

DOCUMENT NAME: DRAFTING A REVISED CHARTER

DOCUMENT TYPE:

YEAR: 2001

BOX NUMBER: 24

FILE NUMBER: 17589

NUMBER OF PAGES: 16

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William R. Thompson
President

SUNTRUST

July 20, 2001

Bob Young, Mayor of Augusta
Commission Members

Gentlemen:

In January of this year you appointed eleven individuals to function as a Citizens Advisory Committee for the purpose of drafting a revised Charter as stated herein:

It is proposed that a Citizens Advisory Committee be appointed for the purpose of drafting a Charter that shall bestow on the duly elected governing body of the unified City of Augusta all governmental and corporate rights, powers, authorities, duties, functions, privileges and immunities normally assumed by governing bodies of incorporated, areas under the Constitution and general and special laws of Georgia at the time of adoption of said Charter.

We have operated as the Charter Committee and our members are listed below:

William R. Thompson, Chairman
Marion E. Barnes
Nathaniel Charles
Barbara A. Gordon
David E. Hudson

Samuel F. Maguire
Mallory Millender
Quincy L. Robertson
Paul A. Sanders
Jimmy Smith

Rob Zetterberg

James B. Wall, Attorney
Chamber of Commerce, Administrative Support

Our group decided to take an approach that involved a detailed study and discussion of every major topic that we considered germane to Augusta-Richmond County. It involved thirteen (13) meetings, each lasting approximately ninety minutes in duration. We reviewed our current consolidation bill along with related local bills, the Columbus Consolidation bill, the Athens Consolidation bill and the recent Grand Jury report as reference for our deliberations. Our committee covered the following topics as part of this process:

Commissioner/Employee Contact
Quorum and Abstentions
Ethical Standards
Mayoral Powers
Legal Department

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**Ms. Lena Bonner, Clerk of Commission
Municipal Building
530 Greene Street
Augusta, GA 30911**

Dear Lena:

I am writing to you to request that the Charter Committee be allowed to present its report at the August 7th Commission meeting. The full report is included for your information. The Mayor has indicated we can be placed at the beginning of the Agenda.

Sincerely,



Enclosure

CC: Charter Committee Members

Our recommendations are enclosed for your review. All recommendations were passed by unanimous vote of those present. While we were split on several issues such as increased mayoral powers and administrator powers, we decided that we would not move on issues where our votes were split along racial lines. On the positive side our group is advocating the following changes to our Charter, which are detailed in the enclosed report:

- 1) Increase personnel and purchasing authority for the City Administrator;
- 2) Provide for the re-election of Commissioners after a two-year waiting period following service of two full four-year terms;
- 3) Provide for the removal of a member of the Commission for serious ethical violation;
- 4) Provide for a review of the Charter every 4 years in a non-election year;
- 5) Provide for the establishment of a Community Race Relations Committee;
- 6) Provide that the City Attorney conduct mandatory ethics training for Commissioners every 2 years;
- 7) Recommend that the current Charter be redrafted so as to include other local Acts that remain in effect from both the County and City prior to consolidation and consolidate into a revised and updated document; and
- 8) Maintain independent outside City-County Attorney to coordinate the activities of the City's Legal Department.¹

We also endorsed ordinances passed by the City related to Commissioner /Employee Contact and Ethics.

Since our meetings were open to the public, you are most likely aware that our committee spent a significant portion of our time addressing the Race Relations issue. I believe without exception that each of us would acknowledge that this is the most daunting obstacle facing our community. It is an impediment to our economic growth as well as our general advancement in a number of other areas that are critical to quality of life. Therefore, we strongly urge the establishment of the Race Relations Committee as outlined in our report. However, our experience has also revealed that the private sector will be necessary in improving race relations as well. It is our hope that business, civic, academic and other leaders in Augusta will take this issue seriously and become part of the solution. Cities such as Atlanta and Greenville have not permitted this challenge to stand in the way of progress. The leaders of Augusta should accept no less.

Finally, I would like to take this opportunity to commend each and every individual who served on the Charter Committee. This was an enormous commitment of time and talent. Due to the caliber of these people, we were able to discuss difficult topics with candor and respect. By the conclusion of this process, each of us had a much better appreciation of the challenges we face, and I believe that most would admit to changing our opinion on at least one issue as a result of our discussions. Let me also commend Jim Wall for his expertise and his responsiveness. His assistance was invaluable; the Commission's wisdom in making him available to us is greatly appreciated. A great deal of administrative support was provided by Laurie Davis and Leslie Johnikin of the Augusta Metro Chamber of Commerce and Vera Kent of SunTrust Bank. Thank you for the opportunity to serve our community in this way.

Sincerely,



MEMO

To: Charter Committee Members

From: Jim Wall

Date: July 5, 2001

Re: Charter Amendments

I attaching proposed Charter provisions making the changes approved by the Charter Committee in its meeting on June 26, 2001, which:

- Amend the provision relating to the City Administrator to
- Authorize the City Administrator greater purchasing authority if the funds have been budgeted;
 - Grant the Administrator greater authority over the personnel;
 - Authorize the Administrator the right to hire employees up to the midpoint of the salary range
- Provide for the re-election of Commissioners after a two-year waiting period following service of two full four year terms
- Provide for the removal of a member of the commission for a serious ethical violation;
- Provide for a review of the Charter every 4 years in a non-election year; and
- Provide that the City Attorney conduct mandatory ethics training for the Mayor and Commissioners every 2 years.

**PROVISION FOR ADMINISTRATOR GRANTING ADDITIONAL POWERS FOR
PURCHASING, HIRING OF DEPARTMENT HEADS, AND HIRING OF EMPLOYEES
UP TO THE SALARY MID-POINT**

ADMINISTRATOR FOR AUGUSTA

**SECTION 1. COUNTY ADMINISTRATOR, POWER AND AUTHORITY TO ELECT;
DUTIES, TERMS AND CONDITIONS OF EMPLOYMENT**

The Augusta-Richmond County Commission shall have the power and authority to elect a City administrator, who shall have an office at the courthouse. The City administrator shall be responsible to the Augusta-Richmond County Commission for the proper administration of the affairs of the county. The terms and conditions of employment of the City administrator, and the duties of the City administrator shall be as determined by the Augusta-Richmond County Commission.

SECTION 2. ELECTION OF ADMINISTRATOR

(a) The Administrator for Augusta shall be elected/appointed by a majority vote of the Augusta-Richmond County Commission, from nominations presented by the Mayor in accord with the recruitment process approved by the Augusta-Richmond County Commission. The Mayor shall present the three top candidates for appointment, along with his recommendation. The Commission shall elect/appoint an Administrator from among the three candidates presented by the Mayor. Should none of the candidates be elected/appointed, then the Mayor shall nominate three new candidates from those who applied through the recruitment process.

(b) The Administrator is employed at the pleasure of the Mayor and Commission and shall perform duties under the direction and supervision of the Commission through the Mayor. The Administrator shall maintain regular contact with the Mayor and through the Mayor keeps all Commission members informed on significant and/or controversial issues involving the government, its services, policies, and employees.

(c) In the event of a vacancy in said office for any cause, the Commission may elect an Acting Administrator by a majority vote pending the election/appointment of an Administrator as provided in subsection (c) hereof.

SECTION 3. SUSPENSION, REMOVAL BY COMMISSION; HEARING.

(a) The Administrator may be removed only by a majority vote of the Commission.

(b) The Mayor is empowered to impose disciplinary action upon the Administrator after ratification by a majority of the Commission. In case of suspension or removal, the Administrator shall be given a written statement of the reasons for such action. He may, within five (5) days from receipt thereof, request a public hearing thereon before the Commission. Upon receipt of such request, a hearing shall be set not earlier than ten (10) days nor later than fifteen (15) days from the date of such request. Pending such hearing, and until final action has been taken thereon, the Administrator may be suspended from office and all of the duties thereof performed by some other person designated by the Commission to perform such duties. The action of the Commission in suspending or removing the Administrator shall be final.

SECTION 4. QUALIFICATIONS.

The Administrator shall be chosen by the Commission solely upon the basis of his executive and administrative qualifications, with special reference to his actual experience in or knowledge of accepted practices in respect to the duties of his office, as hereinafter set forth. He shall be of good character and be of proven executive ability and experience. No person related by blood or marriage within the third degree to any member of the Commission shall be eligible for appointment as Administrator. No member of the Commission, or holder of a public elective office in Augusta during the term of office for which he was elected, or for a period of one (1) year thereafter, shall be eligible for appointment as Administrator.

SECTION 5. SALARY.

The Administrator shall be paid an annual salary to be fixed by the Commission.

SECTION 6. BOND.

Before entering upon his duties, the Administrator shall give bond in a minimum amount of one hundred thousand dollars (\$100,000.00), payable to Augusta, upon which bond action may be brought in the name of Augusta at the instance of the Commission, for any act of misfeasance, nonfeasance or malfeasance; the premium on such bond shall be paid out of Augusta treasury, and the bond shall be kept by the probate judge.

SECTION 7. OATH.

Before entering upon his duties, the Administrator shall take and subscribe an oath for the faithful performance of his duties under this Code, which oath shall be duly entered on the minutes of the Commission.

SECTION 8. DUTIES.

The Administrator shall be the administrative officer of Augusta and head of the administrative branch of Augusta government. The Administrator shall be responsible to the Mayor and Commission for the proper administration of all affairs of Augusta, and his duties shall be as follow:

(a) To recommend for appointment or removal all Augusta department heads, subject to the approval of the Commission, with the exception of the Augusta attorney, the Clerk of the Commission, the Equal Opportunity Officer, and the Internal Auditor, all of whom shall be appointed and discharged directly by the Commission;

(b) The Administrator shall be the appointing authority for all other Augusta employees whose appointment is now or hereinafter vested in the Commission, and shall have the right to employ and discharge the same; provided, however, the Administrator shall not have the authority to hire an employee at more than the mid-point of the salary range for such position without Commission approval;

(c) To execute all lawful orders, directions, instructions, and all ordinances, resolutions and regulations adopted by the Commission consistent with this Code and entered upon the minutes of the Commission; in the execution of these matters, the Administrator shall keep the Mayor fully informed and shall coordinate with the Mayor to ensure that all laws, ordinances, and resolutions of Augusta-Richmond County are faithfully executed;

(d) To supervise, direct and control the operation of all departments, offices and employees now or hereinafter subject to the jurisdiction of the Commission;

(e) To attend all meetings of the Commission, with the right to take part in the discussion;

(f) To prepare and to recommend salary scales for all employees;

(g) To prescribe the duties and supervise the work of

Augusta employees;

(h) To require reports from heads of departments, and other employees trusted with administrative duties or exercising discretion;

(i) To supervise the preparation of a proposed annual budget and to submit same to the Mayor and Commission; when the budget has been prepared and adopted as provided by law by the Commission, it shall be the duty of the Administrator to execute the budget; no department or office of Augusta-Richmond County government shall exceed the budget without the approval of the Commission;

(j) To keep the Mayor and Commission fully advised on the financial conditions and future needs of Augusta and shall make such recommendations on Augusta affairs as the Administrator deems necessary for the efficient operation of Augusta;

(k) To act as liaison between the Mayor and/or Commission and all department heads or employees of Augusta;

(l) To confer with and assist all other elected or appointed officials of Augusta and Richmond County, and all departments, such as Augusta-Richmond County Health Department, the Augusta-Richmond County Department of Family and Children Services, whose missions are not under the direct control and supervision of the Commission, but who are dependent upon the appropriations of the Commission for their continued operation;

(m) To submit to the Mayor and Commission at the end of each fiscal year a complete report on the finances and administrative activities of Augusta-Richmond County for the preceding year;

(n) To see that all legislation, programs, regulations or plans promulgated and required by the state or federal government are duly carried out and complied with in accordance with such legislation, programs, regulations or plans;

(o) To perform such other duties as may be required of him by the Mayor and Commission.

SECTION 9. EXAMINATION OF DEPARTMENTS' BOOKS, RECORDS.

The Administrator shall have at all times the authority to examine all books and papers of each department of Augusta.

SECTION 10. DUTIES REGARDING PURCHASING; DELEGATION TO SUBORDINATES.

(a) Subject to rules established by the Mayor and

Commission, the Administrator shall authorize all purchases for Augusta, subject to the laws requiring advertisement and bids. He shall supervise the disbursement of all Augusta funds, and shall render such reports as may be required by the Commission. The Administrator may delegate purely administrative duties to subordinates in government whose work the Administrator shall supervise and direct; however, the designation or assignment of duties to subordinates shall not relieve the Administrator from his responsibilities for administration of Augusta affairs.

(b) When funds have been properly budgeted, the Administrator is hereby authorized to purchase any goods, materials or supplies of any nature used by Augusta, in any of its governmental affairs, without bid and legal advertisement, by obtaining at least three written quotations entered on the minutes of the Augusta-Richmond County Commission monthly, and retained for a period of at least two years, when the cost of said goods, materials or supplies is not more than \$25,000.00.

SECTION 11. POLITICAL ACTIVITIES.

The Administrator shall not engage in or be concerned with any partisan politics or any political campaign. He shall not contribute to any campaign fund or solicit funds for political purposes from any other person. He shall not appoint any relative as an employee of Augusta unless such relative shall qualify and become eligible for appointment under the rules of the Commission and be recommended by the Commission.

SECTION 12. TO DEVOTE FULL TIME TO DUTIES OF OFFICE.

The Administrator shall devote his entire time to the duties of his office and shall maintain his office at the courthouse or municipal building.

SECTION 13. GENERAL ADMINISTRATIVE DUTIES.

(a) As administrative officer, it shall be the duty of the Administrator to conduct, supervise and administer all Augusta affairs, subject only to the general law, to rules prescribed by the Mayor and Commission, and subject to the right of the Mayor and Commission to review, repeal or modify any action of the Administrator which is contrary to the general law or such rules, by a vote of a majority of the Commission at any subsequent, regular or called meeting, when such vote thus reviewing, repealing or modifying the action of the Administrator shall be entered in writing on the minutes of the Commission.

(b) The Administrator will assemble and provide necessary documentation for the Mayor and Clerk of the Commission to

prepare the agenda for all Commission meetings.

(c) The Administrator shall be responsible to the Mayor and Commission for the establishment of comprehensive, efficient and professional administered systems of:

- (1) Financial planning and control;
- (2) Personnel management, employee and supervisory training and compensation;
- (3) Equipment and supply purchasing and inventory control;
- (4) Equal employment opportunity;
- (5) Small and minority business opportunity;
- (6) Community land use, economic development and strategic planning; and
- (7) Citizen information and service.

(d) The Administrator shall prepare and present to the Mayor and Commission annually a public report on:

- (1) State of the community and government;
- (2) Accomplishments during the past year; and
- (3) Community and organization needs and objectives for the coming year.

(e) The Administrator shall be the official spokesperson and representative of the Mayor and Commission with the Augusta-Richmond County government organization.

(f) The Administrator shall have such other powers and duties as imposed on him by ordinance or by the Commission.

SECTION 14. DUTIES REGARDING PUBLIC WORKS.

The Administrator shall receive all requests for public work, road building, repairs to bridges and roads and public buildings, the construction of water and sewer mains, the opening, grading and improving of public roads and sidewalks. It shall be his duty to investigate and recommend to the Mayor and Commission a program for all such work, but nothing herein shall be construed to prevent the Administrator from performing immediately any work in an emergency that is necessary to protect the interests of Augusta or the citizens thereof. It shall be the duty of the Administrator to receive and consider requests

for appropriations of Augusta funds, all of which he shall investigate and report to the Mayor and Commission, with his recommendation thereon.

SECTION 15. RECEIVING AND TRANSMITTING REPORTS; USE OF AUGUSTA PROPERTY; CLAIMS AGAINST AUGUSTA.

All requests and reports of Augusta officers shall be made to the Administrator for his approval or recommendation to the Mayor and Commission; all requests and reports of Augusta departments shall be presented to the Administrator for his recommendation to the Mayor and Commission; the use and disposition of Augusta property shall be under the supervision and direction of the Administrator, subject to approval by the Mayor and Commission; all claims against Augusta-Richmond County shall be presented to the Administrator, who shall investigate same and report same to the Mayor and Commission, together with his recommendation thereon.

SECTION 16. TAX RECOMMENDATIONS.

It shall be the duty of the Administrator, with the cooperation of Augusta comptroller, to investigate the tax digests and to recommend to the Mayor and Commission the levy of a sufficient tax upon all property of Augusta, which tax, together with all other sources of revenue which may lawfully be anticipated, shall be sufficient to balance the budget, after it has been adopted.

RE-ELECTION OF COMMISSIONERS

Section 2, paragraph (d), of the Charter of Augusta (1995 Ga. Laws, page 3648), should be amended to read as follows:

(d) No person shall be eligible to serve as a Commissioner unless he or she:

(1) has been a resident of the Commission district from which elected for a period of one year immediately prior to the date of the election;

(2) continues to reside within the Commission district from which elected during his or her term of office;

(3) is a registered and qualified elector of Richmond County; and

(4) meets the qualification standards required for members of the Georgia House of Representatives as are now or may in the future be prescribed by the Georgia Constitution.

No person who has served two consecutive full four-year terms of office as Commissioner shall again be eligible to hold office as Commissioner until after the expiration of two years from the conclusion of that person's last term of office as Commissioner.

REMOVAL FOR SERIOUS ETHICAL VIOLATION

1) *Grounds of removal.* The Mayor or any Commissioner shall be subject to removal from office for any one or more the following causes:

- (a) Misfeasance or malfeasance in office;
- (b) Conviction of a crime involving moral turpitude or a crime punishable as a felony;
- (c) Failure at any time to possess any of the qualifications of office as provided by the Consolidation Act or by law.
- (d) Violation of the Code of Ethics as provided by the ordinances of Augusta; or
- (e) Abandonment of office.

2) *Procedure for removal.* Removal of an elected officer provided for herein from office may be accomplished by affirmative vote of seven members of the Commission. In the event an elected officer is sought to be removed by the action of the Commission, such officer shall be first entitled to a written notice specifying the grounds for removal and to a public hearing which shall be held not less than 30 days after the service of such written notice. Any elected officer sought to be removed from office as herein provided shall the right of appeal from the decision of the Commission to the Superior Court for a jury trial de novo. Such appeal shall be governed by the same rules as govern appeals to the Superior Court from the Probate Court.

COMMITTEE FOR COMMUNITY RACE RELATIONS

The Charter of Augusta (1995 Ga. Laws, page 3648) shall be amended to add a new paragraph (e) to Section 4 to read as follows:

(e) At its first meeting of each year, the Commission shall organize a Committee for Community Race Relations to be composed of four (4) members of the Commission. The Mayor and Mayor Pro Tempore shall recommend to the Commission the proposed membership of such Committee. The Chairman of the Committee shall rotate each year between members of a different racial or ethnic background. The Committee shall:

(1) advise the Augusta-Richmond County Commission as to the resource needs of the Human Relations Commission, or such other commissions or organizations that have as their primary purpose the improvement of race relations in Augusta;

(2) act as liaison between the Augusta-Richmond County Commission and the Human Relations Commission, or such other commission or organization as provided for herein;

(3) promote activities to improve race relations within Augusta; and

(4) organize and conduct an annual mandatory seminar on race relations for the Augusta Richmond County Commission and Mayor.

CHARTER REVIEW

The Charter of Augusta (1995 Ga. Laws, page 3648), should be amended to add a provision to read as follows:

(a) In January, 2004, and every four years thereafter, the Augusta-Richmond County Commission shall appoint a Charter Review Committee to be composed of eleven members who are registered voters and residents of Richmond County. Each Commissioner shall appoint one member, and the Mayor shall appoint one member who shall serve as chairman of the committee.

(b) Said committee shall review the operations of the government and make recommendations for any Charter amendments deemed necessary to provide for the efficient and effective operation of the government of Augusta.

(c) Said Charter Review Committee shall complete its review and make its report and any recommendation for any Charter amendments by July 1 of the year of its appointment.