

Audrey Boone Tillman
1450 Millington Road
Columbus, GA 31904

February 4, 2022

Sandra T. Davis
Clerk of Council
Columbus Consolidated Government
6th Floor
Government Center Tower
100 10th Street
Columbus, Georgia 31901

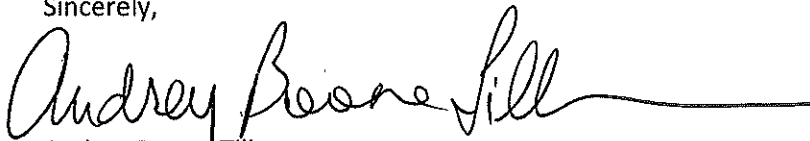
Re: 2021 Charter Review Commission Recommendations

Dear Clerk Davis:

The 2021 Charter Review Commission has completed its work. We have enclosed the recommendations to be filed and forwarded to the Supervisor of the Board of Elections to be placed on the ballot of November 2022. Please submit a copy of this letter along with the enclosure to Mayor Henderson and the City Council, as well.

The 24 members of the Charter Review Commission wish to thank Mayor Henderson and all City Council members for the honor of serving the city in this capacity.

Sincerely,

A handwritten signature in cursive script that reads "Audrey Boone Tillman". The signature is written in black ink and has a long horizontal flourish extending to the right.

Audrey Boone Tillman
Commission Chair

Enclosure

cc via email: Skip Henderson, Mayor
Clifton Fay, City Attorney
Lucy Sheftall, Assistant City Attorney

2021 Charter Review Commission Recommendations



New material underlined. Deleted material shown in strike through.

Charter Review Commission Members

Audrey Boone Tillman, Commission Chair

Mike Baker

Tyson Begly

Willie Belfield

Vivian Creighton Bishop

Alison Dowe

Jimmy Elder

Pace Halter

Norman Hardman

Ken Henson

Dominick Perkins

Julio Portillo

Carmen Rice

Judge Ben Richardson

Oz Roberts

Gwen Ruff

Alton Russell

Carter Schondelmayer

John Shinkle

John Stacy

Melvin Tanner, Jr.

Chris Wightman

Brad Williams

Chris Woodruff

PROPOSED REVISIONS BY CHARTER SECTION

Sec. 4-201. Powers and Duties [Mayor]

[Revise paragraph (15) to read as follows:]

(15) Subject to the approval of six (6) members of the Council, to appoint and remove ~~division heads such as the Police and Fire Chief and such other Officers as prescribed by Ordinance.~~ City Officers as defined in Section 4-300 below.

Sec. 4-610. Personnel Review Board

[Revise paragraph (3) to read as follows:]

(3) Each alternate member shall be designated as the alternate for a particular regular member without being barred from serving as an alternate in general.

Sec. 4-624. Board of Tax Assessors.

[Revise first sentence to read as follows:]

There is created a board of tax assessors for the consolidated government, which shall consist of five (5) members appointed by the Council ~~for six year staggered terms to serve staggered terms of office for not less than three years nor more than six years as specified by resolution of the Council, in accordance with state law.~~

Sec. 5-402. Jurisdiction

[Revise paragraph(1)to read as follows]

(1) The municipal court of Columbus, Georgia shall have jurisdiction throughout the territorial limits of the consolidated government, concurrent with the Superior Court, to try and dispose of all civil cases or proceedings, of whatever nature, whether arising ex contractu or ex delicto, under the common law or by statute, in which the principal sum claimed to be due or the value of the property in dispute does not exceed ~~the sum of five thousand dollars (\$5,000.00)~~ the statutory amounts as designated by the State of Georgia, and of which jurisdiction is not now vested by the Constitution and laws of the State of Georgia exclusively in other courts, which jurisdiction shall include, concurrent with the Superior Court, the right and power to try and determine finally all dispossessory warrant and eviction cases, where proper pleadings are filed and returns made to said municipal court of Columbus, Georgia.”

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Sec. 5-603 Appointment of recorders and recorders pro tem.

[Add a new sub-paragraph (b) to read as follows]

- (b) Any Recorder or Recorders Pro Tem may be removed by the Council of the Consolidated Government for any of the reasons set forth in O.C.G.A. Section 36-32-2.1 (b)(1) and in accordance with the procedures set forth in paragraphs (c), (d) and (e) of the same Code Section.

Sec. 5-604 Term; Qualification; compensation.

The term of office of recorders and recorders pro tem shall be four (4) years and until a successor is appointed and qualified unless such Recorder or recorder pro tem is removed in accordance with the provisions of Section 5-603 (b) above. *[Remainder of section continues unchanged]*

Sec. 5-605 Rules; procedures; personnel.

The Council shall, by ordinance, fix rules and regulations governing the time, place, and number of sessions of the court. The court shall have a clerk and one (1) or more clerks pro tempore who shall prepare the court dockets, maintain all court records, and serve as the court's Chief Administrative Officer. The general intent of this court is to establish cause and perform other statutory duties as provided by Georgia law.

Sec. 6-100. Regular elections; time for holding voting.

[Revise the first sentence of paragraph 1 to read as follows:]

- (1) The regular election of the consolidated government shall be held on the Tuesday next following first Monday in November date officially specified by state law for non-partisan office in each even-numbered year.

Sec. 6-201. Special Elections.

[Revise last sentence of the section to read as follows:]

The special election required herein shall be held on the date specified in the advertisement, but not less than 30 days nor more than ~~45~~ 90 days after the publication of the call of the election.

Sec. 7-401. Budget Preparation and Adoption

[Revise paragraph 2 of the Section to read as follows:]

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(2) A proposed annual operating and capital budget for the ensuing fiscal year shall be prepared by the city manager to be submitted by the mayor to the Council on or before a date fixed by ordinance, but not less than sixty (60) days prior to the beginning of the fiscal year. Operating budget shall be so arranged as to show comparative figures for estimated income and expenditures of the ensuing fiscal year compared to the adopted and actual income and expenditures of the preceding three fiscal years. Such budgets shall be accompanied by a budget message from the mayor containing explanations of general fiscal policies, explanation of major changes recommended for the next fiscal year, a general summary of the budgets and other information deemed appropriate. Copies of the annual operating and capital budgets shall be posted on the web-site of the consolidated government and filed in the office of the clerk of Council and shall be open to public inspection. A summary of the proposed annual operating and capital budgets shall be posted on the consolidated government web-site and published digitally or in print in at least one newspaper of general circulation in Columbus, Georgia.

Section 7-405. Post Audit.

[Revise paragraph (2) to read as follows:]

- (2) The audit may be conducted on a quarterly or continuing basis and the final report of the annual audit shall be completed as soon as practicable after the close of the fiscal year and in no event later than ~~four (4) months~~ six (6) months after the close of the fiscal year. The audit report shall be available to the public.

[Insert a new paragraph 4 to read as follows:]

- (4) The Council shall bi-annually designate two of its members and three external members to serve as an audit committee. The external members will be required to have a finance, governmental or accounting background. Two external members will be chosen by the Mayor, and one external member to be chosen by City Council. No member may serve more than six continuous years. It shall be the responsibility of the audit committee to provide independent review and oversight of a government's financial reporting processes, internal controls and external auditors. The audit committee's functions may include: (a) participating in the process of selecting or retaining the consolidated government's independent external auditor; (b) communicating directly with the external auditor on at least an annual basis to review the work of the external auditor as to the scope of the annual audit and any matters of concern with respect to internal controls; and (c) reviewing any reports of the internal auditor in advance of their presentation to Council. The internal auditor of the consolidated government will be available to provide information and technical assistance to the Committee.

Sec. 7-501. Sale and Disposition of Property.

[Insert a new paragraph (5) to read as follows:]

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- (5) The consolidated government may authorize the transfer of property to an adjacent landowner upon a report by the Mayor and the adoption of a resolution by the Council finding that the property is not needed for public purposes and that the adjacent landowner will pay fair market value for the property as shown by at least one appraisal. All other adjoining landowners will be given written notice of the proposed transfer, and a statement of the proposed transaction shall be posted on the City web-site and published digitally or in print in at least one newspaper of general circulation in Columbus, Georgia, on each Monday of the two weeks which precede the week in which such transaction is to be concluded. Such statement shall contain a description of the property or properties involved and the prices and appraised value as to each item of property.

Sec. 8-100. Sheriff.

The sheriff of Muscogee County in office on October 5, 1971, and his or her successors in office shall be the sheriff of ~~the consolidated government~~ Muscogee County. The sheriff shall serve for the same term and his or her compensation shall be fixed as heretofore provided by law. Subsequent elections for sheriff shall be upon the same basis as provided by law for sheriffs generally. The sheriff shall perform the same duties and exercise the same powers as are conferred upon sheriffs generally by the Constitution and laws of Georgia. Nothing in this Charter shall be construed so as to affect the eligibility of the sheriff or sheriff's deputies for membership in the Peace Officers' Annuity and Benefit Fund. In addition to the powers and duties conferred upon the sheriff by law, the sheriff ~~of the consolidated government~~ Muscogee County shall be authorized to maintain a crime prevention unit independent of any such unit or activity maintained or provided by the department of public safety.

Appendix Two – Code of Ethics and Prohibited Practices

[Revision to paragraph 2]

(2) The Council may provide by ordinance that violations of Sections 1 through 7 of this Appendix shall be punishable by a fine not to exceed ~~six hundred dollars (\$600.00)~~ one thousand dollars (\$1000.00) or maximum penalty allowed by law for any violation of city ordinance, by imprisonment not to exceed sixty (60) days, or by both. Any punishment so provided by ordinance may be imposed without regard to whether punishment is imposed as provided in part (1) of this section.

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PROPOSED REVISIONS TO NOTICE REQUIREMENTS

Section 3-206. Publication of ordinances by caption only; publication in full.

The caption of every ordinance showing its general contents shall be posted on the consolidated government web-site upon becoming law and shall be published digitally or in print, ~~once~~, within ten (10) days after becoming law, ~~in the~~ at least one newspaper having the largest of general circulation in Columbus, Georgia, and this publication will include notice of the office of consolidated government in which the full text of the ordinance is available for public inspection and a citation to the location of the full text of the ordinance on the consolidated government web-site. ~~except that if the cost of publishing the full text of the ordinance does not exceed \$99.00), the full text and not just the caption shall be published as provided in this section, and no notice of the office in which the full text is available shall then be required to be published.~~

Section 8-507. Methods of Notification.

[proposed new section to be added to Article VIII Miscellaneous]

If any method of publication specified in this Charter becomes unavailable or legally impossible, the Columbus Council shall adopt an additional method or methods of publication by ordinance.

The following Charter Sections would also be revised to incorporate standard updated language pertaining to notice:

Sec. 1-103. Taxing districts.

- (2) The Council of the consolidated government shall, pursuant to the applicable provisions of Article IX, Section 9-102 hereof divide the territory of the consolidated government into two or more taxing districts (herein called "services districts"); provided, however, at least one of such districts shall be known as the general services district and shall consist of the total area of Muscogee County as fixed and established on the effective date of this Charter or as thereafter modified according to law; and provided, further, the Council shall establish at least one or more urban services districts which shall embrace such territory or territories for which provision is made by the Council for additional or higher levels of services than are provided uniformly throughout the territory of the consolidated government on the effective date of this Charter. In the establishment of the first urban services district or districts, the Council shall hold one or more public hearings thereon at which all interested persons affected thereby shall have an opportunity to be heard. Notice of the time, place, and date of such hearings shall be posted on the consolidated government web-site at least seven (7) calendar days prior to the hearing and published digitally or in print in at least one newspaper of general circulation in Columbus, Georgia, at least twice during the week immediately preceding the date of the hearing. ...

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- (6) Except as otherwise provided by this Charter, urban services districts of the consolidated government shall be created, expanded, merged, consolidated, or reduced only by ordinance duly adopted by the Council under such general rules, procedures, regulations, requirements, and specifications as established by the Council; provided however, no new urban service district shall be created or existing urban services districts expanded, abolished, merged, consolidated, or reduced without providing an opportunity for interested persons to be heard by publishing a notice of a public hearing on the proposed expansion, consolidation, reduction, or creation of an urban services district shall be posted on the consolidated government web-site fourteen (14) calendar days prior to the date of the hearing and published digitally or in print in at least one newspaper of general circulation in Columbus, Georgia, for a period of once each week for at least two successive weeks prior to the date of the hearing.

Sec. 6-201. Special elections.

In the event the office of mayor or councilor shall become vacant for any cause whatsoever, then such vacancy shall be filled in the manner provided for in this section. If a vacancy occurs within one and one-half years after the date of a regular election for the office of mayor or councilor, then the board of elections shall, within ten days after the occurrence of such vacancy, call a special election to fill the balance of the unexpired term of such office by giving notice on the Muscogee County Board of Elections web-site and published digitally or in print in at least one newspaper of general circulation in Columbus, Georgia. If vacancy occurs more than one and one-half years after the date of a regular election for the office of mayor or councilor, then a person shall be appointed by a majority vote of the total membership of the Council to serve until a successor is elected and qualified at a special election held concurrently with the next regular election for the office of mayor or councilor. The successor elected at such special election shall serve the remainder of the unexpired term of such office. The special election required herein shall be held on the date specified in the advertisement, but not less than 30 days nor more than 45 days after the publication of the call of the election. In all other respects, every special election shall be held and conducted in accordance with those provisions of the applicable laws of Georgia as provided in Section 6-200 of this Charter.

Sec. 6-400. Petition for enactment; circulation; etc.

- (3) The Council shall at once proceed to consider such petition and shall take final action thereon within 30 days from the date of submission. If the Council rejects the proposed ordinance, or passes it in a different form from that set forth in the petition, or fails to act finally upon it within the time stated, then, if within five days thereafter the

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committee of the petitioners files with the clerk written demand so to do, the clerk shall at once upon the expiration of such five days cause three printed or typewritten copies of such petition, without the signatures, to be made. The clerk shall cause such three copies of such petition to be placed on file in the clerk's office, and provide facilities for their signing the same, and shall immediately cause notice of the placing of such copies of such petition to be posted on the consolidated government web-site and published digitally and in print in at least one newspaper of general circulation in Columbus, Georgia. Such copies shall remain on file in the office of the clerk for a period of 20 days, during which time any of them may be signed by a qualified voter of the consolidated government in person, but not by agent or attorney. Each signer of any such copy shall sign his or her name in ink or indelible pencil and shall place thereafter his or her residence by street and number. If during such time qualified voters equal to or exceeding 25 percent of the qualified voters in the consolidated government as shown by the official registration list filed for the regular election of councilors last held shall sign such copies of such petition, the clerk shall forthwith certify such fact to the Council.

Sec. 7-401. Budget preparation and adoption.

(2) *[New paragraph (2) includes updated notice provision. See above.]*

Sec. 7-402. Consideration and adoption of budgets by Council.

(1) The Council shall, upon receipt of the proposed budgets, schedule and hold one or more public hearings thereon, notice of which shall be posted on the consolidated government web-site and published in at least one newspaper of general circulation in Columbus, Georgia, at least seven days prior to the date set for such public hearing or hearings. The hearings may be adjourned from time to time.

Sec. 7-501. Sale and disposition of property.

(1) The Council shall be authorized to sell any real or personal property owned or held by the consolidated government for governmental or other public purposes under such rules and regulations as the Council may establish; provided, however, that any public utility owned by the consolidated government may only be sold when such sale has been approved by a majority vote of the electors of Columbus, Georgia, voting in a regular or in a special election called for such purpose. Except as otherwise provided by this Charter, any sale of real property shall be made only after the receipt of sealed bids and due advertisement of such sale by posting on the consolidated government web-site and published digitally or in print in at least one newspaper of general circulation in Columbus, Georgia, once a week for a period of two weeks preceding the date at which such sale is to be made. All sales of real property shall be subject to confirmation by the Council.

(2) The Council is empowered to authorize the following transactions:

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- (a) A transfer of any real or personal property owned by the consolidated government to another governmental entity upon a finding that such transfer is in the public interest;
- (b) A sale of any such property to another governmental entity; and
- (c) An exchange of such property for property that is owned either privately or by some other governmental entity.

In each such instance, when the property is sold or exchanged or transferred, a statement shall be posted on the consolidated government web-site at least fourteen calendars in advance of the proposed transaction and published digitally or in print in at least one newspaper of general circulation, on each Monday of the two weeks which precede the week in which such transaction is to be concluded. Such statement shall contain a description of the property or properties involved and the prices and estimated values as to each item of property.

(5) *[New paragraph (5) includes updated notice provision See above.]*

THE FOLLOWING ITEM IS APPROVED ON THE CONDITION THAT IT WILL NOT GO FORWARD TO THE BALLOT IF LOCAL LEGISLATION REGARDING THIS PROVISION IS PASSED DURING THE 2022 LEGISLATIVE SESSION

Sec. 7-102. Millage Limitation.

[Revise paragraph 2 of the Section to read as follows:]

(2) For the purpose of paying the ordinary current expenses of the consolidated government, the Council is hereby empowered and authorized to levy and collect an ad valorem tax upon all property within said government subject to taxation, not to exceed eighteen (18) mills upon the assessed value of said property for the year 1971, and eighteen (18) mills upon the assessed value of said property for each year thereafter; provided, however, that this limitation shall not be deemed to apply to an additional ad valorem tax for ~~hospital purposes as authorized by an Act of the General Assembly, approved February 17, 1949, (Ga. L. 1949, p. 801), as now or hereafter amended~~ public healthcare purposes as may be determined by Council, which may be levied in an amount of up to three (3) mills nor to any tax to which such limitation is not applicable under the law. In the event that a local option sales and use tax is enacted by the Council of Columbus, Georgia, said eighteen (18) mills limitation shall be reduced to nine (9) mills for the year following the initial year in which the sales and use tax is enacted and for each year thereafter.

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