

Report of the 2021 City of Sandy Springs Charter Commission

July 1, 2021

Introduction

In 2005, the people of Sandy Springs voted 94% to 6% to become a city and approved a City Charter at the same time. That charter called for something unique, a Charter Review Commission. The original commission was intended to review the charter five years into the life of the new city. Sandy Springs had been the first new city in Georgia in approximately 50 years at the time and it seemed prudent to see if the charter was serving the people of the city well.

After the initial review in 2011, the concept of the charter review was again placed in the charter with the appointment of another Charter Review Commission in 2020, slated to release findings in 2021.

This 2021 Charter Review Commission was constituted in February of 2021 and held nine public meetings over six months. Testimony was received from Sandy Springs leaders who worked on the initial charter, a former legislator who wrote the original charter and bill, as well as several current city councilmembers. Questions were collected from Charter Review Commission members and answered by City of Sandy Springs staff as well. Further, public comment was received throughout the process, even as the Charter Review Commission moved from remote meetings due to the Covid pandemic to in person meetings at Sandy Springs City Hall.

The charter itself was reviewed and discussed section by section over those months to ensure every aspect of the current language was assessed. This report is the culmination of that six months of work and represents the majority opinion of the Commission members. On many items there is generalized consensus, on some there was robust debate, even on those parts where no majority of opinion could be reached.

The members of the Commission are thankful for the opportunity to serve our shared community in such an important enterprise. We are hopeful that the recommendations contained herein can be of use to the state legislators who represent our city as they consider potential updates to the Sandy Springs Charter...a charter that has served the people well over the past 15+ years.

Findings

The findings section will enumerate the recommendations that the Charter Commission have agreed upon. It is organized to track to the existing Charter sections for ease of the reader to follow along the existing charter.

Preamble

No recommended amendments

Article I

No recommended amendments

Article II

Recommended Change

CURRENT LANGUAGE

2.03: Vacancy; Filling of Vacancies; Suspensions. The office of mayor or councilmember shall become vacant upon the incumbent's death, resignation, forfeiture of office, or removal from office in any manner authorized by this Act or the general laws of the State of Georgia. A vacancy in the office of mayor or councilmember shall be filled for the remainder of the unexpired term by a special election if such vacancy occurs 12 months or more prior to the expiration of the term of that office. If such vacancy occurs within 12 months of the expiration of the term of that office, the city council or those members remaining shall appoint a successor for the remainder of the term. This provision shall also apply to a temporary vacancy created by the suspension from office of the mayor or any councilmember.

RECOMMENDATION: Due to the timing of a previous resignation from the Council the commission is making this recommendation to allow a district's constituents to be represented and allow for cost savings for taxpayers by placing the special election to fill the seat to be placed on an existing election ballot and not a standalone election. The commission recommends the following language change to Section 2.03. The edits are underlined.

The office of mayor or city councilmember shall become vacant upon the incumbent's death, resignation, forfeiture of office, or removal from office in any manner authorized by this Act or the general laws of the State of Georgia. A vacancy in the office of mayor or city councilmember shall be filled for the remainder of the unexpired term by a special election to be held at the next available date for a special election pursuant to state law if such vacancy occurs 12 months or more prior to the expiration of the term of that office; provided, however, that if such special election cannot be lawfully held at the next available scheduled election pursuant to state law, the city council or those members remaining shall appoint a successor to serve until such time as the special election can be lawfully held at the next available scheduled general primary or general election and a candidate is duly elected and sworn into office. If such vacancy occurs within 12 months of the expiration of the term of that office, the city council or those members remaining shall appoint a successor for the remainder of the term. This provision shall also apply to a temporary vacancy created by the suspension from office of the mayor or any city councilmember.

Recommended Change

CURRENT LANGUAGE

Section 2.07: Compensation and Expenses. Through December 31, 2012, the starting salary of the mayor shall be not less than \$25,000.00 and the starting salary for each city councilmember shall be not less than \$12,000.00. Effective January 1, 2014, the starting salary of the mayor shall not be less than \$40,000.00 and the starting salary for each city councilmember shall not be less than \$18,000.00. Such salary shall be paid from municipal funds in monthly installments. The city council shall have authority to vote annually to raise the mayor and city councilmembers' salaries in an amount consistent with the Consumer Price Index or similar inflationary index. The city council may provide by ordinance for the provision of insurance, retirement, workers' compensation, and other employee benefits to the mayor and members of the city council and may provide by ordinance for the reimbursement of expenses actually and necessarily incurred by the mayor and members of the city council in carrying out their official duties.

RECOMMENDATION: The legislature increase City Council salaries from \$18,000 annually to \$25,000 annually. Further, the commission recommends the legislature move the Mayoral salary from \$40,000 annually to \$50,000 annually. The commission recommends such changes be made effective at the beginning of the City's fiscal year following the adoption by the legislature.

Article III

No recommended amendments

Article IV

Recommended Change

CURRENT LANGUAGE:

Section 4.06: Rules for Court. The judges, by majority vote, shall have authority to make reasonable rules and regulations necessary and proper for addressing the operations of the municipal court. The clerk of the court, as administrator of the court, shall prepare reasonable rules and regulations necessary and proper to secure the efficient and successful administration of the municipal court. All rules shall be subject to the approval of the city council.

Recommendation: For clarity and transparency to the citizens the desire of the commission is directly assert that the municipal court of the City of Sandy Springs operates under the Uniform Rules of the Municipal Courts of Georgia.

*The judges, by majority vote, shall have the authority to make reasonable rules and regulations necessary and proper for addressing **the lawful** operation **and the due process required** of the municipal court. The clerk of court, as administrator of the court, shall prepare reasonable rules and **procedures** necessary and proper to **secure** the efficient and successful administration of the municipal court. All **administrative** rules **and procedures** shall be subject to approval of the city council **and shall be consistent with the Uniform Rules of the Municipal Courts of Georgia as amended from time to time.***

Article V

Recommended Change

CURRENT LANGUAGE: N/A

Recommendation: Create a new section 5.07 titled "Revenue Bonds".

Section 5.07: Revenue Bonds: Revenue bonds may be issued by the city council limited by the stated ability by the City to repay said debt, as state law now or hereafter provides.

Article VI: General Provisions

Recommended Change

CURRENT LANGUAGE

Sec. 6.02. - Charter commission. At the first regularly scheduled city council meeting 15 years after the inception of the City of Sandy Springs, the mayor and city council shall call for a charter commission to review the city's experience and recommend to the General Assembly any changes to the city charter. Members of the charter commission shall be appointed as follows: one by the mayor, one by the city council, and one by each member of the Georgia House of Representatives and Senate whose district lies wholly or partially within the corporate boundaries of Sandy Springs. All members of the charter commission must reside in Sandy Springs. The commission must complete the recommendations within six months of its creation.

RECOMMENDATION: Amend Section 6.02 Charter Commission to appoint a charter commission 24 years after the inception of the City of Sandy Springs. This will allow the commission to do its work in the year 2030.

General Amendments

The commission is recommending amendments to update and correct language within the body of the charter itself. Please find attached in the appendix, a spreadsheet detailing the recommended language changes the commission has agreed upon. The spreadsheet is the cleanest and easiest way to track the recommended updates.

Pronouns Changes

Article/ Section	Current Text	Proposed Text
Section 2.01 (c)	Each councilmember shall be elected by a majority vote of the qualified electors of his or her respective council district voting at the elections of the city. For the purpose of electing the six councilmembers, there shall be six council districts, designated Council Districts 1 through 6, as described in Appendix B of this Act and the accompanying Redistricting Plan Components Report, which are attached to and made a part of the charter of the City of Sandy Springs. Each person desiring to offer as a candidate for councilmember shall designate the council district for which he or she is offering.	Each councilmember shall be elected by a majority vote of the qualified electors of their respective council district voting at the elections of the city. For the purpose of electing the six councilmembers, there shall be six council districts, designated Council Districts 1 through 6, as described in Appendix B of this Act and the accompanying Redistricting Plan Components Report, which are attached to and made a part of the charter of the City of Sandy Springs. Each person desiring to offer as a candidate for councilmember shall designate the council district for which that person is offering.
Section 2.05	The candidates for mayor and councilmen who receive a majority of the votes cast in the applicable election shall be elected to a term of office. In the event no candidate receives a majority of the votes cast in said election, a run-off election shall be held between the two candidates receiving the highest number of votes	The candidates for mayor and city councilmembers who receive a majority of the votes cast in the applicable election shall be elected to a term of office. In the event no candidate receives a majority of the votes cast in said election, a run-off election shall be held between the two candidates receiving the highest number of votes
Section 2.10	The mayor shall vote only in the case of a tie or in the case where his or her vote will provide the third affirmative vote required for approval of a matter.	The mayor shall vote only in the case of a tie or in the case where the vote of the mayor will provide the third affirmative vote required for approval of a matter.
Section 2.13 (d)	No member of any board, commission, or authority shall assume office until he or she shall have executed and filed with the designated officer of the city an oath obligating himself or herself to faithfully and impartially perform the duties of his or her office, such oath to be prescribed by ordinance of the council and administered by the mayor.	No member of any board, commission, or authority shall assume office until they have executed and filed with the designated officer of the city an oath obligating themselves to faithfully and impartially perform the duties of their office, such oath to be prescribed by ordinance of the council and administered by the mayor.
Section 3.01 (b) (5)	Vote on any motion, resolution, ordinance, or other question before the council only as provided in Section 2.10 of this charter and vote on any matter before a committee on which he or she serves,	Vote on any motion, resolution, ordinance, or other question before the council only as provided in Section 2.10 of this charter and vote on any matter before a committee on which they serve,
Section 3.01 (b) (8)	Require the city manager to meet with him or her at a time and place designated for consultation and advice upon the affairs of the city;	Require the city manager to meet at a time and place designated for consultation and advice upon the affairs of the city;
Section 3.02	The city manager shall be appointed without regard to political beliefs and solely on the basis of his or her executive and administrative qualifications with special reference to his or her educational background and actual experience in, and knowledge of, the duties of office as hereinafter prescribed.	The city manager shall be appointed without regard to political beliefs and solely on the basis of executive and administrative qualifications with special reference to educational background and actual experience in, and knowledge of, the duties of office as hereinafter prescribed.
Section 3.03	Except as approved by the mayor and city council, the city manager must devote all of his or her working time and attention to the affairs of the city and shall be responsible to the mayor and city council for the proper and efficient administration of the affairs of the city over which said officer has jurisdiction.	Except as approved by the mayor and city council, the city manager must devote all of their working time and attention to the affairs of the city and shall be responsible to the mayor and city council for the proper and efficient administration of the affairs of the city over which said officer has jurisdiction.
Section 3.04	The city manager shall have the power, and it shall be his or her duty to:	The city manager shall have the power, and it shall be their duty to:
Section 3.06 (a) (2)	Within five days after a copy of the resolution is delivered to the city manager, he or she may file with the council a written request for a public hearing.	Within five days after a copy of the resolution is delivered to the city manager, they may file with the council a written request for a public hearing.
Section 3.06 (a) (3)	The city council may adopt a final resolution of removal, which may be made effective immediately, by affirmative vote of four of its members at any time after five days from the date when a copy of the preliminary resolution was delivered to the city manager, if he or she has not requested a public hearing, or at any time after the public hearing if he or she has requested one.	The city council may adopt a final resolution of removal, which may be made effective immediately, by affirmative vote of four of its members at any time after five days from the date when a copy of the preliminary resolution was delivered to the city manager, if the city manager has not requested a public hearing, or at any time after the public hearing if the city manager has requested one.
Section 3.06 (b)	The city manager shall continue to receive his or her salary until the effective date of a final resolution of removal and, unless he or she has been convicted of a felony at that time, he or she shall be given not less than 60 days severance pay.	The city manager shall continue to receive their salary until the effective date of a final resolution of removal and, unless the city manager has been convicted of a felony at that time, the city manager shall be given not less than 60 days severance pay.
Section 3.08	The city attorney shall be responsible for representing and defending the city in all litigation in which the city is a party; may be the prosecuting officer in the municipal court; shall attend the meetings of the council as directed; shall advise the city council, mayor, other officers, and employees of the city concerning legal aspects of the city's affairs; and shall perform such other duties as may be required by virtue of his or her position as city attorney.	The city attorney shall be responsible for representing and defending the city in all litigation in which the city is a party; may be the prosecuting officer in the municipal court; shall attend the meetings of the council as directed; shall advise the city council, mayor, other officers, and employees of the city concerning legal aspects of the city's affairs; and shall perform such other duties as may be required by virtue of their position as city attorney.
Section 4.02 (a)	No person shall be qualified or eligible to serve as judge unless he or she shall have attained the age of 25 years and shall have been a member of the State Bar of Georgia for a minimum of three years.	No person shall be qualified or eligible to serve as judge unless they have attained the age of 25 years and have been a member of the State Bar of Georgia for a minimum of three years.
Section 4.03 (c)	Before entering on duties of his or her office, the appointed judges shall take an oath before an officer duly authorized to administer oaths in this state declaring that he or she will truly, honestly, and faithfully discharge the duties of his or her office to the best of his or her ability without fear, favor, or partiality. The oath shall be entered upon the minutes of the city council.	Before entering on duties of any office, the appointed judges shall take an oath before an officer duly authorized to administer oaths in this state declaring that any judge will truly, honestly, and faithfully discharge the duties of the office to the best of their ability without fear, favor, or partiality. The oath shall be entered upon the minutes of the city council.
Section 5:03	With the review of the mayor, the budget shall be accompanied by a message from the city manager containing a statement of the general fiscal policies of the city, the important features of the budget, explanations of major changes recommended for the next fiscal year, a general summary of the budget, and such other comments and information as he or she may deem pertinent.	With the review of the mayor, the budget shall be accompanied by a message from the city manager containing a statement of the general fiscal policies of the city, the important features of the budget, explanations of major changes recommended for the next fiscal year, a general summary of the budget, and such other comments and information as the city manager may deem pertinent.

We the undersigned certify that these findings are the agreed upon work product of the 2021 Sandy Springs Charter Commission. We are all thankful for the opportunity to serve the City of Sandy Springs and wish to express our gratitude to the work of all the people who represent the people of Sandy Springs at the municipal, state and federal level.



Gabriel Sterling
Chairperson

Tochie Alford Blad
Vice Chairperson



Chip Collins

Tricia Gephardt



Melody Kelley



Tom Mahaffey



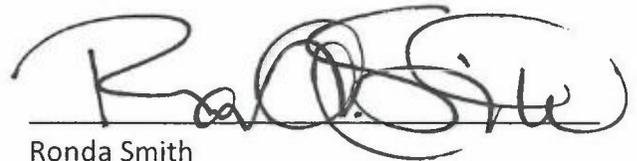
Suleima Millan-Salinas



Sunny Park



Andrea Settles



Ronda Smith

