
City of Sandy Springs Charter Commission was held on Thursday, May 6, 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

Assistant City Clerk Karina Reyna called the roll.

Members present: Vice Chair Tochie Alford Blad, Tricia Gephardt, Melody Kelley, Suleima Millan-Salinas, Sunny Park, Andrea Settles, Ronda Smith and Chair Gabriel Sterling

Absent: Chip Collins, Tom Mahaffey

Guest(s) present: Council Member John Paulson, Council Member Jody Reichel

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

III. Ruling on a Quorum

Assistant City Clerk Karina Reyna confirmed a quorum of members was present.

IV. Approval of Meeting Agenda

Motion and Vote. A motion was made by Member Gephardt, seconded by Member Millan-Salinas, to approve the meeting agenda for May 6, 2021. The motion carried by unanimous vote.

V. Approval of Meeting Minutes – April 15, 2021 Charter Review Commission Meeting Minutes

Motion and Vote. A motion was made by Vice Chair Blad to correct the April 15, 2021 Minutes on line 172 to delete ‘citizen’ and insert ‘Council’ so it would now read, Vice Chair Blad asked, “Can Council vote each year on millage?” The motion was seconded by Member Smith.. The motion carried by unanimous vote.

VI. New Business

CRC2021-013 Individual Input from the Elected Officials

Chair Gabriel Sterling introduced Council Member Jody Reichel and Council Member John Paulson.

Council Member John Paulson, District 1 stated City Council was established so that the best people who could get elected should stay and continue to run the City as best they could. The idea of term limits, as a means of keeping the established ‘old Guard’ of say the first six Council members get elected and they get elected every time, every time. If that were the case, then term limits would be an issue. In truth, the City has not had a problem with turnover. Council Member DeJulio is the only original council member. Also, the other thing we talk about is staggered terms. This would mean we would have a municipal election every two years which, for a little city, it is tough, not to mention the cost. Those were things that were

discussed in the initial Charter Review Committee. Back then, the pay was \$1K a month for a councilmember, then the 2011 Charter Review Commission recommended a raise and the Legislature provided a raised the salary to \$1,500 per month, which is where it has been for the last 10 years. I never took a position. I never ran for the position because of the money. It is not the right motivation.

Council Member Jody Reichel, District 4 stated these things that Council Member Paulson spoke about are very important. The staggered terms are too expensive. An election every four years is good as is. If it is not broken, then no need to fix it. As to limited terms, if someone is not doing their job, they could be voted out. That is what elections are for, and knowing this helps you to do a better job. As far as salaries, the Mayor's salary might be bit low here. Being the mayor is almost a full-time position. Also, it is too expensive for someone to run at-large. I have enjoyed getting to know the people in my district. I have had a great four years. I love the way the City runs. I have never had a problem getting something on the agenda.

Chair Sterling stated that the City is run by a strong Council, weak Mayor, with the executive being the City Manager. Has that system seemed to run well?

Council Member Paulson replied this system is favorable because you do not want someone running the city, who is in charge of the city, that does not have experience in running a city. I would rather have someone who has the schooling and experience to run cities. I do not want that person to be in charge just because they got more votes than the next person. There are weak mayors and strong mayors because we have had some who have stronger personalities than others. We have only had two mayors, so it is hard to generalize. Let the City Council decide policy issues and let the professionals who know how to run a city, run the City.

Council Member Reichel stated the mayor and the city manager each have strengths and weaknesses. It is working great changing the arrangement is not desirable.

Member Ronda Smith stated that Council Member Paulson on his third term and Council Member Reichel on her first term, with Council Member DeJulio being an original member, they represent an institutional knowledge perspective. Could term limits potentially end up 'knocking someone out of the chair' who is just really getting their feet under them? Sometimes, if you knock someone out of their chair, after serving two terms, maybe they were really just 'coming into their own.' Eight years sounds like a long time to come into your own, but you just never know what you are going to come up against during the course of that time and institutional knowledge is incredibly important.

Council Member Paulson replied that it several years to learn how to be a 'councilman. At two terms you are just hitting your stride. You now can responsibly make decisions; you understand the consequences of decisions; and, you understand how this all works. To arbitrarily cut that off, you lose some institutional knowledge. Perhaps there can be a limit of no more than 24 years or something like that.

Council Member Reichel stated if you are not doing your job, you get voted out. It is a learning process. Council Members Paulson and DeJulio are like big brothers, and their opinions, knowledge and experience are respected and appreciated.

Council Member Paulson stated there is one council member who has been here 16 years, one that has been here 12 years, and one that has been here eight years, one that has been here six years, and then two others who have been here for four years. That provides a broad spectrum of experience.

Vice Chair Tochie Blad asked is there anything you would change in how the budget is presented. The Charter dictates the Mayor's role, the City Manager's role, and your role on approval. Secondly, in some city charters, it is defined that the Council approve any legal fees. For example, "The rates or salary paid to any city attorney or assistant city attorney shall be approved in advance by city council." This is not in the City of Sandy Springs Charter. The Charter Review Commission might consider it. For three years in a row, litigation and legal services have been over budget. There might be more accountability if it came back to doing that. Is there anything in the budget and how it is presented and/or how it is determined that you would want to change? And, on the legal issue of budget - how can we control costs may be to make sure it comes back to council?

Council Member Paulson stated the current budget process is satisfactory. The council has to rely on the professionals that run the city to be responsible and come back. If during the budgeting process, there is a number that is way out of whack, from previous years, or just an anomaly, those questions get asked in the budget hearing process. There has been more than one occasion where questions have been asked and the next meeting we have with the budget, they're answered. As a member of a board of directors, I rely on the City Manager and her staff to craft this budget. If I see something that seems weird, that's when I will speak up. Regarding legal fees, we have a complicated city. I have to rely on what I believe to be a good city attorney. If he or she is not a good city attorney, then we need to talk about that. But, I have to rely on the city manager and the city attorney to make the best decisions regarding how suits go forward. We are consulted on major legal decisions and sometimes cost is a consideration. . If we think the City Attorney is charging too much, at any time we can always go out and solicit new city attorneys. The bill, while always important, is of secondary importance when compared to the performance of the legal team.

Chair Sterling stated that if you, on the front end say, we are going to spend 'x' on this, this can actually invite additional litigation because the other party will say they are only going to spend this much. We see them go into Executive Session, and that is when they will go in and discuss the legal situation because that is not going to be a big public thing. You cannot let your legal strategy get out publically because that would then undermine the ability of our standing in court.

Member Sunny Park asked has the Council discussed what is the right amount for the mayor's salary. \$40K is lower than to have a full-time executive running a City. The position of Mayor is pretty much a full-time position.

Council Member Reichel stated the Council has never talked about this. The City Manager makes a good salary.

Member Park stated a corporate board that is really part-time, may meet every other month or once per quarter, and they get \$50K-\$60K per year. The pay should be realistic.

Council Member Paulson stated that the Mayor is not a full-time job. But, our Mayor is active.

Member Melody Kelley asked should language be added regarding redistricting and the Census. Do we have a handle on that the redistricting process?

Council Member Paulson replied the city population is divided by six, and then the task is how you draw the lines so that everyone gets their 1/6th of the population. In 2010, District I lost a neighborhood to District 2. In order to make the numbers work the lines were drawn around the neighborhood that had 80-100 people in it. We are not going to see gigantic changes to the districts. We are not a city will have convoluted boundaries that we have sometimes seen in crazy re-districting plans.

Chair Sterling stated that much of Sandy Springs is land-locked, and there are actual boundaries. The intention behind redistricting is getting to one man, one vote. On a local level you are allowed to do plus or minus 5.

Member Kelley asked when you say the City is completely functional and it is not broken, what measurements are you using?

Council Member Paulson replied if the Charter is too specific about too many things, it takes away the power of the City Council and the Mayor to make policy. There will always be a balance here. Interestingly, the City Council meetings were never broadcast and the Charter does not make a provision. But, we have had to do this under the emergency actions of the government last year. Is this something the Charter should address or can the City Council make that as a policy issue? City Council should be able to make this a policy issue.

Council Member Reichel stated it was discussed openly about whether the Charter would allow enough flexibility, given the fact that we've all had to move. It was felt that in-person meetings were better, the feeling is that having experienced the in-person meetings and the remote meetings, it feels that more gets done in the in-person. It is an effort to be there the 1st and 3rd Tuesday of each month. The question is, say somebody's in the hospital or they are recovering from something or they had COVID, is there a way to do this with an exception process, there's an allowance that can be made.

Council Member Paulson stated that the things in the City that need to be fixed are things that happen around policy.

CRC2021-014 Public Comment on Current Charter

There were no public comments.

CRC2021-015 Review of the Current Charter – Article III and Article IV

Article III: Executive Branch

Section 3.01: Powers and Duties of the Mayor.

Member Suleima Millan-Salinas asked should a statement about digital signatures be added.

Chair Gabriel Sterling replied digital signatures could be a matter of internal policy or policy adopted the City Council.

Member Tricia Gephardt asked if, when referred to in the Charter as 'he' or 'she,' it could just be designated as 'they.'

Member Ronda Smith volunteered to identify where 'he' or 'she' could be replaced by 'they' or 'their.'

Member Gephardt stated up that someone from the Diversity & Inclusion Task Force felt it is important to have all kinds of diversity on all committees or boards. Can this be added as an item for discussion?

Chair Sterling replied it depends on how the Committee is structured. It would be fine to submit a public comment to the Charter Review Commission, but the better venue would be the Council. We can always look at it and this Commission can make whatever decisions we choose.

Section 3.02: City Manager; Appointment, Qualification, and Compensation.

Member Gephardt proposed verbiage to be added: The mayor shall appoint, subject to confirmation by the council, for an indefinite term an officer whose title shall be the “city manager” and the city manager shall serve at the pleasure of the council to further the interest of all residents, regardless of race or class.

Section 3.03: City Manager; Chief Administrative Officer.

Vice Chair Tochie Blad stated in her contract, current City Manager Andrea Surratt is allowed to some ancillary things. This provision still allows that?

Chair Sterling replied this was approved in the contract. The Commission cannot radically alter this line without altering her contract.

Vice Chair Blad replied in the contract it states that if there are significant changes to the role, whether be through Council’s job description or the Charter, then the At Will clause kicks in. So you cannot radically change this section without changing that.

Consensus of Members: Legal to review.

Section 3.04: City Manager; Powers and Duties Enumerated.

Member Gephardt proposed verbiage to be added:

- (1) See that all laws and ordinances are enforced to ensure equal justice for all;

Section 3.05: City Council Interference with Administration.

Chair Sterling stated this is a very important clause in every charter, because staff will respond to elected officials and this prevents that break in the chain of command and prohibits council from directing staff activities.

Section 3.08: City Attorney.

Member Gephardt asked is it a conflict of interest that the City Attorney can also be the prosecuting officer.

Chair Sterling replied it cannot be a contradiction if this is stated in the charter and the law allows it. If there is a conflict, the attorney could recuse themselves.

Assistant City Attorney Caleb Saggus stated attorneys are bound by state laws on matters of conflicts of interest.

Section 3.09: City Clerk

Vice Chair Blad stated the City Clerk has two bosses. Other cities structure it a little differently.

Chair Sterling stated if you think about it, the City Manager reports to the Mayor. So there is sort of a state line. Make a note that the City Clerk can discuss at the next meeting.

Section 3.11: City Accountant.

Vice Chair Blad suggested adding a new section or subsection titled “City Internal Auditors,” as it is written in Charters of the City of Dunwoody and the City of Brookhaven. It is a check and balance that happens quarterly. The State requires an annual audit. This is another tool in the toolbox.

Section 3.12: Consolidation of Functions.

Chair Sterling stated this is a consolidation of function and not a consolidation of power. The City of Sandy Springs has a Chief Financial Officer that does a lot of the duties outlined in this section. It is more of a role than a single person.

Member Gephardt stated this should not happen often because it would be a lot of work for one person.

Member Smith explained allows the manager to spread the functions across multiple persons with differing expertise.

Article IV: Municipal Court System

4.02: Judge.

Member Tricia Gephardt asked how many cases the municipal court hears. How many people in Sandy Springs are going through the City’s court system?

Vice Chair Tochie Blad stated there are about 14,000 citations a year. The judges are part-time.

Chair Gabriel Sterling stated the City generally has three judges. It is not just people living in Sandy Springs, but also people commuting through Sandy Springs.

Member Gephardt proposed the following verbiage be added:

(c) The oath shall be entered upon the minutes of the city council, to ensure equal justice for all

Member Smith stated that the oath should be examined to decide if this would make this verbiage redundant.

Section 4.03: Administration.

Vice Chair Blad asked how does private probation play into the Court? The City of Brookhaven does not have private probation. How is private probation working in the City?

Chair Sterling stated private probation is an arm of the administrative functions of the Clerk of Courts. The fees / fines are under the auspices of ordinances and/or local and state government. The administration of these go to governance; it is an administrative function by the Clerk of the Court.

Member Gephardt stated it seems like a for profit system. Someone who cannot pay their fine is placed on probation until they pay their fine. So we are making money off the fact that they are less well off an cannot pay their fine.

Chair Sterling stated if you violate the law you may have to pay a fine or serve the time. Working with private probation allows the probation to keep up with people. The City Council decides the ordinances and how to enforce them.

Member Suleima Millan-Salinas stated maybe there should be a clause that says we are putting in a system where they pay the fine, but we not putting in further debt.

Chair Sterling replied the law is the law equally. You cannot treat one person because they are in a different economic status. Maybe it is not a Charter conversation but a Council conversation.

Member Smith commented that the new City Solicitor presented programs to the City Council that will be instituted through Sandy Springs Municipal Court and there will be pre-plea programs, post-plea programs, community services; perhaps a 'menu' of what 'bucket' a person's infraction falls into. Rather than put people in jail, there will be more programs that are more diversionary related that keep people out of jail. It costs money to put people in jail and those people who are jailed lose their opportunity to earn an income. These new programs are geared toward keeping defendants out of jail; lowering the recidivism rate; and, all things that go along with having a better functioning way of handling these kinds of municipal cases. City Solicitor Steven Ellis has had a phenomenal success rate from Cobb County courts.

Member Gephardt replied it seems there new ideas and new programs happening.

Member Millan-Salinas stated maybe language should be added about being equitable and fair.

Chair Sterling replied equitable and fair are in the eyes of the beholder. The Charter is trying to take away ambiguity by clarity.

Section 4.04: Jurisdiction; Powers.

Member Melody Kelley suggested language be added stating the municipal court is not to be used as profit center. Is that too ambiguous?

Chair Sterling asked how you define a profit center. They bring in more fines than it costs to run.

Vice Chair Blad asked what then can be put in the Charter. For example, City of Doraville had to change to change their ways. How can we prevent the Municipal Court being a profit center?

Chair Sterling stated you do not need to put anything in the Charter. It comes down to a policy position. City of Doraville was violating the state law. Most of the City of Sandy Springs' fines are traffic. Perhaps the Charter Review Commission Members can review language from other charters?

Section 4.06: Rules for the Court.

Vice Chair Blad stated ideal Section 4.06 of City's current Charter would be substituted Section 4.16, Rules of the Court, as written in the Georgia Model Municipal Charter – Fifth Edition, published by the Georgia Municipal Association in 2014. The key point in coming up with this new language and the reason given in the municipal charter was that publicizing and publishing the courts rules and procedures was a constitutional issue. We want to have in our Charter that we are going to publicize our rules and procedures of Municipal Court.

Assistant Staff Attorney Saggus stated the rules of the court are currently available upon request. There is no issue posting them on the City website. Municipal courts are regulated by the Supreme Court; Uniform

Rules, Municipal Courts of the State of Georgia. If Members would like to entertain the substitution, substantive changes needing further discussions include (1) 'the city council may adopt in part or in to the rules and regulations applicable to municipal courts' and (2) a 'copy shall be furnished to all defendants in municipal court proceedings at least 48 hours prior to said proceedings.'

Chair Sterling asked can City Attorney Dan Lee share his opinion on the suggestion.

VII. Other Business

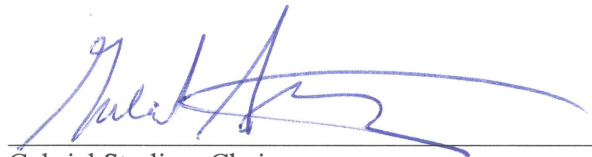
Vice Chair Tochie Blad asked is there an update on the Prohibitions language shared at the April 15 meeting?

Chair Gabriel Sterling the City Manager and Finance Director will be invited to participate in a future meeting. The work of the Commission will need to be done by the end of June to meet the July reporting deadline.

VIII. Adjournment

Motion and Vote. Member Kelley made a motion to adjourn the meeting. Member Gephardt seconded the motion. The motion carried by unanimous vote.

Meeting adjourned at **8:02 pm**



Gabriel Sterling, Chairperson



Karina Reyna, Assistant City Clerk