City of Sandy Springs Charter Commission Special Called Meeting was held at Sandy Springs City Hall, 7840 Roswell Road, Building 500, Sandy Springs, Georgia, 30350, on March 24, 2011, at 4:00 p.m.

Call to Order

Rusty Paul called the meeting to order at 4:03 p.m.

Roll call

City Clerk Michael Casey called the roll.

Board Members Present: M. Jerome Elmore, Doug MacGinnitie, Rusty Paul, Oliver Porter, Robert Shaw, Jim Squire, Larry Young. Carolyn Axt was absent. Josh Belinfante joined the meeting later.

Staff and Representatives Present: City Clerk Michael Casey and Assistant City Clerk Kelly Bogner.

Ruling on Quorum

City Clerk Michael Casey stated a quorum was in place for the meeting.

Completion of Oath

Rusty Paul stated under the existing Charter, all the members of the Commission have to be sworn in. He asked all members to read and sign the Oath of Office.

City Clerk Michael Casey asked everyone to please identify themselves before they speak. This will help with the transcription of the recording for the minutes.

Motion and Second: Jim Squire nominated Rusty Paul for Chairman of the Charter Commission. Doug MacGinnitie seconded the motion.

Motion and Vote: Oliver Porter moved to close the nominations. M. Jerome Elmore seconded the motion. The motion carried unanimously.

Vote on the Motion: The motion nominating Rusty Paul for Chairman carried unanimously.

Jim Squire asked if the Commission needs a Vice Chairman.

Rusty Paul stated if that is the will of the Commission, it can be done.

Motion and Second: Robert Shaw nominated Oliver Porter for Vice Chairman of the Commission. Jim Squire seconded the motion.

Motion and Vote: M. Jerome Elmore moved to close the nominations. Jim Squire seconded the motion. The motion carried unanimously.

Vote on the Motion: The motion nominating Oliver Porter for Vice Chairman carried unanimously.

Organizational discussion including election of chair, objectives, and future meetings

Chairman Rusty Paul stated the role of the Charter Commission is to make recommendations in regards to the City Charter. The recommendations go to the legislative delegation for the City of Sandy Springs. The delegation reviews the report and considers the recommendations. They make the ultimate decision on whether to place the recommendations into a local bill for consideration by the General Assembly. The Charter Commission does not have the ability to change the Charter on its own authority.

Doug MacGinnitie asked if the existing document continues in the absence of action by the legislature.

Chairman Paul responded yes. The Charter can be changed if the City Council chooses to do so and provisions in the State Constitution can change the Charter as well. Only the Legislature can do a total Charter revision. The Commission should decide how to conduct business. Does the Commission want to operate as a committee of the whole or by dividing into committees? There are six articles in the Charter that can be reviewed. If the Commission wants to appoint committees to work on the articles, that can be done; or the Commission as a whole can review the Charter. He asked the members how they would like to approach this.

Doug MacGinnitie stated it depends on the volume of items to be discussed.

Josh Belinfante joined the meeting at this time.

Larry Young stated it may be premature to a make a decision until the number of issues is determined.

Robert Shaw stated he agrees with Larry Young.

Chairman Paul stated the Commission will begin to operate and review the Charter as a committee of the whole.

Robert Shaw asked if a quorum is a simple majority of the members.

Chairman Paul responded yes. He then asked if there are any other organizational issues that need to be addressed at this point.

Doug MacGinnitie asked if all the Commission meetings will take place at City Hall.

Chairman Paul stated a determination needs to be made by the Commission on where, when, and how often the meetings will take place.

Larry Young asked if the amount of public input is an organizational question that should be discussed.

Chairman Paul answered affirmatively.

Larry Young suggested there be at least two meetings where public input is heard. The meetings could be with City Council and the Mayor speaking to the Commission or where there is an open forum with a time limit for each speaker.

Robert Shaw stated he agrees with Larry Young. The Commission should not just make an announcement, but send an invitation to the Mayor, City Council, City Manager and others who are deeply involved with the City.

Chairman Paul asked if the Commission wants to have the public hearings before working on the Charter, or start the process of working on the Charter parallel to the public hearings.

Robert Shaw stated he would like to have the public hearings to hear suggestions before the Commission begins to review the Charter.

Oliver Porter stated issues with the Charter can be dealt with as they come up. A meeting should be scheduled to have the City officials come in and give input and then the public hearings should be held. He suggested that each meeting provide for written comments from the public. Verbal comments from the public should not be taken until the open meetings. By that time, the Commission will have information to transmit to the public as well as hearing from them.

Jim Squire stated at the next meeting the Commission should receive comments from the City Council, the Mayor, and City staff, before any changes are considered. Written comments should be taken at the meetings as well.

Chairman Paul stated the first meeting will be scheduled with the Mayor and Council. He asked if the Commission wants to meet with the Mayor and Council separately or together. There will be at least two public hearings at two different times of the day to allow the public to provide input. The public will also be allowed to provide written suggestions to the Commission on changes to the Charter.

Jim Squire stated the Mayor, Council, and the City Manager could attend one meeting.

Doug MacGinnitie suggested that written comments be encouraged at that meeting, too.

Chairman Paul stated the Commission will have one meeting with the Mayor, City Council, and the City Manager. There will be two public hearings to be held in the Council chambers to allow public input on the Charter. There will be a mechanism set up to allow written public comment from the public at each meeting. It will be encouraged that anyone else who would like to provide input do so in writing.

Robert Shaw stated he prefers suggestions be done in person, instead of in writing. It is much easier to carry along dialogue and there will be less chance for a misunderstanding.

Motion and Vote: Jim Squire moved that the Commission invite the Mayor, City Council, and the City Manager to appear on an individual basis before the Commission for the purpose of making suggestions; that there be a minimum of two public hearings with a provision for written input at each meeting; and also encourage written comments from any group or individuals who wish to provide comments. M. Jerome Elmore seconded the motion. The motion carried unanimously.

Jim Squire asked to discuss the dates of the future meetings.

M. Jerome Elmore stated the dates for the meetings should be consistent.

Larry Young stated if the meetings become too large for the BoardRoom, the City Council Chamber area can be used.

Chairman Paul stated the public hearings can be held on Tuesdays. The Commission meetings will not conflict with the City Council meetings. The Commission will meet the second and fourth Tuesdays of each month.

Robert Shaw suggested the Commission continue the regular meetings on Thursday with the public hearings held on the second and fourth Tuesdays of the month.

Chairman Paul stated the regular meetings can be held on Tuesdays. The public hearings will have to be held in the Council Chambers. He asked the City Clerk about staff attending the meetings.

City Clerk Michael Casey stated if the Commission meetings are not held at the same time as City Council Meetings, staff support will be available for the Commission.

Oliver Porter stated the Commission meetings should be held from 4 p.m. – 5:30 p.m. The City officials should be invited to the first meeting. Meetings every other Tuesday would work better.

Chairman Paul stated the next Commission meeting will be held on April 12, 2011, at 4:00 p.m., inviting the Mayor, Council, and the City Manager to provide input.

Motion and Vote: Robert Shaw moved that the next Commission meeting be held April 12, 2011, and the following meetings be held every other Tuesday. Doug MacGinnitie seconded the motion. The motion carried unanimously.

Chairman Paul asked the City Clerk to give public notice of the upcoming Commission meeting and to notify the Mayor, Council, and the City Manager.

Josh Belinfante asked if an email address could be set up for the Commission, so the public can submit email suggestions.

City Clerk Casey stated he would inquire about setting up a general email inbox for the Charter Commission.

Discussion of issues from the original Charter Commission

Oliver Porter stated issues from the orginal Charter Commission were debated heavily and there were split votes on the issues. The first issue was the configuration of the districts. In the orginal Charter recommendation there were at-large Council positions. In these positions the Councilmembers would be looking at the City as a whole and not just representing a district. This was not adopted because it was easier for the City to have six Council positions, as the City was still under review by the Justice Department. Dunwoody's solution to this was to establish three districts, instead of six, and have three at-large positions. There are two people representing each district, but one has to be elected at-large.

Chairman Paul stated if at-large Councilmembers could vote and the Mayor could not, the Councilmembers could have more power than the Mayor.

Larry Young asked if the City districts are any relation to the legislative districts.

Oliver Porter stated the district boundaries were drawn in the legislature. The six districts were drawn on the basis of population.

Robert Shaw asked what the population was in each district.

Oliver Porter stated the population for each district was approximately 14,000 - 15,000 people.

Chairman Paul stated there will be redistricting starting around September 2011, no later than January 2012. The Legislature will redistrict and redraw the map based on population. There will probably not be much change in the boundaries, since there has not been much variation in the population.

Robert Shaw asked when the redistricting would go into effect.

Chairman Paul stated the new districts would be effective at the next City election following the redistricting.

Jim Squire asked if the Mayor being a voting member is an item that could be added to issues for consideration of the current Charter.

Oliver Porter stated it was originally suggested there be two at-large Councilmembers and five districts. The theory was with the two at-large plus the Mayor as a third at-large vote, any one district that sided with the at-large members would be a majority.

Jim Squire asked how a tied vote would be resolved.

Oliver Porter stated he does not recall the resolution for a tied vote. If there are to be recommended changes, he would agree with there being three Councilmembers and three at-large Councilmembers. This would lead to incumbents. One incumbent would have to decide they are at large.

Jim Squire stated this would consolidate two districts resulting in approximately 30,000 people per district.

Robert Shaw stated the Commission should ask Council for their opinions on this.

Oliver Porter stated another issue was term limits for elected officials. The original Charter recommended there be a two term limit maximum, or eight years, for the Mayor and City Council. That was also reversed in the legislature.

Robert Shaw asked if there was any discussion on staggered terms.

Oliver Porter responded yes. There was discussion, when the City first started, of having two year or six year terms. The City decided not to have staggered terms based on the fact they were just starting up and did not want to limit Councilmembers to a two or six year term.

Josh Belinfante stated when the original Charter was created, the Commission recommended term limits. Did the Commission know the City would be set up the way it is now with a private contractor running a lot of the services of the City?

Oliver Porter responded no. The Charter Commission was started five years prior to the inception of the City. Another issue is placing limits on the approval levels for elected officials and staff, which is not specified in the Charter. Currently, Council has the authority to decide what approval rights are given to individuals. It was suggested that the Charter specify the limits in order to protect the public.

Larry Young asked what approvals are being referred to.

Chairman Paul stated Council votes on what money to spend. The Council delegates spending limits to certain staff members without additional approval. The question is whether there should be a cap in the

Charter, so Council can delegate up to a maximum amount for one person. Should total discretion be left up to Council or should there be limits in the Charter?

Jim Squire asked if Council currently has total discretion.

Chairman Paul stated the Council can approve spending levels for individual staff members up to a certain point. This amount is currently unlimited and Council can place a limit or not.

Larry Young asked if there is a spending cap in place now.

Chairman Paul stated the City Manager's spending cap is $250,000.

Oliver Porter stated the Commission should think about this issue and decide if they would like to see this changed in the Charter. There have been suggestions that the Mayor should have more authority to oversee the City Manager. The Charter states that the City Manager is required to meet with the Mayor annually. The Mayor has the authority to recommend the hiring and firing of the City Manager, but the City Council has to approve. It was thought the Mayor and City Manager relationship would be more one-on-one, so there would be more oversight by the Mayor with regards to the City Manager. There is specific prohibition in the Charter that addresses Council interfacing on an administrative basis with the staff.

Chairman Paul stated the Mayor's authority to manage certain aspects of the day-to-day operations through the City Manager was removed by the General Assembly in the current Charter. The Mayor is largely limited to ceremonial functions. It should be considered what is needed to make the City function properly, regardless of the person that holds that position today or in the future.

Jim Squire stated he is interested in the Mayor's powers at other municipalities. Mike Bodker, the Mayor of Johns Creek, is a strong Mayor and he has more powers than Jere Wood, the Mayor of Roswell. It would benefit the Commission to know how the Mayor's powers are granted by the Charter and what the alternatives are.

Chairman Paul stated the Commission can invite a representative from the Carl Vinson Institute of Government to speak to the Commission to see how other cities deal with this issue.

Oliver Porter suggested if the Commission decides to invite the Carl Vinson Institute, they first narrow down the list of issues that would be discussed.

Larry Young stated he would like to see how that power can be balanced.

Chairman Paul stated there has to be clearly defined lines of authority, so there will not be unreasonable constraints.

Oliver Porter stated when the Charter was written, the Commission did not know there would be another company involved. Council is prohibited from direct administrative guidance of the workforce, which is the company. Contact with the contract employees is channeled through the City Manager.

Chairman Paul stated the level of administrative involvement with contract employees needs to be made clear. The Charter did not contemplate the public-private partnership. What impact does the Charter have on the service delivery strategy? What changes might make the relationship work better, since the original Charter anticipated a traditional City with all employees working for the City. The City is currently going through a re-bid process. Under our current model, the workforce could change quickly.

Josh Belinfante stated there are provisions in the Charter by which a City Councilmember can make inquiries and investigations into the affairs of the City. His concern is the City can request information, but staff can only respond through the City Manager.

Chairman Paul stated that is a difficult area. A City Councilmember should not be directing staff, because that is the role of the City Manager.

Oliver Porter stated that City employees have sovereign immunity, but the contract employees do not. The City pays a large amount of liability insurance because of the contract employees.

Chairman Paul stated a local bill cannot supersede a general state law. There would need to be a State law that would extend sovereign immunity to a private contractor to be able to accomplish that.

Josh Belinfante stated the definition of a State or municipal employee would need to be expanded to include a private contractor.

Chairman Paul stated the Commission could make this a recommendation to pass a general law.

M. Jerome Elmore stated that sovereign immunity may make it difficult for someone to recover. If it is one of our citizens, that might not be the desired result. He suggested having insurance that waives sovereign immunity to the amount of the insurance.

Discussion on the current Charter

Chairman Paul stated the motion passed earlier in the meeting was to receive input from others before going through the current Charter. At the next meeting, the Mayor and City Council will be invited to attend and discuss the Charter.

Motion and Vote: Oliver Porter nominated Rusty Paul as the press spokesperson for the Commission. Jim Squire seconded the motion. The motion carried unanimously.

Adjournment

Motion and Vote: Doug MacGinnitie moved to adjourn the meeting. Larry Young seconded the motion. The motion carried unanimously. The meeting adjourned at 5:06 p.m.

Date Approved: May 17, 2011

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Rusty Paul, Chairman

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Michael Casey, City Clerk