



**CHARTER COMMISSION MEMBERS**

Carolyn Axt  
Josh Belinfante  
M. Jerome Elmore  
Doug MacGinnitie  
Rusty Paul

Oliver Porter  
Robert Shaw  
Jim Squire  
Larry Young

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**Tuesday, August 16, 2011**

**Charter Commission**

**4:00 p.m.**

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**CITY OF SANDY SPRINGS CHARTER COMMISSION**

**Sandy Springs City Hall  
Morgan Falls Office Park  
7840 Roswell Road, Building 500  
Sandy Springs, GA 30350**

**Board Room 2**

**Meeting Agenda**

- A) Call to order**
- B) Roll call**
- C) Ruling on Quorum**
- D) Approval of Meeting Minutes**
  - 1) July 26, 2011**
- E) Review summary of recommended changes to the Charter**
- F) Other Business**
- G) Adjournment**

1 **City of Sandy Springs Charter Commission Meeting** was held at Sandy Springs City Hall, 7840  
2 Roswell Road, Building 500, Sandy Springs, Georgia, 30350, on July 26, 2011, at 4:00 p.m.

3  
4 **Call to Order**

5  
6 **Chairman Paul** called the meeting to order at 4:05 p.m.

7  
8 **Roll call**

9  
10 **Assistant City Clerk Kelly Bogner** called the roll.

11  
12 **Board Members Present:** Carolyn Axt, Josh Belinfante, M. Jerome Elmore, Rusty Paul, Oliver Porter,  
13 Robert Shaw, Jim Squire, Larry Young were present. Doug MacGinnitie joined the meeting later.

14  
15 **Staff and Representatives Present:** Assistant City Clerk Kelly Bogner

16  
17 **Ruling on Quorum**

18  
19 **Assistant City Clerk Kelly Bogner** stated a quorum was in place for the meeting.

20  
21 **Approval of Meeting Minutes**

22  
23 1) **July 12, 2011**

24  
25 The minutes from the July 12, 2011 Charter Commission Meeting were approved as presented.

26  
27 **Complete Review of Article III. Executive Branch**

28  
29 **Larry Young** apologized for his absence at the last meeting. He asked to revisit Sections 2.14 and 2.15.

30  
31 **Chairman Paul** stated there were no suggested changes to those items, which is why no action was  
32 taken.

33  
34 Larry Young stated he offered changes to Section 2.14, subparagraph a), at one of the earlier meetings  
35 and would like the changes to be considered. The issue is the reading of ordinances at two meetings,  
36 which was in the original text of the Charter. He requested the original language of the Charter be  
37 restored by eliminating the single reading amendment that was adopted by the City Council in September  
38 2006. The original language of the Charter did not require two readings for resolutions, only for the  
39 ordinances. He also suggested there be a requirement to receive public comment for all ordinances. In  
40 Section 2.15, subparagraph e), there is confusion in the language. The last sentence states if an ordinance  
41 or resolution is neither approved nor disapproved by the next regular meeting of the City Council, it shall  
42 become effective. He asked who the ordinance or resolution would be approved or disapproved by.

43  
44 Chairman Paul responded it would be approved or disapproved by the Mayor.

45  
46 Larry Young asked if the Commission suggested clarification of this language.

47  
48 Chairman Paul responded no. This is the same thing as the power of the Governor or the President. If  
49 they do not sign or veto a bill, it becomes law.

50  
51 Larry Young stated that was his impression, but he is concerned that the language is not sufficient.

1 **Motion and Second:** Larry Young made a motion that Section 2.14, subparagraph a), be restored to its  
2 original text as stated in the Charter prior to revision by the City Council in September 2006, and that a  
3 requirement be added to provide for public comment before a vote on any ordinance. Carolyn Axt  
4 seconded the motion.

5  
6 **Josh Belinfante** asked why the number of readings of an ordinance was changed to one.

7  
8 Chairman Paul stated one of the two readings was the title of the ordinance as a formality. Two readings  
9 slow down the ordinance process, which gives the citizens a greater opportunity to be aware of the  
10 ordinance. Now the ordinances are posted online before the meetings to inform the public.

11  
12 Larry Young stated efficiency and speed in business can be a good thing, but sometimes in government it  
13 is not a good thing. If there is only one reading, citizens are often not aware of the issue until it is already  
14 on the agenda and has been discussed. Two readings give the community more opportunity to participate.  
15 He hopes the Commission will recommend to allow more time for public input into the City's ordinances.

16  
17 Josh Belinfante asked if Larry Young would be willing to withdraw the current motion and make two  
18 separate motions; one motion to restore the two reading requirement for ordinances and the other for the  
19 institution of public comment.

20  
21 Larry Young withdrew his motion regarding Section 2.14.

22  
23 **M. Jerome Elmore** asked if the intent is to require public comment for all of the ordinances.

24  
25 Larry Young stated generally there is public comment allowed for ordinances. Zoning cases require  
26 public comment by law. There is the impression that public comment is not being allowed on some of the  
27 significant issues.

28  
29 Chairman Paul stated there is public comment at the end of every council meeting. The public comment  
30 was placed at the end of the meeting so Council could vote on the agenda items first.

31  
32 **Oliver Porter** asked if one or both of the motions are being discussed right now.

33  
34 Chairman Paul stated we are discussing the public comment motion.

35  
36 Oliver Porter asked if the motion included when the public comment is to be held.

37  
38 Larry Young stated the motion is for the public comment to be held prior to the vote. It would be futile to  
39 have public comment on an item if it is not prior to the vote.

40  
41 Doug MacGinnitie joined the meeting at this time.

42  
43 Larry Young stated when the City first started many items were being adopted. Part of the reason for a  
44 single reading of ordinances was to help the City run more efficiently. Now that this period has passed,  
45 one reading of the ordinances is not as critical as it might have been.

46  
47 Oliver Porter stated two readings of ordinances would be sufficient.

48  
49 **Carolyn Axt** stated it is unreasonable to assume that citizens will check to see what is on the agenda  
50 before each meeting. She supports two readings of the ordinances.

51

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1 Josh Belinfante stated he is fine with the two readings, as long as the original language about emergency  
2 ordinances is kept. He asked what would be sufficient public comment. How can the Charter be worded  
3 so that public comment does not become an impediment?  
4

5 Larry Young stated his initial thought was to leave that to the City Council to determine an adequate  
6 amount of time for public comment. It might be beneficial for the City Council to specify a minimum  
7 amount of time.  
8

9 Chairman Paul stated the two readings and public comment need to be voted on separately. The first item  
10 on the table will be the two readings.  
11

12 **Jim Squire** asked if there was a motion and second for both of these items by the same people.  
13

14 **Motion and Second:** Larry Young moved to recommend that the language of Section 2.14,  
15 subparagraph a), as drafted in the original Charter, be restored. Carolyn Axt seconded the motion.  
16

17 Josh Belinfante stated the original Charter reads every proposed ordinance and resolution shall be  
18 introduced in writing and the City Council shall have the authority to approve, disapprove, or amend the  
19 same. A resolution may be passed at the time it is offered, but an ordinance shall not be adopted until the  
20 title of said ordinance shall have been read at two city council meetings, provided that the beginning of  
21 said meetings be not less than 24 hours nor more than 60 days apart. The requirement of two readings  
22 shall not apply to emergency ordinances or to ordinances adopted at the first business meeting of the City  
23 Council in a calendar year.  
24

25 **Vote on the Motion:** The motion carried unanimously.  
26

27 **Motion and Second:** Larry Young made a motion to recommend that Section 2.15 e) be clarified to  
28 reflect that approval or disapproval action by the Mayor is required before a resolution or ordinance can  
29 become effective. Jim Squire seconded the motion.  
30

31 Oliver Porter asked about the powers of the acting Mayor.  
32

33 Chairman Paul stated the Mayor Pro Tem shall assume the duties and powers of the Mayor during the  
34 Mayor's disability or absence. The Mayor Pro Tem shall continue to vote as a Councilmember and may  
35 not exercise the Mayor's right to vote in case of a tie. During the Mayor's disability or absence, the  
36 Mayor Pro Tem may veto any action of the Council. If the Mayor Pro Tem is absent because of sickness  
37 or disqualification, any one of the remaining Councilmembers, chosen by the members present, shall have  
38 the rights and privileges of the Mayor. That individual shall perform the Mayor's duties in the same  
39 manner as the Mayor Pro Tem.  
40

41 **Vote on the Motion:** The motion carried unanimously.  
42

43 **Motion and Second:** Larry Young moved to recommend including language in Section 2.14,  
44 subparagraph a), stating that no proposed ordinance shall be adopted without the opportunity for public  
45 comment on the record prior to the vote; or to add this language by creating a subparagraph d). Carolyn  
46 Axt seconded the motion.  
47

48 M. Jerome Elmore stated having public comment at the beginning of each meeting may change the  
49 character of the meeting. He is concerned about adding this language to the Charter.  
50

51 Larry Young stated the motion is that no proposed ordinance shall be adopted without the opportunity for  
52 public comment. He is not referring to general public comment, but ordinance specific public comment.  
53 The end of meeting public comment can still be held.

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1 M. Jerome Elmore stated the public comment for ordinances should be before the vote in order to have an  
2 effect. A required oral public comment before every ordinance voted on may cause more issues than  
3 necessary.  
4

5 Oliver Porter stated public comment does not have to be oral. He is concerned about forcing an oral  
6 public comment every time an ordinance is read.  
7

8 Chairman Paul stated some Councilmembers receive emails on an issue. Would these emails be  
9 considered public comment? He is not opposed to public comment being required for each ordinance.  
10 There is the potential for long Council meetings if there are public comments before a vote on all  
11 ordinances. There could be an issue of filibuster. He asked if the motion would require oral comment  
12 before each vote on an ordinance.  
13

14 Larry Young stated the language he used was comment on the record. The challenge for email as a public  
15 comment is that it can be hidden.  
16

17 Chairman Paul responded all emails for the City Council have to be saved and cataloged, because they are  
18 part of the public record.  
19

20 Larry Young asked if the emails are included in the record of the City Council Meeting.  
21

22 Chairman Paul responded emails are sometimes included.  
23

24 Jim Squire asked if the emails are read into the record.  
25

26 Chairman Paul responded no, the emails are not read into the record.  
27

28 Oliver Porter stated he thinks the City has moved in the direction of giving the public ready access by  
29 attempting to restore the two ordinance readings. This is as far as he would like to go with this.  
30

31 Larry Young stated the intent is any proposed ordinance may not be adopted without opportunity for  
32 public comment on the record. The City should encourage people to offer comments on agenda items.  
33 The City Council has been willing to go beyond the typical ten minutes allowed for public comment. He  
34 would like the citizens to have the opportunity to express their concerns at a meeting with the Council and  
35 public present. This would give Council the opportunity for additional input that they may not have  
36 heard, prior to the vote.  
37

38 **Motion to Table and Vote:** Josh Belinfante moved to table the public comment motion. He requested  
39 that Larry Young and he work together on the language. Carolyn Axt seconded the motion. The motion  
40 carried unanimously.  
41

42 Chairman Paul proceeded to Article III.  
43

44 Jim Squire stated during the last meeting there was discussion on whether the mayor is a member of  
45 Council or not. In subparagraph a) it states the Mayor shall be a member of and the presiding officer of  
46 the City Council. From a quorum perspective, the Mayor is not a member of Council. Section 2.10 states  
47 four Councilmembers shall constitute a quorum and shall be authorized to transact business for the  
48 Council. In the minutes, the City Attorney stated a quorum includes the Councilmembers, but not the  
49 Mayor. That is contrary to what Section 3.01, subparagraph a) states. If a quorum is four  
50 Councilmembers other than the Mayor, the Commission should suggest modifying Section 2.10.  
51

52 **Motion:** Jim Squire moved to include language in Section 2.10 that would state four Councilmembers,  
53 not including the Mayor, shall constitute a quorum.

1 M. Jerome Elmore stated the Charter refers to the Councilmembers in the context of being different than  
2 the Mayor. He does not have a problem with making the language clearer.

3  
4 Jim Squire stated he has a problem when the language states “a member of”, and then not making that  
5 person “a member of”.

6  
7 Larry Young stated Mr. Squire has pointed out a scrivener's error that states “a member of and”. If the  
8 language of Section 3.01, subparagraph a), remains unchanged, it conflicts with Section 2.10. If the  
9 language “a member of and” is deleted, that would eliminate any confusion.

10  
11 Chairman Paul stated if the Mayor is not a member of Council, then the power to vote would be removed  
12 in case of a tie. The Mayor would have to be a member of the body to be able to cast a vote under any  
13 circumstances. The Mayor is a member of Council and acts in a certain way in certain circumstances as  
14 specified by the Charter.

15  
16 Oliver Porter stated it would be consistent to add language where it references the quorum section to state  
17 that the Council does not include the Mayor.

18  
19 Chairman Paul stated in Section 2.10 the language should state four Councilmembers, not including the  
20 Mayor, shall constitute a quorum.

21  
22 M. Jerome Elmore stated the when the term Councilmember is used, it is used in a context different than  
23 the Mayor. The language is fine without the clarification.

24  
25 **Second to Motion:** Oliver Porter seconded the motion.

26  
27 M. Jerome Elmore stated the language could state four members of Council, as opposed to the use of the  
28 word Councilmembers.

29  
30 Jim Squire stated since Mr. Belinfante offered to review the language he would be willing to table this  
31 item. This would allow the Commission to fully understand the language. There was supposed to be  
32 some separation in terms of the Mayor acting as a member of Council and the role of the Mayor. The  
33 Mayor has to be a full acting member of Council.

34  
35 Chairman Paul stated the Mayor does not have to be a full acting member to be able to vote.

36  
37 Jim Squire withdrew his motion regarding Section 2.10.

38  
39 Chairman Paul asked if there were any other comments on Section 3.01, subparagraph a). Hearing no  
40 suggested changes he proceeded to subparagraph b).

41  
42 Josh Belinfante stated in Section 5.03 it states the City Manager submits the budget to the Council. The  
43 Mayor should work with the City Manager and the Chief Financial Officer on the budget. It seems there  
44 should be an elected official to set the revenue estimate for the City. He does not have any concerns with  
45 the way it is working now. Philosophically, it seems odd that someone that is not elected submits the  
46 budget. There should be accountability to an elected official. The Mayor seems to be the logical choice  
47 as the elected official who should set the budget.

48  
49 **Motion and Second:** Josh Belinfante moved to recommend adding language in Section 5.03 to state the  
50 Mayor's duty is to set the revenue estimate for the municipal budget. Robert Shaw seconded the motion.

51  
52 Oliver Porter stated Section 5.03 includes the words after review and comment by the Mayor. That  
53 language was intended to be a strong statement of the Mayor's ability to impact the City budget. The

1 language can be placed in the Charter to say the Mayor is the stopping point in the budget. The Mayor  
2 would have an opportunity to comment on the budget before it goes to Council. That is the language that  
3 was intended when the Charter was written.  
4

5 Larry Young stated the Charter references a proposed budget from the City Manager. Does the Council  
6 and Mayor have the opportunity to review, adjust, reduce, or modify the budget? The City Manager and  
7 the treasurer would be the most likely individuals to suggest a proposed budget amount. The Mayor can  
8 adjust the budget amount.  
9

10 Chairman Paul stated the situation could evolve where the City Manager proposes a budget, even with the  
11 review and comment of the Mayor, and not incorporate the Mayor's opinion. If the proposed budget is  
12 approved, the Mayor could veto the vote, but that would shut down the budget process of the City.  
13

14 Josh Belinfante stated he believes there should be accountability. Currently, an unelected individual sets  
15 the budget. This provides the elected officials the means to shift blame or accountability to that  
16 individual. The new language would give extra accountability to the Mayor.  
17

18 Oliver Porter stated the intent of the language was for the Mayor to be a strong player in the budget  
19 process. If the current language is not sufficient, it needs to be changed.  
20

21 **Vote on the Motion:** The motion carried unanimously.  
22

23 **Motion and Vote:** Jim Squire moved to recommend adding language in the second sentence of Section  
24 5.03 to read "each fiscal year the City Manager shall, after advice and consent by the Mayor". Oliver  
25 Porter seconded the motion. The motion carried unanimously.  
26

27 Chairman Paul stated the Commission is now discussing Section 3.01.  
28

29 Oliver Porter stated he wanted to raise a point in regards to Section 3.01, subparagraph (8). There is a  
30 flaw in the chain of command. There is no specification as to who actually supervises the City Manager.  
31 The concept is the Mayor would be the administrative supervisor of the City Manager. He would like a  
32 provision in the Charter that the Mayor provides administrative supervision to the City Manager.  
33

34 Chairman Paul stated one way to accomplish this in the Charter would be to change subparagraph (8), to  
35 require the City Manager to meet with the Mayor at a time and place designated for consultation and  
36 advice and direction upon the affairs of the City.  
37

38 Jim Squire stated from a business standpoint, the Mayor is the Chief Executive Officer, the City Manager  
39 is the Chief Operating Officer, and the City Council is the Board of Directors. Typically, the Chief  
40 Operating Officer reports to the Chief Executive Officer, and not to the Board of Directors.  
41

42 Oliver Porter stated his motion was for administrative matters, not for policy matters.  
43

44 Carolyn Axt stated the day-to-day administrative duties ultimately determine the direction of the policy.  
45

46 **Doug MacGinnitie** stated the Mayor should not be involved in the day-to-day administration. Currently,  
47 the system works well. He is concerned about giving too much power to the Mayor and is fine leaving  
48 the language the way it is.  
49

50 **Motion and Vote:** Oliver Porter made a motion to recommend including in Section 3.01, subparagraph  
51 (b) (8), language stating that the Mayor shall provide administrative supervision to the City Manager. Jim  
52 Squire seconded the motion. The motion passed 6-3 with Carolyn Axt, Doug MacGinnitie, and Larry  
53 Young voting in opposition.

1 Carolyn Axt stated this is going away from the direction of a professional City Manager over the  
2 processes of the City.  
3

4 Chairman Paul stated the question is, does the responsibility lie with the appointed or elected officials.  
5 Faith should be placed in the elected officials. If that faith is betrayed, it is much easier to take action on  
6 the elected official than an appointed official. In Section 3.01, subparagraph (10), it states make  
7 recommendations with respect to the employment or termination of any City employees. The City is  
8 currently allowed to remove contract employees at its discretion. In the past, if a contract employee was  
9 to be removed, it was the City Manager who initiated that.

10  
11 Oliver Porter stated the Charter can remain the way it is in regards to City employees. The contract rules  
12 can remain in place in regard to contract employees.  
13

14 Josh Belinfante stated the City Manager has the power to hire and fire without the City's input. The  
15 Mayor can make recommendations.  
16

17 Chairman Paul proceeded to Section 3.02.  
18

19 Jim Squire stated the item that was just voted on states the City Manager is subject to the supervision of  
20 the Mayor. Will the language in Section 3.02 cause confusion when it states the City Manager shall serve  
21 at the pleasure of the Council?  
22

23 Chairman Paul stated it is similar to the President of the United States appointing a Judge. The President  
24 cannot remove the Judge, but the House can impeach and the Senate can then remove. Hearing no more  
25 suggested changes, he proceeded to Section 3.03. The last sentence of Section 3.03 states the City  
26 Manager must devote all of his or her working time and attention to the affairs of the City and shall be  
27 responsible to the Mayor and Council for the proper and efficient administration of the affairs of the City  
28 over which said officer has jurisdiction. The contracted City Manager is allowed to take projects home  
29 outside the scope of duties as a City Manager. This is an issue where the contract is in conflict with what  
30 the Charter requires.  
31

32 **Motion and Second:** Doug MacGinnitie moved to add a clause at the end of Section 3.03 that states,  
33 except as approved by the Mayor and Council. Jim Squire seconded the motion.  
34

35 M. Jerome Elmore stated the language would be better at the beginning of the section.  
36

37 **Friendly Amendment to the Motion:** Chairman Paul recommended that the language be placed at the  
38 beginning of the last sentence in Section 3.03. Doug MacGinnitie and Jim Squire accepted the friendly  
39 amendment.  
40

41 **Vote on the Motion:** The motion carried unanimously.  
42

43 Chairman Paul proceeded to Section 3.04.  
44

45 Jim Squire stated there was public comment by Councilmember DeJulio that stated under the role of the  
46 City Manager there should be an addition that the City Manager is the contract manager.  
47

48 M. Jerome Elmore stated in subparagraph (9) it has the "after review and comment" language, which  
49 would be inconsistent with the recommended changes for Section 5.  
50

51 Josh Belinfante stated the Council can completely amend the budget. The Council has to pass the budget.  
52 The question is who is in charge of the starting point.  
53

1 **Motion and Second:** Oliver Porter moved to recommend adding the language “advice and consent” in  
2 place of “review and comment”. Jim Squire seconded the motion.  
3

4 Carolyn Axt stated the current budget process involves Council’s input. She is concerned the  
5 Commission is changing the intent of the Charter by stating “advice and consent” of the Mayor. The  
6 language implies the Mayor sits down with the City Manager and comes up with a budget. She likes the  
7 current budget process and would prefer the Mayor not be a part of developing the budget.  
8

9 Chairman Paul stated the way the budget process works today is that the City Manager starts the process  
10 by sending out a document asking each Councilmember to set their individual budget priorities. The  
11 Councilmembers then turn the form back into the City Manager. The City Manager then totals all the  
12 priorities and that is the guideline for how the budget is prepared. The advice and consent aspect is  
13 consistent with how the President and the Governor work.  
14

15 M. Jerome Elmore stated this is making it the Mayor’s budget.  
16

17 Chairman Paul stated the suggested changes would place responsibility on the chief elected officer.  
18

19 Jim Squire stated the operative word is the Mayor’s proposed budget, not the Mayor’s budget.  
20

21 Chairman Paul stated it is the Mayor’s budget, which becomes the City’s budget once Council approves  
22 it.  
23

24 Oliver Porter said the Mayor is the only elected official elected by the entire City and should be a  
25 stopping point for the budget to make sure the City as a whole is represented. The budget then goes to  
26 Council for the final say.  
27

28 **Vote on the Motion:** The vote carried unanimously.  
29

30 Chairman Paul asked if there were any other suggested changes in Section 3.04.  
31

32 Oliver Porter stated a question was asked if there should be a spending cap limit for individuals included  
33 in the Charter.  
34

35 Chairman Paul stated at one point the spending cap limit was \$200,000.  
36

37 Larry Young stated the Commission should not try to anticipate circumstances that might dictate to the  
38 Council what authority they might want to give to the City Manager and other staff on spending limits.  
39

40 Chairman Paul stated under State law an individual can spend up to a certain level and then an RFP is  
41 required. An option would be to have the City purchasing policies reflect whatever State law is on  
42 spending. What level of expenditure can an individual authorize before there has to be a public bidding  
43 process?  
44

45 Doug MacGinnitie stated there are a number of variables and letting Council set that type of policy makes  
46 sense. The spending cap limit is a policy decision.  
47

48 Josh Belinfante stated there are provisions in State law to where the City cannot bind debt into the next  
49 year, with certain exceptions.  
50

51 Chairman Paul asked if there were anymore suggested changes to Section 3.04. Hearing no suggested  
52 changes, he proceeded to Section 3.05.  
53

1 **Motion:** Oliver Porter moved to add in Section 3.05 a subparagraph that would state private contractors  
2 performing City functions may have access to the Council for purposes of providing periodic reports on  
3 the contractors' activities.

4  
5 The motion failed for lack of a second.

6  
7 Oliver Porter stated Council deserves to be able to hear reports directly from the contractor. That is  
8 specified nowhere in the Charter. It may be construed that this cannot be done.

9  
10 Josh Belinfante asked if Mr. Porter is referring to communications from the contractors to the Council.

11  
12 Oliver Porter responded yes.

13  
14 Josh Belinfante stated language could be used that states nothing in this provision shall prevent a City  
15 employee or contractor from speaking to a Councilmember or Mayor.

16  
17 Oliver Porter stated he would rather have the language be more direct and state something about a formal  
18 reporting process.

19  
20 Chairman Paul stated the contractor serves the function of City employees. Under Section 2.08 the  
21 language could state the City Council or its members shall deal with City officers, employees, and  
22 contract employees subject to direction of the manager solely through the City Manager.

23  
24 Oliver Porter stated that language is fine. He is referring not to the contract employees, but the contract  
25 owners to be able to report to the City Council on any proposals they may have. He believes the  
26 contractors are precluded from doing that. This would be a formal report from the contractor to the  
27 Council.

28  
29 Larry Young stated he thinks the Commission is clouding the authority of the City Manager. The City  
30 Manager is now to report to the Mayor. Now we are saying Council can speak to the contractors. There  
31 is a provision in Section 2.08 that states Council may make inquiries and investigations into the affairs of  
32 the city and conduct of any department... To add a provision that states Council can meet with the  
33 contractors and circumvent the City Manager may allow more political mischief. The City Manager is to  
34 manage the City and streamline the process.

35  
36 Josh Belinfante stated the contractor always has the right to talk to the City Council.

37  
38 Chairman Paul stated given the unique nature of the system, situations can occur like the recent bidding  
39 process. There were employees of the contract working on the project. The normal blackout period is  
40 when the RPF is issued. Council decided to extend the blackout period, which started six months before  
41 the RPF.

42  
43 Oliver Porter stated he is referring to the contract company. The City Manager manages the contracts. If  
44 the contractor has a proposal or an idea that could benefit the City, it would be advantageous to discuss it  
45 with the Council.

46  
47 Chairman Paul stated that should be encouraged, but should come through the chain of command to the  
48 City Manager first.

49  
50 Josh Belinfante stated this section does not prohibit the contractor from speaking to the Council.

51  
52 Chairman Paul stated this is an administrative issue. Hearing no more suggested changes, he proceeded  
53 to Section 3.06.

1 **Motion and Vote:** Jim Squire moved to recommend inserting the word “City” before the word  
2 “manager” whenever the language is referencing the City Manager throughout the Charter. Josh  
3 Belinfante seconded the motion. The motion carried unanimously.

4  
5 Larry Young stated in Section 3.06 b) it states the action of the Council in suspending or removing the  
6 City Manager shall not be subject to review by any court or agency. Don’t people have a right to appeal,  
7 regardless of what the Charter says?

8  
9 Chairman Paul stated he does not think a municipal Charter would take jurisdiction from the court. The  
10 language states the Council has total discretion over the hiring and firing of the City Manager.

11  
12 Larry Young stated the present language is probably unenforceable.

13  
14 Chairman Paul asked if there were any more suggested changes to Section 3.06. Hearing no suggested  
15 changes, he proceeded to Section 3.07. Hearing no suggested changes, he proceeded to Section 3.08.  
16 Hearing no suggested changes, he proceeded to Section 3.09. Hearing no suggested changes, he  
17 proceeded to Section 3.10.

18  
19 Larry Young asked since the City contracts the tax collecting to the County, should the Commission  
20 recommend changing the language of the Charter to state this?

21  
22 Chairman Paul stated the City has the power by State law to form intergovernmental agreements with  
23 other jurisdictions. Hearing no suggested changes, he proceeded to Section 3.11. Hearing no suggested  
24 changes, he proceeded to Section 3.12. Hearing no suggested changes, he proceeded to Section 3.13.

25  
26 Jim Squire stated in Section 3.04, subparagraph 11), the Mayor pointed out that the report is not published  
27 by the clerk of the city. He asked if the City Accountant would be responsible for the report.

28  
29 Chairman Paul stated the Chief Financial Officer is responsible for putting together the monthly financial  
30 reports.

31  
32 **Motion and Vote:** Doug MacGinnitie made a motion that in Section 3.04, subparagraph 11), where it  
33 states clerk of the city, to strike “clerk of the”. M. Jerome Elmore seconded the motion. The motion  
34 carried unanimously.

35  
36 Jim Squire stated Mr. Porter brought up in regards to Section 3.13 that sovereign immunity should be  
37 extended to contract employees.

38  
39 Chairman Paul stated that would have to be done by State law.

40  
41 Larry Young stated there is an open item in Section 4.06. He and Mr. Belinfante were asked to come up  
42 with language for this section. The question regarding this section is the lawful operations of the court  
43 being up to the Judges. The management and administration of the court, consistent with uniform rules,  
44 would be left up to the clerk and be subject to review by the Council.

45  
46 **Motion and Vote:** Larry Young moved to adopt the amended language of Section 4.06 which states  
47 The judges, by majority vote, shall have the authority to make reasonable rules and regulations necessary  
48 and proper for addressing the lawful operation, and due process required, of the municipal court. The  
49 Clerk of the Court, as administrator of the court, shall prepare reasonable rules and procedures necessary  
50 and proper to manage the efficient and successful administration of the municipal court consistent with  
51 the uniform rules of Municipal Courts of the State of Georgia as amended from time to time. All  
52 administrative rules and procedures shall be subject to the approval of the City Council. Josh Belinfante  
53 seconded the motion. The motion carried unanimously.

Charter Commission Meeting Minutes

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1 Chairman Paul proceeded to Article V, Section 5.01. Hearing no suggested changes, he proceeded to  
2 Section 5.02.

3  
4 M. Jerome Elmore asked if language should be added to Section 5 requiring a balanced budget.

5  
6 Chairman Paul stated a balanced budget is required by the City constitution. He asked if there were  
7 anymore suggested changes to Section 5.03. Hearing no suggested changes, he proceeded to Section  
8 5.04. Hearing no suggested changes, he proceeded to Section 5.05. Hearing no suggested changes, he  
9 proceeded to Section 5.06. Hearing no suggested changes, he proceeded to Article VI.

10  
11 **Motion and Second:** Jim Squire moved to recommend that the Charter be reviewed in another five  
12 years. Carolyn Axt seconded the motion.

13  
14 Larry Young stated a five year review of the Charter may be too often, due to the time and expense  
15 required. Perhaps every ten years would be more appropriate.

16  
17 **Friendly Amendment to the Motion:** Larry Young suggested a friendly amendment to recommend that  
18 the Charter be reviewed in another eight years. Doug MacGinnitie seconded the motion.

19  
20 **Vote on the Motion:** The motion carried unanimously.

21  
22 Chairman Paul stated the next step in the process is that the City Clerk's office will catalog the  
23 recommended changes that were voted on by the Commission. This list will then come back before the  
24 Commission for review and approval.

25  
26 Josh Belinfante stated he has two outstanding items for review. He can circulate the items by email or  
27 have them added to the report.

28  
29 Chairman Paul stated those two items will be on the agenda before the review of the final report. The  
30 report will then be amended to include those two items.

31  
32 Josh Belinfante asked if it would be in the interest of the Commission to have another public comment  
33 session once the final report is published.

34  
35 Chairman Paul suggested that once the final report is prepared, the City Clerk's office publish it. A  
36 written report will be submitted to the legislature with a copy to the Council.

37  
38 Chairman Paul stated the next Charter Commission meeting will be held on August 16, 2011, in the City  
39 Manager's Boardroom.

40  
41 **Adjournment**

42  
43 **Motion and Vote:** Josh Belinfante moved to adjourn the meeting. Larry Young seconded the motion.  
44 The motion carried unanimously. The meeting adjourned at 5:56 p.m.

45  
46 Date Approved: August 16, 2011

47  
48  
49  
50  
51 \_\_\_\_\_  
Rusty Paul, Chairman

\_\_\_\_\_

Michael Casey, City Clerk