City of Sandy Springs Charter Commission Meeting was held at Sandy Springs City Hall, 7840 Roswell Road, Building 500, Sandy Springs, Georgia, 30350, on April 12, 2011, at 4:00 p.m.

Call to Order

Chairman 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, Rusty Paul, Robert Shaw, Jim Squire, Larry Young. Carolyn Axt and Oliver Porter were absent. Josh Belinfante and Doug MacGinnitie 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.

Individual Input from the Elected Officials

Chairman Paul stated verbal input will be taken as well as written comments. The written comments are for the purpose of recordkeeping. When a member of the Commission wishes to speak, he will recognize that person, so it will be easier for the transcription of the minutes.

Doug MacGinnitie joined the meeting at this time.

Mayor Eva Galambos stated she is amazed at how well the City Charter has being working. Her view is a strong Mayor depends on the person. She feels the Charter gives her all the power she needs. There have not been many conflicts between the City Council and the Mayor. There has been only one major controversial issue within the past five years, which was the technical college. In the Charter it states that the City Manager is a full time position. The current City Manager does outside consulting as well, and she does not feel that this is a problem. The Charter states the City Manager shall have control over all of the departments. That section was not written with privatization in mind. There is an item in the Charter that states a monthly financial report will be provided by the City Clerk. That needs to be changed. The section in the Charter pertaining to Judges needs to be cleaned up. All of the City's Judges are equal. An operational issue that needs to be addressed is the bringing of items before Council. A Work Session is a way to discuss if an issue should move forward and be placed on a regular meeting agenda. If there is not a consensus in the Work Session, why take up the time in a Regular Session by moving an issue forward. Every elected official has the right to make sure his or her position is heard. There is a conflict between trying to save time and be efficient by discussing an item in the Work Session and still having an item move forward even though there may not be a consensus.

Chairman Paul stated there could be a test vote in the Work Session.

Mayor Galambos stated she is conflicted with the Work Session issue.

Chairman Paul stated this item could be discussed with the Carl Vinson Institute.

Mayor Galambos stated there have been discussions about all of the elected officials' terms ending at the same time. When the legislative bills were originally written, three Council seats would expire in one year and three Council seats would expire two years later. The legislative bills kept having to be rewritten, so the dates the seats expire were placed at the same time. It makes sense for all of the terms not to expire at the same time, but how would it be decided which Councilmember's terms would be truncated? She likes the idea Councilmembers are elected by district and not citywide. It would not be fair to ask a Councilmember to run citywide due to the cost. If they did run citywide, they would have the same right to be a City spokesperson as the Mayor.

Larry Young stated the original Charter had provisions where a resolution could be passed with one reading and ordinances require two readings. The City changed it to where ordinances can be adopted by one reading. Was this changed to increase efficiency?

Mayor Galambos stated ordinances require two readings, resolutions require one reading.

Jim Squire asked if the Mayor could clarify the change needed in the Judges section of the Charter.

Mayor Galambos stated the Charter should clarify that all Judges are on the same level and there is no Chief Judge. She is opposed to the City having a Chief Judge.

M. Jerome Elmore stated some municipalities have a Chief Judge that rotates, so there is a ceremonial senior available. He asked about the Mayor's opposition to having a Chief Judge on a rotational basis.

Mayor Galambos stated all of the City Judges are equally qualified and one judge should not be held in higher regards than the other.

M. Jerome Elmore asked in regards to staggering the terms, if there is concern about the cost of separate elections.

Mayor Galambos stated with the staggered terms, the new elections would occur when other State elections are held.

Chairman Paul stated the City elections are in an odd year, so the City would have to have separate elections.

Mayor Galambos stated there is more interest in a local election if it is not overshadowed by National or State elections.

Jim Squire asked if the Mayor would be in favor of having the City elections at the same time as the State and National elections.

Mayor Galambos stated she would not be opposed to that.

Councilmember Tibby DeJulio stated his overriding concern is the old saying "If it ain't broke, don't fix it". The City has worked well, beyond anyone's hopes and expectations. A majority of what is written in the Charter has worked out fine. He views the City as a corporation and the way the City is currently being managed should continue. There is an executive function, policy function, and operational function. To have representatives at-large would be a mistake, because it would exclude many people from running for the position due to the cost. His first election cost approximately $30,000 for a district. To run on a citywide basis would put some people at a disadvantage. There are pros and

cons for staggered terms. A pro and con are the City would have continuity. If the public is not satisfied with the Mayor and Council, they should have the option to vote them out of office. It was in the original legislation that the elected officials would have staggered terms. He would be interested in keeping the current terms and holding the elections at the same time as National elections, if possible. The City is also looking at ways to save money on elections. The City requested an exemption from the Voting Rights Act of 1964, which was approved last year by the Justice Department. The City can now bid out the election services. The City Council is becoming an expensive undertaking. Should the Councilmembers be considered City employees or 1099 contractors? In the Charter under the role of the City Manager, he would add the language "and contract manager". It needs to be made clear that the City Manager manages the contract and the contractors. When the City first started, there was one contract. There are three contracts currently and there will be at least two more beginning in July.

Chairman Paul stated the Charter does not contemplate a privatization strategy. The role of the City Manager is to be a contract manager in addition to being the manager of City operations. Is there anything that could be added to the Charter? Is there anything in the procurement policies of the City that needs to be adjusted to make that process more efficient?

Councilmember DeJulio stated there is nothing that needs to be added to the Charter to make it more efficient. During the last procurement process, he headed up the committee. Technical experts were brought in to assist with the process. Nothing should be added to the Charter that would make it more difficult for the City to operate or hinder the City's process in the future. Privatization has worked well for the City and the City has been asked for advice from other governments all over the world.

Larry Young asked if the City Manager being the contract manager was addressed in the RFP this time. Was this presented to the bidders in the current bidding cycle?

Councilmember DeJulio stated he does not remember the exact language in the RFP. It was made clear in the City presentations to the potential bidders. There is a chain of command and they have to report to the City Manager.

Larry Young asked if language was added to the Charter indicating this is the structure for the City, would it cause a problem for any of the bidders that have been accepted?

Councilmember DeJulio replied no.

M. Jerome Elmore asked about the interaction between the City Manager and the contract employees.

Councilmember DeJulio stated about six years ago the City Manager from Weston, FL, came to Sandy Springs and discussed how the City of Weston operates. The Weston City Manager stated he had a meeting every morning with the department head for of each of the contractors. This is where the idea of the City Manager as the contract manager originated.

Larry Young asked if there are department heads and if they are CH2M Hill employees.

Councilmember DeJulio stated the City has a contract with CH2M Hill and CH2M Hill has department heads within the City. The department heads report to CH2M Hill and not to the City Manager. The department heads communicate with the City Manager, but he has no authority over them. Council has looked at the possibility of hiring City employees as department heads, but decided against that.

Chairman Paul stated the City Manager does not have the authority to hire or fire any of the CH2M Hill personnel. He can only request that the personnel be replaced.

Councilmember DeJulio stated within the RFP, the City Manager has the ability to request from CH2M Hill that a particular person no longer work at the City.

Chairman Paul stated there is a difference between policy and operational communications. The City Manager can talk to any of the departments about an operational issue. If there is a policy communication, as in a new policy for the City, that has to be done through the chain of command with the contractor.

Larry Young asked if the City Manager is a City employee.

Councilmember DeJulio responded yes. There are six City employees in addition to the Public Safety employees.

Doug MacGinnitie stated his impression is that the position of the Mayor is a full time responsibility. Should the Mayor's compensation be adjusted to get a full spectrum of candidates?

Councilmember DeJulio stated a few people have discussed with him that they cannot afford to run for Mayor. It was originally intended for the Mayor and Councilmembers to be part time positions. The Mayor has many demands on her time, so that turned into a full time position. The Councilmembers positions are not full time, because many of the members have jobs. However, the position has become a lot more time consuming. What used to take two to three hours a week can now take ten to twelve hours a week. He is not suggesting give everyone a raise, but the Mayor may need a raise, because she is a quasi full time employee.

Jim Squire stated it depends on who is in the position of Mayor as to whether it is a part time or full time position.

Councilmember DeJulio stated that may be true. The Mayor has cut ribbons for many occasions within the City. These functions occur within the City and the businesses like to have the support of the City. Sandy Springs is a City with almost 100,000 people, so there are many functions that take place.

Councilmember Dianne Fries stated she puts in eight to ten hours a day as a Councilmember, but it is by choice. She is involved with other City related aspects. It depends on the person in the position as to how much time the position requires. She is not in favor of at-large positions. She is happy with the way the City is being run now. She likes that Council seats expire at the same time. It is cheaper for the City and easier for staff to not have staggered terms. The powers of the Mayor depend on the personality of the Mayor. The contracts and subcontracts should be clarified in the Charter. The current expenditure approval limits should be reviewed.

Chairman Paul stated it was discussed putting a provision in the Charter requiring the City to comply with the State's procurement regulations and statutes. Is this something that might make sense?

Councilmember Fries stated consistency can be helpful, so that might be a way to go.

It was asked if the spending approval policies should be included in the Charter or if they should be set by the Council.

Councilmember Fries stated that could be handled as a policy instead of being in the Charter.

Chairman Paul stated that is why he mentioned a possibility of using the State procurement policies. They are adapted on a regular basis to reflect the reality of the procurement environment. The State policies are a comprehensive approach adapted to procurement rules by government agencies across the Country.

Councilmember Fries stated she is very pleased with the way the City budget has been handled. The items are ranked and re-ranked, which takes the politics out of it. She likes the idea of the City Manager putting the budget together for approval from Mayor and Council.

Larry Young asked, regarding full versus part time, if it would be helpful to have the City provide a full time or half time staff person for each Councilmember.

Councilmember Fries stated if the Councilmembers need assistance on a project, they can approach the City Manager. She does not see the need for a part or full time person to assist her. It is easier for her to have her office at City Hall, since she lives close by.

Jim Squire asked about Councilmember Fries thoughts on term limits for the Mayor and City Council.

Councilmember Fries stated she is not sure how she feels about term limits. If she were to have to choose a term limit, she is not sure what the number should be.

Jim Squire stated at the Federal level there have been discussions on term limits for politicians.

Josh Belinfante joined the meeting at this time.

Councilmember Karen Meinzen McEnerny thanked the Charter members. She provided written comments for the Commission. The effort of the Commission is to keep the citizen's concerns in mind. The citizens are benefited by a good balance of power and that is what the Charter should provide. She has items that may be operational or things that are not part of the Charter Commission and could instead be an ordinance or policy. Everything has been done so the Executive and the Legislative branch are balanced, as this ensures the citizens are being served fairly. The Charter that was submitted for Peachtree Corners has three districts, three at-large Council seats, and the Mayor. Zoning issues that affect a municipality are district orientated. She has been frustrated with the Fulton County Commission in the past. There was an idea to have more at-large candidates, so each citizen could vote for four out of the seven members. The citizens can vote the members out if they are not being listened to. She would like to see Sandy Springs elect two to three at-large Councilmembers. Another option would be to have Sandy Springs be a three district City, which would create three at-large Councilmembers. This would ensure accountability to the electorates for a majority group. Being a Councilmember is time consuming, but she is pleased to be in a public service position. If there were two at-large Councilmembers, they would be able to augment the Mayor in the ribbon cutting and other duties. The candidates that would run for the at-large positions probably would have already been a member of Council. She does not believe in district courtesy on zoning. Some citizens have expressed to her they feel disenfranchised in regards to the zoning issues. She would like to have a consideration for the way the executive appoints citizens to the City Boards. The Charter allows the executive to make recommendations to the Council. The Charter does not stipulate any requirements for the Mayor to create a committee. There needs to be checks and balances in the Charter about ad-hoc committees created by the executive or the Council. It is unreasonable to think the executive is familiar with all the citizens in the community who would be qualified for a committee position. She would like the Mayor to ask the Council for recommendations for

a committee. Public comments are a wonderful way for Council and the Mayor to hear citizen's viewpoints on a subject. Currently, there is nothing in the Charter, other than zoning, ordinances, and the budget, that requires public comment to be heard. Another concern is the ability for Councilmembers to be able to affect what is on the agenda through the consensus process. The executive branch has unlimited resources at their disposable. The City Manager and the City Attorney report to the executive. The staff reports through the contract, but on an operational basis, directly to the City Manager. How does a Councilmember get access to information that would then be presented to the City Council? There is a lack of equal support for Councilmembers trying to access information.

Robert Shaw asked Councilmember Meinzen McEnerny if she feels this is something that has happened to her or something that could happen to her.

Councilmember Meinzen McEnerny stated she would answer that question shortly. The budget needs to be reviewed midyear. There are surpluses that need to be addressed. Staggered terms are a great idea and she would support term limits. This is not a discussion of the existing Council or the existing executive. She thinks it would help to ensure there is a balance of power in the Charter.

Councilmember Fries stated if there is an item that a Councilmember would like to move forward, there needs to be two other Councilmembers that agree with the item before staff time is used.

Councilmember Meinzen McEnerny stated there is a local metro Atlanta city where the executive branch does not seem to be working well with the Council. That is not the case with Sandy Springs, but when there is one body or the other that has been "hijacked", it is the citizens that loose.

Jim Squire stated it was mentioned that the City Manager reports to the Mayor. In the Charter, the City Manager reports to the Council and not the Mayor. It states specifically, the City Manager shall serve at the pleasure of the Council.

Councilmember Meinzen McEnerny stated she recommends staggered terms and term limits. Staggered terms and limits provide accountability and fresh ideas.

Jim Squire asked what her recommendation would be for term limits.

Councilmember Meinzen McEnerny stated a two to three term limit would be sufficient.

Larry Young stated the City Council can hire or fire the City Manager, but the City Manager coordinates through the Mayor.

Chairman Paul stated the Mayor has no supervisory or any other control over the City Manager.

Larry Young asked, as far as resources are concerned, would it help if the Councilmembers had staff members? Would that help with having resources to approach questions and data issues? Would this be a City Council staff position that would be a permanent position, or is it more of a budget issue? How might this best be accomplished?

Councilmember Meinzen McEnerny stated having a staff person would not benefit her provision of public service to the citizens. She would like to see some sort of allocation of staff hours or resources. She would like to go to the department head for assistance and use her allotted hours for assistance in obtaining data. She would like to have the resources to obtain information to convince other Councilmembers that an item be placed on the agenda.

M. Jerome Elmore stated term limits, City wide voting, and staggered terms are within a Charter concept. He asked Councilmember Meinzen McEnerny if some of the items she discussed could be left up to Council to vote on as opposed to addressing them in the Charter. Does the present Charter keep her from doing things such as utilizing staff resources?

Councilmember Meinzen McEnerny stated a policy or resolution could address a few of the issues she has discussed. The ability to get an item on the agenda and require public comments on items are fundamentals that should be in the Charter.

Chairman Paul asked if State law gives guidelines on public hearings at Council meetings.

Josh Belinfante answered certainly on items that will carry the weight of the law.

Chairman Paul said State law and the Constitution have a provision for public hearings.

Josh Belinfante stated that is correct.

Chairman Paul asked if there are protections outside of the Charter on these areas as well as in the Charter. The Charter cannot be in violation of State statutes and Constitutional provisions. There are things that already exist that the Charter cannot change.

Josh Belinfante responded that is correct.

Larry Young stated the zoning procedures act requires at least ten minutes for public comment. There may be a need for the Charter to state that public comment must be allowed on other items for at least ten minutes or some stated minimum.

Josh Belinfante stated the Charter requires an annual budget. It appears that Council can at anytime amend the budget through ordinance. In regards to the midyear budget review and public hearings, have there been situations that should be a trigger for a midyear budget review?

Councilmember Meinzen McEnerny answered yes. In 2008 there was a $23.4 million surplus that was unanticipated. If there was a midyear budget review, the surplus of $23.4 million could have been spent or saved in a different way. The Councilmembers are receiving monthly reports, but a midyear or six month review is important. She suggested a percentage of change in the budget might trigger a budget presentation to Council. Zero based budgeting is a great idea. There are two reasons for a surplus at the end of the year: increased revenues or the expense side being under budget.

Larry Young asked who establishes the City Council Meeting agendas and what the policy is.

Councilmember Meinzen McEnerny stated there are emergency situations that may come up within a City where an item needs to be placed on the City Council agenda. Flexibility is needed to add items to the agenda at the last minute. The current practice is that the Thursday before the City Council Meeting the agenda is posted for the public. The Mayor has multiple meetings with the City Manager weekly regarding City affairs. Not all Councilmembers speak to the City Manager on a regular basis. There have been times when she wanted to add items to the agenda. There has to be ample time for the public to know what is on the agenda. There should be a policy that the agenda be made available to the public on the website by a certain time and date.

Councilmember Gabriel Sterling stated the Sandy Springs tax cap should not be changed. Currently, the Mayor gets to make recommendations for City Boards. Council does have the right to reject the recommendations, but Council does not have the ability to submit candidates for Boards. He would suggest allowing Council the ability to recommend individuals for various committees. He is against term limits. However, if the Charter is changed to increase the powers of the Mayor, a strong Mayor should have term limits. There needs to be a balance of power between the Mayor and Council. He prefers districts and not at-large voting. He is concerned about at-large voting, because most of the voters come from one district. That would allow too much power for one district. The Charter already states the City Manager is in charge of all the contracts. Nothing should be changed in the Charter regarding the City Council receiving staff assistance.

Chairman Paul stated the appointments to the City Boards would have to be dealt with in the Charter. The Charter states the Mayor shall appoint members to a committee. It does not state that the Mayor has to ask for input from the Councilmembers.

M. Jerome Elmore asked if anyone has approached the Mayor on this issue, so that Councilmembers could submit names.

Councilmember Fries stated the Mayor has asked Councilmembers for Board recommendations at times and she has recommended an individual herself at other times.

Jim Squire stated the Councilmembers know when the Board vacancies come up.

Councilmember Fries stated sometimes the Councilmembers are not aware of the vacancies until the Council meeting.

Councilmember Meinzen McEnerny asked about the ad-hoc committees, such as the Gwinnett Technical College Committee.

Councilmember Sterling stated the Councilmembers have to approve the Board members.

Chairman Paul stated the executive can appoint individuals to committees. As long as the committee is not making policy and is making recommendations to the executive, the Mayor can create any ad-hoc committee she deems necessary.

Councilmember Meinzen McEnerny stated the Council should be able to create its own ad-hoc committee for citizens on a majority basis.

Councilmember Sterling stated there is nothing that stops Councilmembers from creating committees within their district.

Councilmember Meinzen McEnerny stated she is referring to Councilmembers recommending individuals for a City Board, not individual district committees.

Jim Squire stated there is nothing in the Charter that prohibits Council from creating its own committees. The Boards, Commissions, and authorities are nominated by the Mayor and approved by the Councilmembers.

Schedule Public Hearings on the Current Charter

Chairman Paul stated the public hearing should be no earlier than 5:00 p.m. to accommodate the public. After discussion, it was decided the first public hearing will be held on April 26th, 2011, at 7:00 p.m. in the City Council Chambers. After the responses from this meeting are received, the next public hearing will be scheduled.

Other Business

Larry Young commended Chairman Paul's letter to the media. He asked about the approval of the meeting minutes.

Chairman Paul stated the approval of the meeting minutes will be included on the agenda for future meetings. The minutes will be approved at the next meeting.

City Clerk Michael Casey stated at the last meeting an email inbox was requested for the Charter Commission to receive comments from the Public. The email inbox has been created and the address is: charter.commission@sandyspringsga.org.

Adjournment

Motion and Vote: Jim Squire moved to adjourn the meeting. Doug MacGinnitie seconded the motion. The motion carried unanimously. The meeting adjourned at 5:45 p.m.

Date Approved: May 17, 2011

Rusty Paul, Chairman

Michael Casey, City Clerk