

**MILTON CHARTER COMMISSION**  
**January 30, 2012 Meeting**  
**Minutes/Agenda Summary**

- I. The Chairman called the meeting order and recognized a quorum at 5:12 p.m.

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

Others in attendance were City Manager Chris Lagerbloom and attorney Thomas Mondelli on behalf of City Attorney/Secretary Ken Jarrard. Mr. Jarrard would arrive later in the meeting.

- II. **Approval of Minutes:** Copies of the January 20, 2012 minutes were circulated for review and approval.

- Commission member asked why the minutes did not reference Commission members by name. City Manager responded that was a question to be addressed by Ken Jarrard as he kept the minutes of the meeting.
- Commission member asked whether the amended language of Charter sections 3.25 and 4.10 contained in the minutes had been agreed upon at the last meeting or whether it was still subject to approval by the Commission. After discussion it was concluded that the amended language of sections 3.25 and 4.10 should be considered proposed language only and still subject to the Commission's approval. As such, the Commission amended p. 2 of the minutes to reflect this change.
- At that time a motion and second were made to approve the January 20, 2012 minutes with the amendment to p. 2 of the minutes. Motion approved 5-0.

- III. **Old Business:** The Chairman opened the floor to discussion of any old business.

- Commission member noted that Charter Section 3.22(b)(4) needed further amendment, but agreed that a substantive discussion of the issue could wait until a later in the meeting.
- Commission member noted that the January 20, 2012 minutes contained an additional error. Specifically that p. 3 of the minutes incorrectly listed Section 7.18 instead of Section 3.22(b)(4). The Commission agreed that the January 20, 2012 minutes should be amended to correct this error.

- IV. **Agenda:** The Commission reviewed the Agenda for the meeting. A motion and second were made to approve the Agenda without alteration or amendment. Motion approved 5-0.

- V. **Discussion of Agenda Items.**

- a. **Power of the Mayor**

City Manager discussed that issues related to Section 3.22(b)(4) may be resolved simply by amending the January 20, 2012 minutes.

- Commission member suggested that the Commission's power point copies be amended after each meeting to reflect which issues on the power point were resolved in each meeting. City Manager agreed to the suggestion.

### **Veto Power**

- City Manager discussed that under the current Charter, the veto exists practically in name only. In essence, the veto is currently a "poor man's way" to bring an item back onto the agenda. It has not been an issue to date, so the question was whether the rule should be left as it is.
- Commission members asked if the Mayor votes on each item and what the effect would be of not having all City Council members present for a vote on an a specific item that was previously vetoed.
- The City Manager explained the current Charter rules regarding veto power and votes.
- Commission members discussed whether the Mayor could veto an item and then schedule the second vote for a time when opposing Council members are absent.
- Commission members discussed whether it was legally possible for them to remove the veto power entirely.
- City Attorney stated that the question of veto power was ultimately a question of whether the City wanted to have a government run by a strong City Council or a strong Mayor, comparing the current Charter rules to those in the City of Atlanta.
- Commission members then discussed the history of the veto power when the City was founded. Commission members recalled that the consensus was to have a strong Mayor's office in the city government.
- Although the veto power had not been used or abused to date, the Commission elected to recommend changing the rule to permit a veto override only if 5 of 7 council members voted to override the veto, rather than the current rule requiring a simple majority.

**Section 3.22(b)(4)** At this time a motion and second were made to amend the minutes from the January 20, 2012 meeting as discussed above, and then to formally accept proposed language from that meeting regarding Section 3.22(b)(4) permitting the Mayor to delegate contract signing powers to the City Manager. Motion approved 5-0.

### **Section 3.22(b)(8)**

- City Manager indicated that to date, this Charter section had never been implemented by the City. The concern regarding this Section, which permits Council Members to have oversight of specific City Departments is that it could lead to people trying to run a Department without knowledge of how that Department should operate. The City Manager indicated that the City of Alpharetta encountered problems based on similar language in its laws.

- Commission members noted that this provision may conflict with Section 3.28 and that the City Council should interact with City Departments through the City Manager.
- Commission members then discussed whether there should be City Council Committees at all and whether the elimination of Section 3.22(b)(8) would prevent the Mayor from appointing special committees in the future.
- City Manager indicated that future committees could be created by resolution or the creation of an ordinance.
- Commission members suggested there should be a set way to create committees and inquired how ad hoc committees are created. City Manager stated they were created by City Council resolutions.
- Commission members then made a motion and second to modify the language of Section 3.22(b)(8) to state that the Mayor:

**Shall have the authority to** appoint city council committees and appoint council members to oversee and report on the functions of the various departments of the city, subject to confirmation by the city council

Motion was approved 5-0.

### **Veto Power Revisted**

- Commission member noted that that pursuant to Section 3.22(b)(6), the Mayor does not have a vote on a veto override vote. So if the Commission's proposed modification of the veto power was accepted, the Council would require 5 out of 6 votes to override a veto. This would have the practical effect of having any 4-3 vote of the Council that was vetoed have no chance of being overridden.
- A motion and second were made to reserve the Commission's previous decision to change the veto rules, and instead allow them to remain as currently written. Motion was approved 5-0.

### **b. Appointment of Committee Members**

- Commission member noted that Section 4.11(b) required all boards to have seven members, one per council member from the council member's district. However, the Historic Preservation Committee deviates from this requirement. Accordingly, should this Section be amended?
- The Commission agreed to defer a substantive discussion of this matter for a later date, as well as a discussion of whether the City should reduce the number of voting districts from six to three with two council members per district.

### **c. Millage Rate Cap**

- City Manager reached out to Robert Morrison and Dr. Dorfman to determine their availability to attend a future meeting wherein the millage rate would be discussed.

- Suggestion was made to also bring in bond counsel to discuss whether bonds would be subject to or subsumed by a cap.
  - Commission agreed to defer further discussion until such time as additional parties could be available to discuss the matter in greater detail.
- d. **Contract Execution** A motion and second were made to approve the language amending Section 3.22(b) contained in the amended January 20, 2012 minutes. Motion was approved 5-0.
- e. **Power of the City Manager**
- Commission reviewed the January 20, 2012 minutes regarding Sections 3.25 and 4.10(e).
  - Commission members discussed whether there was a substantive difference between a “Director” and a “Department Head” or whether the two should be considered synonymous.
  - City Manager indicated that typically a Director is a higher rank than a Department Head and that the City had previously had one Director, but that the position caused more problems than it resolved.
  - Commission member pointed out that the term Director was defined in Section 4.10(c), and asked whether it would be better to just use one term than multiple terms to describe essentially the same position. However, the consensus was changing such definitions may cause unanticipated issues in the future.
  - Commission members suggested that Section 4.10(e) could be modified to ensure that the City Attorney concurs with any proposed termination before such action is taken.
  - Motion and Second were made to approve modifications to Sections 3.25 and 4.10(e) as modified in the January 20, 2012 minutes and to further modify Section 4.10(e) to read:

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 **before such action is taken.**
- Motion was approved 5-0.
- f. **Salaries**
- Commission member noted that at present the City of Alpharetta pays its Mayor a salary of \$30,000 and City Council members receive a salary of \$15,000.
  - The current Charter contains no provisions for cost of living adjustments. The Commission discussed whether that should be amended.
  - Suggestion was made that salaries could be reviewed every five years as part of the review by future proposed Charter Commissions.

- Commission member raised the concern that a five year period might be too long to go without salary discussions and asked whether a separate committee could be formed.
- Commission member discussed whether outside input should be necessary in discussion of salary adjustments.
- City Attorney raised the question of whether external factors, such as population growth of the City, could be used as trigger points for a discussion of salary.
- Commission member noted that the first amendment to the Charter reduced compensation for the Mayor and Council to just salary and not benefits.

**[City Attorney Ken Jarrard arrived at 6:29 p.m.]**

- Commission agreed to not propose changes to the salary requirement outside of making part of proposed future Charter Commissions.

**g. Term Limits**

- Commission member raised the issue of whether, under Section 2.10(c)(1) the Mayor would be ineligible to run for election forever after serving two terms in office, or whether he would merely need to wait out one election cycle from running again.
- Likewise, the question was raised whether, under Section 2.10(c)(2), a City Council member could run for Mayor after serving two terms on the Council.
- Initial proposal for discussion was to allow office holders to run again after exhausting their term limits after sitting out one election cycle. This would include prohibiting Council members from running for Mayor after two terms on the Council.
- City Manager asked whether an election cycle constituted 2, 4, or 6 years and whether the proposed change would lead to less qualified persons holding elected office. City Manager observed that the Mayor is “first among equals” on the Council and serves as the face and persona of the City. It may be better to allow Council members to run for Mayor even after their term limits on the Council have expired.
- Commission discussed whether the Mayor should be allowed to run for Council after two terms. Consensus was reached that the option should not be permitted.
- Commission asked whether state law would require a Council member to resign before running for Mayor?
- City Attorney indicated that Article II of the Georgia Constitution mandated resignation.
- Commission then instructed the City Attorney to draft language permitting City Council members to run for Mayor even after they have served two terms on the City Council.
- The Commission also instructed the City Attorney to draft language permitting the Mayor to run for the City Council after waiting out one election cycle (excluding a special election).

## **VI. Closing**

A discussion occurred regarding the agenda for the next meeting. It was determined that the next agenda should focus on (1) ordinance adoption, and (2) City boundaries. The Commission believed those two issues would take up an entire meeting. The Commission did not set a date for its next meeting and is awaiting word from the City Manager as to when Mr. Morrison and Dr. Dorfman would be available before creating a schedule of future meetings.

A motion and second were made to adjourn. Motion was approved 5-0.

Meeting adjourned at 7:00 p.m.