

City of Sandy Springs Charter Commission was held on Thursday, April 1, 2021 at 6:00 p.m., Chair Gabriel Sterling presiding.

I. Call to Order

Chair Gabriel Sterling called the meeting to order at **6:00 p.m.**

II. Roll Call

City Clerk Raquel D. González called the roll.

Members present: Tochie Alford Blad, Tricia Gephardt, Melody Kelley, Tom Mahaffey, Suleima Millan-Salinas, Sunny Park, Andrea Settles, Rona Smith, and Gabe Sterling.

Members absent: Chip Collins.

Guest(s) present: Wendell Willard

Staff present: Assistant to the City Manager Samantha Dulac, City Clerk Raquel Gonzalez, and Assistant Staff Attorney Caleb Saggus.

III. Ruling on a Quorum

City Clerk Raquel Gonzalez confirmed a quorum of members was present.

IV. Approval of Meeting Agenda – March 4, 2021 Charter Review Commission Meeting Minutes

Motion and Vote. A motion was made by Member Andrea Settles, seconded by Member Tricia Gephardt, to approve the meeting agenda for April 1, 2021. The motion carried by unanimous vote.

V. Approval of Meeting Minutes

Motion and Vote. A motion was made by Vice Chair Tochie Blad, seconded by Member Ronda Smith, to approve the meeting minutes for March 4, 2021. The motion carried by unanimous vote.

VI. New Business

CRC2021-07 Review of Original Charter

Chair Gabriel Sterling welcomed guest **Wendell Willard**, former City Attorney. What was the thought processes behind term limits, staggered terms, and pay for Council and Mayor?

Mr. Wendell Willard replied that a group of citizens, the Committee for Sandy Springs led by Eva Galambos, worked for several years on what would be the City of Sandy Springs. In 2005 the Republican Party gained majority in both houses of the Georgia General Assembly. The Assembly repealed the requirement that new cities must be at least three miles from existing cities, because Sandy Springs bordered both Roswell and Atlanta, and other outdated legislation. The Committee for Sandy Springs chose December 1, 2005 as the incorporation date so that Sandy Springs was a city-in-place for tax revenues effective January 1, 2006. The language and the provisions within the Charter were a result of great, lengthy discussions, years of work with the Georgia Municipal Association, other mayors, and professionals that

had extensive knowledge of local government law. In designing the Bill and the Charter, it was decided that the day-to-day operations of the City would be the City Manager; keeping the City Manager autonomous from any political atmosphere. During these discussions the powers of the Mayor and how to district the City were decided. As to term limits, it was felt that if someone was losing effectiveness in their district it would be the citizenry voting them out. Having institutional knowledge carries and/or provides a continuity of experience. As to staggered terms, it was decided not to have staggered terms as this could cause elections every two years, and the cost of elections was expensive. Although, without staggered terms an election could completely change how the City was operated. As to salaries, the intent was to not see someone serving for the sake of any monetary gain, but as a public servant, giving back to the community. That is why the salaries for the Mayor / City Council were on the lower end of a scale. After the 2011 Charter Review, legislators determined there was a need to do an increase. So, in 2012 the Legislature raised the salaries. Another issue that was discussed was the tax cap. The cap came about to alleviate fear in forming a new city that taxes would be raised. It was so to assure Sandy Springs citizens that their taxes would not go up. There was a ceiling of 4.718 put in the Charter Bill, carrying over the same amount that the City was paying as a Special Service Tax District applied to unincorporated areas in the county. This tax cap cannot be changed without a referendum. To get a referendum, the Council would make a recommendation; then it would be placed on the ballot at the next general election for the citizens of Sandy Springs to vote.

Chair Sterling stated that Mr. Willard has been a city attorney, county attorney, judiciary chairman, and served a long time. It was beneficial to write a charter in the 2000s, when other cities had their charters written in the 1900s. Has the City's Charter been effective in running the City well? Another result of the 2011 Charter Review Commission had to do with the water system in Sandy Springs.

Vice Chair Tochie Blad asked if it was intended to set the millage rate by Charter, because it has never been lowered and there have been surpluses over the time. Other cities have modified their charters and have eliminated that language so that they could set their millage rate annually based on their budget. Was it ever anticipated that as the City aged and became more modern, it may consider doing that with the Charter? Also, are the districts set by population from the Census? Based on the Charter, there is nothing that requires the City to take the Census numbers and to realign the district lines of the City. The Georgia Municipal Association has a 2014 guide that does indicate some Georgia cities should write into their Charter that they will take the Census figures and adapt their district boundaries. There is also language in the Charter having to do with the City Attorney acting as a prosecutor in the courts. Has the city attorney ever done that?

Mr. Willard replied that the mechanism regarding millage was left to assure the citizens of Sandy Springs that taxes were not going to be increased. It is not necessary to write into the Charter about accepting Census figures and adapting district boundaries because federal case law requires there be a 'one man, one vote.' That is what governs the need every 10 years, with the Census, to look at the shifting populations and consider redrawing the district lines. As to the inquiry about acting as prosecutor, that is there because this is 'standard language' that comes with most charters.

Member Tricia Gephardt asked Attorney Willard to expound on the process of at-large seats.

Mr. Willard stated it was felt that from the size of the city, there was not a need to have someone other than the Mayor running citywide because having someone running citywide with the Mayor could be ripe for power issues. It was felt the council members were all best placed as individual members of the district. There were two issues that drove the staggered terms discussion: (1) the cost of having elections and (2) the thought was if you are unhappy with the way your government is being run, you vote everyone out at one time and begin with a new group. One of the things that has happened with each group of the Mayor

and City Council members so far is projects have been handled on where there is the most need. No one district is getting all the projects. It is left to the management of the City to give that type of governance information for the Council to be guided.

Chair Sterling remarked that Sandy Springs has a geography that lends itself to very specific areas with the population spread. There is the panhandle, which is a district by itself. There are two districts that are inside I-285. Then you have the three districts that are in the middle. State law allows you to get to 5% differentials between what you have on the map. This means you can have 5% over the population and you have to have a 5% under. The biggest difference we had with the Census last time was a 14% population difference. Fulton County has given us an estimate this year which is considerably more to run the election than they have previously. The City's councilmembers have been basically told you can look out for your district, and that makes sense, but your job is to look out for the City as a whole, too. There is a cultural ethos that has remained significant with everyone who has been elected so far. Regarding the 'feeling' by many people that we have a strong Mayor system, what we have and had was a strong personality mayor in Eva Galambos and Rusty, but the powers they have are not that strong.

Mr. Willard stated that the intent is that the Mayor serves as the figurehead for the City. The Mayor is the chief executive officer and the spokesperson for the City. It is not really built in the Charter so much but as to the standpoint of how the City exercises the use of the Mayor as the spokesperson. He stated that most charters do provide for veto power in the Mayor, as this is the last point of checks and balances of the action by Council. If the Council finds that the Mayor is not doing the right thing in vetoing a piece of legislation, etc., there is a way for Council to override that by supermajority. If it is not overridden; then it goes to the citizenry to decide who is right or wrong. There has not been any controversy dealing with our Council and Mayor. We have had good decorum among all members. We may have passionate debates but nothing even coming close to controversy or controversial behavior.

Member Gephardt asked, via Chat, is there a mayor line item veto?

Member Melody Kelley read "The Mayor may disapprove or reduce any item or item(s) of appropriation and any ordinance or resolution." [Section 2.15(d): Submission of Ordinances to the Mayor.]

Chair Sterling stated this would have to do with budgetary issues. Budgets are giant documents and the Mayor may use this power but the supermajority to override still rules. Regarding citywide elections of councilmembers, like Roswell, you could potentially see people catering to District 3 and District 6, which is where the majority of the votes in city elections come from. Then you could see a situation that they are going to cater to the side with the more votes. This district model has worked well for Sandy Springs. We have been fortunate to have civically minded, elected leaders who look out for the entire city, but also pay special attention and listen to the concerns of their district.

Member Tom Mahaffey asked if the Mayor has executive powers.

Mr. Willard responded that the Mayor has the authority to appoint, but not executive powers like the federal government. In Roswell, all the councilmembers are elected citywide and there is a lot of dissention in that there are groups that are wanting to make a change in their Charter to go to districts. It is very confusing to the voter. It is hard to be fully informed when you are voting for several people for the same position.

CRC2021-08 Public Comment on Current Charter

City Clerk Raquel González stated that there were no public comments received for this meeting.

Member Ronda Smith asked when is the next in-person City Council meeting.

City Clerk González replied the next in-person City Council meeting is Tuesday, April 20, 2021. All other boards and Commissions will return to in-person meetings on May 1, 2021.

Chair Gabriel Sterling stated that information about public comment and how to do that has been supplied to the CRC members, to be able to get that out to their networks, we want to make sure the citizenry understand that we want public feedback and input, as much as we can.

Member Tricia Gephardt asked does this affect the 30-day notification.

City Clerk González stated that the meeting dates have been published. Meeting locations will be updated. They will all be at City Hall, though we will still be live stream the meetings.

CRC2021-08 Discussion on the Current Charter

Member Suleima Millan-Salinas asked will the Charter sections we are reviewing be placed on the agenda.

Chair Gabriel Sterling stated beginning in May, the Commission should begin to meet twice per month, and include the sections to review on the agendas.

Consensus of Commission Members: The Charter Review Commission will also meet on the third Thursdays in May and June, 2021 at 6 p.m.

Member Ronda Smith stated on the first of every month, the City distributes its newsletter and everything inclusive of this Charter Review is included with all the links anyone could need to find the information, the dates, and Public Comment cards. It is everything that they need in order to be able to participate in this meeting.

Vice Chair Tochie Blad stated that in reviewing the minutes from the 2011 Charter Review, they made a motion to invite the Mayor, City Council and the City Manager; then it was mentioned in the minutes from last meeting about the Finance Director. Since a lot of this Charter deals with these folks positions, at what point in time are we going to invite these folks?

Chair Gabriel Sterling suggested inviting two or three members of the City Council, the Mayor, City Manager, and Finance Director at time to provide their input and/or perhaps feedback from citizenry. The Commission should hold votes toward the end of this process, if there are motions to be made and decisions to be made, after we've reviewed everything, received input and/or feedback to feed into the Final Report. At that time, it will be helpful to have the motion in writing and distributed to all members prior to a meeting. It is the responsibility of each Commission member to make sure if they are passionate about something it is kept in the forefront. You want to try to get some consensus from your fellow Commission members. All of the guests' input and/or feedback is important for all members to have this information. If someone is unable to attend, perhaps they can provide a written statement. There is always a possibility that a citizen can ask a question that has not been thought or discussed or have a viewpoint we are not aware of, that should be heard. We invite the guests mentioned here above to gather input and/or feedback, receive public input, then discuss the sections reviewed amongst the Commission. Also, to bounce thoughts and ideas off the members of the Commission, give everyone the opportunity to hear issues or ideas so it can be discussed in the public forum and give them the opportunity to digest and consider your issues or ideas.

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Then the public comment will have come in. Then we come to a Final Report from all of this information gathering of. There are general municipality laws that cover a municipality that are not covered in the Charter. For example, the City can manage floods, but it only has a narrow band of things it can do. Floods are more largely handled either by the State of Georgia and/or the federal law, covered under the Waters of the USA.

Patrick, through the Question/Answer portal, asked can the group just briefly mention which types of topics are not eligible to be included in the charter because of state law, or other superseding rules.

Staff Attorney Caleb Saggus stated there could be any number of things which are either state or federal level items that the Charter cannot address.

Member Melody Kelley asked how is public comment advertised. It is on the agenda. Members will share across their personal networks. It is also in the City newsletter. Can it be on the City's Facebook page?

City Clerk González stated that this meeting is not being live streamed on Facebook. The City does not typically use its social media to post agendas, although we share the eNewsletter on social media that would include all of the public meetings that are coming forward. The individual public meetings that are happening are not publicized as Facebook events. Currently, the videos for any of our public meetings are not published. This is something new to the City and we are in the process of building out that feature in CivicClerk, where the meeting videos will be in the same packet where you find the meeting agenda and minutes.

Chair Sterling stated the Charter should address the ability to have meetings virtually and/or live-streamed and remains legal going forward. Can the staff attorney locate those sections and provide a report on that issue? In regards to judges attending future Charter Review Commission meetings, judges are part-time judges. There is a Court Administrator we can ask to explain things relative to the Charter and Municipal Court. But the Judicial portion of Municipal Court is run in large part from the Georgia Supreme Court.

Mary Baron, through the Question/Answer portal, stated the City newsletter is not on the Facebook page. It is hard to find out when meetings are happening on the website and it's hard to find the videos. Hopefully this will be corrected soon.

Member Smith recommended all to go to the City website. Under the *Residents* tab; choose *City News and Media*, and sign up for the *City Newsletters and Publications*. There are also ways to browse previous issues of the monthly City News e-newsletter, under *E-Newsletter*.

Member Andrea Settles also mentioned that all public meetings are published on the City's Public Meeting Calendar.

Vice Chair Tochie Blad stated effective in May, guests can attend in-person at City Hall and provide public comment at the podium.

VII. Other business – none

VIII. Adjournment

Motion and vote: A motion to adjourn was made by Member Andrea Settles; seconded Member Tom Mahaffey. The motion carried unanimously.

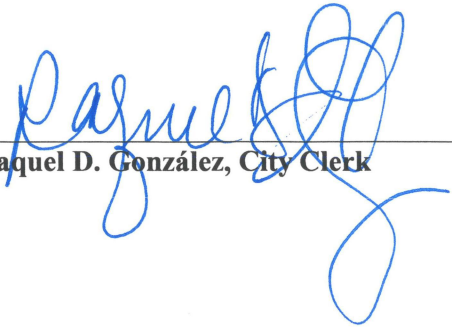
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There being no further business, the meeting adjourned at 7:16 p.m.

Date approved: April 15, 2021



Gabriel Sterling, Chair



Raquel D. González, City Clerk