

Milton Charter Commission
March 7, 2012
Minutes/Agenda Summary

1. The Chairman called the meeting to order and recognized a quorum at 6:10 p.m.

The following Charter Commission members were in attendance: David Shannon, Robert Meyers, and Ron Wallace. Others in attendance were City Manager Chris Lagerbloom, and attorney Ken Jarrard (secretary to the Commission)

[George Ragsdale arrived at 6:15 p.m.]

2. **February 22 minutes.** Commission member discussed a statement on page 2 of the February 22 minutes that stated "*Commissioners then discussed the origins of the [millage] cap, and that it was made at the suggestion of the original City Manager and CH2M Hill.*" The consensus of the Charter Commission was that this statement – though accurate in the minutes – was factually incorrect. The minutes shall stand as drafted, but a clarification was requested in these minutes that the statement is not accurate. Motion made to approve the minutes, subject to this clarification. Approved 4-0, with Mr. Hunter absent.

3. **Approval of Agenda.** Motion and second made to approve the agenda. Motion approved 4-0, with Mr. Hunter absent.

4. **Review of all amendments proposed to the City Charter to date.**

A discussion ensued regarding whether to review all amendments to date. General consensus was that while it may be prudent to review all amendments with preliminary approval, it would be preferred – and consistent with the bylaws - to wait until all charter commission members are present.

A commissioner member inquired as to what form the proposed amendments would be delivered to the General Assembly. Proposal was that a version of the Milton charter be redlined. That was considered an agreeable delivery method.

5. **Discussion of HB 1154.** The City Manager discussed the rationale and reasons for the proposed HB 1154, with specific reference the Milton Public Facilities Authority. The City Manager advised that the proposed modification has passed the house, and is now headed to the Senate. The only significant change to the Public Facilities law was to allow the Council to serve as PFA members. No action was taken.

6. **Specific Charter issues.**

APPOINTMENT AND REMOVAL OF JUDGES

a. Discussion occurred concerning whether this language should be changed at all. A commission member indicated that the phrase "for cause" was somewhat vague. City Attorney agreed, noting this could be malfeasance or nonfeasance - but those are concerns the judicial qualifications committee might handle.

b. City Manager reported that council concerns over this charter provision pertained to there being no clear voting instructions for removal of judges. Remark was made that allowing a simple majority of the council to remove the judge is one option, with removal of the 'for cause' standard. Charter Commission was generally unwilling to modify the charter on that point. One commission member remarked this might place the Council in a precarious position. One commission member proposed to remove the power of the City Council to remove judges at all. Another commission member was concerned about liability associated with the removal power.

c. A commissioner member reported that he had very favorable impression regarding the Milton city court judiciary. City Manager concurred.

d. Commission members grappled with the topic of what recommend on this issue. One commission member indicated there are instances of poor judges that are in need of removal, but other members continue to have concerns about the intermingling of the council with the judiciary.

e. Not action taken.

ORDINANCE ADOPTION

a. Commission member had a question regarding whether this topic pertained to any ordinance or only specific ordinances. City manager advised that the purpose of this proposed modification was to streamline the process of ordinance adoption. City council had no concerns with the current process. Commission members thought the process could use some clarification. One commission member became concerned of changes that are occurring between the first reading and the final public hearing.

b. Another commission member asked how you accommodate changes in the ordinance if only one reading occurs. Another commission member indicated that there should be no changes between the first and second presentation. Another commission member stated that it should either be two public hearings, or one public hearing, but the current process of a first presentation followed by a public hearing at the next meeting is confusing.

c. Commission member indicated he would independently work on some proposed language and bring back to the next meeting. No further action taken.

CITY DISTRICT BOUNDARIES

- a. City manager facilitated discussion regarding City of Milton boundaries. It was reported that congressional reapportionment office has prepared maps showing reapportionment of district boundaries. Jan Jones has advised that reapportionment is warranted. All proposed districts keep present council members in their present districts.
- b. One commission member advised that redistricting to include more equity among jurisdictions made sense for council appointments and other sorts of actions that are taken based upon district.
- c. The City Manager read the various populations in the proposed districts, while commission members discussed potential consolidation of districts.
- d. Commission members reviewed a 6 district map and a 3 district map. A commission member advised that in the 3 district map, it would include 2 council members in each district.
- e. Overriding concern was that commission needed to re-review city council appointments to determine if they are truly district-based, or are at large. City attorney agreed to provide memo he had previously published regarding council appointments being from the council district versus at large.
- f. The City manager will request a map from the congressional reapportionment process that will combine districts 2, and 3, 1, and 4, and 5 and 6.
- g. No further action taken.

RECAP

Chairman conducted a brief recap of the items that have been acted upon thus far. City Manager requested that the commission give consideration to two additional items.

Section 6.24. Operating budget. It has a 60 days requirement that staff are having difficulty meeting. City Manager requested that in sections 6.24 and 6.28 of the Charter - that the 60 day period be changed to 30 days. Motion and second were made to recommend this. Vote was 4-0 in approval, with Mr. Hunter absent.

Section 7.16. Transition language. City manager recommended that section 7.16 of the Charter is irrelevant and be removed because the transition period is over. Consensus of the commission was to remove all language from the charter that was a part of the transition. This will be formalized at a subsequent meeting.

MISCELLANEOUS DISCUSSION/SETTING DATE OF NEXT MEETING

Next agenda. Ordinance adoption and City boundaries will be on the next agenda, as well as going over all items that have been preliminarily approved thus far. In power point, "minor items for consideration" will also be on the next agenda.

Upcoming meeting dates. Commission set next commission meeting for 8 p.m., on March 21, at 4:00 p.m., at a location to be determined. Meeting scheduled without exception.

Another meeting set for April 11 at 6 p.m., at a location to be determined. Meeting scheduled without exception.

Another meeting set for April 18, at 6 p.m. with the City council at a location to be determined but likely at city hall council chambers. Meeting scheduled without exception.

Another meeting with local delegation scheduled for May 2 at 6 p.m., at location to be determined. Meeting scheduled without exception.

Motion and second to adjourn at 8:12 p.m. Motion passed 4-0, with Mr. Hunter absent.

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