties as well as the court time and expense. This case should not have been prepared for trial; moreover, it should not have undergone discovery. In the

3. Official Immunity Bars the Clerk's Claims.

To the extent any allegations of the Clerk against any of the Defendants go beyond their legislative function (which, as set forth above, they do not), the Defendants are all protected from liability by the doctrine of official immunity. As the Clerk acknowledges (Pls. Br., p. 5), a suit against a public official in his or her individual capacity is barred by official immunity where the public official has engaged in discretionary acts that are within the scope of his or her authority, and the official has not acted with actual malice. *Butler v. Carlisle*, 299 Ga. App. 815, 683 S.E.2d 882 (2009). *Common Cause/Georgia v. City of Atlanta*, 279 Ga. 480, 482, 614 S.E.2d 761, 763 (2005) (internal quotations omitted) ("Under the amendment, Campbell could be liable only if he negligently performed, or failed to perform a ministerial duty, or acted with actual malice or with actual intent to cause injury…."). Two questions must be answered with regard to whether official immunity exists: (1) is the act complained of within the official or ministerial functions of the government official; and (2) if the act is within the official functions of the government official, whether he or she acted with actual malice. *See, e.g., Wendelken v. Jenk, LLC*, 291 Ga. App. 30, 661 S.E.2d 152 (2008).

---

interest of judicial economy and to refrain from further defeating the purpose of the absolute immunity defense in this case, we will address the motion to dismiss before us as if it had been filed at the appropriate time, despite full discovery.").

(a) All of the Acts Complained Of Were Official Acts.

Acknowledging as she must that her claims are all barred unless she can allege a "ministerial act," the Clerk summarily alleges that the Mayor, the City Manager, the Finance Director, and the City Attorney only had ministerial duties. The Clerk's argument in her brief misconstrues the City Charter and ignores her own allegations in the lawsuit.[5]

First, with regard to her allegations in this lawsuit, the Clerk specifically pleads that "Defendants Mayor, City Manager, City Attorney, Finance Director, and Councilors have acted knowingly, intentionally, wantonly, recklessly, arbitrarily, and capriciously, *have abused their discretion and have entirely failed to exercise their discretion* by failing to considering the Clerk's requested FY 2015 budget...." (Pl's. Compl., ¶ 139) (emphasis added). The Clerk's admission in her pleading is not surprising. It is a correct statement of the law as the consideration and adoption of a budget is unquestionably a discretionary act. *See, e.g., Chaffin v. Calhoun*, 262 Ga. 202, 203, 415 S.E.2d 906, 907 (1992) (internal quotations omitted) ("[T]he commissioners were under a duty to adopt a budget making reasonable and adequate provision for the personnel and equipment necessary to

[5]The Clerk has not sued the Finance Director in her individual capacity. All of the Clerk's official capacity claims against the Finance Director are due to be dismissed on sovereign immunity grounds. The Clerk apparently concedes that the Council who considered and adopted the budget ordinance engaged in official, discretionary functions.

enable the sheriff to perform his duties of enforcing the law and preserving the peace. This does not mean, however, that county commissioners must approve what a sheriff proposes.").

The Clerk's new-found allegation that the duties of "Defendants Mayor, City Manager, City Attorney, and Finance Director" were ministerial when she has specifically alleged they were not has no merit. The Charter expressly requires the Mayor to submit a proposed budget "for the ensuring fiscal year...on or before a date fixed by ordinance, but not less than sixty (60) days prior to the beginning of the fiscal year." Charter § 7-401(2). Georgia law expressly recognizes the policy making role of an executive officer in preparing a budget. *See* O.C.G.A. § 36-81-4(c). The Charter expressly requires the Mayor's budget to contain detailed itemizations of unencumbered fund balances or deficits, estimates of cash revenue, proposed expenditures, and the like. Charter § 7-401(4). There is nothing ministerial about a Mayor *proposing* a budget of revenues and expenses for some 50 city departments, divisions, authorities, and commissions. And that is all it was – a proposal. The Mayor neither voted for nor approved the final budget (which differed from the Mayor's proposed budget).

The Clerk's claims against the City Manager, the Finance Director, and City Attorney are likewise fatally flawed. None of these individuals has the authority under the Charter to adopt local ordinances, including ordinances pertaining to the