IN THE SUPERIOR COURT OF MUSCOGEE COUNTY
STATE OF GEORGIA

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M. LINDA PIERCE
MUSCOGEE COUNTY
SUPERIOR COURT

JOHN T. DARR, in his official capacity as Sheriff of Muscogee County, Plaintiff, v. COLUMBUS, GEORGIA, a City, a public corporation and a political subdivision of the State of Georgia; TERESA P. TOMLINSON, in her official capacity as Mayor of Columbus, ISAIAH HUGLEY, in his official capacity as the City Manager of Columbus, PAM HODGE, in her official capacity as Finance Director of Columbus, JERRY "POPS" BARNES, in his official capacity as District 1 Councilor, GLENN DAVIS, in his official capacity as District 2 Councilor, BRUCE HUFF, in his official capacity as District 3 Councilor, EVELYN TURNER PUGH, in her official capacity as District 4 Councilor, MIKE BAKER, in his official capacity as District 5 Councilor, GARY ALLEN, in his official capacity as District 6 Councilor, EVELYN "MIMI" WOODSON, in her official capacity as District 7 Councilor, TOM BUCK, in his official capacity as District 8 Councilor, JUDY THOMAS, in her official capacity as District 9 at Large Councilor, and BERRY "SKIP" HENDERSON, in his official capacity as District 10 at Large Councilor, Defendants.	*	CIVIL ACTION FILE NO. SU-14-CV-3437-94

APPENDIX OF DOCUMENTS RELIED UPON BY DEFENDANTS
IN SUPPORT OF THEIR
MOTION FOR SUMMARY JUDGMENT

COME NOW, COLUMBUS, GEORGIA, a City, a public corporation and a political subdivision of the State of Georgia, TERESA P. TOMLINSON, in her official capacity as

Mayor of Columbus, ISAIAH HUGLEY, in his official capacity as the City Manager of Columbus, PAM HODGE, in her official capacity as Finance Director of Columbus, JERRY "POPS" BARNES, in his official capacity as District 1 Councilor, GLENN DAVIS, in his official capacity as District 2 Councilor, BRUCE HUFF, in his official capacity as District 3 Councilor, EVELYN TURNER PUGH, in her official capacity as District 4 Councilor, MIKE BAKER, in his official capacity as District 5 Councilor, GARY ALLEN, in his official capacity as District 6 Councilor, EVELYN "MIMI" WOODSON, in her official capacity as District 7 Councilor, TOM BUCK, in his official capacity as District 8 Councilor, JUDY THOMAS, in her official capacity as District 9 at Large Councilor, and BERRY "SKIP" HENDERSON, in his official capacity as District 10 at Large Councilor ("Defendants") and file this Appendix of Documents Relied Upon in Support of their Motion For Summary Judgment and Brief.

No.	Description
1.	Table of Authorities
2.	Charter Provisions
3.	Ordinance 13-39
4.	Ordinance 14-25
5.	Affidavit – James V. Burgess, Jr.
6.	Affidavit - Pam Hodge
7.	Affidavit – Isaiah Hugley
8.	Affidavit – Lionel Haynes, Jr.
9.	Affidavit – Kellye Moore
10.	Affidavit – Jerry "Pops" Barnes
11.	Affidavit – Glenn Davis
12.	Affidavit – Bruce Huff

13. Affidavit – Evelyn Turner Pugh

14. Affidavit - Mike Baker

15. Affidavit - Gary Allen

16. Affidavit - Tom Buck

17. Affidavit - Judy Thomas

18. Affidavit - Berry "Skip" Henderson

19. Affidavit – Teresa P. Tomlinson

20. Deposition Excerpts – John T. Darr

21. Deposition Excerpts – Lt. Joan Wynn

Respectfully submitted this 7th day of March, 2016.

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing APPENDIX OF DOCUMENTS RELIED UPON BY DEFENDANTS IN SUPPORT OF THEIR MOTION FOR SUMMARY JUDGMENT via U.S. mail, with sufficient postage thereon, addressed as follows:

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This 7th day of March, 2016.

Attorney for ~~Defendants~~

1.

Table of Authorities

Statutes:

O.C.G.A. § 1-3-1

O.C.G.A. § 9-4-1

O.C.G.A. § 9-6-20

O.C.G.A. § 9-6-26

O.C.G.A. § 9-11-56

O.C.G.A. § 36-5-22.1

O.C.G.A. § 36-81-1

O.C.G.A. § 36-81-2

O.C.G.A. § 36-81-3

O.C.G.A. § 36-81-4

Cases:

Advanced Disposal Servs. Middle Ga. L.L.C. v. Deep S. Sanitation L.L.C., 296 Ga. 103 (2014)

Atlanta Indep. Sch. Sys. v. Lane, 266 Ga. 657 (1996)

Bibb Cnty. v, Monroe Cnty., 294 Ga. 730 (2014)

Bland Farms v. Ga. Dept. of Agriculture, 281 Ga. 192 (2006)

Board of Comm'rs of Dougherty Cnty v. Saba, 278 Ga. 176 (2004)

Board of Comm'rs of Richmond Cnty. v. Cooper, 259 Ga. 785 (1990)

Board of Comm'rs of Randolph Cnty. v. Wilson, 396 S.E.2d 903 (1990)

Bogan v. Scott-Harris, 523 U.S. 44 (1998)

Buckler v. DeKalb Cnty. Board of Comm'rs, 299 Ga. App. 465 (2009)

Chaffin v. Calhoun, 262 Ga. 202 (1992)

City of Comer v. Seymour, 283 Ga. 536 (2008)

Dekalb Cnty. v. Adams, 272 Ga. 401, (2000)

Dekalb Cnty. v. Wal-Mart Stores, 278 Ga. 501 (2004)

Dudley v. Rowland, 271 Ga. 176 (1999)

Exum v. City of Valdosta, 246 Ga. 169 (1980)

Georgia Department of Natural Res. v. Ctr. For a Sustainable Coast, 294 Ga. 593 (2014)

Gilmer Cnty. v. City of E. Ellijay, 272 Ga. 774 (2000)

Grier v. Peed, 276 Ga. 521 (2003)

Griffies v. Coweta Cnty, 272 Ga. 506 (2000)

Hilton Constr. Co. v. Rockdale Cnty. Bd. of Educ., 245 Ga. 533 (1980)

Ianicelli v. McNeely, 272 Ga. 234 (2000)

James v. Montgomery Cnty. Bd. of Educ., 283 Ga. 517 (2008)

Keene v. Prine, 477 Fed. Appx. 575 (11th Cir. 2012)

Lau's Corp. v. Haskins, 261 Ga. 491 (1991)

Lawson v. Lincoln Cnty., 292 Ga. App. 527 (2008)

Lindsey v. Guhl, 237 Ga. 567 (1976)

Lovett v. Bussell, 242 Ga. 405 (1978)

Lowe v. State, 267 Ga. 754 (1997)

Merry v. Williams, 281 Ga. 571 (2007)

Olvera v. Univ. of Georgia Bd. of Regents, S15G1130 (2016)

Porter v. Food Giant, Inc., 198 Ga. App. 736 (1991)

R.A.F. v. Robinson, 286 Ga. 644 (2010)

Richardson v. Phillips, 302 Ga. App. 305 (2010)

S. LNG Inc. v. MacGinnitie, 294 Ga. 657 (2014)

Schoen v. Cherokee Cnty., 242 Ga. App. 501 (2000)

Schrenko v. Dekalb Cnty. School Dist., 276 Ga. 786 (2003)

Scott v. Taylor, 405 F.3d. 1251 (11th Cir. 2005)

SJN Properties, L.L.C. v. Fulton Cnty. Bd. of Assessors, 296 Ga. 793 (2015)

State Board of Exm. of Opt. v. Soc. of Prof. Opt., 231 Ga. 44 (1973)

Wolfe v. Huff, 233 Ga. 162 (1974)

Columbus Consolidated Government Charter Provisions:

Charter § 1-100

Charter § 1-101

Charter § 3-104

Charter § 4-100

Charter § 4-201

Charter § 4-307

Charter § 7-400

Charter § 7-401

Charter § 7-402

Charter § 7-404

Charter § 8-105

Columbus Consolidate Government Ordinances:

Ordinance 13-39

Ordinance 14-25

2.

Sec. 1-100. Consolidation of city and county; creation of consolidated government; name.

The governmental and corporate powers, duties and functions now vested in the City of Columbus, a municipal corporation created by an Act of the General Assembly approved December 19, 1928 (Ga. L. 1828, p. 153), as amended, and particularly but not in limitation as amended by an Act of the General Assembly approved August 5, 1921 (Ga. L. 1921, p. 800), as amended, are hereby consolidated with the governmental and corporate powers, duties and functions of the County of Muscogee, such consolidation of the governments of the City of Columbus and the County of Muscogee being pursuant to constitutional power granted by Article XI, Section I, Paragraph VII of the Constitution of Georgia of 1945, as amended, particularly by an amendment ratified at the general election held on November 5, 1968 (Ga. L. 1968, p. 1508), and in accordance with an Act of the General Assembly approved April 25, 1969 (Ga. L. 1969, p. 3571). Said consolidation shall result in the establishment of a single county-wide government with powers and jurisdiction throughout the territorial limits of Muscogee County, which single government shall supersede and replace the governments of the City of Columbus and the County of Muscogee and, to the extent provided in this Charter, shall also supersede and replace any public authorities and special service districts located and operating within Muscogee County. All areas of Muscogee County outside of Bibb City and the Fort Benning Reservation are hereby annexed as a part of the City of Columbus and shall become hereby a part of the City of Columbus which is hereby consolidated with Muscogee County, and the single government hereby created shall be considered for all purposes as being a consolidation of the governments of Columbus as defined hereby with the County of Muscogee, and the single government which supersedes and replaces the governments of the City of Columbus and County of Muscogee shall be considered as a consolidation of the City of Columbus with boundaries to the Muscogee County line with the exception of Bibb City and the Fort Benning Reservation. It is the express intention of the General Assembly in enacting this provision to declare as a city and as a part of the City of Columbus all the area of Muscogee County with the exception of Bibb City and the Fort Benning Reservation. Said county-wide government shall be a new political entity, a body politic and corporate, and a political subdivision of the State, to be known as "Columbus, Georgia, "(herein at times called "the consolidated government") having all of the governmental and corporate powers, duties and functions heretofore held by and vested in the City of Columbus and Muscogee County, and also the powers, duties and functions provided in this Charter. The consolidated government shall be a public corporation; shall have perpetual succession; shall, without the necessity or formality of a deed, bill of sale or other instrument of transfer, own, possess and hold all the properties (of whatsoever kind or nature), assets, contracts, franchises, things, rights, privileges, immunities, real and personal property theretofore owned, possessed, enjoyed or held by the City of Columbus and the County of Muscogee; and by the name of Columbus, Georgia shall be able to contract and be contracted with, sue and be sued as provided by this Charter, plead and be impleaded, in all courts of this State, and do all other acts relating to its corporate capacity; and shall be able in law and equity to purchase, have and hold, receive, enjoy, accept, possess and retain for the use and benefit of said Columbus, Georgia, in perpetuity or for any term of years, any estate or estates (real or personal), lands, tenements, hereditaments of whatsoever kind or nature within or without the territorial limits of the consolidated government, as may be devised, bequeathed, sold or by any manner conveyed or dedicated to or otherwise acquired by the consolidated government, and to use, manage, and improve, sell and convey, rent or lease same; and to have and use a common seal. From and after the effective date of the Charter, the political subdivision known as Muscogee County, Georgia, and the municipal corporation known as the City of Columbus, Georgia shall be merged into the said new political entity herein created.

Sec. 1-101. Form of government.

The Consolidated Government provided by this Charter shall be known as the Mayor-Council-

City Manager form of government. The Mayor shall be aided by City Officers, who, in the performance of their duties, shall be responsible and accountable to the Mayor except as otherwise provided in this Charter, by Georgia Law or by Rules of the State Bar of Georgia. Those persons who are deemed to be City Officers are set forth in sec. 4-300 of this Charter, as amended.
(Ref. of 11-6-12)

Sec. 1-102. Boundaries of the consolidated government.

The territory embraced in the consolidated government shall be the total area of Muscogee County, as the same may be now or hereafter fixed and established by law.

Sec. 1-103. Taxing districts.

(1) The consolidated government shall, within the geographic limits thereof comprise two (2) or more taxing districts, (herein called "services districts"), wherein taxes shall be assessed, levied, and collected by the consolidated government in accordance with the kind, character, type, degree, and level of services provided by said government within said services districts, and the rate and manner of taxation may vary in any one (1) district from that in another or other districts. The powers, authority, duties, liabilities, and functions of the consolidated government may vary in any district from that in another or other districts, as provided by ordinance.

(2) The Council of the consolidated government shall, pursuant to the applicable provisions of Article IX, Section 9-102 hereof divide the territory of the consolidated government into two or more taxing districts (herein called "services districts"); provided, however, at least one of such districts shall be known as the general services district and shall consist of the total area of Muscogee County as fixed and established on the effective date of this Charter or as thereafter modified according to law; and provided, further, the Council shall establish at least one or more urban services districts which shall embrace such territory or territories for which provision is made by the Council for additional or higher levels of services than are provided uniformly throughout the territory of the consolidated government on the effective date of this Charter. In the establishment of the first urban services district or districts, the Council shall hold one or more public hearings thereon at which all interested persons affected thereby shall have an opportunity to be heard. Notice of the time, place, and date of such hearings shall be published in one or more newspapers of general circulation including the newspaper having the largest circulation in Columbus, Georgia, at least twice during the week immediately preceding the date of the hearing.

(3) The consolidated government is hereby empowered to exercise and provide within the General Services District and within any urban services district established by this Charter or by ordinance of the Council those powers, functions and services which have theretofore been exercised and provided by Muscogee County or the City of Columbus, or both; all powers, functions and services authorized by this Charter, and any amendments thereto; and all powers, functions and services which counties and municipal corporations, or both, are now or hereafter authorized to exercise under the Constitution and laws of the State of Georgia.

(4) The consolidated government shall perform within the General Services District those governmental duties, functions and services which are generally available and accessible to all residents throughout the total area of said government.

(5) The consolidated government shall perform within its urban services districts those additional, more comprehensive and intensive and higher levels of governmental duties, functions and services which benefit primarily the residents of such urban services districts.

(6) Except as otherwise provided by this Charter, urban services districts of the consolidated government shall be created, expanded, merged, consolidated, or reduced only by ordinance duly adopted by the Council under such general rules, procedures, regulations, requirements, and specifications as established by the Council; provided however, no new urban service district shall be created or existing urban services districts expanded, abolished, merged, consolidated, or reduced without providing an opportunity for interested persons to be heard by publishing a notice of a public hearing on the proposed expansion, consolidation, reduction, or creation of an urban services district in one or more newspapers of general circulation including the newspaper having the largest circulation in Columbus, Georgia, for a period of once each week for at least two successive weeks prior to the date of the hearing. Such rules and regulations shall set forth the manner and method for creation of new urban services districts, expansion, consolidation, reduction, or merger of existing urban services districts, requirements for defining functions and policies for rendering services, changes in levels of services within existing services districts, transferring territory from one services district to another, requirements for defining boundaries of services districts, procedures, expansion, reduction, or consolidation of existing services districts and requirements for defining boundaries of services districts.
(HB 415, § 1, 4-24-13)

Sec. 1-104. Limitations.

Nothing contained in this Charter shall be construed so as to affect the status of any incorporated municipality located within Muscogee County other than the City of Columbus, and the status or relationship that such incorporated municipalities bear to Muscogee County and the City of Columbus prior to the adoption of this Charter shall continue to the same extent with the consolidated government.

(2) The Mayor and members of the Council, before entering upon their duties shall take and subscribe before a Judge of the Superior Court the following oath of office:

"I do solemnly swear that I will well and truly perform the duties of Mayor (or Councilor as the case may be) of Columbus, Georgia, and that I will support and defend the Charter thereof as well as the Constitution and laws of the State of Georgia and of the United States of America. So help me God."

(3) The Council shall adopt rules of procedure governing the transaction of its business consistent with the provisions of this Charter and shall provide for keeping a journal of its proceedings which shall be a public record. Six (6) members of the Council shall constitute a quorum for the transaction of business, provided a smaller number may adjourn from time to time.

(4) The rules of the Council shall provide for regular meetings which shall be held at least twice in each month, and shall fix the date and place of all regular meetings; provided, however, that any regular meeting may be canceled upon the adoption of a resolution by a majority vote of the Council at least seven (7) days prior to the meeting. In no event shall fewer than two (2) regular meetings be held in any month. Special meetings of the Council may be called by the Mayor or by any six (6) members of the total membership of the Council upon no less than twelve (12) hours written notice to each member served personally or left at the usual place of business or residence of such member. Such notice of the special meeting may be waived in writing either before or after the meeting. Special meetings may be held at any time without notice upon attendance at such meeting of or waiver of notice by all members of the Council.

(5) All meetings of the Council shall be public and any citizen may have access to the minutes and records thereof at reasonable times.

(6) For each absence of a Councilor from a regular meeting of the Council, there shall be deducted from the pay of such Councilor a sum equal to two (2) percent of the annual salary of the Councilor; provided however, there shall be no deductions from the pay of a Councilor for absences from regular meetings where such absences have been excused by the Council by resolution setting forth the reason thereof and entered upon the journal. Absence from five (5) consecutive regular meetings shall operate to vacate the seat of a Councilor, unless the absence is excused by the Council by resolution setting forth the reason thereof and entered upon the journal.

(7) The Clerk of Council shall give notice of Council meetings to its members, to the Mayor and to the public as provided by ordinance, keep the journal of its proceedings, maintain a current and comprehensive index of all ordinances and resolutions and perform such other duties as may be assigned him or her by this Charter or by the Council.
(Ref. of 11-6-12)

Sec. 3-104. Powers of Council.

(1) All legislative power of the consolidated government including any such power which may hereafter be conferred on the consolidated government by amendment of this Charter, or by the Constitution or laws of Georgia, shall be vested in and exercised by the Council in accordance with the provisions of this Charter. Where the Council has determined that a state of emergency exists, it may delegate its legislative powers to the Mayor to rule the City by proclamation and such proclamations shall have the force and effect of ordinances adopted by the Council and violators shall be punished by fine and imprisonment in like manner as violators of ordinances adopted by the Council of Columbus.

(2) In the exercise of its powers, the Council shall adopt and provide for the execution of such ordinances, rules and regulations, not inconsistent with this Charter, as may be necessary or proper for the purpose of carrying into effect the powers conferred by this Charter and for the promotion and protection of the safety, health, peace, security and general welfare of the inhabitants of the consolidated government and may enforce such ordinances, rules and regulations by imposing penalties for violations thereof, as set forth in section 1-8 of this Code.

(3) The Council may by ordinance create, change, alter, combine, abolish and consolidate bureaus, boards, commissions, departments, divisions, authorities, offices, and agencies of the consolidated government including positions of public employment and may transfer and delete functions and assign additional functions to any of the bureaus, offices, agencies, departments, divisions, boards, authorities, commissions and positions of public employment existing under this Charter.

(4) The Council may bring charges against any appointed officer or employee not in the merit service of the consolidated government for lack of qualifications, incompetence, neglect of duty, gross misconduct in reference to his or her duties, or violation of the Code of Ethics provided in Appendix Two of this Charter. The charges shall be presented in writing to the appointing authority, and if he or she does not remove the accused, the Council may order a public hearing thereon, at which the official shall have the right to be heard, to be represented by counsel, and to require the attendance of witnesses and the production of relevant books and papers. If, after hearing, the accused be found guilty as charged, he or she may be suspended or dismissed from the service of the consolidated government by the affirmative vote of seven (7) members of the Council.

(5) Except as otherwise provided by this Charter, the Council and its members shall deal with the executive branch of the consolidated government, including all appointive officers, directors of departments and employees thereof only through the mayor and any such action by the Council may take the form of an ordinance or resolution.

Chapter 2. Legislative Procedure

Sec. 3-200. Legislation by ordinance.

Every official act of the Council which is to become law shall be by ordinance and shall begin with the words: "The Council of Columbus, Georgia, hereby ordains." All other acts of the Council shall be by resolution or shall take such other form as prescribed by its rules.

Sec. 3-201. Manner of introduction, consideration, add passage of ordinances.

(1) Every proposed ordinance must be complete and in writing and may be introduced by any member at any meeting of the Council. Every ordinance shall embrace but one (1) subject which shall be clearly expressed in the title, except ordinances making appropriations or authorizing the contracting of indebtedness or issuance of bonds or other evidence of debt.

(2) Ordinances making appropriations or authorizing the contracting of indebtedness or the issuance of bonds or other obligations and appropriating the money to be raised thereby shall be confined to those subjects respectively. Nothing herein shall be construed to prevent the Council from authorizing in and by the same ordinance, the making of any one (1) public improvement and the issuance of bonds therefor.

(3) No ordinance shall be passed and adopted until it has been read at two (2) regular meetings not less than one (1) week apart. The requirement of such reading may be dispensed with at either or both of such meetings by the affirmative vote of six (6) members of the Council. Where the Council determines that a state of emergency exists due to natural disaster, foreign enemies, or civil disobedience, an ordinance may be passed declaring that such emergency exists and such ordinance may be adopted on one (1) reading, effective immediately, and effective prior to advertisement.

(4) No ordinance or section thereof shall be revised or amended by its title or section number only, but the new ordinance shall contain the entire ordinance or section as revised or amended.

(5) Each proposed ordinance may be read only by title when called for final passage.

(6) Voting upon the passage of all ordinances shall be taken by "ayes" and "nays" and the names of the councilors voting for and against each proposed ordinance or amendment shall be entered upon the journal of the proceedings of the Council.

Subchapter G. Dismissal And Approval

Sec. 4-335. Dismissal of City Officer.
Sec. 4-336. Appeal of dismissal by City Officer.

Chapter 4. Reserved

Chapter 5. Reserved

Chapter 6. Boards, Commissions, and Authorities: Functions

Subchapter A. Departmental

Sec. 4-600. Board of water commissioners; laws continued in force; terms construed.
Sec. 4-601. Board of health; redesignation; application of law; terms construed.
Sec. 4-602. Board of family and children services; redesignation; application of law; terms construed.

Subchapter B. Attached To Departments

Sec. 4-610. Personnel review board.
Secs. 4-611—4-613. Reserved.

Subchapter C. Nondepartmental

Sec. 4-620. Housing authority (reserved)
Sec. 4-621. Hospital authority; redesignation; application of law; terms construed.
Sec. 4-622. Reserved.
Sec. 4-623. Industrial and port development commission.
Sec. 4-624. Board of tax assessors.
Secs. 4-625, 4-626. Reserved.
Sec. 4-627. Airport commission; redesignation; application of law; terms construed.
Sec. 4-628. Reserved.
Sec. 4-629. Columbus building authority.

Chapter 1. Organization and General Provisions

Sec. 4-100. Executive powers.

All executive and administrative powers of the consolidated government shall be vested in and exercised by the executive branch.

Sec. 4-101. Organization.

The executive branch shall consist of the Mayor; the City Officers; the directors of departments; and departments, boards, commissions and authorities ordained by the Council or established by law.
(Ref. of 11-6-12)

Sec. 4-102. General provisions concerning departments.

(1) The operations and responsibilities of each department in the consolidated government shall be distributed among such divisions or bureaus as may be provided for by ordinance of Council. Each department shall consist of such officers, employees, and positions as may be provided by ordinance.

(2) There shall be a director of each department who shall be the principal officer thereof, except the department of public safety, the director and principal officer of which shall be the Mayor. Except as otherwise provided by law or this Charter, each director shall, subject to the supervision and direction of the City manager, be responsible for the conduct of the affairs and operations of his or her department and shall exercise general management and control of the several divisions, bureaus or other units of the departments as may be established by ordinance of the Council.

(3) All directors of departments shall be appointed and may be removed by the City Manager with the advice and consent of the Council, except where other appointing authority is designated by this Charter or by applicable state law.

(4) Except as otherwise provided by this Charter the directors of departments and other appointed officers of the consolidated government shall serve at the pleasure of the appointing authority. Vacancies occurring in an appointive office shall be filled in the same manner as prescribed by this Charter for an original appointment.

(5) Except as otherwise provided by law, the directors of departments and other appointed officers of the consolidated government shall be appointed on the basis of their respective executive, administrative and professional qualifications.

(6) All appointive officers and directors of departments shall receive such compensation as prescribed by ordinance of the Council.
(Ref. of 11-6-12)

Sec. 4-103. General provisions concerning boards, commissions and authorities.

(1) All members of boards, commissions and authorities of the consolidated government shall be appointed by the Council for such term of office and by such manner of appointment as provided by ordinance, except where other appointing authority, term of office or manner of appointment is prescribed by this Charter or by applicable state law.

(2) Any vacancy in office of any member of a board, commission and authority of the consolidated government shall be filled for the unexpired term in the manner prescribed herein for original appointment, except as otherwise provided by this Charter or by applicable state law.

(3) No member of any board, commission or authority shall assume office until he or she shall have executed and filed with the Clerk of the Council an oath obligating himself or herself to faithfully and impartially perform the duties of his or her office, such oath to be prescribed by ordinance of the Council and administered by the Mayor.

(4) Any member of a board, commission or authority of the consolidated government may be removed from office for cause by a vote of six (6) members of the Council.

(5) Except as otherwise provided by law, members of boards, commissions and authorities may receive such compensation as may be prescribed by ordinance. The Council may by ordinance establish a policy for reimbursement of the actual and necessary expenses incurred by such members in the performance of their official duties.

Chapter 2. The Mayor

Sec. 4-200. Term; qualification; compensation; election.

(1) (A) The Mayor who is serving as such on January 1, 1993, and any person selected to fill a vacancy in such office shall continue to serve as Mayor for the remainder of the unexpired term of office.

(B) The Mayor of the consolidated government (herein referred to as the "Mayor") shall be elected for a term of four (4) years and shall assume office on the first Monday in January next following his or her election and shall serve until a successor is elected and qualified. The Mayor shall be elected as provided in Article VI of this Charter.

(2) The Mayor shall be a citizen of the United States, shall have been a resident and qualified elector of the consolidated government for at least two (2) years prior to the date of his or her election, and shall be at least twenty-five (25) years of age when elected to office. If the Mayor shall cease to be a resident and qualified elector during his or her term of office he or she shall forthwith forfeit the office and the Council shall declare the office vacant.

(3) The annual salary of the Mayor shall be fixed by ordinance of Council; provided, however, that such compensation shall not be diminished during his or her term of office.

Sec. 4-201. Powers and duties.

The Mayor shall have the power and the duty:

(1) To be the official spokesperson for the consolidated government and its chief advocate of policy, and to see that the ordinances, resolutions, and regulations of the Council and laws of this state, subject to enforcement by the Mayor or by Officers subject to the Mayor's direction and supervision, are faithfully executed and enforced;

(2) To preside at all meetings of the Council and to have a voice in its proceedings;

(3) To nominate the City Officers as defined in Section 4-300 below;

(4) To have the right to vote only in the case of a tie, and for such purpose only to be deemed a member of the Council;

(5) Except as provided in subsection (9) hereof, to sign ordinances on their final passage; to sign deeds, bonds, contracts, and other instruments and documents in any case in which the execution of legal instruments of legal writing or of other necessity, arising where the general laws of the state, or provisions of this Charter, or ordinance or resolution of the Council so require;

(6) To be recognized as the official head of the consolidated government by the courts for the purpose of receiving service of civil process, by the Governor for the purpose of military law and for all ceremonial purposes;

(7) To take, with consent of the Council, command of the police and govern the consolidated government by proclamation and maintain order and enforce laws in times of danger or emergency, such consent may be given by an emergency ordinance adopted as set forth in Section 3-201(3) of the Charter, and in the event the President of the United States or the Governor of the State of Georgia declares such emergency to exist, to take command of the police and govern the consolidated government and maintain order and enforce laws until such time as the Council is able to act;

(8) To call special meetings of the Council as provided by Article III, Chapter 1, Section 3-103(4) of this Charter;

(9) To require reconsideration of ordinances passed by the Council as provided by Article III, Chapter 2, Section 3-202 of this Charter;

(10) To submit to the Council the recommended annual operating and capital budget and capital improvement program as required by Article VII, Chapter 4 of this Charter;

(11) To conduct studies and to make recommendations to the Council for legislation concerning all matters relating to the consolidated-government and the welfare of its citizens;

(12) To represent the consolidated government in its intergovernmental relations, particularly where questions of public policy are at issue;

(13) To appoint for his or her information and assistance, advisory boards, commissions, and committees which shall be answerable only to the Mayor, but whose actions shall be advisory in nature;

(14) To direct, supervise and coordinate the administration and activities of the department of safety;

(15) Subject to the approval of six (6) members of the Council, to appoint and remove division heads such as the police and Fire Chief and such other Officers as prescribed by ordinance;

(16) To supervise and direct all matters pertaining to civil defense, including civil defense planning, training, coordination, implementation and such other civil defense functions and activities, as required by ordinance; and

(17) To perform such other functions and duties as required by law, this Charter, or ordinance, or resolution of the Council.
(Ref. of 11-6-12)

Sec. 4-202. Limitation on terms of service; other elective office.

Any Mayor who is elected for two (2) consecutive four-year terms shall not be eligible to be elected for the succeeding term. During his or her term of office, the Mayor shall not hold any other elective public office or any appointive position of employment within the consolidated government.

Sec. 4-203. Mayor pro tem; powers; duties.

During the absence or disability of the Mayor for any cause, the Mayor pro tem shall exercise all the powers and discharge all the duties of the Mayor, until such vacancy has been regularly filled or until the return of the Mayor or the removal of the Mayor's disability. In the event of the absence or disability of both the Mayor and Mayor pro tem for any cause, the Council shall designate one (1) of their number to preside over their meetings and discharge the duties of Mayor until either the return or removal of the disability of the Mayor or Mayor pro tem The Councilor who serves as Mayor pro tem shall receive an annual salary equal to the annual salary of Councilors plus such additional compensation as may be fixed from time to time by ordinance of the Council.

Chapter 3. City Officers

Subchapter A. City Officers

Sec. 4-300. Definition.

The City Officers of Columbus, Georgia shall consist of the City Manager, the City Attorney, the Chief of the Columbus Police Department, the Chief of the Columbus Fire and EMS Department and the Warden of the Muscogee County Prison, all of whom shall be responsible to and accountable to the Mayor of Columbus, Georgia, except as otherwise provided in this Charter, by Georgia law or by Rules of the State Bar of Georgia.
(Ref. of 11-6-12)

Sec. 4-301. Residence.

The residency requirement contained in Chapter 3 of this Charter shall only be applicable prospectively to City Officers appointed after the effective date of these amendments to the Charter.
(Ref. of 11-6-12)

Subchapter B. City Manager

Sec. 4-305. Appointment and removal.

The City Manager shall be appointed in accordance with the requirements of Section 4-201(3) of Chapter 2 of this Article. The City Manager shall be removed in accordance with the require-

ments of Section 4-335 of this Chapter. Vacancies occurring in the office of the City Manager shall be filled in the same manner as prescribed in Chapter 2 for original appointment.
(Ref. of 11-6-12)

Sec. 4-306. Residence and compensation.

The City Manager need not be a resident of Columbus, Georgia at the time of his or her appointment, but must become a resident of Columbus, Georgia within ninety (90) days thereafter and maintain such residency during his or her term in office. The City Manager shall receive such compensation as fixed by ordinance of the Council.
(Ref. of 11-6-12)

Sec. 4-307. Powers and duties.

The City Manager, under and subject to the direction of the Mayor shall:

(1) With the advice and consent of the Council, appoint and remove all heads of departments in the administrative service of the consolidated government who are subject to his or her control and direction as provided for by this Charter or personnel rules adopted pursuant to this Charter and by ordinance;

(2) Direct and supervise the administration of all departments, offices and agencies of the consolidated government except as otherwise provided by law, this Charter, or ordinance;

(3) Prepare and submit to the Mayor the annual operating and capital budget and capital improvement program;

(4) Submit to the Mayor and make available to the public a complete report on the finances and administrative activities of the consolidated government as of the end of each fiscal year and at such other times as the Mayor may direct;

(5) Prepare and make such other reports concerning the operations of departments, offices and agencies of the consolidated government subject to the City Manager's direction and supervision as may be required by the Mayor or by the Council;

(6) Keep the Mayor and Council fully advised as to the financial condition and future needs of the consolidated government and make such recommendations to the Mayor and the Council concerning the affairs of the government as he or she deems desirable;

(7) Have care and custody of all buildings and of all real and personal property of the government;

(8) Direct and supervise the administration of the construction, maintenance, and operation of public streets, roads, bridges, drains and buildings and other public works;

(9) Confer with and assist the directors of all departments, such as the department of health and department of family and children services whose responsibilities and activities are not under direct control and jurisdiction of the Council, but who are dependent upon appropriations therefrom;

(10) 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;

(11) At least annually, examine accounts, records and operations of every board, commission, authority, department, office and agency which receive appropriations [from] the Council;

(12) Provide general liaison between the Mayor, the Council and all departments, boards, commissions and employees of the consolidated government;

(13) Perform such other duties as may be required by law, this Charter, ordinance, or resolution of the Council.

(Ref. of 11-6-12)

Subchapter C. City Attorney

Sec. 4-310. Appointment and removal.

The City Attorney shall be appointed in accordance with the requirements of Section 4-201(3) of Chapter 2 of this Article. The City Attorney shall be removed in accordance with the requirements of Section 4-335 of this Chapter. Vacancies occurring in the office of the City Attorney shall be filled in the same manner as prescribed in Chapter 2 for original appointment.
(Ref. of 11-6-12)

Sec. 4-311. Residence and compensation.

The City Attorney need not be a resident of Columbus, Georgia at the time of his or her appointment, but must become a resident of Columbus, Georgia within ninety (90) days thereafter and maintain such residency during his or her term of office. The City Attorney must be an active member of the State Bar of Georgia in good standing, and shall have had at least five (5) years' experience in active practice of the law. The compensation of the City Attorney shall be fixed by ordinance of the Council.
(Ref. of 11-6-12)

Sec. 4-312. Powers and duties.

The City Attorney shall:

(1) Act as the legal adviser to and attorney and counsel to the consolidated government and all its officers in matters relating to their official duties;

(2) Prepare all contracts, bonds and other instruments in writing in which the consolidated government is concerned and shall endorse on each approval of the form and correctness thereof, and no such written contract with the consolidated government shall take effect until the approval of the City Attorney is endorsed thereon;

(3) Be the primary prosecutor in the recorder's court;

(4) Perform such other duties as may be required by law, this Charter, ordinance, or resolution of the Council.

(Ref. of 11-6-12)

Subchapter D. Chief of Police of Columbus, Georgia

Sec. 4-320. Appointment.

The Chief of Police of Columbus, Georgia ("Police Chief") shall be appointed in accordance with the requirements of Section 4-201(3) of Chapter 2 of this Article. The Chief of Police of Columbus, Georgia shall be removed in accordance with the requirements of Sec. 4-335 of this Chapter. Vacancies occurring in the office of the Chief of Police of Columbus, Georgia shall be filled in the same manner as prescribed in Chapter 2 for original appointment.
(Ref. of 11-6-12)

Sec. 4-321. Residence and compensation.

The Police Chief need not be a resident of Columbus, Georgia at the time of his or her appointment, but must become a resident of Columbus, Georgia within ninety (90) days thereafter and maintain such residency during his or her term of office. The compensation of the Police Chief shall be fixed by ordinance.
(Ref. of 11-6-12)

Sec. 4-322. Powers and duties.

The Police Chief under and subject to the direction of the Mayor shall:

(1) Be the chief executive officer of the Columbus Police Department. The Police Chief shall be responsible to the Mayor for the overall operations of the department. The Chief of Police is the ranking officer of the department and shall have authority over all personnel, sworn, and non-sworn, within the department.

(2) Be responsible for the selection, training, assignment and promotion of all personnel. The Chief of Police of Columbus, Georgia shall have the authority to discipline, including the termination of any department personnel.

(3) Be authorized to promulgate rules and regulations and to establish policy and procedure governing the conduct of departmental employees and the activities and

of Columbus, Georgia, said eighteen (18) mills limitation shall be reduced to nine (9) mills for the year following the initial year in which the sales and use tax is enacted and for each year thereafter.

Sec. 7-103. Homestead exemptions.

(1) The homestead exemptions provided under the Constitution and laws of Georgia presently in force or as hereafter amended shall be applicable to all such property subject to ad valorem taxes within the territory of the consolidated government as defined in Article I, Section 1-102 of this Charter; Provided however, that such homestead exemptions (except for persons sixty-five (65) years of age or older) shall not apply to taxes levied for the retirement of bonds or for the support of the Muscogee County School District.

(2) The exemptions authorized by this section include the individual citizen homestead exemption, the disabled veteran homestead exemption, the homestead exemption applying to persons 65 years of age or older and any other homestead and personal property exemption as now or hereafter authorized by the Georgia Constitution.

Chapter 2. Borrowing and Indebtedness

Sec. 7-200. Issuance of general obligation bonds.

(1) The council shall be authorized to issue and sell general obligation bonds under the provisions of the general laws of the state for any public purpose for the benefit of the consolidated government or any tax district or services district thereof; provided, however, that for the purpose of issuing and selling such general obligation bonds, the consolidated government shall be deemed a county and the provisions of the Constitution and laws of the State of Georgia governing the limitations, terms and procedures for the issuance and sale of bonds by counties shall apply to the consolidated government unless otherwise provided by this Charter.

(2) All general obligation bonds shall be issued in the name of Columbus, Georgia, and shall be an obligation thereof, and the full faith and credit of the consolidated government shall be pledged for all general obligation bonds issued thereunder which are payable from ad valorem taxes. Anything herein to the contrary notwithstanding, the Council have shall the authority to levy and collect ad valorem taxes without limit as to rate or amount on all taxable property within the territorial limits of the consolidated government.

Sec. 7-201. Debt limitation; general obligation bonds.

The total general obligation bond indebtedness of the consolidated government payable from ad valorem taxes (including all outstanding general obligation bonds of the former City of Columbus and Muscogee County on October 5, 1971, shall not exceed ten (10) percent of the assessed value of all taxable property within the territorial limits of the consolidated government.

Sec. 7-202. Revenue bonds.

The Council is hereby empowered and authorized to issue revenue bonds for the purposes and in the manner now or hereafter provided by Chapter 82 of Title 36 of the O.C.G.A., as now or hereafter amended.

Sec. 7-203. Use of bond proceeds.

All revenue derived by the consolidated government from the issuance and sale of bonds shall be used exclusively for the purposes for which such bonds were issued, and all ad valorem taxes collected for the purpose of bonds shall be used servicing or retiring such bonds shall be used exclusively for the payment of principal and interest thereof.

Sec. 7-204. Allocation of indebtedness.

(1) The Council shall establish a debt service fund for the general services district and a debt service fund for each urban services district created by the Council pursuant to Section 1-103 of this Charter for the amortization of general obligation bonds issued for the benefit thereof, including bonds issued prior to October 5, 1971, by the County of Muscogee and the City of Columbus which have been allocated to such districts under the provisions of this section. Such debt service

funds shall consist of the cash and securities in the debt service funds for bonds issued by the County of Muscogee and the City of Columbus prior to October 5, 1971, and such funds hereinafter required to be paid into such funds and the interest earned on the investment thereof. The debt service funds for the bonds heretofore issued by the County of Muscogee and the City of Columbus shall be transferred to the debt service fund of the district to which such bonds are allocated by this section. Nothing contained herein, however, shall affect any debt service funds for any revenue bonds or other bonds which are required by the proceedings which authorized such bonds to be maintained as separate and segregated debt service funds for such bonds, and such sinking funds shall be transferred to the consolidated government and segregated and maintained in the manner provided in the proceedings which authorized the issuance of such bonds.

(2) All such debt service funds shall be invested in accordance with the applicable provisions of the Constitution and laws of Georgia governing investment of sinking funds of municipalities and counties.

(3) The annual tax levy ordinances for the general services district and the urban services districts shall provide, in addition to all other taxes assessed therein, a tax levy sufficient to pay the principal and interest charges on all outstanding general obligation bonds due or to be paid in the ensuing fiscal year.

(4) All moneys paid into any debt service fund shall be used exclusively for the purchase, retirement or payment of the outstanding bonds for which such debt service funds are created and maintained, and the treasurer shall keep a record of all receipts and disbursements of the debt service funds.

Sec. 7-205. Other indebtedness.

The Council is hereby empowered and authorized to incur other and additional indebtedness in accordance with the provisions of the Constitution and laws of Georgia relating to temporary loans to meet casual deficiencies of revenue, additional debt, and temporary loans payable within the year, and related matters.

Sec. 7-206. Street improvements.

Nothing in this Charter shall be construed as affecting the power of the Council to issue bonds for street improvements and otherwise exercise the rights, powers and procedures set forth in an Act approved August 9, 1929 (Ga. L. 1929, p. 979).

Chapter 3. Property Tax Administration

Sec. 7-300. Assessing and collecting property taxes.

(1) The assessment and collection of property taxes by the consolidated government shall be as provided by state law.

(2) The Council shall provide by ordinance when taxes levied and imposed by the consolidated government shall become due and payable and when the same shall become delinquent. The Council by ordinance may authorize the payment of taxes due the government in installments, at the option of the taxpayer, and when and how and upon what terms such installments shall be due and payable. The Council may also authorize the payment of taxes prior to the time when due.

(3) The Council shall provide by ordinance for the manner and method of collecting delinquent taxes due the consolidated government.

Chapter 4. Budgeting

Sec. 7-400. Fiscal year.

The fiscal year of the consolidated government shall begin on the first day of July of each year and shall end on the thirtieth day of June next following. Said fiscal year shall constitute the budget year and the year for financial accounting and reporting of each and every office, department or institution, agency and activity of the consolidated government, unless otherwise provided by state or federal law.

Sec. 7-401. Budget preparation and adoption.

(1) The Council shall prescribe by ordinance the procedures and requirements for the preparation, adoption and execution of an annual operat-

ing budget, a capital improvement program and a capital budget. Such ordinance shall require the use of program budgeting by the consolidated government.

(2) A proposed annual operating and capital budget for the ensuing fiscal year shall be prepared by the city manager to be submitted by the mayor to the Council on or before a date fixed by ordinance, but not less than 60 days prior to the beginning of the fiscal year. Such budgets shall be accompanied by a budget message from the mayor containing explanations of general fiscal policies, explanations of major changes recommended for the next fiscal year, a general summary of the budgets, and other information deemed appropriate. Copies of the annual operating and capital budgets shall be filed in the office of the clerk of Council and shall be open to public inspection. A summary of the proposed annual operating and capital budgets shall be published in one or more newspapers of general circulation including the newspaper having the largest circulation in Columbus, Georgia.

(3) The annual operating and capital budgets shall consist of two (2) parts. Part I of the annual operating and capital budgets shall set forth in detail the revenue, expenditure and program information for those services, functions and capital improvement projects appertaining to the general services district. Part II of the annual operating and capital budgets shall set forth in detail the revenue, expenditure and program information for those services, functions and capital improvement appertaining only to urban services districts. Said Part II of the annual operating and capital budgets shall contain a separate section for each urban services district established pursuant to this Charter and by ordinance of the Council in order to reflect in detail the revenue, expenditure and program information for those additional services, functions and capital improvement projects rendered and furnished by the consolidated government in each of its urban services districts.

(4) Each of the above-described sections of the annual operating budget shall contain with respect to each of the operating funds of the consolidated government to which they are applicable:

(a) An estimate of the unencumbered fund balance or deficit at the beginning of the ensuing fiscal year and the amount of reserves for designated purposes or activities includable in the operating budget;

(b) A reasonable estimate of cash revenues to be received during the ensuing fiscal year, classified according to source, including a reasonable reserve for contingencies;

(c) Proposed expenditures detailed by each department, board, commission, office, agency, and activity in accordance with an established classification of accounts, including those capital outlays which are to be financed from the revenues of the ensuing year, and including all debt service requirements in full for such fiscal year payable from such funds;

(d) Work programs and performance data in justification of proposed expenditures for each department, board, commission, office, or agency; and

(e) Such other information as may be considered necessary or desired by the Council.

(5) In no event shall the total proposed expenditures from any fund exceed the total anticipated revenues plus the estimated unappropriated surplus of fund balance and applicable reserves and less any estimated deficit at the end of the current fiscal year.

(6) The capital program shall embrace all physical public improvements and any preliminary studies and surveys relative thereto, the acquisition of property of a permanent nature, and the purchase of equipment for any public improvement when first erected or acquired that are to be financed, in whole or in part, from funds subject to control or appropriation by the Council. It shall show the capital expenditures which are planned for each of the six (6) ensuing fiscal years. For each separate purpose, project, facility, or other property there shall be shown the amount, if any, and the source of the money that has been spent, encumbered, or is intended to be spent or encumbered, prior to the beginning of the ensuing fiscal year and also the amounts and the sources of the money that are intended to be spent during each of the ensuing six (6) years.
(HB 415, § 7, 4-24-13)

Sec. 7-402. Consideration and adoption of budgets by Council.

(1) The Council shall, upon receipt of the proposed budgets, schedule and hold one or more public hearings thereon, notice of which shall be published in a newspaper of general circulation including the newspaper having the largest circulation in Columbus, Georgia, at least seven days prior to the date set for such public hearing or hearings. The hearings may be adjourned from time to time.

(2) The Council may amend the proposed operating budget, except that the budget as finally amended and adopted must provide for all expenditures required by law or by other provisions of this Charter and for all debt service requirements for the ensuing fiscal year, and the total appropriations from any fund shall not exceed the estimated fund balance, reserves, and revenues constituting the fund availability of such fund.

(3) The Council shall adopt the final annual operating budget for the ensuing fiscal year not later than the thirtieth day of June of each year and such budget shall be effective for the fiscal year beginning on July 1. In the event, the Council fail to adopt the budget by this date, the amounts appropriated for current operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items prorated accordingly until such time as the Council shall adopt a budget for the ensuing fiscal year. Adoption of the annual operating budget shall take the form of an appropriation ordinance setting out estimated revenues in detail by source and making appropriations according to fund by organizational unit, purpose or activity as set forth in the budget document.

(4) The amount set out in the adopted operating budget for each organizational unit, purpose, or activity shall constitute the annual appropriation for such item, and no expenditure shall be made or encumbrance created in excess of the otherwise unencumbered balance of the appropriation, or allotment thereof, to which it is chargeable.

(5) The Council may delete project from the capital program as submitted to it, but it shall not otherwise amend the capital program until it has requested through the Mayor the recommendations of the department of community development. The Council shall not be bound by such recommendations and may act without them if they are not received within thirty (30) days from the date they were requested. The Council shall adopt by ordinance the capital improvement program and capital budget for the ensuing fiscal year not later than the thirtieth day of June of each year. The capital budget ordinance shall show in detail the capital expenditures intended to be made or incurred in the ensuing fiscal year that are to be financed from funds subject to control or appropriation by the Council and shall be in full conformity with that part of the capital program applicable to the year which it covers. Amounts specified as intended to be spent out of new appropriations shall, upon enactment of the capital budget ordinance, constitute appropriations of such amounts. The Council may amend the capital budget ordinance but no amendment shall be valid which does not conform to the capital improvement program.
(HB 415, § 8, 4-24-13)

Sec. 7-403. Levy of property tax.

As the next order of business following the adoption of the operating and capital budgets:

(1) The Council shall levy by ordinance a general services district tax on all real and personal property within the general services tax district as provided by this Charter. The tax rate set by such ordinance shall be such that a reasonable estimate of cash revenues from such levy allowing an amount not less than the previous year's delinquent taxes and other uncollectibles, shall be at least sufficient, together with other anticipated revenues, fund balances and applicable reserves, to equal the total amount of the annual operating budget for defraying the expenses of the general services district for services to be rendered throughout the entire area of the consolidated government and for such other purposes, functions and services as may be authorized by the laws of the State of Georgia, by this Charter, or by ordinance.

(2) The Council shall levy by ordinance a separate urban services district tax on all real and personal property within each urban services tax district established by this Charter or created by the Council. The tax rates set by such ordinance for each district shall be such that a reasonable estimate of cash revenues from such levy, allowing an amount not less than the previous year's delinquent taxes and other uncollectibles, shall be at least sufficient, together with other anticipated revenues, fund balances, and applicable reserves, to equal the total amount of the annual operating budget for defraying the expenses of the higher level of additional functions and services to be rendered in each such urban services district.

Sec. 7-404. Additional appropriations.

The Council may make appropriations in addition to those contained in the current operating budget or capital budget, at any regular or special meeting called for such purpose.

Sec. 7-405. Post audit.

(1) The Council shall provide annually for an independent audit of the accounts and other evidences of financial transactions of the consolidated government and of its every office, department, board, authority, commission or agency. The audit shall be made by an accountant or an accounting firm, the members of which have no pecuniary, personal interest, direct or indirect, in the fiscal affairs of the consolidated government or of its departments, offices, boards, commissions or agencies. The designated accountant shall be a certified public accountant or, if an accounting firm is employed, the members thereof shall be so certified and thoroughly qualified by training and experience in governmental accounting to perform the audit.

(2) The audit may be conducted on a quarterly or continuing basis and the final report of the annual audit shall be completed as soon as practicable after the close of the fiscal year and in no event later than four (4) months after the close of the fiscal year. The audit report shall be available to the public.

(3) The Council may at any time order an examination or special audit of any office, department, board, commission, or other agency of the consolidated government.

Chapter 5. Procurement and Disposition of Property

Sec. 7-500. Contracting procedures.

The Council shall prescribe by ordinance rules and regulations to be followed in the making of contracts in order to bind the consolidated government. All contracts and all ordinances or resolutions which make or authorize contracts shall be approved by the City Attorney. Except where otherwise provided by law or by ordinance, all contracts of the consolidated government shall be signed by the Mayor or by some person designated by him or her with the approval of the Council and shall be authenticated by the Clerk of Council.

Sec. 7-501. Sale and disposition of property.

(1) The Council shall be authorized to sell any real or personal property owned or held by the consolidated government for governmental or other public purposes under such rules and regulations as the Council may establish; provided, however, that any public utility owned by the consolidated government may only be sold when such sale has been approved by a majority vote of the electors of Columbus, Georgia, voting in a regular or in a special election called for such purpose. Except as otherwise provided by this Charter, any sale of real property shall be made only after the receipt of sealed bids and due advertisement of such sale in one or more newspapers of general circulation including that with the largest general circulation in Columbus, Georgia, once a week for a period of two weeks preceding the date at which such sale is to be made. All sales of real property shall be subject to confirmation by the Council.

(2) The Council is empowered to authorize the following transactions:

(a) A transfer of any real or personal property owned by the consolidated government to another governmental entity upon a finding that such transfer is in the public interest;

(b) A sale of any such property to another governmental entity; and

(c) An exchange of such property for property that is owned either privately or by some other governmental entity.

In each such instance, when the property is sold or exchanged or transferred, a statement shall be published in one or more newspapers of general circulation, including that with the largest general circulation in Columbus, Georgia, on each Monday of the two weeks which precede the week in which such transaction is to be concluded. Such statement shall contain a description of the property or properties involved and the prices and estimated values as to each item of property.

(3) The consolidated government may quitclaim any rights it may have in property not needed for public purposes, upon a report by the Mayor and the adoption of a resolution by the Council finding that the property is not needed for public purposes and that the interest of the consolidated government therein has no appreciable monetary value.

(4) Whenever in opening, extending or widening any street, avenue, alley or public place of Columbus, Georgia, a small parcel or tract of land is cut off and is not needed by the consolidated government, Council may authorize the execution and delivery in the name of the consolidated government of a deed conveying said cut-off or separate parcel or tract of land to an abutting or adjoining property owner or owners in exchange for rights-of-way in said street, avenue, alley or public place or in settlement of any alleged damages sustained by said abutting or adjoining property owners or for other consideration.
(HB 415, § 9, 4-24-13)

Court, the Municipal Court of Columbus, the Juvenile Court of Muscogee County, the Muscogee County department of public health, and the Muscogee County department of family and children services shall continue to function, unaffected except as redesignated by this Charter. The personnel of those bodies shall be selected as heretofore selected, and those officials heretofore elected by the people shall hereafter be so elected. Nothing herein contained shall be construed as altering the status of the Muscogee County School District; provided, however, that the Muscogee County school board shall consist of nine members who shall be residents of the consolidated government. Such courts, boards, personnel, officers, and officials shall continue to occupy the same status with respect to the consolidated government in the same position as previously occupied with respect to Muscogee County. Similarly, the Council shall succeed to such rights, duties, and obligations with regard to such courts, boards, officers, offices, and agencies and the employed personnel thereof as heretofore possessed by either the board of commissioners of Muscogee County or the mayor and city commission of the City of Columbus, or both, specifically including, but not limited to, any right and authority to name and designate personnel.
(HB 415, § 10, 4-24-13)

Sec. 8-105. Budgets of County Officers and agencies.

All elective officers such as the sheriff, tax commissioner, Judge of Probate Court, coroner and other elective officers, and all agencies not under the direct control and jurisdiction of the Council such as the board of health and board of family and children services, which receive appropriations from the Council, shall prior to the commencement of each fiscal year prepare and submit to the City Manager annual operating and capital budget requests for the ensuing fiscal year. Such budget requests shall be incorporated into the overall consolidated government budget for submission by the Mayor to the Council. The Council shall grant a hearing to any such officer or agency on such proposed budgets.

Chapter 2. Laws Applicable to Consolidated Government

Sec. 8-200. Application of laws; laws in force.

(1) The general laws of the State of Georgia of a criminal nature shall be applicable to and within the limits of the consolidated government. Except as provided in Chapter 4 of this Article with regard to Charter amendments, the Constitution and general laws of the State of Georgia relating to the jurisdiction, powers, authority, duties, and responsibilities of or otherwise referring to, municipal corporations or counties, or both, which are not in conflict herewith shall be applicable to the consolidated government. General laws of local application through classification by population, not in conflict with this Charter:

(a) Which on October 5, 1971, apply to the City of Columbus and Muscogee County shall be applicable to the consolidated government;

(b) Which apply to the consolidated government, as either a City or a County at the time of their enactment or thereafter shall be effective; but

(c) Which did not apply to the City of Columbus or Muscogee County or the consolidated government at the time of their enactment shall not become applicable to the consolidated government except through the adoption of a resolution to that effect by the Council.

(2) In construing the applicability of provisions of the Constitution of Georgia and the general laws of the State of Georgia which apply in general terms to either counties or municipalities or both, the following terms as used in such laws shall be construed to include the consolidated government as follows:

(a) "County" shall be construed to include Columbus, Georgia.

(b) "City," "town," "municipal corporation" or "municipality" shall be construed to include Columbus, Georgia.

(c) "Commissioners of roads and revenues" and "board of county commissioners" shall be construed to include the Council of Columbus, Georgia.

(d) "Council," "Mayor and council," "aldermen" and "board of aldermen" shall be construed to include the Council of Columbus, Georgia.

(e) "Chairman of the commissioners of roads and revenues," "chairman of the board of county commissioners," and "Mayor" shall be construed to include the Mayor of Columbus, Georgia.

(f) Any other terms and provisions as used in such laws to refer specifically to counties, municipalities, or both and the officers, employees, departments and agencies thereof shall be construed to include Columbus, Georgia, and its officers, employees, departments and agencies.

(3) Local Acts of the State of Georgia which apply specifically to either Muscogee County, the City of Columbus, or both, shall be applicable to the consolidated government. In construing the applicability of local Acts of the State of Georgia which apply specifically to either Muscogee County, the City of Columbus, or both, the following terms as used in such Acts shall be construed to mean the consolidated government as follows:

(a) "Muscogee County," "Town of Columbus" and "City of Columbus" shall be construed to mean Columbus, Georgia.

(b) "Commissioners of roads and revenues," "board of county commissioners" and "City Commission" shall be construed to mean Council of Columbus, Georgia.

(c) "Chairman of the commissioners of roads and revenues," "chairman of the board of county commissioners" and "Mayor" shall be construed to mean Mayor of Columbus, Georgia.

(d) Any other terms and provisions as used in such Acts to refer specifically to Muscogee County, the City, of Columbus, or both and the officers, employees, departments and agencies thereof shall be construed to mean Columbus, Georgia, and its officers, employees, departments and agencies.

(4) In construing the applicability of laws in force to the consolidated government, the following order shall prevail:

(a) The Constitution of the State of Georgia, as amended by a constitutional amendment ratified at the general election held on November 5, 1968.

(b) An Act of the General Assembly approved April 23, 1969 (Ga. L. 1969, p. 3356).

(c) The general laws of uniform application now in force or hereafter enacted by the General Assembly (as distinguished from general laws of local application through classification by population) applicable to municipal corporations, or counties, or both, not in conflict with this Charter.

(d) Special laws applicable to the former City of Columbus or Muscogee County, or both, not in conflict herewith.

(e) The general laws of local application through classification by population as and to the extent provided in Section 8-200(1) hereof.

(f) This Charter and all ordinances passed pursuant thereto.

(g) Existing ordinances of the former City of Columbus and existing resolutions of the former County of Muscogee not in conflict with this Charter.

Sec. 8-201. Limitation of claims and service.

(1) All claims contractual against the consolidated government must be presented within twelve (12) months after they accrue or become payable or the same are claimed, unless held by minors or other persons laboring under disabilities who are allowed twelve (12) months after the removal of such disability.

(2) Service on the consolidated government of any suit, process or order of court shall be served upon the Mayor.

3.

This ordinance submitted to the Mayor for her signature, this the 15th day of August 2013
Sec: 3-202 (1) Tiny B. Washington Clerk of Council

C.A. 06-18-13(14)
C.A. 06-25-13(7)
C.A. 07-09-13(2)
C.A. 07-23-13(2)
C.A. 08-13-13(1)

AN ORDINANCE
NO. 13-39

An ordinance requiring elected officials and all departments of the consolidated government to seek Council approval for expenditures exceeding budgeted appropriations; and for other purposes.

THE COUNCIL OF COLUMBUS, GEORGIA, HEREBY ORDAINS:

SECTION 1.

All elected officials and departments of the consolidated government must receive Council approval before expenditures are incurred exceeding budgeted appropriations for any fiscal year. Such requests for approval must be scheduled before Council by the Finance Director.

SECTION 2.

This ordinance shall not apply to emergency expenditures of less than $25,000 approved by the Mayor, City Manager and Finance Director, nor to risk management settlements or legal expenses of less than $25,000 approved by the City Manager, City Attorney and Finance Director. As used in this ordinance, the term "emergency" shall mean any situation resulting in imminent danger to the public health or safety or the loss of an essential government service.

SECTION 3.

This ordinance shall not apply to funds disbursed from offsetting revenue collections or to statutory forfeiture funds disbursed with approval of the Finance Director.

SECTION 4.

This ordinance shall become effective August 1, 2013.

SECTION 5.

All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

Introduced at a regular meeting of the Council of Columbus, Georgia held on the 23rd day of July, 2013, introduced a second time at a regular meeting of said Council held on the 13th day of August 2013, and adopted at said meeting by the affirmative vote of Seven members of said Council.

Councilor Allen voting YES.
Councilor Baker voting YES.
Councilor Barnes voting ABSENT.
Councilor Davis voting YES.
Councilor Henderson voting ABSENT.
Councilor Huff voting ABSENT FOR VOTE
Councilor McDaniel voting YES.
Councilor Pugh voting YES.
Councilor Thomas voting YES.
Councilor Woodson voting YES.

This ordinance received, signed by the Mayor at 3:28 P.M. on the 15th day of August 2013, and became law at said time received and became effective at 12:00 noon the following day.
Sec: 3-202 (2) Tiny B. Washington Clerk of Council

Tiny B. Washington
TINY B. WASHINGTON
CLERK

TERESA PIKE TOMLINSON
MAYOR

4.

C.A. 06-10-14(1)
C.A. 06-17-14(5)
as amended
14-25

ORDINANCE
NO. 14-25

AN ORDINANCE ADOPTING AN **OPERATING BUDGET FOR THE FISCAL YEAR 2015** BEGINNING JULY 1, 2014 AND ENDING JUNE 30, 2015, FOR CERTAIN FUNDS OF THE CONSOLIDATED GOVERNMENT OF COLUMBUS, GEORGIA, AND APPROPRIATING THE AMOUNTS SHOWN IN EACH BUDGET.

THE COUNCIL OF COLUMBUS, GEORGIA HEREBY ORDAINS, AS FOLLOWS:

SECTION 1.

The annual Operating and Capital Improvement Budget for FY15 proposed in the total amount of $263,646,639 is approved and adopted in accordance with the Columbus Charter, Section 7-402 and outlined in Sections 2 thru 16 of this ordinance.

SECTION 2.

The General Fund Budget proposed in the amount of $151,070,116 for the Consolidated Government of Columbus, Georgia, covering the fiscal year beginning July 1, 2014 and ending June 30, 2015, is hereby approved and adopted as the budget for the Consolidated Government of Columbus, Georgia, for general fund purposes.

At mid-year FY2015, the Columbus Council may review the Muscogee County Sheriff's Operating Budget or such other operating budget as deemed appropriate.

SECTION 3.

The Local Option Sales Tax Fund Budget proposed in the amount of $33,000,000 for the Consolidated Government of Columbus, Georgia, covering the fiscal year beginning July 1, 2014 and ending June 30, 2015, is hereby approved and adopted as the budget for the Consolidated Government of Columbus, Georgia for public safety and infrastructure purposes.

SECTION 4.

The Stormwater (Sewer) Fund Budget proposed in the amount of $5,254,260 for the Consolidated Government of Columbus, Georgia, covering the fiscal year beginning July 1, 2014 and ending June 30, 2015, is hereby approved and adopted as the budget for the Consolidated Government of Columbus, Georgia, for stormwater fund services.

SECTION 5.

The Paving Fund Budget proposed in the amount of $14,969,902 for the Consolidated Government of Columbus, Georgia, covering the fiscal year beginning July 1, 2014 and ending June 30, 2015, is hereby approved and adopted as the budget for the Consolidated Government of Columbus, Georgia, for street and roadway improvement purposes.

SECTION 6.

The Medical Center Fund Budget proposed in the amount of $14,052,622 for the Consolidated Government of Columbus, Georgia, covering the fiscal year beginning July 1, 2014 and ending June 30, 2015, is hereby approved and adopted as the budget for the Consolidated Government of Columbus, Georgia, for the annual appropriation to the Medical Center for indigent medical care.

SECTION 7.

The Integrated Waste Management Fund Budget proposed in the amount of $11,146,049 for the Consolidated Government of Columbus, Georgia, covering the fiscal year beginning July 1, 2014 and ending June 30, 2015, is hereby approved and adopted as the budget for the Consolidated Government of Columbus, Georgia, to provide solid waste management services.

SECTION 8.

The Emergency Telephone Fund Budget proposed in the amount of $3,851,138 for the Consolidated Government of Columbus, Georgia, covering the fiscal year beginning July 1, 2014 and ending June 30, 2015, is hereby approved and adopted as the budget for the Consolidated Government of Columbus, Georgia, to provide for the operation of the E911 Center.

SECTION 9.

The Civic Center Fund Budget proposed in the amount of $5,553,500 for the Consolidated Government of Columbus, Georgia, covering the fiscal year beginning July 1, 2014 and ending June 30, 2015, is hereby approved and adopted as the budget for the Consolidated Government of Columbus, Georgia, to provide for the operation of the Civic Center.

SECTION 10.

The Debt Service Fund Budget proposed in the amount of $11,108,808 for the Consolidated Government of Columbus, Georgia, covering the fiscal year beginning July 1, 2014 and ending June 30, 2015, is hereby approved and adopted as the budget for the Consolidated Government of Columbus, Georgia, for Debt Service purposes.

SECTION 11.

The Transportation Fund Budget proposed in the amount of $6,430,424 for the Consolidated Government of Columbus, Georgia, covering the fiscal year beginning July 1, 2014 and ending June 30, 2015, is hereby approved and adopted as the budget for the Consolidated Government of Columbus, Georgia, for the provision of public transportation.

SECTION 12.

The Parking Management Fund Budget proposed in the amount of $398,500 for the Consolidated Government of Columbus, Georgia, covering the fiscal year beginning July 1, 2014 and ending June 30, 2015, is hereby approved and adopted as the budget for the Consolidated Government of Columbus, Georgia, for the provision of public parking.

SECTION 13.

The Bull Creek Budget proposed in the amount of $1,482,050 for the Consolidated Government of Columbus, Georgia, covering the fiscal year beginning July 1, 2014 and ending June 30, 2015, is hereby approved and adopted as the budget for the Consolidated Government of Columbus, Georgia, to provide for the operation of Bull Creek Golf Course.

SECTION 14.

The Oxbow Creek Budget proposed in the amount of $532,000 for the Consolidated Government of Columbus, Georgia, covering the fiscal year beginning July 1, 2014 and ending June 30, 2015, is hereby approved and adopted as the budget for the Consolidated Government of Columbus, Georgia, to provide for the operation of Oxbow Creek Golf Course.

SECTION 15.

The Columbus Iron Works Convention and Trade Center Budget proposed in the amount of $2,644,850 for the Consolidated Government of Columbus, Georgia covering the fiscal year beginning July 1, 2014 and ending June 30, 2015, is hereby approved and adopted as the budget for the Consolidated Government of Columbus, Georgia, for the operation of the Columbus Iron Works Convention and Trade Center.

SECTION 16.

The Economic Development Authority Budget proposed in the amount of $2,152,420 for the Consolidated Government of Columbus, Georgia, covering the fiscal year beginning July 1, 2014 and ending June 30, 2015, is hereby approved and adopted as the budget for the Consolidated Government of Columbus, Georgia, for the provision of Economic Development activities.

SECTION 17.

The Health and Life Insurance Budget proposed in the amount of $27,000,000 for the Consolidated Government of Columbus, Georgia, covering the fiscal year beginning July 1, 2014 and ending June 30, 2015, is hereby approved and adopted as the budget for the Consolidated Government of Columbus, Georgia, to provide for the administration of health and life insurance.

SECTION 18.

The Risk Management Budget proposed in the amount of $5,691,316 for the Consolidated Government of Columbus, Georgia, covering the fiscal year beginning July 1, 2014 and ending June 30, 2015, is hereby approved and adopted as the budget for the Consolidated Government of Columbus, Georgia, to provide for the operation of risk management activities.

SECTION 19.

The Workforce Investment Act (WIA), formerly the Job Training Partnership Act (JTPA), Budget proposed in the amount of $3,583,594 for the Consolidated Government of Columbus, Georgia, covering the fiscal year beginning July 1, 2014 and ending June 30, 2015, is hereby approved and adopted as the budget for the Consolidated Government of Columbus, Georgia, to provide for the administration of the of Workforce Investment Act (WIA) activities.

SECTION 20.

The Community Development Block Grant (CDBG) Budget proposed in the amount of $1,416,583 for the Consolidated Government of Columbus, Georgia, covering the fiscal year beginning July 1, 2014 and ending June 30, 2015, is hereby approved and adopted as the budget for the Consolidated Government of Columbus, Georgia, to provide for the administration of the of Community Development Block Grant (CDBG) activities.

SECTION 21.

Within the overall budget limitations, authority is hereby delegated to the City Manager, or the Finance Director when acting on the authority delegated by the City Manager, to effect such intra-fund transfers of appropriation and revenue anticipation as may be deemed necessary to the effective performance and delivery of services approved herein. Under no circumstances, however, may the total budget of any Fund, except WIA and CDBG, contained in this Ordinance be increased or decreased without Council approval. Authority is extended to the City Manager, or the Finance Director on the authority delegated by the City Manager, to conduct any carryovers necessary for the continued operation of WIA and CDBG.

SECTION 22.

The Cost Allocation Plan for FY15, which has been filed with the Clerk of Council, is hereby approved for use during the 2015 fiscal year in a total amount of $2,673,434.

Fund Being Charged	**FY15 Charges**
LOST Fund (Public Safety)	$242,106
LOST Fund (Infrastructure)	100,981
Stormwater (Sewer) Fund	198,421
Paving Fund	622,731
Integrated Waste Management	813,650

Emergency Telephone	108,691
CDBG Fund	18,522
UDAG Fund	0
Economic Development Fund	0
HOME Program Fund	20,515
Multi-Government Fund:	
Transportation Planning	6,218
RSVP Grant	4,594
Parents as Teachers Grant	4,040
US Army CYS Strong	5,080
HFGa Home Visiting (MIECHV)	2,935
Nurse-Family Partnership	9,432
Civic Center Fund	135,821
Job Training Fund	123,157
Metro Drug Task Force	0
Neighborhood Stabilization Fund	6,250
Transportation Fund	127,395
Parking Authority Fund	8,964
Trade Center Fund	68,696
Bull Creek Golf Course	33,413
Oxbow Creek Golf Course	11,822
Total Charges	**$2,673,434**

SECTION 23.

The City Manager or his designee is authorized to make adjustments of cost allocation charges as may be deemed appropriate.

SECTION 24.

The period of emergency or war continued in Resolution No. 392-03 is hereby extended from July 1, 2014 to June 30, 2015.

SECTION 25.

The following position changes are hereby adopted as part of the FY15 Budget and are as follows:

NEW POSITIONS:

General Fund - Tax Assessor	(1) Chief Deputy Appraiser (G23)
General Fund - District Attorney	(1) Assistant District Attorney (G22)
General Fund - District Attorney	(1) Court Clerk (G11)

RECLASSIFIED POSITIONS:

Two Probate Court positions are reclassified by separate ordinance

DELETED POSITIONS:

None

TRANSFERS:

To: LOST, From: General Fund	(14) Firefighters (P14), FY15 ONLY
Continuation from FY14	(10) Police Officers (P14), FY15 ONLY

TITLE CHANGE ONLY:

General Fund – Community Reinvestment From: Community Reinvestment Director
To: Community Reinvestment Division Manager

SECTION 26.

The Columbus Consolidated Government Pay Plan for Salary and Wages is hereby adopted as part of the FY15 Budget and is incorporated herein by Attachment A. Effective January 3, 2015, a .5% increase for all classified positions is hereby adopted. Effective January 1, 2015, retirees will receive a .25% increase.

SECTION 27.

Other 2009 Local Option Sales Tax pay supplement of $3,121 for all sworn personnel in all Public Safety departments, Public Works, Parks & Recreation, METRA, and Civic Center departments effective July 1, 2009, distributed in equal payments over 26 bi-weekly pay period, will remain in effect for FY15. This supplement excludes elected officials.

SECTION 28.

All positions vacant and included in the Public Safety Vacancy Reserve in the General Fund of $1,889,900 shall require Council approval for funding of those vacant positions. The following vacant positions are included in the Public Safety Vacancy Reserve:

Department	Number of Vacant Positions Included in PSVR	Salaries plus FICA Contribution for Positions Included in PSVR
Police	37	$ 1,349,104
Fire/EMS	3*	$207,028
Muscogee County Prison	2	$68,517
Sheriff	7	$265,251
Total PSVR	**49**	**$1,889,900**

**Fire/EMS vacancies include some positions who are on active military duty*

SECTION 29.

The Pay Plan adopted by Columbus Ordinance No. 06-40 amended by Ordinance No. 06-87 defined a sign-on bonus for sworn public safety officers effective June 30, 2006 for five years. The sign-on bonus of $2,000 shall be extended for FY2015.

SECTION 30.

The Special Event Parking Fee for the Parking Garages will be increased from $2.00 to $3.00 effective July 1, 2014; from $3.00 to $4.00 effective July 1, 2015; and from $4.00 to $5.00 effective July 1, 2016. Paragraph 19 of Section 1 of Ordinance No. 05-85 is hereby expressly repealed.

SECTION 31.

Health Plan Premiums – Effective January 1, 2015

	Active Employees HMO Monthly Rate	Active Employees POS/PPO Monthly Rate	Active Employees HWC Monthly Rate
Employee	$145.89	$134.93	$122.53
Employee + Spouse	$274.26	$253.67	$230.36
Employee + Child(ren)	$255.30	$236.13	$214.43
Family	$404.09	$373.76	$339.41
	Pre-65 Retirees HMO Monthly Rate	**Pre-65 Retirees POS/PPO Monthly Rate**	**Pre-65 Retirees HWC Monthly Rate**
Employee	$227.57	$216.62	$204.22
Employee + Spouse	$504.61	$484.03	$460.71
Employee + Child(ren)	$469.72	$450.56	$428.86
Family	$743.50	$713.17	$678.82

Plan Benefit Changes – Effective January 1, 2015

HMO and POS/PPO Deductibles	$1000/$2000 (Individual/Family)
HWC Deductible	$500/$1,000 (Individual/Family)
HMO and POS/PPO Out of Pocket Maximums*	$6,350/$12,700 (Individual/Family)
Prescription Co-pays	$20/$40/$60
**No change to HWC Out of Pocket Maximum*	

Other Plan Benefits not listed remain unchanged.

SECTION 32.

Effective with the plan year beginning January 1, 2015 the Columbus Consolidated Government Employee/Retiree Self Funded Medical Benefit Plan is implementing the "working spouse" or "spousal exclusion" provision of the City's self insured medical healthcare plan for employees and non-Medicare retirees whose working spouses have access to health care coverage provided by their employer. Spouses that meet these criteria will be not eligible for CCG Medical Benefit Plan coverage.

The working spouse is not excluded from insurance coverage on the fully insured dental and vision plans. The dental and vision coverage is fully funded by employee premiums. Employees may continue to include spouses on these insurance plans.

SECTION 33.

All retirees who are Medicare eligible and were hired on or after July 1, 2001 will not be eligible for participation in the Columbus Consolidated Government (CCG) Employee/Retiree Self Funded Medical Benefit Plan. To the extent the City identifies and offers a Medicare compatible insurance plan for Medicare eligible retirees, 100 percent of the costs associated with that plan will be borne by those participants, and the City will assume no liability for any benefits payable to participants under that plan.

All employees who were hired on or after July 1, 2001 who retire while enrolled in the CCG Employee/Retiree Self Funded Medical Benefit Plan and begin to draw pension benefits prior to becoming Medicare eligible, and any non-Medicare eligible dependents covered at the time of the employee's retirement, may remain a part of the CCG Self Funded Medical Benefit Plan until they become Medicare eligible; provided however, the premiums for plan members in this category will be set in accordance with the guidelines set forth in section 31 above.

Any retiree who discontinues his or her participation in the CCG Self Funded Medical Benefit Plan or any Medicare compatible insurance plan offered by the CCG will forfeit any future right to re-enroll himself or any dependents in either plan.

Section 20 of Ordinance No.01-49 is specifically repealed and replaced by this section.

SECTION 34.

All requests for funding from the Columbus Consolidated Government for new facilities and systems will be supported by a tentative operating and business plan for such facility or system which shall be presented to, reviewed by and approved by Columbus Council before such project is approved for funding in this budget.

SECTION 35.

All requests for funding by agencies receiving grants funded by the Columbus Consolidated Government must be made to Columbus Council during the annual budget process. Nothing herein shall prevent the Mayor, City Manager or Finance Director from recommending mid-year budget amendments to the Council. In emergency situations, the Mayor, City Manager or Finance Director may also recommend to Council additional funding outside the budget process for various departments, agencies, boards, authorities or other entities associated with the city.

SECTION 36.

The minimum budget requirements set forth in O.C.G.A. Title 36, Chapter 81, are hereby adopted.

SECTION 37.

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Introduced at a regular meeting of the Council of Columbus, Georgia, held on the 10th day of June, 2014; introduced a second time at a regular meeting held on the 17th day of June, 2014 and adopted at said meeting by the affirmative vote of eight members of said Council.

Councilor Allen voting ABSENT.
Councilor Baker voting YES.
Councilor Barnes voting ABSENT.
Councilor Davis voting YES.
Councilor Henderson voting YES.
Councilor Huff voting YES.
Councilor McDaniel voting YES.
Councilor Thomas voting YES.
Councilor Pugh voting YES.
Councilor Woodson voting YES.

Sandra T. Davis, Deputy Clerk

EVELYN TURNER PUGH
MAYOR PRO TEM

This ordinance submitted to the Mayor Pro Tem for his signature, this the 17th day of June, 2014.
Sec: 3-202 (1)
Deputy Clerk of Council

This ordinance received, signed by the Mayor Pro Tem at 12:41 P.M. on the 19th day of June, 2014, and became law at said time received and became effective at 12:00 noon the following day.
Sec: 3-202 (2)
Deputy Clerk of Council

This is to certify that this ordinance was published in its entirety in the Columbus Ledger on the 25th day of June, 2014.
Sec: 3-206(2)
Clerk of Council

THE FOLLOWING TWO PAGES ARE ATTACHMENT "A"

COLUMBUS CONSOLIDATED GOVERNMENT
PAY PLAN

FOR FY2015

CCG Pay Plan - Effective 01/03/2015
ANNUAL SALARY - NON-PENSION MEMBERS

CCG Pay Plan - Effective 01/03/2015
ANNUAL SALARY - NON-PENSION MEMBERS

Grade	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R
1	16,996.11	17,421.01	17,856.55	18,302.96	18,760.53	19,229.54	19,710.28	20,203.05	20,708.11	21,225.82	21,756.46	22,300.37	22,857.88	23,429.33	24,015.06	24,615.44	25,230.82	25,861.60
2	17,856.55	18,302.96	18,760.53	19,229.54	19,710.28	20,203.05	20,708.11	21,225.82	21,756.46	22,300.37	22,857.88	23,429.33	24,015.06	24,615.44	25,230.82	25,861.60	26,508.14	27,170.84
3	18,760.53	19,229.54	19,710.28	20,203.05	20,708.11	21,225.82	21,756.46	22,300.37	22,857.88	23,429.33	24,015.06	24,615.44	25,230.82	25,861.60	26,508.14	27,170.84	27,850.11	28,546.36
4	19,710.28	20,203.05	20,708.11	21,225.82	21,756.46	22,300.37	22,857.88	23,429.33	24,015.06	24,615.44	25,230.82	25,861.60	26,508.14	27,170.84	27,850.11	28,546.36	29,260.02	29,991.52
5	20,708.11	21,225.82	21,756.46	22,300.37	22,857.88	23,429.33	24,015.06	24,615.44	25,230.82	25,861.60	26,508.14	27,170.84	27,850.11	28,546.36	29,260.02	29,991.52	30,741.30	31,509.84
6	21,756.46	22,300.37	22,857.88	23,429.33	24,015.06	24,615.44	25,230.82	25,861.60	26,508.14	27,170.84	27,850.11	28,546.36	29,260.02	29,991.52	30,741.30	31,509.84	32,297.59	33,105.03
7	22,857.88	23,429.33	24,015.06	24,615.44	25,230.82	25,861.60	26,508.14	27,170.84	27,850.11	28,546.36	29,260.02	29,991.52	30,741.30	31,509.84	32,297.59	33,105.03	33,932.65	34,780.97
8	24,015.06	24,615.44	25,230.82	25,861.60	26,508.14	27,170.84	27,850.11	28,546.36	29,260.02	29,991.52	30,741.30	31,509.84	32,297.59	33,105.03	33,932.65	34,780.97	35,650.50	36,541.77
9	25,230.82	25,861.60	26,508.14	27,170.84	27,850.11	28,546.36	29,260.02	29,991.52	30,741.30	31,509.84	32,297.59	33,105.03	33,932.65	34,780.97	35,650.50	36,541.77	37,455.30	38,391.69
10	26,508.14	27,170.84	27,850.11	28,546.36	29,260.02	29,991.52	30,741.30	31,509.84	32,297.59	33,105.03	33,932.65	34,780.97	35,650.50	36,541.77	37,455.30	38,391.69	39,351.48	40,335.26
11	27,850.11	28,546.36	29,260.02	29,991.52	30,741.30	31,509.84	32,297.59	33,105.03	33,932.65	34,780.97	35,650.50	36,541.77	37,455.30	38,391.69	39,351.48	40,335.26	41,343.65	42,377.24
12	29,260.02	29,991.52	30,741.30	31,509.84	32,297.59	33,105.03	33,932.65	34,780.97	35,650.50	36,541.77	37,455.30	38,391.69	39,351.48	40,335.26	41,343.65	42,377.24	43,436.67	44,522.59
13	30,741.30	31,509.84	32,297.59	33,105.03	33,932.65	34,780.97	35,650.50	36,541.77	37,455.30	38,391.69	39,351.48	40,335.26	41,343.65	42,377.24	43,436.67	44,522.59	45,635.65	46,776.54
14	32,297.59	33,105.03	33,932.65	34,780.97	35,650.50	36,541.77	37,455.30	38,391.69	39,351.48	40,335.26	41,343.65	42,377.24	43,436.67	44,522.59	45,635.65	46,776.54	47,945.95	49,144.59
15	33,932.65	34,780.97	35,650.50	36,541.77	37,455.30	38,391.69	39,351.48	40,335.26	41,343.65	42,377.24	43,436.67	44,522.59	45,635.65	46,776.54	47,945.95	49,144.59	50,373.22	51,632.55
16	35,650.50	36,541.77	37,455.30	38,391.69	39,351.48	40,335.26	41,343.65	42,377.24	43,436.67	44,522.59	45,635.65	46,776.54	47,945.95	49,144.59	50,373.22	51,632.55	52,923.36	54,246.44
17	37,455.30	38,391.69	39,351.48	40,335.26	41,343.65	42,377.24	43,436.67	44,522.59	45,635.65	46,776.54	47,945.95	49,144.59	50,373.22	51,632.55	52,923.36	54,246.44	55,602.60	56,992.67
18	39,351.48	40,335.26	41,343.65	42,377.24	43,436.67	44,522.59	45,635.65	46,776.54	47,945.95	49,144.59	50,373.22	51,632.55	52,923.36	54,246.44	55,602.60	56,992.67	58,417.48	59,877.92
19	41,343.65	42,377.24	43,436.67	44,522.59	45,635.65	46,776.54	47,945.95	49,144.59	50,373.22	51,632.55	52,923.36	54,246.44	55,602.60	56,992.67	58,417.48	59,877.92	61,374.88	62,909.24
20	43,436.67	44,522.59	45,635.65	46,776.54	47,945.95	49,144.59	50,373.22	51,632.55	52,923.36	54,246.44	55,602.60	56,992.67	58,417.48	59,877.92	61,374.88	62,909.24	64,481.98	66,094.02
21	47,945.95	49,144.59	50,373.22	51,632.55	52,923.36	54,246.44	55,602.60	56,992.67	58,417.48	59,877.92	61,374.88	62,909.24	64,481.98	66,094.02	67,746.38	69,440.03	71,176.03	72,955.44
22	52,923.36	54,246.44	55,602.60	56,992.67	58,417.48	59,877.92	61,374.88	62,909.24	64,481.98	66,094.02	67,746.38	69,440.03	71,176.03	72,955.44	74,779.31	76,648.80	78,565.02	80,529.15
23	58,417.48	59,877.92	61,374.88	62,909.24	64,481.98	66,094.02	67,746.38	69,440.03	71,176.03	72,955.44	74,779.31	76,648.80	78,565.02	80,529.15	82,542.37	84,605.94	86,721.09	88,889.12
24	64,481.98	66,094.02	67,746.38	69,440.03	71,176.03	72,955.43	74,779.31	76,648.80	78,565.02	80,529.15	82,542.37	84,605.94	86,721.09	88,889.12	91,111.34	93,389.12	95,723.85	98,116.95
25	71,176.03	72,955.43	74,779.31	76,648.80	78,565.02	80,529.15	82,542.37	84,605.94	86,721.09	88,889.12	91,111.34	93,389.12	95,723.85	98,116.95	100,569.87	103,084.12	105,661.22	108,302.75
26	78,565.02	80,529.15	82,542.37	84,605.94	86,721.09	88,889.12	91,111.34	93,389.12	95,723.85	98,116.95	100,569.87	103,084.12	105,661.22	108,302.75	111,010.32	113,785.58	116,630.21	119,545.97
27	86,721.09	88,889.12	91,111.34	93,389.12	95,723.85	98,116.95	100,569.87	103,084.12	105,661.22	108,302.75	111,010.32	113,785.58	116,630.21	119,545.97	122,534.62	125,597.98	128,737.94	131,956.38
28	100,569.87	103,084.12	105,661.22	108,302.75	111,010.32	113,785.58	116,630.21	119,545.97	122,534.62	125,597.98	128,737.94	131,956.38	135,255.30	138,636.68	142,102.59	145,655.16	149,296.54	153,028.95
29	122,534.62	125,597.98	128,737.94	131,956.38	135,255.30	138,636.68	142,102.59	145,655.16	149,296.54	153,028.95	156,854.68	160,776.04	164,795.45	168,915.33	173,138.21	177,466.67	181,903.34	186,450.92

0.50% Pay adjustment from UGA Pay Plan Non-Pension Members Effective 01-03-15

CCG Pay Plan - Effective 01/03/2015
ANNUAL SALARY - PENSION MEMBERS

CCG Pay Plan - Effective 01/03/2015
ANNUAL SALARY - PENSION MEMBERS

Grade	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R
1	17,682.75	18,124.83	18,577.95	19,042.39	19,518.45	20,006.42	20,506.58	21,019.24	21,544.72	22,083.34	22,635.42	23,201.30	23,781.34	24,375.87	24,985.27	25,609.91	26,250.14	26,906.40
2	18,577.95	19,042.39	19,518.45	20,006.42	20,506.58	21,019.24	21,544.72	22,083.34	22,635.42	23,201.30	23,781.34	24,375.87	24,985.27	25,609.91	26,250.14	26,906.40	27,579.07	28,268.55
3	19,518.45	20,006.42	20,506.58	21,019.24	21,544.72	22,083.34	22,635.42	23,201.30	23,781.34	24,375.87	24,985.27	25,609.91	26,250.14	26,906.40	27,579.07	28,268.55	28,975.25	29,699.63
4	20,506.58	21,019.24	21,544.72	22,083.34	22,635.42	23,201.30	23,781.34	24,375.87	24,985.27	25,609.91	26,250.14	26,906.40	27,579.07	28,268.55	28,975.25	29,699.63	30,442.12	31,203.18
5	21,544.72	22,083.34	22,635.42	23,201.30	23,781.34	24,375.87	24,985.27	25,609.91	26,250.14	26,906.40	27,579.07	28,268.55	28,975.25	29,699.63	30,442.12	31,203.18	31,983.26	32,782.84
6	22,635.42	23,201.30	23,781.34	24,375.87	24,985.27	25,609.91	26,250.14	26,906.40	27,579.07	28,268.55	28,975.25	29,699.63	30,442.12	31,203.18	31,983.26	32,782.84	33,602.41	34,442.48
7	23,781.34	24,375.87	24,985.27	25,609.91	26,250.14	26,906.40	27,579.07	28,268.55	28,975.25	29,699.63	30,442.12	31,203.18	31,983.26	32,782.84	33,602.41	34,442.48	35,303.53	36,186.12
8	24,985.27	25,609.91	26,250.14	26,906.40	27,579.07	28,268.55	28,975.25	29,699.63	30,442.12	31,203.18	31,983.26	32,782.84	33,602.41	34,442.48	35,303.53	36,186.12	37,090.77	38,018.05
9	26,250.14	26,906.40	27,579.07	28,268.55	28,975.25	29,699.63	30,442.12	31,203.18	31,983.26	32,782.84	33,602.41	34,442.48	35,303.53	36,186.12	37,090.77	38,018.05	38,968.49	39,942.71
10	27,579.07	28,268.55	28,975.25	29,699.63	30,442.12	31,203.18	31,983.26	32,782.84	33,602.41	34,442.48	35,303.53	36,186.12	37,090.77	38,018.05	38,968.49	39,942.71	40,941.28	41,964.80
11	28,975.25	29,699.63	30,442.12	31,203.18	31,983.26	32,782.84	33,602.41	34,442.48	35,303.53	36,186.12	37,090.77	38,018.05	38,968.49	39,942.71	40,941.28	41,964.80	43,013.92	44,089.28
12	30,442.12	31,203.18	31,983.26	32,782.84	33,602.41	34,442.48	35,303.53	36,186.12	37,090.77	38,018.05	38,968.49	39,942.71	40,941.28	41,964.80	43,013.92	44,089.28	45,191.51	46,321.30
13	31,983.26	32,782.84	33,602.41	34,442.48	35,303.53	36,186.12	37,090.77	38,018.05	38,968.49	39,942.71	40,941.28	41,964.80	43,013.92	44,089.28	45,191.51	46,321.30	47,479.33	48,666.31
14	33,602.41	34,442.48	35,303.53	36,186.12	37,090.77	38,018.05	38,968.49	39,942.71	40,941.28	41,964.80	43,013.92	44,089.28	45,191.51	46,321.30	47,479.33	48,666.31	49,882.97	51,130.04
15	35,303.53	36,186.12	37,090.77	38,018.05	38,968.49	39,942.71	40,941.28	41,964.80	43,013.92	44,089.28	45,191.51	46,321.30	47,479.33	48,666.31	49,882.97	51,130.04	52,408.29	53,718.50
16	37,090.77	38,018.05	38,968.49	39,942.71	40,941.28	41,964.80	43,013.92	44,089.28	45,191.51	46,321.30	47,479.33	48,666.31	49,882.97	51,130.04	52,408.29	53,718.50	55,061.46	56,438.01
17	38,968.49	39,942.71	40,941.28	41,964.80	43,013.92	44,089.28	45,191.51	46,321.30	47,479.33	48,666.31	49,882.97	51,130.04	52,408.29	53,718.50	55,061.46	56,438.01	57,848.96	59,295.18
18	40,941.28	41,964.80	43,013.92	44,089.28	45,191.51	46,321.30	47,479.33	48,666.31	49,882.97	51,130.04	52,408.29	53,718.50	55,061.46	56,438.01	57,848.96	59,295.18	60,777.55	62,296.99
19	43,013.92	44,089.28	45,191.51	46,321.30	47,479.33	48,666.31	49,882.97	51,130.04	52,408.29	53,718.50	55,061.46	56,438.01	57,848.96	59,295.18	60,777.55	62,296.99	63,854.42	65,450.77
20	45,191.51	46,321.30	47,479.33	48,666.31	49,882.97	51,130.04	52,408.29	53,718.50	55,061.46	56,438.01	57,848.96	59,295.18	60,777.55	62,296.99	63,854.42	65,450.77	67,087.05	68,764.22
21	49,882.97	51,130.04	52,408.29	53,718.50	55,061.46	56,438.01	57,848.96	59,295.18	60,777.55	62,296.99	63,854.42	65,450.77	67,087.05	68,764.22	70,483.34	72,245.41	74,051.54	75,902.84
22	55,061.46	56,438.01	57,848.96	59,295.18	60,777.55	62,296.99	63,854.42	65,450.77	67,087.05	68,764.22	70,483.34	72,245.41	74,051.54	75,902.84	77,800.41	79,745.41	81,739.04	83,782.52
23	60,777.55	62,296.99	63,854.42	65,450.77	67,087.05	68,764.22	70,483.34	72,245.41	74,051.54	75,902.84	77,800.41	79,745.41	81,739.04	83,782.52	85,877.09	88,024.01	90,224.61	92,480.23
24	67,087.05	68,764.22	70,483.34	72,245.41	74,051.54	75,902.83	77,800.41	79,745.41	81,739.04	83,782.52	85,877.09	88,024.01	90,224.61	92,480.23	94,792.23	97,162.04	99,591.09	102,080.88
25	74,051.54	75,902.83	77,800.41	79,745.41	81,739.04	83,782.52	85,877.09	88,024.01	90,224.61	92,480.23	94,792.23	97,162.04	99,591.09	102,080.88	104,632.89	107,248.71	109,929.93	112,678.19
26	81,739.04	83,782.52	85,877.09	88,024.01	90,224.61	92,480.23	94,792.23	97,162.04	99,591.09	102,080.88	104,632.89	107,248.71	109,929.93	112,678.19	115,495.13	118,382.51	121,342.07	124,375.63
27	90,224.61	92,480.23	94,792.23	97,162.04	99,591.09	102,080.88	104,632.89	107,248.71	109,929.93	112,678.19	115,495.13	118,382.51	121,342.07	124,375.63	127,485.02	130,672.14	133,938.95	137,287.42
28	104,632.89	107,248.71	109,929.93	112,678.19	115,495.13	118,382.51	121,342.07	124,375.63	127,485.02	130,672.14	133,938.95	137,287.42	140,719.61	144,237.60	147,843.53	151,539.63	155,328.12	159,211.32
29	127,485.02	130,672.14	133,938.95	137,287.42	140,719.61	144,237.60	147,843.53	151,539.63	155,328.12	159,211.32	163,191.60	167,271.40	171,453.18	175,739.51	180,133.00	184,636.32	189,252.24	193,983.54

Above schedule includes:

0.5% Pay adjustment as of 01/03/2015 (COLA)

5.

IN THE SUPERIOR COURT OF MUSCOGEE COUNTY
STATE OF GEORGIA

JOHN T. DARR, in his official capacity as Sheriff of Muscogee County, Plaintiff, v. COLUMBUS, GEORGIA, a City, a public corporation and a political subdivision of the State of Georgia; TERESA P. TOMLINSON, in her official capacity as Mayor of Columbus, ISAIAH HUGLEY, in his official capacity as the City Manager of Columbus, PAM HODGE, in her official capacity as Finance Director of Columbus, JERRY "POPS" BARNES, in his official capacity as District 1 Councilor, GLEN DAVIS, in his official capacity as District 2 Councilor, BRUCE HUFF, in his official capacity as District 3 Councilor, EVELYN TURNER PUGH, in her official capacity as District 4 Councilor, MIKE BAKER, in his official capacity as District 5 Councilor, GARY ALLEN, in his official capacity as District 6 Councilor, EVELYN "MIMI" WOODSON, in her official capacity as District 7 Councilor, TOM BUCK, in his official capacity as District 8 Councilor, JUDY THOMAS, in her official capacity as District 9 at Large Councilor, and BERRY "SKIP" HENDERSON, in his official capacity as District 10 at Large Councilor, Defendants.	*	CIVIL ACTION FILE NO. SU-14-CV-3437-94

AFFIDAVIT OF JAMES V. BURGESS, JR.

Personally appeared before me, James V. Burgess, Jr., who states the following under oath:

1.

I am over the age of eighteen (18) years old. I am providing this affidavit for use in the above-captioned case and can attest to my personal knowledge of the facts stated herein.

2.

I have been a member of the Bar of the State of Georgia in good standing since 1967. I maintain a law practice in Social Circle, Georgia, where my focus is municipal law, public affairs representation, and mediation. From 1983 until 1995, I held the position of Executive Director of the Georgia Municipal Association ("GMA"). Prior to GMA, I was president of Public Research and Management, Inc. where I assisted in the preparation of charters for the consolidation of a number of municipal and county governments in Georgia, namely in Athens-Clarke County Albany- Dougherty County, Macon-Bibb County and other local governments.

3.

In July of 1969, my firm, Public Research and Management, Inc., was hired as a consultant by the Muscogee County Charter Commission to assist in the consolidation of the Muscogee County and the City of Columbus. This special commission was formed pursuant to the passage of an Act of the Georgia General Assembly approved April 25, 1969 (Ga. L. 1969, p. 3571). This enabling legislation implemented a constitutional amendment that authorized the creation of a charter commission approved by the voters of Muscogee County in November of 1968. On May 1, 1969, the Muscogee County Charter Commission was activated to consider and draft the Charter for the creation of the consolidated government. The Charter of the Columbus Consolidated Government

became effective on January 1, 1971 following approval by the voters on May 27, 1970. The Charter was ratified by the Georgia General Assembly in 1971.

4.

My responsibility as a paid legal consultant for the Charter Commission involved extensive legal research of state laws and local acts applicable to Columbus and Muscogee County, developing memoranda for the charter commission as to the form of government, powers and duties of the governing body, manner of election, financial administration, and consolidation of boards, commissions and agencies of the respective governments, etc. Based on such research and analysis, I drafted proposed charter provisions for review and approval by the charter commission that led to the ultimate preparation of a new charter for the consolidation of the city and county governments. Approximately 10 years after approval of the consolidation of the city and county governments, I was engaged by a local study commission to conduct a technical review of the Consolidated Government Charter for the purpose of determining any needed revisions based on the operating practices of the consolidated government.

5.

I have reviewed the Charter provisions for the Columbus Consolidated Government related to financial administration, particularly those drafted and enacted to govern the annual budget preparation and adoption process and those provisions concerning the budgets of county officers and agencies. Specifically, I have examined the roles and obligations of the various branches of CCG in the annual budget-making process, which begins with the Executive branch's work on the Mayor's Recommended Budget, the duties to which are outlined in the following provisions:

(a) Charter §4-201(10): Mayor must submit an annual recommended annual operating and capital budget to Council;

(b) Charter §4-202(2): Council may amend the proposed Mayor's Recommended Budget, provided it remains balanced at the end in revenue and expenditures.

(c) Charter §4-202(3): Council must adopt a final budget for the next fiscal year, to begin on July 1st of each year, not later than June 30th of each year.

(d) Charter §4-307(3): City Manager must prepare and submit an annual recommended operating and capital budget to the Mayor;

(e) Charter §7-401(2): Mayor must provide budget message to Council noting the proposed "general fiscal policies, explanation of major changes recommended for the next fiscal year, a general summary of the budgets, and other information deemed appropriate.

(f) Charter §7-401(4)(c): Mayor must propose expenditures for each department, agency and office in the Mayor's Recommended Budget.

(g) Charter §7-410(5): Mayor's Recommended Budget must be balanced in its revenues and expenditures.

(h) Charter §8-105: County Officers, Other Elected Officials and Agencies not under direct control of the Council must submit their operating and capital budget requests to the city manager, which are incorporated into the overall consolidated government budget for submission by the Mayor to the Council. The Council is required to grant a hearing on the budgets of such offices and agencies.

6.

The budgetary requirements in §8-105 of the Charter requires those officers and agencies, such as the sheriff and tax commissioner, etc. not under the direct control of the Council, to participate in the annual budget preparation just like other departments of the consolidated government that are under its direct control. That means they must submit their budget requests to the city manager who incorporates them into the overall consolidated budget. However, this step does not preclude the city manager or the mayor from revising or changing (up or down) the budget requests prior to their submission to the Council. When this step is finalized, their budget requests become a part of the overall budget as the Mayor's Recommended Budget for submission to the Council. As the final step in the process, they have an additional opportunity to have their requests heard directly by Council. This two-step process does not mean that the budget requests of independent offices and agencies will remain fixed as submitted, but to the contrary, such budget requests may be increased or decreased depending on justifications during budget hearings.

7.

Under the Charter, obviously, the Executive branch must use discretion in formulating the Mayor's Recommended Budget. The Executive Branch (Mayor) submits policy considerations and proposals during the initial budget process. However, the Council has complete final authority to approve the consolidated budget. In its discretion it may choose to adopt, revise, or ignore the recommendations made. In my opinion, the Charter Commission never intended to grant any one office, agency or department of the consolidated government exclusive control over its budget requests during the budget

preparation process. To award more power or an entitlement to any funds in the budget process to any agency or elected official would violate the intent of the charter commission. In short, the initial budget process was drafted and balanced in its distribution of powers to ensure that the needs of all officials, agencies or department of CCG would be considered in the drafting of the recommended budget.

8.

In examining the intent of the Charter, I believe that all of its budgetary provisions should be read together. In my recollection of drafting these documents and discussing them with the members of the Commission, the intent of the Mayor's Recommended Budget process was to ensure that the Recommended Budget would provide an opportunity for all agencies, officials and departments of the consolidated government to participate in the initial budgetary policy-making process. Clearly, there was no intention to allow any constitutional officer or other elected official to impound funds of CCG through its budget request. The Charter granted no priority to independent elected officials during the budget preparation process. They should be treated like all other offices and agencies of the consolidated government. All of the financial and budgetary provisions of the charter are intended to work in unison to ensure a recommended budget of revenue and expenditures that reflects executive policy considerations and recommendations by the Executive team and the Mayor.

9.

The Mayor's Recommended Budget, in my understanding of the Charter, was to simply be a recommendation to the Council. Under the CCG Charter, the Council

maintains all of the legislative power to consider, reject, approve or alter the items presented in the Mayor's Recommended Budget.

Further affiant sayeth not.

James V. Burgess, Jr.

Executed before me this 19 day of February, 2016.

Notary Public

My commission expires:

SUSAN M. ROPER NOTARY PUBLIC JASPER COUNTY GEORGIA EXPIRES JULY 9, 2019

6.

IN THE SUPERIOR COURT OF MUSCOGEE COUNTY
STATE OF GEORGIA

JOHN T. DARR, in his official capacity as Sheriff of Muscogee County, Plaintiff, v. COLUMBUS, GEORGIA, a City, a public corporation and a political subdivision of the State of Georgia; TERESA P. TOMLINSON, in her official capacity as Mayor of Columbus, ISAIAH HUGLEY, in his official capacity as the City Manager of Columbus, PAM HODGE, in her official capacity as Finance Director of Columbus, JERRY "POPS" BARNES, in his official capacity as District 1 Councilor, GLENN DAVIS, in his official capacity as District 2 Councilor, BRUCE HUFF, in his official capacity as District 3 Councilor, EVELYN TURNER PUGH, in her official capacity as District 4 Councilor, MIKE BAKER, in his official capacity as District 5 Councilor, GARY ALLEN, in his official capacity as District 6 Councilor, EVELYN "MIMI" WOODSON, in her official capacity as District 7 Councilor, TOM BUCK, in his official capacity as District 8 Councilor, JUDY THOMAS, in her official capacity as District 9 at Large Councilor, and BERRY "SKIP" HENDERSON, in his official capacity as District 10 at Large Councilor, Defendants.	*	CIVIL ACTION FILE NO. SU-14-CV-3437-94

AFFIDAVIT OF PAM HODGE

Personally appeared before me the undersigned officer, duly authorized to administer oaths, Pam Hodge, who being duly sworn deposes and states as follows:

1.

My name is Pamela Hodge. I am over the age of 18, suffer no legal disabilities, and give the following affidavit from my own personal knowledge, training and experience.

2.

I am currently employed by the Columbus Consolidated Government (CCG) in the capacity of Deputy City Manager and Interim Finance Director. I have previously worked for CCG as the Assistant Finance Director and Finance Director for over eleven (11) years.

3.

In the capacities that I have been employed for CCG, I have been intimately involved with the preparation and maintenance of the CCG budget. I am familiar with the Mayor's Recommended Budget submitted to Council in fiscal years 2015 and 2016 (FY15 and FY16). I am furthermore, familiar with Sheriff's Darr's assertion that the Mayor's Recommended Budget for FY15 and/or FY16 is based on a simple mathematical formula.

4.

Sheriff Darr's assertion that the Mayor's Recommended Budget was or has somehow been based on nothing more than a mathematical formula is incorrect. There is a great deal of analysis that goes into the Mayor's Recommended Budget. This analysis includes, but is not limited to, consideration of the anticipated revenues of the CCG and overall economic picture, changes in departmental and office spending, changes in contracts, changes in costs of services, fuel and supplies, outcomes of committees to investigate and analyze spending and potential cost savings/office efficiencies, and the actual budget requests from the departments and offices, the position allocations, service line analysis, cost of living increases, changes in insurance and other employee benefits, and historical figures. The Finance Department compiles this information

and based on the anticipated revenues and the overall economic status and policy considerations builds a balanced budget. The budget is reviewed and considered by the City Manager and Mayor and ultimately is submitted as the Mayor's Recommended Budget to Council and the citizens.

5.

Each year when the budgetary planning for the approaching fiscal year begins, a budget kick-off is held and information is distributed to all department and office heads. This would include the Sheriff's Office. The information provided specifically notifies each department and office what budgetary information the Finance Department is specifically requesting from each department/office and when it is due. All of the information that is submitted, and/or obtained through communication between the budget analysts and each department/office, is considered by the Finance Department and City Manager as part of the administrative budget preparation process that leads to the Mayor's Recommended Budget. Furthermore, each department/office has opportunities to directly engage with the Finance Department to go over any budgetary issues or requests before the Mayor's Recommended Budget is finalized for submission to Council.

6.

In FY15, the same general information as described above was used to build the Mayor's Recommended Budget. While the Sheriff did not submit his typical budget requests to the Finance Department during the budget building process, the analyst from the Financial Department assigned to the Sheriff's Office, Lionel Haynes, the Assistant Finance Director, Renee Sturkie, and myself all had contact with the Sheriff's Office and its representatives about various budgetary matters effecting the building of the Mayor's Recommended Budget.

Information pertaining to the fleet, information technology needs, utilities, etc. is gathered, verified and discussed with the Sheriff's Office. Additionally, a service line analysis was specifically requested by the Finance Department and provided by the Sheriff's Office during the FY15 budget building process. The service line analysis demonstrated all of the functions of the Sheriff's Office and personnel assigned to handle those functions. The service line analysis submitted by the Sheriff's Office also included some additional capital expenditure requests made by his office. Those requests were considered during the budget building process leading up to the Mayor's Recommended Budget. Again, however, the Sheriff did not submit typical budget requests to the City Manager or the Mayor in FY2015. All CCG funded departments and offices were told that full budget requests were not required as part of the administrative budget building process given that there was a decrease in overall revenue and a lack of reserve funds to cover expenditures. Accordingly, the Finance Department intended to use budget numbers from the previous year's adopted budget as a starting point for building a proposed balanced budget. With that being said, the Sheriff's Office was free to submit budget requests, as at least one other elected office did, and any request will always be considered in the Executive budgetary policy-making process. Furthermore, the information and budget needs the Sheriff's Office actually conveyed to the Finance Department was in fact considered in the building of the FY15 Mayor's Recommended Budget.

7.

After the Mayor's Recommended Budget was prepared and submitted to Council and the citizens in FY15, the Sheriff presented his FY15 budget requests in full directly to Council. Council held hearings during the months long budget process and provided the Sheriff with hearings during which the Sheriff presented his budget requests to Council and discussed the

same in an attempt to justify his requests. During those hearings, and after the Sheriff directly compared his budget requests to the Mayor's Recommended Budget before Council, the councilors asked for some additional investigation into the Sheriff's budget requests and requested a meeting be held between the Finance Department and the Sheriff to discuss the Sheriff's issues. At least two meetings took place between myself and the Sheriff. Several councilors attended at least one of the meetings as well wherein the Sheriff's budget requests and the Mayor's Recommended Budget were discussed and deliberated upon. Afterwards, I went before Council and reported the information gathered during those sessions. Subsequently, Council exercised their discretion in voting on the annual appropriations for the Sheriff's Office.

8.

The Sheriff has no outstanding financial obligations pertaining to his FY15 budget. All of his debts incurred during that fiscal year have been paid and satisfied, even any expenditure or debt incurred that was above and beyond the budget he was appropriated for FY15. As I have stated before, FY15 is completely closed. All debts of the entire CCG incurred in FY15 have been settled, including the Sheriff's, and the final audit has taken place and submitted to the state as required by law for the closure of the CCG accounts related to FY15.

9.

Leading up to the submission of the Mayor's Recommended Budget in FY16, the Sheriff did not attempt to engage in meetings with the Finance Department or the City Manager regarding his budget requests although he had an opportunity to do so. Additionally, in FY16, the Sheriff submitted his budget requests by letter dated March 30, 2015. Those requests were received by the Executive branch from the Sheriff by letter on March 31, 2015, the same day that the Mayor submitted the Mayor's Recommended Budget to Council and the citizens. This

submission was well outside of the February 6, 2015 deadline that had been set by the Executive branch previously in its budget kick-off session, which representatives of the Sheriff's Office were a part of. In fact, the Mayor's Recommended Budget had already gone to print.

10.

In spite of the untimely submission of the Sheriff's budget requests, Council received them and had time to review them in preparation for their deliberations over the requests of all of the departments and offices of CCG.

11.

In FY16, the Sheriff made an in person presentation of his budget requests to Council as he had in all of the previous years. There had been a proposed reduction to the Sheriff's budget due to a duplicative services analysis performed by the Finance Department and Executive. This duplicative services analysis was performed at the request of Councilors to determine if there could be some consolidation of efforts of multiple law enforcement agencies which would in turn result in efficiencies to the overall budget. It was felt that funding for certain services provided by the Sheriff's Office were encapsulated and provided by the Columbus Police Department (CPD) and there would be greater efficiency by concentrating the funding for these duplicative services in the CPD. After hearing from the Sheriff, and considering his budget requests as compared to the Mayor's Recommended Budget, Council used their discretion in adding some of the funding for the Sheriff's requested budgetary items back to the budget that was ultimately adopted for the Sheriff's Office. Amongst other things, these included funds for various investigative services of the Sheriff's Office. Council did this by voting to include those items on the Add/Delete list which is a budgetary tool they use to add or delete items to the budget they ultimately adopt by vote. In FY16, after hearing from the Sheriff, Council used its

discretion and voted to add $667,647.00 in funds to the Mayor's Recommended Budget for the Sheriff's Office of $26,952,433.00 for a total adopted budget of $27,620,080.

12.

With respect to the approaching fiscal year of FY17, notice has been provided to all of the department and office heads, including the Sheriff's Office, that their budgetary information they want to be considered for the Mayor's Recommended Budget, must be submitted no later than February 19, 2016. To date, the Sheriff's Office has not submitted budgetary information for consideration by the deadline set by the Finance Department. The Sheriff's Office has not requested an extension or otherwise contacted our department regarding his intent on submitting his budget requests and budgetary information.

13.

Sheriff Darr has always been given a hearing before Council any time he requests one to discuss any budgetary request or decision made. He has never been denied a hearing or audience before Council and to my knowledge Council has never refused to consider any matter he has presented. At the hearings provided by Council, the Sheriff is always given a full and fair opportunity to present information and have discussion over his budget requests. The Councilors engage him directly and deliberate over his requests before they make their choice in voting on his budget.

14.

To date, I am not aware of any debt the Sheriff has ever incurred, including any overage over and above his approved budget, that has failed to be satisfied by payment from CCG funds and by Council voting to approve a budget amendment to cover the same.

The foregoing affidavit is given based upon my personal knowledge, training background and experience with respect to the matters described herein.

Further affiant sayeth not.

This 7 day of March, 2016.

Pam Hodge

Pam Hodge

Sworn to and subscribed before me
this 7 day of March, 2016.

Notary Public
My Commission Expires: _____

JENNIFER LEE KINDER NOTARY PUBLIC HARRIS COUNTY EXPIRES GEORGIA Feb. 24, 2017

7.

IN THE SUPERIOR COURT OF MUSCOGEE COUNTY
STATE OF GEORGIA

JOHN T. DARR, in his official capacity as Sheriff of Muscogee County, Plaintiff, v. COLUMBUS, GEORGIA, a City, a public corporation and a political subdivision of the State of Georgia; TERESA P. TOMLINSON, in her official capacity as Mayor of Columbus, ISAIAH HUGLEY, in his official capacity as the City Manager of Columbus, PAM HODGE, in her official capacity as Finance Director of Columbus, JERRY "POPS" BARNES, in his official capacity as District 1 Councilor, GLEN DAVIS, in his official capacity as District 2 Councilor, BRUCE HUFF, in his official capacity as District 3 Councilor, EVELYN TURNER PUGH, in her official capacity as District 4 Councilor, MIKE BAKER, in his official capacity as District 5 Councilor, GARY ALLEN, in his official capacity as District 6 Councilor, EVELYN "MIMI" WOODSON, in her official capacity as District 7 Councilor, TOM BUCK, in his official capacity as District 8 Councilor, JUDY THOMAS, in her official capacity as District 9 at Large Councilor, and BERRY "SKIP" HENDERSON, in his official capacity as District 10 at Large Councilor, Defendants.	*	CIVIL ACTION FILE NO. SU-14-CV-3437-94

AFFIDAVIT OF ISAIAH HUGLEY, SR.

Personally appeared before me, Isaiah Hugley, Sr. who states the following under oath:

1.

I am over the age of eighteen (18) years old. I am providing this affidavit for use in the above-captioned case and can attest to my personal knowledge of the facts stated herein.

2.

I graduated from Spencer High School in Columbus, and I am a graduate of Talladega College with a Bachelor of Arts in History/Pre-Law. I have also earned a Master of Public Policy and Administration from Mississippi State University. I am the recipient of the 2016 Legacy of Leadership Award, under Congressman Sandford D. Bishop's Annual Black History Celebration, as well as a recipient of the 2015 Pillars of Professional Management Award from the Georgia City/County Management Association, and its past-President. I have also received the following awards and recognition: 2014 Congressman (retired) Jack T. Brinkley, Sr. Service Award – Muscogee County Democratic Party; 2012 Black Folk Rock Lifetime Achievement Award; 2011 Omega Psi Phi Fraternity, Inc. Seventh District 48th Georgia State Graduate Superior Service Award; 2010 Lambda Iota Chapter of Omega Psi Phi Fraternity, Inc. Superior Service Award; 2009 SaMarc Foundation Legend in the Community Award; 2008 Columbus State University 25th Black Applause John Townsend Award; 2008 W.H. Spencer High School Service Award; 2006 Consolidated Chapter of ABWA Business Associate of the Year Award; 2006 Courier Eco Latino Newspaper Community Service Award; 1995 Man of the Year; UNCF Masked Award for Mankind Assisting Students Kindle Education Dreams; Debouch Chapter American Business Women Association Business Associate Award; WTVM News Special Friends Award; United to Save

Ourselves Hometown High Achiever Award; and The Housing Authority of Columbus, Georgia Hero of Public Housing Award.

3.

I am a committee member of the Georgia Municipal Association Legislative Policy Committee, as well as its Membership Services Committee. I serve on the Columbus, Georgia Chamber of Commerce Regional Prosperity Initiative Steering Committee. I also serve on the Talladega College Board of Trustees, as well as the Columbus Convention and Visitors Bureau, and the Muscogee County Health Department. I have served on the Board of Directors for Uptown Columbus, Inc., the United Way of the Chattahoochee Valley, Inc., as well as the Greater Columbus, Ga., Chamber of Commerce. I am a graduate of both Leadership Georgia and a past President of Leadership Columbus. I have also served as the President of the West Central Georgia Cancer Coalition, as well as the Columbus Chapter for the 100 Black Men of America, Inc. I have served as president for the Omega Psi Phi Fraternity, Lambda Iota Chapter, as well as the Sigma Pi Phi Fraternity/Gamma Psi Boulé. I am a member of the International City-County Managers Association and the Rotary Club of Columbus. I have been a long-standing member of the Board of the Deacons-Trustees for the Franchise Missionary Baptist Church.

4.

My career began as a student teacher at MSU, and I transitioned into public service through an internship in public management in the Mississippi Governor's Office

of Human Development. I also held positions on the Mississippi Council of Aging, and the Mississippi Department of Energy and Transportation. In 1984, I returned to Columbus and working for the Columbus Consolidated Government as the Assistant Director of Transportation/METRA. Four years later, I was promoted to the position of the Director of Transportation/METRA. In 1998, I was again promoted to the Deputy City Manager under City Manager Carmen Carvezza. In all, I have worked for the Columbus Consolidated Government for thirty-two (32) years.

4.

I became the City Manager for the Columbus Consolidated Government in 2005 after the appointment by Mayor Robert Poydasheff and have served in that same capacity through the present date. The City Manager's office is responsible for planning, directing and supervising the activities of all City employees. It develops, implements and administers policies of the City, manages and controls functions of City departments and performs duties and functions relative to a wide range of City programs and functions. We ensure that City ordinances, resolutions and regulations are executed and enforced. Our Office develops and administers the City Council Meeting, promotes continuous improvement in service delivery, informs and educates the public as to City policies, programs and activities. We play a major role in identifying and responding to community needs, promoting public/private partnerships that contribute to sustained economic development and a high quality of life in Columbus, Georgia.

5.

Since 1998, when my tenure within the City Manager's Office began, I have served four different Mayors, as well as three different Sheriffs. Prior to becoming City

Manager, I worked on the Mayor's Recommended Budget under Carmen Carvezza for seven years. As such, I am very familiar with the process provided for in the Charter for the Mayor's Recommended Budget. I oversee the administrative portion of the budget process and direct the Finance Director as needed. The preparation of the Mayor's Recommended Budget is an exhaustive and extensive process.

6.

In the months leading up to the creation of the recommended budget, I attend budget review meetings with the Mayor, Finance Director and others to review revenue concerns, state mandates, expenditure needs and other budgetary matters. I hold monthly meetings for the heads of all Departments and Offices to discuss the operation of the government, and necessary to that discussion, any impact upon the CCG budget due to the needs of various agencies, departments or offices. My administrative team, usually under the direction of the Finance Director, compiles information necessary to fully evaluate the revenue potential for the next fiscal year, the expenditures anticipated, and any areas in which savings could be made. I also meet with the Mayor and others to discuss the policy directives for the next fiscal year, so that the Finance Department can review the feasibility of any policies contemplated. As a result of the months of this work, the Mayor's Recommended Budget is completed, reviewed and then presented to the Mayor for her presentation to Council.

7.

I am familiar with the requirements in the Charter placed upon constitutional officers, other elected officials and agencies not under the direct control of the Columbus Consolidated Government, found in Charter §8-105. In this section, the

county/constitutional officers, such as the Sheriff, are given two opportunities to submit their budget requests. First, these elected officials and other agencies provide those requests to the Executive branch for consideration in the Mayor's Recommended Budget. Next, they are provided an additional opportunity to have their requests heard directly by Council, through hearings in the budget meetings. In my history of working on the Mayor's Recommended Budget, and then with Council to approve its final fiscal year budget, this two-step process has remained the same. There has never been a requirement that each constitutional or county officer receive all he/she requests in the process leading up to the Mayor's Recommended Budget. Otherwise, a balanced recommended budget would be difficult, if not impossible, to present to Council. Specifically, Sheriff Darr has never received each and every request made, nor has he told me that he expects the full and complete acceptance of all of his budget requests in any fiscal year, until he filed this litigation. Some of Sheriff Darr's budget requests have far exceeded what CCG could provide his office. The CCG budget process has never worked that way, as Council is the final authority and determines the CCG fiscal year budget only after it hears from the Mayor's Recommended Budget, and then any elected official or CCG department who wishes to appeal for more funding.

Further affiant sayeth not.

Isaiah Hugley, Sr.

Executed before me this 7th day
of March, 2016.

Notary Public
My commission expires: 3/25/19

8.

IN THE SUPERIOR COURT OF MUSCOGEE COUNTY
STATE OF GEORGIA

JOHN T. DARR, in his official capacity as Sheriff of Muscogee County, Plaintiff, v. COLUMBUS, GEORGIA, a City, a public corporation and a political subdivision of the State of Georgia; TERESA P. TOMLINSON, in her official capacity as Mayor of Columbus, ISAIAH HUGLEY, in his official capacity as the City Manager of Columbus, PAM HODGE, in her official capacity as Finance Director of Columbus, JERRY "POPS" BARNES, in his official capacity as District 1 Councilor, GLENN DAVIS, in his official capacity as District 2 Councilor, BRUCE HUFF, in his official capacity as District 3 Councilor, EVELYN TURNER PUGH, in her official capacity as District 4 Councilor, MIKE BAKER, in his official capacity as District 5 Councilor, GARY ALLEN, in his official capacity as District 6 Councilor, EVELYN "MIMI" WOODSON, in her official capacity as District 7 Councilor, TOM BUCK, in his official capacity as District 8 Councilor, JUDY THOMAS, in her official capacity as District 9 at Large Councilor, and BERRY "SKIP" HENDERSON, in his official capacity as District 10 at Large Councilor, Defendants.	*	CIVIL ACTION FILE NO. SU-14-CV-3437-94

AFFIDAVIT OF LIONEL HAYNES, JR.

Personally appeared before me, Lionel Haynes, Jr., who states the following under oath:

1.

I am over the age of eighteen (18) years old. I am providing this affidavit for use in the above-captioned case and can attest to my personal knowledge of the facts stated herein.

2.

I graduated from Columbus State University with a bachelor's degree in Finance in 2006. I also achieved a Master's in Business Administration from Columbus State University in 2007. Since June of 2003, I have been employed with the Columbus Consolidated Government (CCG).

3.

I have been a budget analyst in the Finance Department of the CCG since September of 2007. I have been assigned to the Sheriff's Office since Sheriff Darr was elected. I am in constant contact with the various employees of the Sheriff's Office who handle the expenditures and other financial matters. My role as a budget analyst includes, but is not limited to, monitoring and implementing any proper transfer requests between line items, reconciling its expenditures, ensuring all financial information is reported consistent with the accounting requirements and the Georgia Chart of Accounts, tracking the CCG-appropriated budget and notifying the Office of the same, and processing some of the invoices that may be directed to finance.

4.

In preparation of the recommended budget for each budget year, I work under the direction of the Assistant Finance Director and/or the Finance Director. Specifically, I

review historical spending, requested purchases, any vendor or contractual issues or needs, and the number of personnel assigned to the Office. If any budget request is submitted, I input it into the computer database, and it is reviewed for the initial preparation of the recommended budget. I make recommendations and discuss the Sheriff's Office budget requests in the Mayor's Recommended Budget with my Department based on my experience and knowledge of the financial operations and management of his Office.

5.

I never refused to accept budget request sent by Sheriff Darr, or any of his representatives of the Sheriff's Office. During the budget preparation time, I provide his Office with additional financial materials requested for the preparation of his Office's requests and provide answers to questions that are raised. I also provide the answer to questions that may be raised.

6.

In FY2015, I received the requested Service Line Analysis from the Sheriff's Office. Separately, I was also provided several capital outlay requests. These requests dealt with some operating materials and other requests, such as tasers. I did not, however, receive a comprehensive set of full budget requests as I had forwarded to me from the City Manager and from the Sheriff in years past. However, any separate budget request or capital outlay request that may have been submitted has always been considered.

7.

In FY2016, the Sheriff did not submit his budget requests in time for the Mayor's Recommended Budget, as they were received the same day the recommended budget was being presented to Council. In FY2017, which is still ongoing, the deadline for the submissions was announced at the kickoff as February 19, 2016, and the Sheriff Office's representatives attended. To date, I have not received any budget requests from the Sheriff's Office.

8.

Regardless, in FY2015, FY2016 and now for FY2017, I gathered information on the Sheriff's Office for its budgetary needs, including but not limited to the vehicles, gas reports, information technology needs, utilities, and personnel. The account reconciliation and expenditure reports inherent to my duties as budget analyst provide me with a complete financial picture of the operations of that Office. I have always made those recommendations for his budget based upon that experience and knowledge.

Further affiant sayeth not.

Lionel Haynes, Jr.

Executed before me this 7th day
of March, 2016.

Notary Public

My commission expires: 3/25/19

9.

FOR IN CAMERA REVIEW – NOT TO BE FILED

IN THE SUPERIOR COURT OF MUSCOGEE COUNTY
STATE OF GEORGIA

JOHN T. DARR, in his official capacity as Sheriff of Muscogee County, Plaintiff, v. COLUMBUS, GEORGIA, et al. Defendants.	Civil Action No. SU14CV3437-94

AFFIDAVIT OF KELLYE C. MOORE

HOUSTON COUNTY

STATE OF GEORGIA

Personally appeared Kellye C. Moore, who after being sworn states under oath:

1.

I am over the age of 18 and I am legally competent to give this affidavit. This affidavit is based on my personal knowledge of the facts stated herein and it is given for the purpose of and use by the Georgia Sheriffs' Association, Inc. to evidence attorney-client relationships and the applicability of the attorney-client privilege exercised in good faith in response to Defendants' Non-Party Requests for Production of Documents and it is given for the purpose of and use by the Court for an *in camera* review and inspection of documents withheld from production pursuant to the attorney-client privilege.

2.

Larry Walker and I are general counsel for the Georgia Sheriffs' Association, Inc. (GSA). We, along with Kerry Howell, also are attorneys for the Plaintiff, John T. Darr, in his official capacity as Sheriff of Muscogee County, Georgia in the above-captioned action.

3.

Defendants have filed a Motion to Compel the production of documents from the GSA. Specifically, Defendants move the Court to compel the production of the following documents in Request for Production No. 5:

"Produce all communications, including any and all emails, letters, reports, phone messages, texts, memoranda or other documents, between any representative of the Georgia Sheriff's Association and any of the following counsel: W. Kerry Howell, Kellye C. Moore, Larry Walker, Bill Stone, Charles W. Miller or Christopher D. Balch, which refers or relates to Sheriff Darr, his Office and/or this lawsuit, or the following lawsuits: (1) Marshal Gregory D. Coutryman Sr. and Municipal Court Clerk Vivian Bishop v. Columbus, Georgia, et al., Superior Court of Muscogee County, SU14-CV-3468-94 or (2) Superior Court Clerk Linda Pierce v. Columbus, GA et al., Superior Court of Muscogee County, SU14-CV-3472."

The GSA objected to this request for production as to the following counsel on the grounds of attorney-client privilege: W. Kerry Howell, Kellye C. Moore, Larry Walker, and Bill Stone. When asked for clarification as to the relationship between the GSA and these attorneys, the GSA supplemented its response with the following information: *"Kellye C. Moore, Larry Walker and the law firm of Walker, Hulbert, Gray & Moore, LLP are general counsel and W. Kerry Howell and Bill Stone are referral attorneys for the GSA and the Constitutional Office of Sheriff in the State of Georgia. Any communications between any representative of the GSA and any of these attorneys which refers or relates to Sheriff Darr, his Office, and/or this lawsuit, or the lawsuits set forth above, is attorney-client privileged."*

4.

I am licensed to practice law and I am member of the State Bar of Georgia in good standing since 1993. I have over 22 years of experience practicing law in Georgia and my law partner, Larry Walker, has over 50 years of experience practicing law. I am a partner in the law firm of Walker, Hulbert, Gray & Moore, LLP, in Perry, Georgia, and we have served as general counsel to the GSA for approximately twenty-five years. We also serve as general counsel to the Constitutional

Officers' Association of Georgia, Inc. (COAG). In my capacity as general counsel to the GSA, I have personal knowledge of the attorney-client relationship that exists between the GSA and Kerry Howell and Bill Stone as referral attorneys for the GSA and the Constitutional Office of Sheriff in the State of Georgia. In my capacity as general counsel to COAG, I also have personal knowledge of the attorney-client relationship that exists between COAG and Kerry Howell and Bill Stone as referral attorneys for COAG.

5.

GSA is a non-profit corporation incorporated under the laws of the State of Georgia for the purpose of professionalizing and improving the Office of Sheriff in Georgia. The purpose of the association is to promote and improve law enforcement in Georgia; to provide training and education for sheriffs, deputy sheriffs and other sheriff staff; and to maintain an active voice in the Georgia General Assembly and in the Courts on matters relating to the Constitutional Office of Sheriff in the State of Georgia, public safety, law enforcement and Georgia's criminal and juvenile justice systems. The GSA's membership consists of the 159 sheriffs of the State of Georgia. The Executive Director of the GSA is Terry Norris.

6.

COAG is a non-profit corporation incorporated under the laws of the State of Georgia and organized for the purpose of providing legislative advocacy in the Georgia General Assembly and in the Courts on matters relating to the Constitutional Offices of Probate Judge, Superior Court Clerk, Tax Commissioner, and Sheriff; to facilitate communication, cooperation and coordination among the state associations of each group of Constitutional Officers; to promote cooperation at the local level between Constitutional Officers and county governments; to provide continuing education and training; and, to promote the maintenance of high

professional standards and the performance of ethical, efficient service to taxpayers and citizens. Members of COAG include the Constitutional Officers from each of Georgia's 159 counties. The Executive Director of COAG is Suzanne Cross.

7.

To facilitate maintaining an active voice in the Courts on matters relating to the Constitutional Office of Sheriff in Georgia, the GSA has a network of attorneys throughout the state representing the Office of Sheriff in Georgia. The attorneys are called referral attorneys and the network is called the GSA Attorney Referral Network. Kerry Howell and Bill Stone are referral attorneys in the GSA Attorney Referral Network. Referral attorneys act in a capacity as attorneys for the GSA, the Office of Sheriff in Georgia and the 159 Sheriffs holding that office providing legal advice and representation on legal matters with potential state-wide implication. Attached hereto and identified as "GSA 001-025" are true and correct copies of documents evidencing the GSA Attorney Referral Network. These documents are from legal files kept in my capacity as general counsel for the GSA and are provided to the Court for an *in camera* review to support and document the existence of the attorney-client relationship between the GSA and Kerry Howell and Bill Stone.

8.

As general counsel, we facilitated the GSA in creating the GSA Attorney Referral Network. (GSA 002). Attorneys recommended for the network were vetted by the GSA and either accepted or rejected by the GSA. In turn, these GSA-approved attorneys acknowledged their agreement to represent the GSA and Office of Sheriff in Georgia. (GSA 010-013). The referral attorneys attended formal training on the Constitutional Office of Sheriff and the protocol to be utilized in responding to legal matters with potential state-wide implications for

the Office of Sheriff. (GSA 001-003). As part of the training, the referral attorneys were provided with a Georgia Sheriffs' Association Attorney Referral Network Handbook. Excerpts from the Handbook showing the Attorney Referral Network and the referral protocol are attached as GSA 005-008. Kerry Howell and Bill Stone are listed as referral attorneys. The Handbook also includes voluminous materials on substantive case law affecting the Office of Sheriff as a reference for the referral attorneys. It is updated and maintained by me in my capacity as general counsel for the GSA.

9.

The GSA Attorney Referral Network is an attorney-client relationship between the GSA and the referral attorneys with regard to the Office of Sheriff in Georgia. The GSA chooses who will represent the Office of Sheriff as an attorney in the Attorney Referral Network. Attorneys are added or removed at the direction of the GSA. (GSA 010-013, GSA 020). The referral attorneys are included in GSA events and training involving the Office of Sheriff. (GSA 009, GSA 019). Referral attorneys speak to and give legal advice to GSA members, i.e., Georgia Sheriffs, regarding developments in the law affecting the Office of Sheriff.

10.

COAG has a similar attorney referral network. Kerry Howell and Bill Stone are also referral attorneys in COAG's Attorney Referral Network. Attached hereto and identified as "COAG 001-007" are true and correct copies of documents evidencing the COAG Attorney Referral Network. These documents are from legal files kept in my capacity as general counsel for COAG and are provided to the Court for an *in camera* review to support and document the existence of the attorney-client relationship between COAG and Kerry Howell and Bill Stone.

11.

The COAG Attorney Referral Network is an attorney-client relationship between COAG and the referral attorneys with regard to Constitutional Offices of Probate Judge, Superior Court Clerk, Tax Commissioner, and Sheriff. Like the GSA, COAG decides who will represent these Constitutional Officers as an attorney in the Attorney Referral Network. Attorneys are added or removed at the direction of COAG. (COAG 004-007).

12.

Both the GSA Attorney Referral Network and the COAG Attorney Referral Network have a protocol which is followed when an individual Sheriff or other Constitutional Officer needs legal advice. The individual Sheriff or Constitutional Officer is directed to me, in my capacity as general counsel, by either Terry Norris or Suzanne Cross for assistance or referral to an attorney from the respective attorney referral network. (GSA 016; COAG 002).

13.

In compliance with this protocol, Sheriff Darr was referred to me by Terry Norris. Email correspondence evidences this referral and the initial legal assistance provided to Sheriff Darr in response to this referral. Terry Norris was copied on an email from me to Sheriff Darr, dated July 16, 2014, advising Sheriff Darr of the procedure for obtaining independent counsel pursuant to O.C.G.A. § 45-9-21(e). This email to Sheriff Darr also evidences the use of the GSA Attorney Referral Network and Kerry Howell's relationship with the GSA as a referral attorney. *"I have not had an opportunity to discuss this matter with Larry, however, I do not think there is any problem with us representing you individually. If Larry or Terry Norris feel otherwise, I will let you know. We may want to involve Kerry Howell, one of our GSA network attorneys, as he has experience with mandamus actions and he is a very capable trial attorney."* (ATTY-CLIENT

PRIVILEGED 002). Terry Norris also was copied on emails dated, July 23, 2014, from me to Kerry Howell. (ATTY-CLIENT PRIVILEGED 001-007).

14.

These July 2014 emails are included in the documents attached hereto and identified as "ATTY-CLIENT PRIVILEGED 001-015" and are true and correct copies of documents withheld from production and provided to the Court for an *in camera* review as to the application of the attorney-client privilege. The July 2014 emails are the only documents I am aware of in my capacity as general counsel to the GSA providing direction in Sheriff Darr's individual case and which could possibly be construed as "***between any representative of the Georgia Sheriff's Association*** *and any of the following counsel:* ***W. Kerry Howell, Kellye C. Moore, Larry Walker****, Bill Stone, Charles W. Miller or Christopher D. Balch, which* ***refers or relates to Sheriff Darr****,* ***his Office*** ***and/or this lawsuit****",* although Terry Norris is only copied on the emails. The emails originate from me in my capacity counsel to the GSA and Sheriff Darr providing legal advice and assistance to Sheriff Darr and the Office of Sheriff.

15.

As counsel for GSA and Sheriff Darr, I updated Terry Norris, in an email dated January 29, 2015, on Sheriff Darr's case with regard to the Office of Sheriff. *"We, along with Sheriff Darr, continue to keep in mind the Office of Sheriff as we make our way through this litigation. . . . I will keep you informed of any developments impacting the Office of Sheriff. We have a good team, and Larry and I are glad to have Kerry Howell on board. . . . . Regardless of how this case comes out, there are some very important strategy decisions that we have learned and that the other attorneys in the network, and Sheriffs, would benefit from knowing for any future budget disputes."* (ATTY-CLIENT PRIVILEGED 008-011). Copied on this email were: Larry Walker,

GSA general counsel and Sheriff Darr co-counsel; Kerry Howell, GSA referral attorney and Sheriff Darr co-counsel; and, Sheriff Darr.

16.

As counsel for GSA and COAG and Sheriff Darr, I updated Terry Norris and Suzanne Cross, in an email dated August 13, 2015, on the status of Sheriff Darr's and Superior Court Clerk Linda Pierce's cases following the Georgia Supreme Court's dismissal of the Defendants' appeals. *"I wanted to give both the GSA and COAG a quick update on the status of the Sheriff's and the Superior Court Clerk's cases in Muscogee County. . . . [a]s both of these cases have statewide implications for the Office of Sheriff and all constitutional officers, I will continue to keep you posted."* (ATTY-CLIENT PRIVILEGED 012- 015). Copied on this email were: Larry Walker, GSA and COAG general counsel and Sheriff Darr co-counsel; Kerry Howell, GSA and COAG referral attorney and Sheriff Darr co-counsel; Bill Stone, GSA and COAG referral attorney and Linda Pierce's counsel; and, Sheriff Darr.

17.

The January 29, 2015 and August 13, 2015 emails are the only documents I am aware of in my capacity as general counsel to the GSA which refers to or relates to Sheriff Darr's case or Linda Pierce's case which could possibly be construed as "*between any representative of the Georgia Sheriff's Association and any of the following counsel: W. Kerry Howell, Kellye C. Moore, Larry Walker, Bill Stone, Charles W. Miller or Christopher D. Balch, which refers or relates to Sheriff Darr, his Office and/or this lawsuit, or . . . Superior Court Clerk Linda Pierce [lawsuit].*" The emails originate from me in my capacity as counsel to GSA and COAG and Sheriff Darr providing a status update on Sheriff Darr's and Superior Court Clerk Linda Pierce's cases and their statewide implication for their Constitutional Offices.

18.

The attorney-client privilege being asserted with regard to these documents by the GSA is the privilege that exists between the GSA and its general counsel and its referral attorneys. It has been asserted in good faith and these documents are submitted to the Court in good faith for the Court's *in camera* inspection and review as to the applicability of the attorney-client privilege.

19.

The Office of Sheriff of Muscogee County held by Sheriff Darr is the same office held by 158 other Sheriffs in the State of Georgia. As general counsel for the GSA, I have kept the GSA advised of the potential impact of Sheriff Darr's case on the Office of Sheriff as I would do with any other Sheriff's case. I have served in an attorney-client relationship with the Sheriffs of this State and the Office of Sheriff, as well as, the other Constitutional Officers of Georgia, nearly my entire career as a lawyer. I have researched and briefed many of the seminal appellate cases in this area of law, both on behalf of individual Sheriffs and on behalf of the Office of Sheriff for the GSA as amicus curiae, including Bd. of Comm'rs of Dougherty Cnty. v. Saba, 278 Ga. 176, 598 S.E.2d 437 (2004); Lawson v. Lincoln Cnty., 292 Ga. App. 527, 664 S.E.2d 900 (2008); Haralson Cnty. v. Kimball, 243 Ga. App. 559,533 S.E.2d 762 (2000); Griffies v. Coweta Cnty., 272 Ga. 506,530 S.E.2d 718 (2000); Channell v. Houston, 287 Ga. 682, 699 S.E.2d 308 (2010); Bd. of Comm'rs of Spalding Cnty. v. Stewart, 284 Ga. 573, 668 S.E.2d 644 (2008); Georgia Dep't of Corr. v. Chatham Cnty., 281 Ga.147, 635 S.E.2d 718 (2006); and, Hill v. Clayton Cnty. Bd. of Comm'rs, 283 Ga. App. 15, 640 S.E.2d 638 (2006). I have researched, written, and updated handbook publications on the Office of Sheriff and Constitutional Officers for both GSA and COAG; and, I have been a speaker on these topics for GSA and for COAG. I cannot

unknow what I know. Despite Defendants' unfounded assertions, there simply is no *"outside or political force which may be exerting influence, contributing information or providing direction in this case."*

AFFIANT FURTHER SAYETH NOT.

Kellye C. Moore
KELLYE C. MOORE
State Bar Number 520035

Sworn to and subscribed before me
this 4th day of January, 2016.

Teresa M. Hathaway
Notary Public, State of Georgia

TERESA M. HATHAWAY
NOTARY PUBLIC
HOUSTON COUNTY, STATE OF GEORGIA
My Commission Expires Aug. 5, 2016.

10.

IN THE SUPERIOR COURT OF MUSCOGEE COUNTY
STATE OF GEORGIA

JOHN T. DARR, in his official capacity as Sheriff of Muscogee County, Plaintiff, v. COLUMBUS, GEORGIA, a City, a public corporation and a political subdivision of the State of Georgia; TERESA P. TOMLINSON, in her official capacity as Mayor of Columbus, ISAIAH HUGLEY, in his official capacity as the City Manager of Columbus, PAM HODGE, in her official capacity as Finance Director of Columbus, JERRY "POPS" BARNES, in his official capacity as District 1 Councilor, GLENN DAVIS, in his official capacity as District 2 Councilor, BRUCE HUFF, in his official capacity as District 3 Councilor, EVELYN TURNER PUGH, in her official capacity as District 4 Councilor, MIKE BAKER, in his official capacity as District 5 Councilor, GARY ALLEN, in his official capacity as District 6 Councilor, EVELYN "MIMI" WOODSON, in her official capacity as District 7 Councilor, TOM BUCK, in his official capacity as District 8 Councilor, JUDY THOMAS, in her official capacity as District 9 at Large Councilor, and BERRY "SKIP" HENDERSON, in his official capacity as District 10 at Large Councilor, Defendants.	*	CIVIL ACTION FILE NO. SU-14-CV-3437-94

AFFIDAVIT OF JERRY BARNES

PERSONALLY APPEARED, before me the undersigned officer, duly authorized to administer oaths, Jerry "Pops" Barnes, who being duly sworn deposes and states as follows:

1.

My name is Jerry Barnes. I am over the age of eighteen (18), suffer no legal disabilities, and give the following affidavit from my own personal knowledge, background and experience.

2.

I am currently serving as Councilor for District 1. I have served as Councilor for the Columbus Consolidated Government since 2006. During that timeframe, I have served during the tenure of two different Mayors and two different Sheriffs.

3.

I am familiar with the annual budget-making process outlined in the Charter, by which the Mayor's Recommended Budget is presented to Council, and hearings that are afforded to the elected officials on their budget requests. I have, as a Councilor for the Columbus Consolidated Government, participated in the decisions and legislative actions to determine the annual appropriations for each department and office of the CCG for FY15 and FY16.

4.

I am familiar with and knowledgeable of the lawsuit that has been filed by Sheriff, John Darr, against the Columbus Consolidated Government, and me in my official capacity as a Councilor, which relates to the budget process, as well as the FY15 and FY16 budget appropriations for the Sheriff's Office.

5.

In FY15, Council was provided several presentations to begin the months-long budget process. Pam Hodge as Finance Director explained the budget process and the revenue estimates, and the Mayor explained and introduced her Recommended Budget. Sheriff Darr also appeared before Council to present his original budget requests for the Muscogee County Sheriff's Office. I am aware of the financial constraints under which the CCG had been and is still operating which has been a part of my considerations in the appropriations process. After receipt of all of

this information, I considered and deliberated upon the differences between the Mayor's Recommended Budget and the Sheriff's budget requests. The Sheriff was provided several opportunities to explain his additional requests and to justify them. I understand the Sheriff contends his budget requests should have been submitted to us earlier by the Executive Branch. Even if I had been provided the Sheriff's budget requests earlier, my recommendation and vote would not have changed.

6.

In addition to the budgetary hearing that was scheduled at his request, the Sheriff had the opportunity engage directly in meetings with the CCG Finance Department and engage directly with several Councilors regarding his budgetary needs for FY15. All of the budget requests submitted by the Sheriff were duly considered and deliberated upon before my vote was cast. I believe all of the Councilors had an opportunity to ask questions concerning the Mayor's Recommended Budget for the Sheriff's Office and the Sheriff's additional requests, and we requested both the Sheriff and Pam Hodge to follow up on some remaining questions over the submissions. After investigation was made, and further due consideration was given to all of the information presented, I used my legislative discretion and judgment to vote upon the amounts to be provided to each and every CCG department and office, including, but not limited to, the Sheriff's Office.

7.

Similarly, in FY16, we were provided presentations by Pam Hodge as Finance Director, by the Mayor to explain and introduce her Recommended Budget, as well as by Sheriff Darr to present his original budget requests for the Muscogee County Sheriff's Office. After receipt of all of this information, I considered and deliberated upon the differences between the Mayor's Recommended Budget and the Sheriff's budget requests. In FY16, a committee had examined the duplicative law enforcement services as a possible cost-cutting method. We also considered

various other areas of cutting potential costs. The Sheriff was provided several opportunities to appear and contest the transfers proposed which would impact his Office's investigative staff. Sheriff Darr presented information to suggest some of those services were not duplicative. Council weighed each of these recommendations carefully. All of the budget requests submitted by the Sheriff were duly considered and deliberated upon before my vote was cast. I believe all of the Councilors had an opportunity to ask questions concerning the Mayor's Recommended Budget for the Sheriff's Office and the Sheriff's additional requests. We used our discretion in restoring some of the items requested by the Sheriff to the Recommended Budget using the Add/Delete list that has been in place as the budgetary tool to assist Council in making changes to the Mayor's Recommended Budget. I used my legislative discretion and judgment to vote upon the amounts to be appropriated to each and every CCG department and office including the Sheriff's Office.

8.

Based on my judgment and discretion, I feel that the appropriations I voted to provide the Sheriff's Office were reasonable and sufficient. I do not believe I would've have made any other decision than the one voted upon after due consideration.

FURTHER AFFIANT SAYETH NOT.

This the 1 day of March, 2016

Jerry "Pops" Barnes
District 1 Councilor

Sworn to and subscribed before me
this 1 day of March, 2016.

Jacqueline Suggs
Notary Public
My Commission Expires: 9/30/2016

11.

IN THE SUPERIOR COURT OF MUSCOGEE COUNTY
STATE OF GEORGIA

JOHN T. DARR, in his official capacity as Sheriff of Muscogee County, Plaintiff, v. COLUMBUS, GEORGIA, a City, a public corporation and a political subdivision of the State of Georgia; TERESA P. TOMLINSON, in her official capacity as Mayor of Columbus, ISAIAH HUGLEY, in his official capacity as the City Manager of Columbus, PAM HODGE, in her official capacity as Finance Director of Columbus, JERRY "POPS" BARNES, in his official capacity as District 1 Councilor, GLENN DAVIS, in his official capacity as District 2 Councilor, BRUCE HUFF, in his official capacity as District 3 Councilor, EVELYN TURNER PUGH, in her official capacity as District 4 Councilor, MIKE BAKER, in his official capacity as District 5 Councilor, GARY ALLEN, in his official capacity as District 6 Councilor, EVELYN "MIMI" WOODSON, in her official capacity as District 7 Councilor, TOM BUCK, in his official capacity as District 8 Councilor, JUDY THOMAS, in her official capacity as District 9 at Large Councilor, and BERRY "SKIP" HENDERSON, in his official capacity as District 10 at Large Councilor, Defendants.	*	CIVIL ACTION FILE NO. SU-14-CV-3437-94

AFFIDAVIT OF GLENN DAVIS

PERSONALLY APPEARED, before me the undersigned officer, duly authorized to administer oaths, Glenn Davis, who being duly sworn deposes and states as follows:

1.

My name is Glenn Davis. I am over the age of eighteen (18), suffer no legal disabilities, and give the following affidavit from my own personal knowledge, background and experience.

2.

I am currently serving as Councilor for District 2. I have served as Councilor for the Columbus Consolidated Government for over 8 years. During that timeframe, I have served during the tenure of 2 different Mayors and 2 different Sheriffs.

3.

I am familiar with the annual budget-making process outlined in the Charter, by which the Mayor's Recommended Budget is presented to Council, and hearings that are afforded to the elected officials on their budget requests. I have, as a Councilor for the Columbus Consolidated Government, participated in the decisions and legislative actions to determine the annual appropriations for each department and office of the CCG for FY15 and FY16.

4.

I am familiar with and knowledgeable of the lawsuit that has been filed by Sheriff, John Darr, against the Columbus Consolidated Government, and me in my official capacity as a Councilor, which relates to the budget process, as well as the FY15 and FY16 budget appropriations for the Sheriff's Office.

5.

In FY15, Council was provided several presentations to begin the months-long budget process. Pam Hodge, as Finance Director, explained the budget process and the revenue estimates, and the Mayor explained and introduced her Recommended Budget. Sheriff Darr also appeared before Council to present his original budget requests for the Muscogee County Sheriff's Office. After receipt of all of this information, I considered and deliberated upon the differences between the Mayor's Recommended Budget and the Sheriff's budget requests. The

Sheriff was provided several opportunities to explain his additional requests and to justify them. I understand the Sheriff contends his budget requests should have been submitted to us earlier by the Executive Branch. Even if I had been provided the Sheriff's budget requests earlier, my recommendation and vote would not have changed. I had a full and complete opportunity to consider all of the Sheriff's budget requests. He had one of his deputies serve his budget requests to my home before any vote was ever made on his requests and I considered and specifically deliberated over the information provided.

6.

In addition to the budgetary hearing that was scheduled at his request, the Sheriff had the opportunity directly engage in meetings with the CCG budget department, and directly engage with several Councilors regarding his budgetary needs for FY15. All of the budget requests submitted by the Sheriff were duly considered and deliberated upon before my vote was cast. I believe all of the Councilors had an opportunity to ask questions concerning the Mayor's Recommended Budget for the Sheriff's Office and the Sheriff's additional requests, and we requested both the Sheriff and Pam Hodge to follow up on the remaining questions over these submissions. I was and am aware of the financial constraints under which the CCG was operating and continues to operate. After investigation was made and further due consideration was given, I used my legislative discretion and judgment to vote upon the amounts to be provided to each and every CCG department and office, including, but not limited to, the Sheriff's Office.

7.

Similarly, in FY16, we were provided presentations by Pam Hodge as Finance Director, by the Mayor to explain and introduce her Recommended Budget, as well as by Sheriff Darr to present his original budget requests for the Muscogee County Sheriff's Office. After receipt of all of this information, I considered and deliberated upon the differences between the Mayor's

Recommended Budget and the Sheriff's budget requests. In FY16, a committee had examined the duplicative law enforcement services as a possible cost-cutting method. I was aware of the financial constraints under which the CCG were, and continue to be, operating. The Sheriff was provided several opportunities to appear and contest the transfers proposed which would impact his Office's investigative staff. Sheriff Darr presented information to suggest some of those services were not duplicative. Council weighed each of these recommendations carefully. All of the budget requests submitted by the Sheriff were duly considered and deliberated upon before my vote was cast. I believe all of the Councilors had an opportunity to ask questions concerning the Mayor's Recommended Budget for the Sheriff's Office and the Sheriff's additional requests. We used our discretion in restoring some of the items requested by the Sheriff to the Recommended Budget using the Add/Delete list that has been in place as the budgetary tool to assist Council in making changes to the Mayor's Recommended Budget. I used my legislative discretion and judgment to vote upon the amounts to be appropriated to each and every CCG department and office including the Sheriff's Office.

8.

Based on my judgment and discretion, I feel that the appropriations I voted to provide the Sheriff's Office were reasonable and sufficient. I do not believe I would've have made any other decision than the one voted upon after due consideration.

FURTHER AFFIANT SAYETH NOT.

This the 3rd day of March, 2016

Glenn Davis
District 2 Councilor

Sworn to and subscribed before me
this 3 day of March, 2016.

Notary Public
My Commission Expires: 2/24/17

12.

IN THE SUPERIOR COURT OF MUSCOGEE COUNTY
STATE OF GEORGIA

JOHN T. DARR, in his official capacity as Sheriff of Muscogee County, Plaintiff, v. COLUMBUS, GEORGIA, a City, a public corporation and a political subdivision of the State of Georgia; TERESA P. TOMLINSON, in her official capacity as Mayor of Columbus, ISAIAH HUGLEY, in his official capacity as the City Manager of Columbus, PAM HODGE, in her official capacity as Finance Director of Columbus, JERRY "POPS" BARNES, in his official capacity as District 1 Councilor, GLENN DAVIS, in his official capacity as District 2 Councilor, BRUCE HUFF, in his official capacity as District 3 Councilor, EVELYN TURNER PUGH, in her official capacity as District 4 Councilor, MIKE BAKER, in his official capacity as District 5 Councilor, GARY ALLEN, in his official capacity as District 6 Councilor, EVELYN "MIMI" WOODSON, in her official capacity as District 7 Councilor, TOM BUCK, in his official capacity as District 8 Councilor, JUDY THOMAS, in her official capacity as District 9 at Large Councilor, and BERRY "SKIP" HENDERSON, in his official capacity as District 10 at Large Councilor, Defendants.	*	CIVIL ACTION FILE NO. SU-14-CV-3437-94

AFFIDAVIT OF BRUCE HUFF

PERSONALLY APPEARED, before me the undersigned officer, duly authorized to administer oaths, Bruce Huff, who being duly sworn deposes and states as follows:

1.

My name is Bruce Huff. I am over the age of eighteen (18), suffer no legal disabilities, and give the following affidavit from my own personal knowledge, background and experience.

2.

I am currently serving as Councilor for District 3. I have served as Councilor for the Columbus Consolidated Government for 6 years.

3.

I am familiar with the annual budget-making process outlined in the Charter, by which the Mayor's Recommended Budget is presented to Council, and hearings that are afforded to the elected officials on their budget requests. I have, as a Councilor for the Columbus Consolidated Government, participated in the decisions and legislative actions to determine the annual appropriations for each department and office of the CCG for FY15 and FY16.

4.

I am familiar with and knowledgeable of the lawsuit that has been filed by Sheriff, John Darr, against the Columbus Consolidated Government, and me in my official capacity as a Councilor, which relates to the budget process, as well as the FY15 and FY16 budget appropriations for the Sheriff's Office.

5.

In FY15, Council was provided several presentations to begin the months-long budget process. Pam Hodge, as Finance Director, explained the budget process and the revenue estimates, and the Mayor explained and introduced her Recommended Budget. Sheriff Darr also appeared before Council to present his original budget requests for the Muscogee County Sheriff's Office. At or around that time, I was called by a Sheriff's deputy who was trying to serve me a copy of the Sheriff's budget requests at my home. I was at the office and the Sheriff's deputy brought the Sheriff's budget requests to my office and handed them directly to

me. After receipt of all of this information, I considered and deliberated upon the differences between the Mayor's Recommended Budget and the Sheriff's budget requests. The Sheriff was provided several opportunities to explain his additional requests and to justify them. I understand the Sheriff contends his budget requests should have been submitted to us earlier by the Executive Branch. Even if I had been provided the Sheriff's budget requests earlier, my recommendation and vote would not have changed. Again, the Sheriff's Office served their budget requests on me directly and I received them with ample time to review them, consider them and deliberate over them before casting my appropriations vote.

6.

In addition to the budgetary hearing that was scheduled at his request, the Sheriff had the opportunity engage directly in meetings with the CCG budget department and to engage directly with several Councilors regarding his budgetary needs for FY15. All of the budget requests submitted by the Sheriff were duly considered and deliberated upon before my vote was cast. I believe all of the Councilors had an opportunity to ask questions concerning the Mayor's Recommended Budget for the Sheriff's Office and the Sheriff's additional requests, and we requested both the Sheriff and Pam Hodge to follow up on the remaining questions over these submissions. After investigation was made and further due consideration was given, I used my legislative discretion and judgment to vote upon the amounts to be provided to each and every CCG department and office, including, but not limited to, the Sheriff's Office.

7.

Similarly, in FY16, we were provided presentations by Pam Hodge as Finance Director, by the Mayor to explain and introduce her Recommended Budget, as well as by Sheriff Darr to present his original budget requests for the Muscogee County Sheriff's Office. After receipt of all of this information, I considered and deliberated upon the differences between the Mayor's Recommended Budget and the Sheriff's budget requests. In FY16, a committee had examined the

duplicative law enforcement services as a possible cost-cutting method. I am aware of the financial constraints under which the CCG has been operating. The Sheriff was provided several opportunities to appear and contest the transfers proposed which would impact his Office's investigative staff. Sheriff Darr presented information to suggest some of those services were not duplicative. Council weighed each of these recommendations carefully. All of the budget requests submitted by the Sheriff were duly considered and deliberated upon before my vote was cast. I believe all of the Councilors had an opportunity to ask questions concerning the Mayor's Recommended Budget for the Sheriff's Office and the Sheriff's additional requests. We used our discretion in restoring some of the items requested by the Sheriff to the Recommended Budget using the Add/Delete list that has been in place as the budgetary tool to assist Council in making changes to the Mayor's Recommended Budget. I used my legislative discretion and judgment to vote upon the amounts to be appropriated to each and every CCG department and office including the Sheriff's Office.

8.

Based on my judgment and discretion, I feel that the appropriations I voted to provide the Sheriff's Office were reasonable and sufficient. I do not believe I would've have made any other decision than the one voted upon after due consideration.

FURTHER AFFIANT SAYETH NOT.

This the 24TH day of FEBRUARY, 2016

Bruce H. Huff

Bruce Huff
District 3 Councilor

Sworn to and subscribed before me
this 24 day of February, 2016.

Notary Public
My Commission Expires: 2/24/17

JENNIFER LEE KINDER NOTARY PUBLIC HARRIS COUNTY EXPIRES GEORGIA Feb. 24, 2017

13.

IN THE SUPERIOR COURT OF MUSCOGEE COUNTY
STATE OF GEORGIA

JOHN T. DARR, in his official capacity as Sheriff of Muscogee County, Plaintiff, v. COLUMBUS, GEORGIA, a City, a public corporation and a political subdivision of the State of Georgia; TERESA P. TOMLINSON, in her official capacity as Mayor of Columbus, ISAIAH HUGLEY, in his official capacity as the City Manager of Columbus, PAM HODGE, in her official capacity as Finance Director of Columbus, JERRY "POPS" BARNES, in his official capacity as District 1 Councilor, GLENN DAVIS, in his official capacity as District 2 Councilor, BRUCE HUFF, in his official capacity as District 3 Councilor, EVELYN TURNER PUGH, in her official capacity as District 4 Councilor, MIKE BAKER, in his official capacity as District 5 Councilor, GARY ALLEN, in his official capacity as District 6 Councilor, EVELYN "MIMI" WOODSON, in her official capacity as District 7 Councilor, TOM BUCK, in his official capacity as District 8 Councilor, JUDY THOMAS, in her official capacity as District 9 at Large Councilor, and BERRY "SKIP" HENDERSON, in his official capacity as District 10 at Large Councilor, Defendants.	*	CIVIL ACTION FILE NO. SU-14-CV-3437-94

AFFIDAVIT OF EVELYN TURNER PUGH

PERSONALLY APPEARED, before me the undersigned officer, duly authorized to administer oaths, Evelyn Turner Pugh, who being duly sworn deposes and states as follows:

1.

My name is Evelyn Turner Pugh. I am over the age of eighteen (18), suffer no legal disabilities, and give the following affidavit from my own personal knowledge, background and experience.

2.

I am currently serving as Councilor for District 4 and as the Mayor Pro Tem. I have served as Councilor for the Columbus Consolidated Government for approximately 28 years. During that timeframe, I have served during the tenure of 6 different Mayors and 3 different Sheriffs. During my tenure as Councilor, I also served as Chair of the Budgetary Committee for a period of approximately 8 years.

3.

I am familiar with the annual budget-making process outlined in the Charter, by which the Mayor's Recommended Budget is presented to Council, and hearings that are afforded to various departments and the elected officials on their budget requests. This is the same process by which the Mayor's Recommended Budget and the budget requests from the different departments and offices of the CCG have always come before council to be deliberated upon during my 28 years as a Council member. I have, as a Council member for the CCG, participated in the decisions and legislative actions to deliberate, determine and vote on annual appropriations for each department and office during each year during my 28 year tenure, including, but limited to, FY15 and FY16. The manner in which the Mayor's Recommended Budget and the Sheriff's budget requests were presented to Council and the deliberations that took place over the Recommended Budget and the Sheriff's budget requests is the same as it has always been during my tenure as a Councilor.

4.

I am familiar with and knowledgeable of the lawsuit that has been filed by Sheriff, John Darr, against the Columbus Consolidated Government, and me in my official capacity as a Council member, which relates to the budget process, as well as the FY15 and FY16 budget appropriations for the Sheriff's Office.

5.

In FY15, Council was provided several presentations to begin the months-long budget process. Pam Hodge, as Finance Director, explained the budget process and the revenue estimates, and the Mayor explained and introduced her Recommended Budget. Sheriff Darr also appeared before Council to present his budget requests for the Muscogee County Sheriff's Office. After receipt of all of this information, I considered and deliberated upon the differences between the Mayor's Recommended Budget and the Sheriff's budget requests. The Sheriff was provided several opportunities to explain his additional requests and to justify them. I understand the Sheriff contends his budget requests should have been submitted to us earlier by the Executive Branch. Even if I had been provided the Sheriff's budget requests earlier, my recommendation and vote would not have changed as I had received the Sheriff's full budget requests directly from his office with ample time to fully consider them, deliberate upon them and subsequently vote of them. The Sheriff's budget requests were directly delivered to me in a packet served by one of his deputies prior to his presentation and prior to any deliberation and voting.

6.

In addition to the budgetary hearing that was scheduled at his request, the Sheriff had the opportunity engage directly in meetings with the CCG budget department, and to directly engage with several Councilors regarding his budgetary needs for FY15. In addition to the formal budget request presentation by the Sheriff, I directly participated in at least one meeting with the

Sheriff, Skip Henderson, Mike Baker and Pam Hodge as part of the ongoing discussions and deliberations regarding the Sheriff's budget requests. I was and am aware of the financial constraints under which the CCG had been and is still operating. All of the budget requests submitted by the Sheriff were duly considered and deliberated upon before my vote was cast. I believe all of the Councilors had an opportunity to ask questions concerning the Mayor's Recommended Budget for the Sheriff's Office and the Sheriff's requests, and we requested both the Sheriff and Pam Hodge to follow up on some remaining questions over these submissions. After investigation was made and further due consideration was given, I used my legislative discretion and judgment to vote upon the amounts to be provided to each and every CCG department and office, including, but not limited to, the Sheriff's Office.

7.

Similarly, in FY16, we were provided presentations by Pam Hodge as Finance Director, by the Mayor to explain and introduce her Recommended Budget, as well as by Sheriff Darr to present his budget requests for the Muscogee County Sheriff's Office. After receipt of all of this information, I considered and deliberated upon the differences between the Mayor's Recommended Budget and the Sheriff's budget requests. In FY16, a committee had examined the duplicative law enforcement services to assist with the determination of potential cost savings. The Sheriff was provided several opportunities to appear before and contest some transfers proposed which would impact his office's investigative staff. Sheriff Darr presented information to suggest some of those services were not duplicative. Council weighed each of these recommendations carefully. All of the budget requests submitted by the Sheriff were duly considered and deliberated upon before my vote was cast. I believe all of the Councilors had an opportunity to ask questions concerning the Mayor's Recommended Budget for the Sheriff's Office and the Sheriff's budget requests. We used our discretion in restoring some of the items requested by the Sheriff, including approximately eight investigative positions, to the

Recommended Budget using the Add/Delete list that has been in place as the budgetary tool to assist Council in making changes to the Mayor's Recommended Budget. I used my legislative discretion and judgment to vote upon the amounts to be appropriated to each and every CCG department and office including the Sheriff's Office.

8.

Based on my judgment and discretion, I feel that the appropriations I voted to provide the Sheriff's Office were reasonable and sufficient. I do not believe I would've have made any other decision than the one voted upon after due consideration.

FURTHER AFFIANT SAYETH NOT.

This the 3rd day of March, 2016

Evelyn Turner Pugh
District 4 Councilor

Sworn to and subscribed before me
this 3rd day of March, 2016.

Notary Public
My Commission Expires: 12-6-19

CONNIE LYNNE TOOMEY NOTARY PUBLIC MARION COUNTY GEORGIA EXPIRES DECEMBER 6, 2019

14.

IN THE SUPERIOR COURT OF MUSCOGEE COUNTY
STATE OF GEORGIA

JOHN T. DARR, in his official capacity as Sheriff of Muscogee County, Plaintiff, v. COLUMBUS, GEORGIA, a City, a public corporation and a political subdivision of the State of Georgia; TERESA P. TOMLINSON, in her official capacity as Mayor of Columbus, ISAIAH HUGLEY, in his official capacity as the City Manager of Columbus, PAM HODGE, in her official capacity as Finance Director of Columbus, JERRY "POPS" BARNES, in his official capacity as District 1 Councilor, GLENN DAVIS, in his official capacity as District 2 Councilor, BRUCE HUFF, in his official capacity as District 3 Councilor, EVELYN TURNER PUGH, in her official capacity as District 4 Councilor, MIKE BAKER, in his official capacity as District 5 Councilor, GARY ALLEN, in his official capacity as District 6 Councilor, EVELYN "MIMI" WOODSON, in her official capacity as District 7 Councilor, TOM BUCK, in his official capacity as District 8 Councilor, JUDY THOMAS, in her official capacity as District 9 at Large Councilor, and BERRY "SKIP" HENDERSON, in his official capacity as District 10 at Large Councilor, Defendants.	*	CIVIL ACTION FILE NO. SU-14-CV-3437-94

AFFIDAVIT OF MIKE BAKER

PERSONALLY APPEARED, before me the undersigned officer, duly authorized to administer oaths, Mike Baker, who being duly sworn deposes and states as follows:

1.

My name is Mike Baker. I am over the age of eighteen (18), suffer no legal disabilities, and give the following affidavit from my own personal knowledge, background and experience.

2.

I am currently serving as Councilor for District 5. I have served as Councilor for the Columbus Consolidated Government for approximately 10 years. During that timeframe, I have served during the tenure of 2 different Mayors and 2 different Sheriffs.

3.

I am familiar with the annual budget-making process outlined in the Charter, by which the Mayor's Recommended Budget is presented to Council, and hearings that are afforded to the elected officials on their budget requests. I have, as a Councilor for the Columbus Consolidated Government, participated in the decisions and legislative actions to determine the annual appropriations for each department and office of the CCG for FY15 and FY16.

4.

I am familiar with and knowledgeable of the lawsuit that has been filed by Sheriff, John Darr, against the Columbus Consolidated Government, and me in my official capacity as a Councilor, which relates to the budget process, as well as the FY15 and FY16 budget appropriations for the Sheriff's Office.

5.

In FY15, Council was provided several presentations to begin the months-long budget process. Pam Hodge, as Finance Director, explained the budget process and the revenue estimates, and the Mayor explained and introduced her Recommended Budget. Sheriff Darr also appeared before Council to present his original budget requests for the Muscogee County Sheriff's Office. After receipt of all of this information, I considered and deliberated upon the differences between the Mayor's Recommended Budget and the Sheriff's budget requests. The

Sheriff was provided several opportunities to explain his additional requests and to justify them. I understand the Sheriff contends his budget requests should have been submitted to us earlier by the Executive Branch. Even if I had been provided the Sheriff's budget requests earlier, my recommendation and vote would not have changed.

6.

In addition to the budgetary hearing that was scheduled at his request, the Sheriff had the opportunity directly engage in meetings with the CCG budget department, and directly engage with several Councilors regarding his budgetary needs for FY15. I participated in at least one of the meetings with the Sheriff outside formal budget presentations in front of Council to go over his budget requests with him to try to determine what was absolutely necessary and where potential cuts could be made. I was aware of the financial constraints under which CCG was and continues to operate. All of the budget requests submitted by the Sheriff were duly considered and deliberated upon before my vote was cast. I believe all of the Councilors had an opportunity to ask questions concerning the Mayor's Recommended Budget for the Sheriff's Office and the Sheriff's additional requests, and we requested both the Sheriff and Pam Hodge to follow up on the remaining questions over these submissions. After investigation was made and further due consideration was given, I used my legislative discretion and judgment to vote upon the amounts to be provided to each and every CCG department and office, including, but not limited to, the Sheriff's Office.

7.

Similarly, in FY16, we were provided presentations by Pam Hodge as Finance Director, by the Mayor to explain and introduce her Recommended Budget, as well as by Sheriff Darr to present his original budget requests for the Muscogee County Sheriff's Office. After receipt of all of this information, I considered and deliberated upon the differences between the Mayor's Recommended Budget and the Sheriff's budget requests. In FY16, a committee had examined the

duplicative law enforcement services as a possible cost-cutting method. I was aware of the financial constraints under which the CCG operated and continues to operate. The Sheriff was provided several opportunities to appear and contest the transfers proposed which would impact his Office's investigative staff. Sheriff Darr presented information to suggest some of those services were not duplicative. Council weighed each of these recommendations carefully. All of the budget requests submitted by the Sheriff were duly considered and deliberated upon before my vote was cast. I believe all of the Councilors had an opportunity to ask questions concerning the Mayor's Recommended Budget for the Sheriff's Office and the Sheriff's additional requests. We used our discretion in restoring some of the items requested by the Sheriff to the Recommended Budget using the Add/Delete list that has been in place as the budgetary tool to assist Council in making changes to the Mayor's Recommended Budget. I used my legislative discretion and judgment to vote upon the amounts to be appropriated to each and every CCG department and office including the Sheriff's Office.

8.

Based on my judgment and discretion, I feel that the appropriations I voted to provide the Sheriff's Office were reasonable and sufficient. I do not believe I would've have made any other decision than the one voted upon after due consideration.

FURTHER AFFIANT SAYETH NOT.

This the 4th day of Mar., 2016.

Mike Baker
District 5 Councilor

Sworn to and subscribed before me
this 4 day of March, 2016.

Notary Public
My Commission Expires: 2/24/17

JENNIFER LEE KINDER NOTARY PUBLIC HARRIS COUNTY EXPIRES GEORGIA Feb. 24, 2017

15.

IN THE SUPERIOR COURT OF MUSCOGEE COUNTY
STATE OF GEORGIA

JOHN T. DARR, in his official capacity as Sheriff of Muscogee County, Plaintiff, v. COLUMBUS, GEORGIA, a City, a public corporation and a political subdivision of the State of Georgia; TERESA P. TOMLINSON, in her official capacity as Mayor of Columbus, ISAIAH HUGLEY, in his official capacity as the City Manager of Columbus, PAM HODGE, in her official capacity as Finance Director of Columbus, JERRY "POPS" BARNES, in his official capacity as District 1 Councilor, GLENN DAVIS, in his official capacity as District 2 Councilor, BRUCE HUFF, in his official capacity as District 3 Councilor, EVELYN TURNER PUGH, in her official capacity as District 4 Councilor, MIKE BAKER, in his official capacity as District 5 Councilor, GARY ALLEN, in his official capacity as District 6 Councilor, EVELYN "MIMI" WOODSON, in her official capacity as District 7 Councilor, TOM BUCK, in his official capacity as District 8 Councilor, JUDY THOMAS, in her official capacity as District 9 at Large Councilor, and BERRY "SKIP" HENDERSON, in his official capacity as District 10 at Large Councilor, Defendants.	*	CIVIL ACTION FILE NO. SU-14-CV-3437-94

AFFIDAVIT OF GARY ALLEN

PERSONALLY APPEARED, before me the undersigned officer, duly authorized to administer oaths, Gary Allen, who being duly sworn deposes and states as follows:

1.

My name is Gary Allen. I am over the age of eighteen (18), suffer no legal disabilities, and give the following affidavit from my own personal knowledge, background and experience.

2.

I am currently serving as Councilor for District 6. I have served as Councilor for the Columbus Consolidated Government for over 24 years. During that timeframe, I have served during the tenure of 5 different Mayors and 2 different Sheriffs. I have also previously served as the Budget Chair for Council.

3.

I am familiar with the annual budget-making process outlined in the Charter, by which the Mayor's Recommended Budget is presented to Council, and hearings that are afforded to the elected officials on their budget requests. I have, as a Councilor for the Columbus Consolidated Government, participated in the decisions and legislative actions to determine the annual appropriations for each department and office of the CCG for FY15 and FY16. During FY15 and FY16, the Mayor's Recommended Budget and the additional budget requests by the departments and office heads of CCG were presented to Council in the same general manner in which they have always been presented during my tenure as a Council member.

4.

I am familiar with and knowledgeable of the lawsuit that has been filed by Sheriff, John Darr, against the Columbus Consolidated Government, and me in my official capacity as a Councilor, which relates to the budget process, as well as the FY15 and FY16 budget appropriations for the Sheriff's Office.

5.

In FY15, Council was provided several presentations to begin the months-long budget process. Pam Hodge, as Finance Director, explained the budget process and the revenue

estimates, and the Mayor explained and introduced her Recommended Budget. Sheriff Darr also appeared before Council to present his original budget requests for the Muscogee County Sheriff's Office. After receipt of all of this information, I considered and deliberated upon the differences between the Mayor's Recommended Budget and the Sheriff's budget requests. The Sheriff was provided several opportunities to explain his additional requests and to justify them. I understand the Sheriff contends his budget requests should have been submitted to us earlier by the Executive Branch. I was actually served with a copy of he Sheriff's budget requests and information by one of his deputies prior to deliberating on and voting over the appropriations for his office. Furthermore, even if I had been provided the Sheriff's budget requests earlier, my recommendation and vote would not have changed as I had ample time to consider his budget requests in full prior to casting my vote on the appropriations for his office.

6.

In addition to the budgetary hearing that was scheduled at his request, the Sheriff had the opportunity to directly engage in meetings with the CCG budget department, and directly engage with several Councilors regarding his budgetary needs for FY15. All of the budget requests submitted by the Sheriff were duly considered and deliberated upon before my vote was cast. I believe all of the Councilors had an opportunity to ask questions concerning the Mayor's Recommended Budget for the Sheriff's Office and the Sheriff's additional requests, and we requested both the Sheriff and Pam Hodge to follow up on the remaining questions over these submissions. I was and am aware of the financial constraints under which the CCG had been and still is operating which is certainly a part of the annual appropriations deliberation process and considerations. After investigation was made and further due consideration was given, I used my legislative discretion and judgment to vote upon the amounts to be provided to each and every CCG department and office, including, but not limited to, the Sheriff's Office.

7.

Similarly, in FY16, we were provided presentations by Pam Hodge as Finance Director, by the Mayor to explain and introduce her Recommended Budget, as well as by Sheriff Darr to present his original budget requests for the Muscogee County Sheriff's Office. After receipt of all of this information, I considered and deliberated upon the differences between the Mayor's Recommended Budget and the Sheriff's budget requests. In FY16, a committee had examined the duplicative law enforcement services as a possible cost-cutting method. I was and am aware of the financial constraints under which the CCG had been and still is operating. The Sheriff was provided several opportunities to appear and contest the transfers proposed which would impact his Office's investigative staff. Sheriff Darr presented information to suggest some of those services were not duplicative. Council weighed each of these recommendations carefully. All of the budget requests submitted by the Sheriff were duly considered and deliberated upon before my vote was cast. I believe all of the Councilors had an opportunity to ask questions concerning the Mayor's Recommended Budget for the Sheriff's Office and the Sheriff's additional requests. We used our discretion in restoring some of the items requested by the Sheriff to the Recommended Budget using the Add/Delete list that has been in place as the budgetary tool to assist Council in making changes to the Mayor's Recommended Budget. I used my legislative discretion and judgment to vote upon the amounts to be appropriated to each and every CCG department and office including the Sheriff's Office.

8.

Based on my judgment and discretion, I feel that the appropriations I voted to provide the Sheriff's Office were reasonable and sufficient. I do not believe I would have made any other decision than the one voted upon after due consideration.

FURTHER AFFIANT SAYETH NOT.

This the 2 day of March, 2016

Gary Allen
District 6 Councilor

Sworn to and subscribed before me
this 7 day of March, 2016.

Notary Public
My Commission Expires: 2/24/17

JENNIFER LEE KINDER NOTARY PUBLIC HARRIS COUNTY EXPIRES GEORGIA Feb. 24, 2017

16.

IN THE SUPERIOR COURT OF MUSCOGEE COUNTY
STATE OF GEORGIA

JOHN T. DARR, in his official capacity as Sheriff of Muscogee County, Plaintiff, v. COLUMBUS, GEORGIA, a City, a public corporation and a political subdivision of the State of Georgia; TERESA P. TOMLINSON, in her official capacity as Mayor of Columbus, ISAIAH HUGLEY, in his official capacity as the City Manager of Columbus, PAM HODGE, in her official capacity as Finance Director of Columbus, JERRY "POPS" BARNES, in his official capacity as District 1 Councilor, GLENN DAVIS, in his official capacity as District 2 Councilor, BRUCE HUFF, in his official capacity as District 3 Councilor, EVELYN TURNER PUGH, in her official capacity as District 4 Councilor, MIKE BAKER, in his official capacity as District 5 Councilor, GARY ALLEN, in his official capacity as District 6 Councilor, EVELYN "MIMI" WOODSON, in her official capacity as District 7 Councilor, TOM BUCK, in his official capacity as District 8 Councilor, JUDY THOMAS, in her official capacity as District 9 at Large Councilor, and BERRY "SKIP" HENDERSON, in his official capacity as District 10 at Large Councilor, Defendants.	*	CIVIL ACTION FILE NO. SU-14-CV-3437-94

AFFIDAVIT OF TOM BUCK

PERSONALLY APPEARED, before me the undersigned officer, duly authorized to administer oaths, Tom Buck, who being duly sworn deposes and states as follows:

1.

My name is Tom Buck. I am over the age of eighteen (18), suffer no legal disabilities, and give the following affidavit from my own personal knowledge, background and experience.

2.

I am currently serving as Councilor for District 8. I have served as Councilor for the Columbus Consolidated Government since the beginning of 2015. Prior to that, I served for 38 years in the Georgia House of Representatives.

3.

I am familiar with the annual budget-making process outlined in the Charter, by which the Mayor's Recommended Budget is presented to Council, and hearings that are afforded to the elected officials on their budget requests. As a Councilor for the Columbus Consolidated Government, I participated in the decisions and legislative actions to determine the annual appropriations for each department and office of the CCG for FY16.

4.

I am familiar with and knowledgeable of the lawsuit that has been filed by Sheriff, John Darr, against the Columbus Consolidated Government, and me in my official capacity as a Councilor, which relates to the budget process, as well as the FY15 and FY16 budget appropriations for the Sheriff's Office.

5.

In FY16, we were provided presentations by Pam Hodge as Finance Director, by the Mayor to explain and introduce her Recommended Budget, as well as by Sheriff Darr to present his original budget requests for the Muscogee County Sheriff's Office. After receipt of all of this information, I considered and deliberated upon the differences between the Mayor's Recommended Budget and the Sheriff's budget requests. In FY16, a committee had examined the duplicative law enforcement services as a possible cost-cutting method. I am aware of the

financial constraints under which the CCG has been operating. The Sheriff was provided several opportunities to appear and contest the transfers proposed which would impact his Office's investigative staff. Sheriff Darr presented information to suggest some of those services were not duplicative. Council weighed each of these recommendations carefully. All of the budget requests submitted by the Sheriff were duly considered and deliberated upon before my vote was cast. I believe all of the Councilors had an opportunity to ask questions concerning the Mayor's Recommended Budget for the Sheriff's Office and the Sheriff's additional requests. We used our discretion in restoring some of the items requested by the Sheriff to the Recommended Budget using the Add/Delete list that has been in place as the budgetary tool to assist Council in making changes to the Mayor's Recommended Budget. I used my legislative discretion and judgment to vote upon the amounts to be appropriated to each and every CCG department and office including the Sheriff's Office.

6.

Based on my judgment and discretion, I feel that the appropriations I voted to provide the Sheriff's Office were reasonable and sufficient. I do not believe I would've have made any other decision than the one voted upon after due consideration.

FURTHER AFFIANT SAYETH NOT.

This the 2 day of March, 2016

Tom Buck
District 8 Councilor

Sworn to and subscribed before me
this 2ND day of March, 2016.

Janice Greene Ligon
Notary Public
My Commission Expires: May 15, 2018

JANICE GREENE LIGON NOTARY PUBLIC STEWART COUNTY, GEORGIA

JANICE GREENE LIGON
NOTARY PUBLIC
STEWART COUNTY, GEORGIA
MY COMM. EXP. MAY 15, 2018

17.

IN THE SUPERIOR COURT OF MUSCOGEE COUNTY
STATE OF GEORGIA

JOHN T. DARR, in his official capacity as Sheriff of Muscogee County, Plaintiff, v. COLUMBUS, GEORGIA, a City, a public corporation and a political subdivision of the State of Georgia; TERESA P. TOMLINSON, in her official capacity as Mayor of Columbus, ISAIAH HUGLEY, in his official capacity as the City Manager of Columbus, PAM HODGE, in her official capacity as Finance Director of Columbus, JERRY "POPS" BARNES, in his official capacity as District 1 Councilor, GLENN DAVIS, in his official capacity as District 2 Councilor, BRUCE HUFF, in his official capacity as District 3 Councilor, EVELYN TURNER PUGH, in her official capacity as District 4 Councilor, MIKE BAKER, in his official capacity as District 5 Councilor, GARY ALLEN, in his official capacity as District 6 Councilor, EVELYN "MIMI" WOODSON, in her official capacity as District 7 Councilor, TOM BUCK, in his official capacity as District 8 Councilor, JUDY THOMAS, in her official capacity as District 9 at Large Councilor, and BERRY "SKIP" HENDERSON, in his official capacity as District 10 at Large Councilor, Defendants.	*	CIVIL ACTION FILE NO. SU-14-CV-3437-94

AFFIDAVIT OF JUDY THOMAS

PERSONALLY APPEARED, before me the undersigned officer, duly authorized to administer oaths, Judy Thomas, who being duly sworn deposes and states as follows:

1.

My name is Judy Thomas. I am over the age of eighteen (18), suffer no legal disabilities, and give the following affidavit from my own personal knowledge, background and experience.

2.

I am currently serving as Councilor for District 9. I have served as Councilor for the Columbus Consolidated Government for approximately 6 years. Previously, I served as the Executive Assistant to Mayor, Jim Wetherington for approximately 4 years from 2007-2010.

3.

I am familiar with the annual budget-making process outlined in the Charter, by which the Mayor's Recommended Budget is presented to Council, and hearings that are afforded to the elected officials on their budget requests. I have, as a Councilor for the Columbus Consolidated Government, participated in the decisions and legislative actions to determine the annual appropriations for each department and office of the CCG for FY15 and FY16. During these budget sessions, the Mayor's Recommended Budget and the various budget requests by CCG departments and offices were presented to Council in the same manner as they had been during prior budgetary sessions that I have been a part of during my tenure as a Council member and during Jim Wetherington's term as Mayor between 2007 and 2010.

4.

I am familiar with and knowledgeable of the lawsuit that has been filed by Sheriff, John Darr, against the Columbus Consolidated Government, and me in my official capacity as a Councilor, which relates to the budget process, as well as the FY15 and FY16 budget appropriations for the Sheriff's Office.

5.

In FY15, Council was provided several presentations to begin the months-long budget process. Pam Hodge, as Finance Director, explained the budget process and the revenue

estimates, and the Mayor explained and introduced her Recommended Budget. Sheriff Darr also appeared before Council to present his original budget requests for the Muscogee County Sheriff's Office. I had previously been provided a copy of the Sheriff's budget requests directly from the Sheriff's Office as well. One of the Sheriff's deputies served a packet of budget request information from the Sheriff's Office on me directly at my home. This occurred prior to any deliberations on the Sheriff's budget and prior to me casting any votes in this regard as well. After receipt of all of this information, and after the Sheriff came before Council and presented his requests directly, I considered and deliberated upon the differences between the Mayor's Recommended Budget and the Sheriff's budget requests. The Sheriff was provided several opportunities to explain his additional requests and to justify them. I understand the Sheriff contends his budget requests should have been submitted to us earlier by the Executive Branch. Even if I had been provided the Sheriff's budget requests earlier, my decision and vote would not have changed as had time to, was able to, and did fully evaluate all of his requests and information he presented before making my ultimate vote on the appropriations to provide the Sheriff's Office.

6.

In addition to the budgetary hearing that was scheduled at his request, the Sheriff had the opportunity to directly engage in meetings with the CCG budget department, and directly engage with several Councilors regarding his budgetary needs for FY15. All of the budget requests submitted by the Sheriff were duly considered and deliberated upon before my vote was cast. I believe all of the Councilors had an opportunity to ask questions concerning the Mayor's Recommended Budget for the Sheriff's Office and the Sheriff's budget requests, and we requested both the Sheriff and Pam Hodge to follow up on the remaining questions over these submissions. After investigation was made and further due consideration was given, I used my legislative discretion and judgment to vote upon the amounts to be provided to each and every

CCG department and office, including, but not limited to, the Sheriff's Office. Again, I had a full and fair opportunity to review all information presented by the Sheriff's Office, including all of his budget requests, and I fully considered the same in my deliberations for the appropriations we voted on during the FY15 budgeting process.

7.

Similarly, in FY16, we were provided presentations by Pam Hodge as Finance Director, by the Mayor to explain and introduce her Recommended Budget, as well as by Sheriff Darr to present his original budget requests for the Muscogee County Sheriff's Office. After receipt of all of this information, I considered and deliberated upon the differences between the Mayor's Recommended Budget and the Sheriff's budget requests. I was and am aware of the financial constraints under which the CCG had been and is still operating. The Sheriff was given a full and complete opportunity to come before Council, as he has always been given, to present his budget requests and discuss his office's budgetary matters. Council has never denied him an opportunity to come forward to discuss or consider any budgetary matter involving his office. Council weighed each of the Sheriff's requests and the other information provided carefully. All of the budget requests submitted by the Sheriff were duly considered and deliberated upon before my vote was cast. I believe all of the Councilors had an opportunity to ask questions concerning the Mayor's Recommended Budget for the Sheriff's Office and the Sheriff's budget requests. We used our discretion in restoring some of the items requested by the Sheriff to the Recommended Budget using the Add/Delete list that has been in place as the budgetary tool to assist Council in making changes to the Mayor's Recommended Budget. I used my legislative discretion and judgment to vote upon the amounts to be appropriated to each and every CCG department and office including the Sheriff's Office.

Based on my judgment and discretion, I feel that the appropriations I voted to provide the Sheriff's Office were reasonable and sufficient and I still stand by my votes made during the FY15 and FY16 budget sessions today.

FURTHER AFFIANT SAYETH NOT.

This the 2nd day of March, 2016

Judy W. Thomas

Judy Thomas
District 9 Councilor

Sworn to and subscribed before me
this 2nd day of March, 2016.

Jennifer Kinder

Notary Public
My Commission Expires:

18.

IN THE SUPERIOR COURT OF MUSCOGEE COUNTY
STATE OF GEORGIA

JOHN T. DARR, in his official capacity as Sheriff of Muscogee County, Plaintiff, v. COLUMBUS, GEORGIA, a City, a public corporation and a political subdivision of the State of Georgia; TERESA P. TOMLINSON, in her official capacity as Mayor of Columbus, ISAIAH HUGLEY, in his official capacity as the City Manager of Columbus, PAM HODGE, in her official capacity as Finance Director of Columbus, JERRY "POPS" BARNES, in his official capacity as District 1 Councilor, GLENN DAVIS, in his official capacity as District 2 Councilor, BRUCE HUFF, in his official capacity as District 3 Councilor, EVELYN TURNER PUGH, in her official capacity as District 4 Councilor, MIKE BAKER, in his official capacity as District 5 Councilor, GARY ALLEN, in his official capacity as District 6 Councilor, EVELYN "MIMI" WOODSON, in her official capacity as District 7 Councilor, TOM BUCK, in his official capacity as District 8 Councilor, JUDY THOMAS, in her official capacity as District 9 at Large Councilor, and BERRY "SKIP" HENDERSON, in his official capacity as District 10 at Large Councilor, Defendants.	*	CIVIL ACTION FILE NO. SU-14-CV-3437-94

AFFIDAVIT OF BERRY "SKIP" HENDERSON

PERSONALLY APPEARED, before me the undersigned officer, duly authorized to administer oaths, Berry Henderson, who being duly sworn deposes and states as follows:

1.

My name is Berry "Skip" Henderson. I am over the age of eighteen (18), suffer no legal disabilities, and give the following affidavit from my own personal knowledge, background and experience.

2.

I am currently serving as Councilor for District 10. I have served as Councilor for the Columbus Consolidated Government for approximately 19 years. During that timeframe, I have served during the tenure of 4 different Mayors and 2 different Sheriffs. I have also served as the Chairman for the Budgetary Committee for approximately 4-5 years.

3.

I am familiar with the annual budget-making process outlined in the Charter, by which the Mayor's Recommended Budget is presented to Council, and hearings that are afforded to the elected officials on their budget requests. I have, as a Councilor for the Columbus Consolidated Government, participated in the decisions and legislative actions to determine the annual appropriations for each department and office of the CCG for FY15 and FY16.

4.

I am familiar with and knowledgeable of the lawsuit that has been filed by Sheriff, John Darr, against the Columbus Consolidated Government, and me in my official capacity as a Councilor, which relates to the budget process, as well as the FY15 and FY16 budget appropriations for the Sheriff's Office.

5.

In FY15, Council was provided several presentations to begin the months-long budget process. Pam Hodge, as Finance Director, explained the budget process and the revenue estimates, and the Mayor explained and introduced her Recommended Budget. Sheriff Darr also appeared before Council to present his original budget requests for the Muscogee County

Sheriff's Office. After receipt of all of this information, I considered and deliberated upon the differences between the Mayor's Recommended Budget and the Sheriff's budget requests. The Sheriff was provided several opportunities to explain his additional requests and to justify them. As a matter of fact, during the budgetary process, and before we voted on the Sheriff's appropriations, I had an opportunity to meet with the Sheriff's on 2 separate occasions outside of the formal Council sessions to specifically discuss his budget requests. The first occasion was at my home. The Sheriff came by my house after requesting an in person meeting with me to discuss his budget. We spent 4-5 hours sitting at my kitchen table discussing his budget and his thoughts regarding the same. I thought we made a great deal of progress during that meeting. The second meeting took place with the Finance Director Pam Hodge, a representative from the Sheriff's Office (in addition to Sheriff Darr), Councilor, Mike Baker and Councilor, Evelyn Pugh. During that meeting, additional efforts were made to continue trying to determine what in the Sheriff's budget was necessary and where savings could be made. All of this was done prior to any vote taking place on appropriations for the Sheriff's Office. I was aware of the financial constraints under which CCG was and continues to operate. I understand the Sheriff contends his budget requests should have been submitted to us earlier by the Executive Branch. Even if I had been provided the Sheriff's budget requests earlier, my recommendation and vote would not have changed as I, along with all other Council members, received the Sheriff's budget requests before any vote was made, had a full and complete opportunity to consider them, and did in fact deliberate on them a great deal before using my discretion to cast my vote.

6.

Similarly, in FY16, we were provided presentations by Pam Hodge as Finance Director, by the Mayor to explain and introduce her Recommended Budget, as well as by Sheriff Darr to present his original budget requests for the Muscogee County Sheriff's Office. After receipt of all of this information, I considered and deliberated upon the differences between the Mayor's

Recommended Budget and the Sheriff's budget requests. In FY16, I recommended an examination of the duplicative law enforcement services as a possible cost-savings method among our public safety services. I was and am aware of the financial constraints under which the CCG was operating and continues to operate. The Sheriff was provided several opportunities to appear and contest the transfers proposed which would impact his Office's investigative staff. Sheriff Darr presented information to suggest some of those services were not duplicative. Council weighed each of these recommendations carefully. All of the budget requests submitted by the Sheriff were duly considered and deliberated upon before my vote was cast. I believe all of the Councilors had an opportunity to ask questions concerning the Mayor's Recommended Budget for the Sheriff's Office and the Sheriff's budget requests. We used our discretion in restoring some of the items requested by the Sheriff to the Recommended Budget using the Add/Delete list that has been in place as the budgetary tool to assist Council in making changes to the Mayor's Recommended Budget. I used my legislative discretion and judgment to vote upon the amounts to be appropriated to each and every CCG department and office including the Sheriff's Office.

7.

I regularly make myself available to the CCG Department heads and to the Elected Officials, who rely on us to vote on their annual appropriations, to discuss any of their budget requests and to work on ways to try to use the limited resources available to meet all of their needs. I consider all of the information, regardless of the source, provided and use my best judgment in voting on the annual appropriations.

8.

Based on my judgment and discretion, I feel that the appropriations I voted to provide the Sheriff's Office were reasonable and sufficient for both FY15 and FY16. I do not believe I would've have made any other decision than the one voted upon after due consideration.

FURTHER AFFIANT SAYETH NOT.

This the 4th day of March, 2016

Berry "Skip" Henderson
District 10 Councilor

Sworn to and subscribed before me
this 4 day of March, 2016.

Notary Public
My Commission Expires: 2/24/17

JENNIFER LEE KINDER NOTARY PUBLIC HARRIS COUNTY GEORGIA EXPIRES Feb. 24, 2017