

MILTON CHARTER COMMISSION
January 20, 2012 Meeting
Minutes/Agenda Summary

- I. The Chairman called the meeting to order and recognized a quorum at 5:10 p.m.

The following Commission members were in attendance: Ron Wallace, Robert Meyers, and David Shannon. Gordon Hunter was absent. George Ragsdale was en route.

Others in attendance were City Manager Chris Lagerbloom and City Attorney/Secretary Ken Jarrard.

- II. **Approval of Minutes:** Approval of January 11, 2012 minutes. A motion and second were made to approve the January 11, 2012 minutes as approved. Motion approved 3-0.
- III. **Agenda.** Without exception, the Commission agreed to discuss three (3) potential Charter issues – that were to be presented by the City Manager.
- IV. **Miscellaneous discussion.** The Chairman recommended that Charter Commission meetings be limited to 2 hours, and that no further meetings be held on Friday evenings. Commission members agreed, without exception. No official action taken.
- V. **Discussion of Charter issues.**
- a. **Sections 3.25 and 4.10 of the Milton Charter.**
City Manager discussed that under the Charter he has the ability to hire department heads – but that suspending or terminating department head employment involves the City Council.
- Although this limitation has not yet presented a challenge to the City Manager, it could present a challenge in the future;

[Commission member George Ragsdale joins meeting at 5:20 p.m.]

- Commission member noted that the reason for the oversight by the City Council on suspensions and terminations was to place a “check” on the ability of a City Manager to unilaterally remove gifted department heads;
- City Manager noted that if talented department heads are removed by the City Manager for no cause – an appropriate method for City Council control is to remove the City Manager;
- Commission member noted that allowing a department head to go “above the head” of the City Manager directly to the Council makes for an awkward leadership structure;
- Commission member noted that the ability of the City Manager to lead staff would be severely impacted if the City Council overturned a termination or suspension decision of the City Manager;

- City Manager says that all suspension and termination decision are presently vetted with the City Attorney;
- Commission member believed that this requirement in the Charter is likely in need of modification in order to provide the City Manager greater autonomy.
- **Preliminary Recommendation:** A motion was made and seconded to make a preliminary recommendation for Charter revision. The proposed Charter revision would be to the following two sections of the Charter, with modifications as noted via the edits below –

Section 3.25. The City Manager shall, “Have the authority to hire persons to act as department heads or directors and fill other positions designated by ordinance or resolution and appoint and, when the city manager deems it necessary for the good of the city, suspend or remove all city employees and administrative officers the city manager hires or appoints except as provided by law or personnel ordinances adopted pursuant to this Charter. The city manager may authorize any administrative officer who is subject to the city manager’s direction and supervision to exercise these powers with respect to subordinates in that officer’s department office or agency.”

Section 4.10(e). “The city manager may suspend or terminate directors or department heads, so long as the City Attorney reviews the facts supporting suspension or termination and concurs such action is appropriate. ~~The director involved may appeal to the city council which, after a hearing, may override the suspension. Any removal of a director shall be by the city council.~~”

Motion approved 4-0.

[Bylaws: A motion and second were made to approve the bylaws that had been discussed at the January 11, 2012 meeting. Motion passed 4-0. Bylaws were signed by all members present].

b. Sections 3.22(b)(4) of the Milton Charter.

City Manager stated that all Milton contracts must be signed by the Mayor. City Manager observed that while often this is not a problem, for small purchases and time sensitive purchases, it can present an impediment to timely conducting the business of the City.

- City Attorney noted that Georgia law requires contracts to be approved by the governing authority and spread on the minutes;
- Commission member questioned whether it was formal approval or simply spreading upon minutes that is required;
- Discussion also ensued regarding whether, in light of State law, this was an issue the Charter Commission could fix;
- Consensus was that the Charter Commission could recommend a modest change to the Charter that would at least provide the City Manager and City Attorney the ability to fashion creative and lawful solutions to this issue;

- One Commission member observed that the requirement that all contracts be approved by the governing authority, irrespective of dollar amount, seemed quite unworkable and perhaps a recommendation should be made to the General Assembly that the state law on this topic needs to be revisited.
- **Preliminary Recommendation.** A motion and second were made to recommend a revision to section 7.18 of the Charter as follows, with the proposed modifications noted in the edits below:

Section 7.18. The mayor shall, “Sign as a matter of course on behalf of the city all written and approved contracts, ordinances, resolutions, and other instruments executed by the city which by law are required to be in writing. The City Council may delegate contract signing authority to the City Manager to the extent allowed by law.”

Motion passed 4-0.

c. Sections 1.12 and 6.11 of the Milton Charter.

City Manager advised that Sections 1.12 and 6.11 of the Milton Charter establish an extremely high threshold for the City to be able to increase the real property millage in excess of 4.731. The current requirement is that a higher millage must be established by resolution of the city council and approved by a majority of the *qualified* voters of the city.

- One difficulty of this requirement, is that it requires approval of a millage increase by a majority of the “qualified voters” – which sets the bar extremely high;
- The City Manager obtained and discussed a report by Mr. Robert Morrison, First Vice President of Public Finance regarding the practical implications of this, essentially frozen millage;
- The report concludes that this millage limitation “not only constrains Milton from an operational standpoint, but will negatively impact future credit ratings, borrowing costs and amounts.”
- Discussion ensued, with the Commission concluding that this was a tremendously important issue, and that at the present they did not feel they had sufficient information to proceed;
- The consensus was to have the City Manager invite Mr. Morrison to attend a future meeting of the Commission so questions could be asked;
- It was agreed that this should occur before any preliminary recommendation was made.

No action taken.

Closing

A discussion occurred regarding the agenda for the January 30 meeting. It was determined that the substantive agenda should be (1) discussion of preliminary recommendations approved at January 20 meeting, followed by a discussion of the following charter items, (2) power of the mayor, (3) term limits, (4) salaries of elected officials, and (5) ordinance adoption.

A motion and second were made to adjourn. Motion approved 4-0 to adjourn.

Meeting adjourned at 6:42 p.m.

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