

# FINAL

2020 Overview Commission  
Thursday, January 30, 2020 6:00-9:00p  
UGA Health Sciences Campus  
120 Wright Hall, 100 Foster Road  
Athens, GA 30606

## **Members Present**

Mumbi Anderson, Paul Bunce, Armand Chapeau, Gail Cowan, Richard Davis, Joseph Fabregas, Andrea Farnham, Elizabeth Higgins, Brandy Kirkwood, Stephanie Lynn, John Napier, Peter Norris, Timothy Pierce-Tomlin, Hunaid Qadir, Roy Schmidt, Sherry Tanner, Ellen Walker

## **Members Absent**

Taisheema Schley

**Guests:** Judd Drake, Athens Clarke County Attorney

**Members of the public:** Stephanie Maddox, County Auditor, Ryan Shavghnessy, Sara Panico, Emmy Williams, Emmy McDougald, Michael Smith

**~Meeting called to order at 6:00p~**

## **Announcements**

Chair Higgins announced that Biff Tant has resigned. She spoke with the DA about this resignation and about the issue with district representation imbalance. The DA did not feel this was a big problem and that there is no legal solution to resolve it. He believes we can address the district representation imbalance through process solutions like public input sessions to make sure all the districts are being represented. He did suggest we make a recommendation to alter the charter moving forward to allow more time for member selection and alternates. Chair Higgins noted that a previous commission made suggestions like these that were never implemented. She is hopeful we can cause this to be resolved this time around.

### **I. Approval of Minutes**

**January 22, 2020** - A motion was made by Richard Davis, seconded by Toby Chapeau to approve the minutes. The motion passed by unanimous vote.

**January 23, 2020** - A motion was made by Richard Davis, seconded by Toby Chapeau to approve the minutes. The motion passed by unanimous vote.

### **II. Old Business - Judd Drake to answer questions**

Judd provided a quick review of his reading of the charter. He then addressed several inquiries he had received from ACC Commission members and Overview Commission members via e-mail.

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The first major inquiry is regarding the participation of Internal Auditor. Based on his reading of the Charter (Section 4-104 and Section 8-116) and Code (Section 1-3-1(6)) he believes the charter does not specify that the OC must have a relationship or use any services of the auditor, unless we choose to. Just because previous OC actively engaged the auditor for all services, we are not obligated to do the same. We are absolutely not prohibited from seeking assistance from outside contractors.

The second major inquiry he addressed is the Sunshine/Open Records Law. He clarified that when the commission meets for official public business, we must publish the meeting notice and agenda, and keep minutes. We must provide these elements to the Clerk of Commission.

The Association of County Commissioners of Georgia does provide technical assistance to local governments. They publish a book about Open Meetings.

*(Internal note from Secretary - This may be the book he is referring to:*

<https://www.accg.org/library/legal/Open%20Meetings%20and%20Open%20Records%20Laws%202016.pdf>)

He notes that all records are subject to open records including notes, phones, emails, even emails on personal devices if you have discussed public business. He also noted that sub-committee meetings are subject to sunshine laws. He suggested minutes be summaries of what occurred, in addition to action taken during the meeting.

The third issue he addressed is the BAC Handbook. He does not believe the BAC is applicable to this commission. It is only applicable to commissions and authorities that are appointed by M&C. He did suggest it isn't a bad idea to follow it in general but it is not required.

Lastly he suggested that public input is not required at every meeting, and he pointed to ACCUG committee meetings for precedent. However, including public input at specified sessions is prudent if you can incorporate that into your work plan.

Some pertinent questions by Commission members were answered during the session.

Chair Higgins asked Judd to define what constitutes a meeting in terms of public meetings. Judd said that law only specifies what constitutes a quorum for the Commission of ACCUG.

The general guidance is that a majority of a body is a quorum, however we have latitude to define that. He says we can make a motion at a meeting to define a quorum. Based on the fact that the commission is now made up of 20 members, after the resignation, 11 would be a reasonable quorum. Each committee can specify what constitutes a quorum as well.

At a later point in the discussion he explained the implications of quorums but it seems relevant to include here. He made the point that it is important to not box yourself in with high quorum requirements, because if you are having a meeting to do public business, and you can't reach the quorum, you are required to adjourn within a short amount of time.

There were several inquiries about whether ad hoc work groups, informal gatherings, meeting with county officials, where less than a quorum of the entire commission or any one committee, would qualify as

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public meetings and need to be announced. Judd says that facility visits are an allowable exception in the law. The general understanding reached is that if we have meetings with departments where no action is taken or planned, these do not constitute public meetings and do not need to be advertised.

*(Internal note from secretary - page 11 of the book mentioned above outlines this clearly. )*

Sherry Tanner raised a new issue regarding an inadvertent sunshine law violation due to the last minute nature of the work of the grand jury in seating the OC.

*(Internal note from secretary - a bit of background - the grand jury seated the commission on January 7 - we were each notified of our appointment to the commission two hours before the first "meeting" we were required to have on January 7. This meeting was more informal in nature - only introductions were made. There was no public business. Near the end of that meeting, we agreed we would have an "official" meeting on January 8. There was not 24 hours to give notice of the January 8 meeting, so we were not able to give notice. )*

Her question was whether that was a violation of the law, and whether the actions we took would be nullified. Is there something we can do to address this risk factor? Judd says the answer is yes, and to be safe, we should vote again on those action items at another meeting. He did point out that if we need to amend an agenda right before or during a meeting, that is acceptable, as long as it doesn't become a pattern, and we aren't doing it to hide official business.

Sherry Tanner again asked for clarification on whether we can work directly with the auditor without going through the manager's office. She has concerns about a perceived conflict of interest because the manager supervises the departments we will be meeting with. Judd replied that ACCUG is a manager form of government and the language in the charter is very clear - the auditor assists the M&C and Manager - with the work of the overview commission. We must go through the Manager's office before contacting any department heads or directing work of the people he manages. He may opt to designate the auditor as the defacto liaison with the department heads, but this is his decision and not ours.

Judd reminded us that we have every right to file open records requests if we feel the manager is interfering with our work, but encouraged us to approach this overview with a spirit of cooperation and collaboration.

Timothy asked a question about calling into meetings or using remote meetings. Judd says we should keep remote meetings to a minimum. Timothy went down a line of questioning about whether we can try to interview departments or organizations that are not official departments. Judd says that we can try to get information from anyone that we think is appropriate, but that some agencies or organizations may not cooperate. Examples were state courts and school boards. Timothy also asked about whether the ACCUG could alter the charter to extend the amount of time we are given to complete the report, and what would happen if we can't submit it by December 31 this year. Judd says the charter can be amended in general. Elizabeth interjected that she posited this question to the DA, and he told her that, while the charter can be changed, it would not apply to our commission. We are sort of stuck with our charge. Judd did say, if we don't supply the document according to the charter, a citizen could file a *mandamus* to produce the report as is, or a judge can appoint a separate committee to get it done.

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Alex asked whether we had authority to look at units in Winterville or Bogart, because we provide budget resources to them. Judd didn't think so, but we could certainly spend our time inquiring for information, and if we don't get it, we can file open records request. However, recommendations made may have no effect.

- III. Executive Committee (Provisional) Meeting Summary - Chair
  - A. Meeting with ACCUG Auditor and with CVIOG.
  - B. Recommendations for Board Consideration regarding administrative, facilitation support, and research resources for the OC.
  - C. Member Discussion

Chair Higgins discussed the general purpose of the meetings with CVIOG and Auditor

She outlined the needs the OC has as:

- Administrative (clerking, organizing documents)
- Research (document retrieval, public surveys, cost benefit analysis)
- Facilitation (contact with government offices, public input sessions, OC training and meeting management)

She proposed three possible courses of action

- Select the auditor's office/OOA as the primary support for all services
- Select outside agency to perform as primary support for all services
- Use a hybrid approach where auditor performs administrative support but we use an outside agency for specialized training and research and facilitation support

She reviewed the pro's and con's of both the OAA and CVIOG.

~Meeting break at 7:23p~  
~Meeting reconvened at 7:40p~

Immediately following the break, a motion was made by Richard Davis, seconded by Gail Cowie to "Select the Auditor as primary administrative support and connection to the government departments, and as the primary provider of ACCUG documents and information, and CVIOG for specialized training, research, and facilitation support"

**A substitute motion** was made by Peter Norris, seconded by Vice-Chair Napier, to amend the motion to add "as needed" onto the motion.

**The amended motion passed by unanimous vote.**

*"Select the Auditor as primary administrative support and connection to the government departments, and as the primary provider of ACCUG documents and information, and CVIOG for specialized training, research, and facilitation support, as needed."*

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Chair Higgins asked Gail Cowie to assist with the creation of a Statement of Work we can provide to CVIOG for a budget proposal.

Chair Higgins invited Stephanie Maddox to join us at the table as an ex-officio member of the Overview Commission.

## IV. Operating Focus Proposals - Vice Chair

Vice Chair Napier reviewed the six county commission goals and objectives or commitments of 1) Healthy, Livable, Sustainable Athens-Clarke County; 2) Transportation Mobility and Connectivity; 3) Economic Prosperity; 4) Safe and Prepared Community; 5) Informed and Engaged Citizens; and 6) Accountable and Responsive Government.

Vice-Chair Napier reviewed the framework that was distributed before the meeting. He proposes that we use these 6 guiding goals for analysis of data we collect and gather. There were sample questions provided in the framework document.

Stephanie Lynn requested a question to be added to all department interviews -

*“How do you ensure responsiveness to your constituents? Does your department have a mechanism to receive requests and track requests?”*

The group asked this be added to the minutes.

Mumbi would like this commission to look at what happened with the recommendations from the previous commission. The response document was a response to the recommendations but it was not a follow up about what was or was not implemented. Vice-Chair Napier reminded us that we were advised not to come back with 150 recommendations, based on Kelly’s comments, but some much larger big picture recommendations. Stephanie Maddox said the follow up on what was implemented is in the works.

A motion was made by Richard Davis, and seconded by Frank Platt, to accept Vice-Chair Napier’s framework document be adopted as our work plan strategy. A motion was made by Gail Cowie that we clarify the language in the document if this is what we are being tied to.

*A motion was made by Peter Norris, and seconded by Alex Vanden Heuvel, to table this decision until the next meeting. The motion passed by unanimous vote.*

Chair Higgins asked that each of us follow up with Vice-chair Napier, using the Google group, to ask for clarifications or modifications to the document so that it can be presented at the February 6 meeting for approval.

## V. Formation of Committees - Vice Chair

- A. Review the Proposal for departments organized under named committees
- B. Seek volunteers for each committee
- C. Adjourn for Breakout sessions for Committees to Organize

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## D. Re-convene for feedback and for committee chair and committee secretary nominations

A recommended committee structure was provided to members prior to the board meeting. Vice Chair Napier explained that categorized the units based on the four committees we agreed on in the January 8 meeting. The courts were struck from the list based on the presentation by Lucy Rowland on January 22. The boards and commissions are not very clear. Gail Cowie suggested as we meet with departments, we can find which of those boards or commissions are tied closely to the department, and handle those during department work. We will have a list of orphans after meeting with departments, and we can decide how to handle those at that juncture.

There was a signup board for people to express their preference. People were asked to sign up for the committees using preference and to put an asterisk by their name if they are interested in serving as either chair or secretary of the committee.

*(Internal note from secretary - Below I have summarized what I think will happen next week with regards to committees. I am not absolutely sure this is the exact process we agreed on for next week, but it is what made sense based on the comments I recorded and memory - I am open to re-interpreting this area of discussion if anyone has any alternative suggestions to the process - I think it is important that we all understand what will occur next week with regards to the committee assignments)*

The first order of business next week on February 6 will be to formally propose committee assignments based on the requests from signups tonight and any modifications made during the week via google group messages. Next week, we should have a clear committee assignment list, and a motion will be made to approve committee assignments. After committees are formed and approved, the committees will meet in small groups together to decide who will be chairs and secretaries and iron out meeting details. The group will reconvene as a body, and each committee will motion to approve their chairs and secretaries.

Voluntary Committee sign-ups from the board were as follows. If there is a number after a name that indicates it is a 2nd, 3rd or 4th preference. Members without numbers means that committee is their first preference. Chair Higgins and Vice-Chair Napier did not sign up - they will serve as needed or as ex-officio.

<b>Government and Administrative</b>	<b>Taxes &amp; Revenue</b>	<b>Public Service</b>	<b>Public Safety</b>
Gail Cowie	Paul Bunce	Hunaid Qadir (2)	Toby Chapeau
Peter Norris*	Andrea Farnham	Roy Schmidt	Frank Platt
Sherry Tanner	Richard Davis	Alex VH	Ellen Walker *
Ellen Walker	Peter Norris* (2)	Gail Cowie	Paul Bunce (2)
Richard Davis (2)	Stephanie Lynn*	Joe Fabregas	Hunaid Qadir
Andrea Farnham (2)	Timothy Pierce	Brandy Kirkwood*	Brandy *
Timothy	Tomlinson (4)	Sherry Tanner (2)	Timothy (2) *
Pierce-Tomlinson (3)		Tim (1)	
Mumbi Anderson		Mumbi (2)	

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Please get input to Vice Chair Napier for updates to his work. Provide input to Gail Cowie for items you would like to see on the SOW. Chair Higgins will put a timeline together for our work - project management. Hunid is working on documenting the historical process of what we are going through for the next commission.

## VI. Next Scheduled Meeting - Thursday, February 6th, 2020

The auditor will be scheduling meetings starting on February 20 - if something needs to be addressed as agenda item for February 20 please let Stephanie Lynn know.

Ellen has been tasked with coming up with a public information plan - get a survey out - electronically will be best. Communicate with Gail about what we need for the survey. We need to vote on the committees before we meet as committees.

## VII. Other Items as needed

Chair Higgins offered to carpool with people who have transportation issues.

## VIII. Closing Remarks

Ellen will be taking minutes next week because Stephanie Lynn will be absent.

**~Meeting adjourned at 8:59p~**