MINUTES – CALLED MEETING CITY OF CAMILLA, GEORGIA MARCH 23, 2022

The Called Meeting of the Mayor and City Council of the City of Camilla was called to order at 2:00 p.m. on Wednesday, March 23, 2022 by Mayor Owens.

Roll call indicated the following present: Councilmember Tucker, Councilman Burley, Councilman Morgan, Councilman Pollard, and Councilman Palmer.

City Clerk Cheryl Ford and City Attorney Tommy Coleman were also present.

OPENING PRAYER AND PLEDGE

Councilmember Tucker gave the invocation and the Mayor and Council led the Pledge of Allegiance to the Flag.

CITIZENS AND GUESTS

Sign-In Sheet Attached.

APPROVAL OF AGENDA

On motion by Councilman Pollard, seconded by Councilman Burley, the motion to approve the Called Meeting agenda for March 23, 2022 passed by a unanimous vote.

COUNCIL AUTHORIZATION - INQUIRIES AND INVESTIGATIONS

Mayor Owens stated the reason for the called meeting is to authorize a resolution for an inquiry and investigation into certain budget transfers made in order to produce a balanced budget for fiscal year ending September 30, 2021. He asked for a motion from the floor which was made by Councilman Morgan and seconded by Councilman Pollard. Councilmember Tucker stated she needed clarification from the city attorney for Section 2, which references the City Council may subpoena witnesses and if it is the City Council collectively and not one member of the City Council. City Attorney Coleman replied that was correct. Councilman Palmer asked the nature of the inquiry and investigation. Mayor Owens stated the nature of it, or the genesis of it, is within the motion and would read it again. Councilman Palmer stated he wants to know who is going to do it. Mayor Owens stated it is his understanding, and the consensus, he will ask the questions for and represent the council in these matters. Councilman Palmer asked him if he was saying he was going to do it to which Mayor Owens replied yes. He asked him what his qualifications were to do that. Mayor Owens replied the qualifications to ask questions. Councilman Palmer stated it [resolution] said inquiries and investigations and the budget, which to him, would indicate a state approved auditor to do that. He asked if he was a state approved auditor and Mayor Owens replied he was not. Mayor Owens commented what he would like to do is basically go over it for the public, noting Councilman Palmer made a great point and it is a great question. He thinks it requires more clarification on what this is, noting Councilwoman Tucker also touched on it. He read the seventh Whereas of the Resolution, and once posted online the public can view, which

states: Section 2.16 of the City Charter of the City of Camilla authorizes the City Council to make inquiries and investigations into the affairs of the City and the conduct of any department, office, or agency thereof. The way he reads that, as Mayor of the town, he has the authority with consensus of the council to make inquires and investigations into the affairs of the City and the conduct of any department, office, or agency thereof. The qualifications is his election as Mayor of the city. Councilman Palmer stated he contends he is not qualified and recommends they get an approved state auditor who does this all over the state, recognized by the state, and would add quality to what they are talking about. Mayor Owens commented that is a fair statement and if he wants to have a substitute motion it is in order. Councilman Palmer made a motion. City Attorney Coleman stated they have two different things: (1) to open the inquiry; and (2) the procedure, which is what they are talking about now and setting parameters on how to do it. Councilmember Tucker asked the city attorney in Section 2, where it talks about the inquiry and investigation, the City Council may and if they adopt this resolution she contends the City Council will be the one asking the questions, not the Mayor. The City Council as a whole would be involved in subpoening witnesses, administering oaths, rather than one individual. City Attorney Coleman commented he has been serving city government for fifty years and the first time he has done this and they will all feel their way together. He also asked a couple of attorneys yesterday and it does seem to contemplate some formal tribunal where people are subpoenaed to come and give testimony. It does not say but leaves it up to them how to conduct by majority vote and set the parameters, and the City Council does that. Councilman Morgan commented if they continue to look through the Resolution and what the Mayor was getting to in his thorough discussion of what this investigation and inquiry will be, it does mention asking questions into budget transfers as shown on the attachment. It is his thought Mayor Owens will ask city staff, our greatly qualified city staff that prepared the budget, questions regarding the budget. That is the question and if it takes another substitute motion to the original motion, he will add this inquiry be made by the Mayor. It sounds like there is a consensus that whoever does the inquiry the council needs to provide it and will add a substitute motion to allow the Mayor to ask the questions. Mayor Owens stated as the city attorney has opined, we will first vote on the inquiry itself and then vote on what those parameters will be and how it will be conducted. Councilwoman Tucker and Mayor Pro Tem Morgan bring up a very interesting question and thinks it appropriate at this time to let the public know the purpose of this and why they are heading in this particular direction. The way the City's Charter is designed the staff works for and takes their direction from the city manager, not the City Council. If there is going to be a budget amendment to the original budget, the council is the entity that approves that. If there is a budget amendment and there are questions from the council to do that, it would seem logical you could just go and ask these questions. There are very specific questions they were not aware of as a council leading up to this budget amendment. To make sure they stay in line with the Charter, the Mayor or any councilmember should not be heading to any member of staff asking questions as it relates to their day to day operations and it would be completely inappropriate. The only way to do that, the only way the Council can get some questions answered before the budget is amended, is to ask those questions. In fairness to the city manager and staff this is the only way they can do that. It is not his intention, nor the intention of the Council, they will be handing out subpoenas. One of the questions is to know about a specific transfer and what makes up the

credit for that. He reminded the public they may have one item generated by the public or city resources and supposed to be recouped by private resources. The money listed in the budget amendment to fill that hole is all public money. There is a question if there is a private debt why would we potentially be using public money to pay for it. It is the primary purpose why this is being introduced and wanted to clarify for the public and Council. Councilmember Tucker asked the city attorney if it would be, since it is not appropriate for the Mayor to be the only one questioning employees, if it seems like the Council is not in agreement with the full council participating in the inquiries, she thinks there should be another councilmember appointed to serve with the Mayor. She is not comfortable with the Mayor questioning employees. Councilman Palmer stated he does not think any employee should do that and really should not do that. If the Mayor is going to do that, it should be one councilmember or all of them and not one individual talking to employees in city hall. Mayor Owens commented one of the main issues that needs to restated and has been stated before in the past, the city manager is responsible to the City Council. The entire operation of this city is responsible to the City Council. They approve the budget, amend the budget, and put a tremendous amount of trust and confidence in the executive side of the house to conduct the day-to-day business. When this council, which is four affirmative votes, decide there is something they need to look in to, not only do they have a right to do it, he would argue they have a responsibility to do it. He thinks that the idea the Mayor in this sense, or a majority of the council, would be able to go to an employee and talk about a particular transfer that ultimately will end up back in front the council is a bit off. He understands the concern and thinks one of the things they need to do is: (1) see if they have enough votes to approve the inquiry; and (2) parameters to actually execute the inquiry and investigation. He asked if there were any additional questions related to the current motion for inquiry and investigation as a standalone. Councilmember Tucker commented her question is with respect to coming in here today prepared to vote yes on a resolution with that language changed and the compromise she is offering. She has no reason for the resolution not to pass except for the exception of the Mayor doing this solely. If the resolution can be amended to the Mayor and a member of council, she supports the resolution. The resolution says the City Council and she is comfortable with the City Council. But what she is hearing is that it is not actually the City Council but the Mayor is going to be doing the interrogation of our city employees. Councilman Morgan stated his understanding from the Charter is the City Council is comprised of the mayor and the council. Mayor Owens stated Councilman Morgan would offer a substitute amendment to add the Mayor to do this. If it fails they can revisit it. Councilman Burley stated they should focus on the resolution and take the advice and recommendation of the city attorney. This is their first time dealing with this this and need to feel their way in doing this. In doing this and the next stage of where to go, have conversation who is going to accompany the Mayor. They can appoint a member of council to join the Mayor in the investigation and making inquiries. They need to focus on that first and feels like if they don't get started they can't get to the next level. Councilman Morgan commented they could open it up to a member of each district but is also comfortable allowing the Mayor to do it. Mayor Owens commented the primary issue defined in this is it ends if we don't get this done by the end of the month and it is potentially an issue. He stated they need to take care of the original motion and then take care of the parameters of how it will be conducted. Councilmember Tucker asked if the resolution

before them is being voted on. Mayor Owens replied yes and they would come back and vote on the parameters for that. Councilman Palmer asked if there would be amendments to the resolution and Mayor Owens replied no. It is two separate things. The first thing is to approve the motion which is the resolution authorizing an inquiry and investigation into certain budget transfers made in order to produce a balanced budget for the fiscal year ending September 30, 2021. A motion has been made and properly seconded (Clerk's Note: Motion-Councilman Morgan; Second-Councilman Pollard). Councilmember Tucker commented she will support the resolution as written because she has full faith nothing will show up in the audit and interrogation and wants that clear as the reason she is voting for it. Councilman Palmer commented this should be done by a state approved outside auditor that comes in, looks at it, and gives an opinion, not done inside of this council in city hall. The motion to approve the Resolution passed by a 5-0 vote. Mayor Owens stated Phase One is done.

Mayor Owens stated they are ready for the parameters and what will be helpful is that he can tell them exactly what the questions, if the Council allows the Mayor to do this, or the spirit of the questions, will be. As mentioned before, they have a situation and have addressed it on the accountability side, which was done yesterday. They are now going to have to figure out how they are going to balance the budget. There appears to be, based on information presented to the Council, a deficit remaining from the security contract, an unapproved contract, the City had with Tyson. That is a private debt owed to the City and the question is the general fund revenues to balance. For the public he stated there are expenditures of \$384,050 and an equal amount of revenues of \$384,050. What it appears is all the funds that will balance the \$384,000 are all public funds. The question is how do we get the potential private debt balanced inside the budget amendment. The questions have to be: (1) what are the source of revenues generated here, is it all public money; and (2) the expenditures to open that up to see exactly what is inside there. He wants to make sure the language used - audit - this is not an audit. It is an inquiry and investigation, it's questions. The audit is what got us here and we may need another audit before we approve the budget amendment. That may be a possibility but in the interim we need to find out exactly where we are. Today is Wednesday and if we are going to send to the State it has to be done by next week and they have not got to the budget amendment. What he could do is report back to the Council and there is going to be a tremendous amount of flexibility and fluidity to get it done. It is easy for him to do that. Councilman Pollard commented as an elected official, and others around the table being a collective council, it means the Mayor is also on the Council. As to the elected officials, if they can't put trust in him to do the inquiry then they have issues. Councilmember Tucker commented they do. Councilman Pollard stated issues he is willing to bet on. He [Mayor Owens] would ask questions and it wouldn't be other than to put shame to the Council and has that much belief and faith he would do exactly those things. As elected by the people he thinks he was elected for exactly that and each of them were elected to do a job, uphold accountability, and be transparent. If they are sitting at the table and don't want that now, they need to ask themselves the question is that what the people elected them for. If that is the case then they have a bigger issue, a moral issue and an ethical issue. As it stands right now he does not feel the Mayor needs to come out of his pocket or them to come out of their pocket to do an open records request, which could have been done. To simply ask questions do

an inquiry, he thinks they are stuck on investigation and asked if they were scared. They can get over investigation. He thinks they are stuck on the word investigation that he [the Mayor] is going to ask to open up this book, open up that book, and for them to get over it. Transparency and it will happen with this Council. Councilman Palmer stated unless we do it the right way with an outside audit to determine what is supposed to be, it is going to be more witch hunting and hocus pocus, besides the time. It was submitted at the first of the month and not new information.

Mayor Owens asked if there was a motion to designate the Mayor. Councilman Pollard made a motion to designate the Mayor to do the inquiry and investigation which was seconded by Councilman Morgan. Councilmember Tucker stated she wanted to be on the record in opposition to the motion and does not believe it is the appropriate way to handle it. She has voted on a resolution for inquiries and investigations, having zero problem with transparency. She feels like when they say we are able to agree with the Mayor having another member of Council and Councilman Morgan brought up an excellent point with having the Mayor and one member from District 1 and one from District 2. She thought it an excellent point and how they get transparency. They will not find a councilmember more ethical than she is. She is going to be ethical and transparent in every single thing she does. She does not feel comfortable with one individual being the one asking the questions of our city employees. It appears to her that the Council did, absent Councilman Palmer and herself, vote in opposition. The reprimand yesterday seemed like a conviction of all these facts and now we choose to investigate them. It seems a little opposite to her that they reprimand, now let's go investigate. Councilman Palmer stated our Charter is written the city manager is the only one supposed to deal with personnel. If we go by that this is the right way and what they are talking about today is the wrong way. Councilman Pollard stated they are contradicting themselves. They support the resolution but yesterday they did not vote on the reprimand and which one do they believe in. Councilmember Tucker stated she fully disagrees with the reprimand but agrees with the Resolution because she agrees in transparency and to have at it, because they are not going to find anything. Councilman Palmer stated the Resolution says City Council. Councilmember Tucker commented with respect to what Councilman Pollard was mentioning about a double speak, she stated what she considers a double-speak: In April of 2020 when all of this first went down and under the city manager's authority over personnel, he directed officers to Tyson. Why didn't, once it was disclosed, reprimand then and terminate if it was such an egregious act. What happened was a contract was prepared and the Council authorized the contract. On June 15th the contract was signed by our Mayor. In December the ones sitting on the City Council at that time issued a performance evaluation of the city manager's performance. There was no reprimand in December of 2021, no termination in December of 2021, and the city manager was to the point of seeing there was no way to be effective as a city manager with the Council he now had. He turned in his resignation letter and no one reprimanded him then. If they were so concerned about misappropriation of something on all these occasions, they had the opportunity to send him home and the opportunity to reprimand him, but it comes late in the game. Councilman Morgan asked the city attorney to correct the statement made by Councilman Palmer and if this is the correct way or wrong way going forward with the inquiry. City Attorney Coleman stated the Charter provides no right or

wrong way to carry it out. The procedure is something the council will have to devise on their own and carry it out. Ultimately it isn't council inquiry coming back to council one way or the other. As he listens to them talking they have four things under consideration: the Mayor's proposal he conduct on behalf of the Council, Mr. Morgan's proposal the Mayor along with two councilmembers from each district, to do it with an auditor, and the fourth one he brought up is they sit as a tribunal and ask people (finance director, police chief and others) to come and provide documents and give to the entire Council. They then make a decision about that. He thinks if it implies anything it implies that because it talks about subpoenas and testimony. Councilmember Tucker asked if he had an opinion which would be best of the four options. Attorney Coleman replied the latter where everyone sits here and asks people to come in and bring data. Councilmember Tucker stated that is the way the Resolution is written. Councilman Palmer stated that is what he voted for. Mayor Owens stated they have not voted yet. Councilmember Tucker and Councilman Palmer stated that is what they voted for (the Resolution). Mayor Owens stated they have not voted yet and sure the city attorney will agree, the City Council in its' generic form is four affirmative votes as it relates to what they do or don't do. The City Council represents the majority vote and it is important when they talk about the tribunal. He reminded everyone why they are here. They had no less than three public hearings related to the budget. It was never disclosed by the city manager or staff there was a contract or agreement, but has been determined it constituted a contract, with Tyson for a full year or at that time at least four or five months. The tribunal would have been in those three public hearings where we would expect, as required by the Charter, for it to be disclosed. The only person who had that information, at the very least or one of the individuals who had that information, was the city manager. It was not shared with the Council and that was their opportunity to speak as a collective group and ask questions. As it relates to Councilwoman Tucker's question, why now and not when you did the performance evaluation, when you did the contract, why didn't you reprimand then. We were told up until they were given the proposed budget amendment, it wasn't until just a couple weeks ago we learned there is potentially a deficit. We have been told for the last 15 to 18 months we would be made more than whole. It would not cost us one dime. Now they have the proposed budget amendment and know there is potentially a deficit. Now that we know we have to ask these particular questions and is the answer to her question. Councilmember Tucker stated they approved the Resolution for the City Council to do the inquiry and why is he [Mayor Owens] in objection to someone being with him when the inquiries are being made. Mayor Owens stated the main reason is because they had no idea, up until recently, they are potentially dealing with a catastrophic situation with the State as it relates to the budget amendment. The deadline is next week. There are very specific questions and fluidity that will be needed over the next 48 hours to get in and get these questions answered. The fail-safe or the comfort the Council should have is this is the inquiry and not the approval of the budget amendment. If there is an issue, once the date is set for the public hearing related to approving the budget amendment, the information brought back to them they can either delay, move forward, or have the State come in and do the whole deal. They are not there yet but over the next 48 hours he has the flexibility to ask those questions and do that. Councilmember Tucker stated she volunteers to be with him the next 48 hours. Mayor Owens stated that is fair. Councilman Palmer stated if they are not going with that (Resolution) he wants to reverse his

vote to no. That is what it says and he [Mayor Owens] is already saying he is not going to go by it. Mayor Owens stated the vote has already been cast and his objection is noted. Mayor Owens stated they have a motion on the table that has been seconded. The motion on the floor is to authorize the Mayor to conduct the inquiries and investigations related to certain budget transfers made in order to produce a balanced budget for fiscal year ending September 30, 2021. Councilmember Tucker requested to amend the motion to allow the City Council to conduct the evaluation with a member from District 1 and District 2 assisting the Mayor. Mayor Owens stated they have a substitute motion to have the City Council, a representative from District 1 and District 2, accompany the Mayor while making the inquiries. Councilman Morgan asked the Mayor what he commented earlier he would do regarding the substitute motion. Mayor Owens stated what he will stipulate, if given the authority to do this, is call Councilwoman Tucker and say he is headed to talk to whomever about this at 8:00 tomorrow morning and where he will be. He has absolutely no problem doing that. It is important to understand the questions, they don't have time to add even more confusion to the process. If he makes that call and the councilwoman shows up, the Mayor is the lead. He thinks some folks will be very surprised this is not going to take a long time. They are very specific questions he thinks this Council, based on consensus of some of the concerns of this Council, will be taken care of. Councilman Palmer stated an appointment should be set up because everyone works off of appointments and times so she knows or whomever will know. Councilmember Tucker stated she has an amended motion on the floor. Councilman Palmer seconded the motion. Voting in favor of the amended motion: Councilmember Tucker and Councilman Palmer. Voting in opposition: Councilman Burley, Councilman Morgan, and Councilman Pollard. The Mayor voted no and the substitute motion failed. He announced they are back to the original motion. Steve Sykes asked if the public could speak at this meeting since it was a public meeting. Mayor Owens replied no and that was at the beginning before he called the meeting to order. The motion on the floor is to have the Mayor conduct the inquiry and report the findings back to the Council. The motion has been properly seconded. Councilman Morgan asked for him to send an email to council members when he does meet with staff and if council is available they are welcome to attend. City Attorney Coleman stated if they have too many it would be a quorum. Mayor Owens stated they would keep the original motion which has a second. Voting in favor of allowing the Mayor to make the inquiries and investigations: Councilman Burley, Councilman Morgan, and Councilman Pollard. Voting in opposition of allowing the Mayor to make the inquiries and investigations: Councilmember Tucker (strongly opposed) and Councilman Palmer. City Attorney Coleman stated that doesn't mean two could not come as long as they don't create a quorum. Councilman Pollard stated they have a motion that has already been passed. Mayor Owens voted in favor of the motion to allow the Mayor to conduct the inquiry and investigation. The motion carried by a 4-2 vote.

Mayor Owens stated what he would do, once he is done, he will send in an email of exactly what he asks the staff member and there will be no secrets related to that. Councilman Palmer stated if he was an employee of the City of Camilla he would not talk to him [the Mayor] by themselves. Mayor Owens stated at that particular point there are, obviously, other remedies for that.

Steve Sykes made an inaudible statement and Mayor Owens asked him if he was there as the city manager or the public. Steve Sykes stated as an interested public. Mayor Owens stated they are not taking any comments from the floor.

Councilmember Tucker stated she had a letter in her possession she would like to read in to the record dated March 23. Mayor Owens asked her the subject and she replied the response to the reprimand. Mayor Owens denied her request to read the letter and stated it was a called meeting and by law they can only talk about what the called meeting is for. Councilmember Tucker stated it relates to inquiries and investigations. Mayor Owens stated that would have been for the discussion period and he was sorry.

ADJOURNMENT

On motion by Councilman Pollard, seconded by Councilman Morgan, the meeting adjourned at 2:55 p.m.

BY:

KĖLVIN M. OWENS, MAYOR

ATTEST

CHERYL FORD CLERK

CITY OF CAMILLA, GEORGIA ~ SIGN-IN SHEET

DATE: MARCH 23	2022 TIME: 2	1:00		P.M.
MEETING: COUNCIL	☐ WORK SESSION	OTHER:_	CALLED	

SPEAKER NAME ADDRESS NO YES TOPIC OF DISCUSSION

City of Camilla, Georgia RESOLUTION NO. 2022-03-23-1

A RESOLUTION AUTHORIZING AN INQUIRY AND INVESTIGATION INTO CERTAIN BUDGET TRANSFERS MADE IN ORDER TO PRODUCE A BALANCED BUDGET FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2021; REPEALING ALL RESOLUTIONS IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES.

WHEREAS, the City of Camilla adopted a budget to fund the delivery of services for the citizens of the City for the fiscal year beginning October 1, 2020; and

WHEREAS, during the course of the year expenditures were made for certain line items and categories of service in excess of the annual budget; and

WHEREAS, O.C.G.A. § 36-81-8 provides for an annual audit of local government finances which must be submitted to the Department of Community Affairs; and

WHEREAS, the submission of an audit showing an unbalanced budget by the City would produce an audit exception and potentially cause the Georgia Department of Audits to demand corrective action by the City which could include posting articles in the newspaper should the local government fail or refuse to take corrective action and such refusal being a violation of state law; and

WHEREAS, the Mayor and members of the City Council have expressed concern about budget amendments; and

WHEREAS, while it is the intention of the Mayor and Council to balance the budget, the Mayor and Council believe that further inquiries should be made into the budget transfers; and

WHEREAS, Section 2.16 of the City Charter of the City of Camilla authorizes the City Council to make inquiries and investigations into the affairs of the City and the conduct of any department, office, or agency thereof; and

WHEREAS, after careful study and deliberation, the Mayor and Council have determined to implement the provisions of this Charter provision and conduct an inquiry into the budget transfers.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Camilla as follows:

Section 1. The Mayor and Council shall make an inquiry into the budget transfers as attached hereto as Exhibit "A".

Section 2. During the conduct of this inquiry and investigation and as authorized by the Charter, the City Council may subpoena witnesses, administer oaths, and take testimony and require the production of evidence necessary for the inquiry and investigation of the budget transfers.

Section 3. All resolutions or parts of resolutions in conflict herewith are repealed.

so resolved, this 23rd day of WARCH

CITY OF CAMILLA

Mayor, Kelvin Owens

EXHIBIT "A"

1.	General	Fun	d

Revenues: Net Increase of \$384,050	
TAVT	\$128,000
Insurance Premium Taxes	32,700
Housing Authority-PILOT	73,800
GEMA/FEMA Reimbursement	25,600
Reimbursement/Damaged Property	93,950
Building Permits	15,000
Transfer in from ARPA Fund	<u>15,000</u>
Total	\$384,050

Total

Expenditures: Net Increase of \$384,050

Financial Administration	\$144,200
Legal	22,700
Government Buildings	20,800
Customer Service	90,100
Police	190,900
Fire	41,000
Public Works	77,300
Transfers to Airport Fund	7,100
City Manager	-68, 300
Inmate Housing	-9,800
Planning & Zoning	-9,950
Fund Balance Reserve	<u>-114,900</u>
Total	\$384,050

2. The City of Camilla amends its General Fund Reserves and Expenditures budget for a total of \$8,813,750.

ARPA Fund

Revenues-ARPA Grant Funds	\$936,000
Expenditures	
Transfers to General Fund	\$ 15,000
Transfers to Water/Sewer Fund	1,830
Transfers to Electric Fund	840
Transfers to Gas Fund	1,330
Fund Balance Reserve	917,000
Total Expenditures	\$936,000

3. The City of Camilla adopts an ARPA Fund revenues and expenditures budget for a total of \$936,000.