



Administrative Services Committee      Commission Chamber- 4/11/2011- 12:55 PM  
Meeting

## **ADMINISTRATIVE SERVICES**

1. An Ordinance of the Board of Commissioners of Augusta, Georgia to Amend an Act Entitled “An Act to Create a Board of Commissioners for Roads and Revenues for the County of Richmond; To Define their Powers and Duties; and for Other Purposes”, approved August 19, 1907 (Ga. L. 1907, p. 324), as amended by an Act approved August 14, 1931 (Ga. L. 1931, p. 555), as amended by an Act approved March 10, 1964 (Ga. L. 1964, p. 2809), as amended by an Act approved March 10, 1964 (Ga. L. 1964, p. 2810), as amended by an Act approved March 21, 1970 (Ga. L. 1970, p. 3325), as amended by an Act approved March 21, 1970 (Ga. L. 1970, p. 3327), as amended by an Act approved March 22, 1974 (Ga. L. 1974, p. 3034), as amended by an Act approved March 21, 1974 (Ga. L. 1974, p. 3562), as amended by an Act approved April 17, 1975 (Ga. L. 1975, p. 3857), Home Rule Ordinance approved December 7 and 21, 1976 (Ga. L. 1977, p. 4559), Home Rule Ordinance approved May 1 and May 15, 1979 (Ga. L. 1980, p. 4590), as amended by an Act approved March 14, 1984 (Ga. L. 1984, p. 4245), and Home Rule Ordinance approved February 19 and March 5, 1991 (Ga. L. 1992, p. 7048), relating to those provisions which survived consolidation; to strike language requiring that the Administrator have an office at the Courthouse; to update the name of the government; to repeal all Local Laws, Charter Sections, Code Sections and Ordinances and parts of Local Laws, Charter Sections, Code Sections and Ordinances in conflict herewith; to provide an effective date and for other purposes. ☐ [Attachments](#)
  
2. Motion to approve an ordinance to amend the Augusta, GA Code Title One Article Three Section 1-2-36 relating to duties of the Administrator of Augusta, Georgia; to repeal all code sections and ordinances and parts of code sections and ordinances in conflict herewith; to provide an effective date and for other purposes . ☐ [Attachments](#)

3. An Ordinance to present Proposal to amend the Augusta, Georgia Charter (§ 1-40) and Laws of Local Application (1995 GA. Laws p. 3648, § 14), relating to Equal Opportunity; to separate the function of Equal Employment Opportunity from Minority and Small Business Opportunities; to provide policies and guidelines; to create a Local Small Business Business Opportunity Program and Citizens' Small Business Advisory Board; to create a DBE Program for federally assisted contracts; to repeal all Local Laws, Charter Sections, Code Sections and Ordinances and parts of Local Laws, Charter Sections, Code Sections and Ordinances in conflict herewith; to provide an effective date and for other purposes. □ [Attachments](#)

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**Administrative Services Committee Meeting**

**4/11/2011 12:55 PM**

**An Ordinance to Amend Local Laws and the Augusta, Georgia Charter to Strike Language Requiring that the Administrator have an Office at the Courthouse; to Update the Name of the Consolidated Government; to Provide and Effective Date and for Other Purposes**

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**Department:** Administrator

**Caption:** An Ordinance of the Board of Commissioners of Augusta, Georgia to Amend an Act Entitled “An Act to Create a Board of Commissioners for Roads and Revenues for the County of Richmond; To Define their Powers and Duties; and for Other Purposes”, approved August 19, 1907 (Ga. L. 1907, p. 324), as amended by an Act approved August 14, 1931 (Ga. L. 1931, p. 555), as amended by an Act approved March 10, 1964 (Ga. L. 1964, p. 2809), as amended by an Act approved March 10, 1964 (Ga. L. 1964, p. 2810), as amended by an Act approved March 21, 1970 (Ga. L. 1970, p. 3325), as amended by an Act approved March 21, 1970 (Ga. L. 1970, p. 3327), as amended by an Act approved March 22, 1974 (Ga. L. 1974, p. 3034), as amended by an Act approved March 21, 1974 (Ga. L. 1974, p. 3562), as amended by an Act approved April 17, 1975 (Ga. L. 1975, p. 3857), Home Rule Ordinance approved December 7 and 21, 1976 (Ga. L. 1977, p. 4559), Home Rule Ordinance approved May 1 and May 15, 1979 (Ga. L. 1980, p. 4590), as amended by an Act approved March 14, 1984 (Ga. L. 1984, p. 4245), and Home Rule Ordinance approved February 19 and March 5, 1991 (Ga. L. 1992, p. 7048), relating to those provisions which survived consolidation; to strike language requiring that the Administrator have an office at the Courthouse; to update the name of the government; to repeal all Local Laws, Charter Sections, Code Sections and Ordinances and parts of Local Laws, Charter Sections, Code Sections and Ordinances in conflict herewith; to provide an effective date and for other purposes.

**Background:** The Board of Commissioners of Richmond County was created by 1907 legislation titled “An Act to create a Board of Commissioners for Roads and Revenues for the County of Richmond”. This act has been amended numerous times over the past century and parts of it have been superseded by other laws (Ga. L. 1995, p. 3648; Ga. L. 1996, p. 3607; Ga. L. 1997, p. 4024; Ga. L. 1997, p. 4690). The portions of the act that have not been superseded have not been updated in a number of years. Until

now, the location for Richmond County and other Augusta, Georgia judicial functions have been at the Municipal Building at 530 Greene Street and the facility at 401 Walton Way in Augusta, Georgia. Section 1-50 of the Augusta, Georgia Charter and Laws of Local Application 1980 Ga. Laws p. 4590, § 6 provide that the Administrator “shall have an office at the courthouse.” The Augusta, Georgia courthouse location will change as a result of the recent construction of the Augusta Judicial Center and John H. Ruffin Jr. Courthouse, located on Walton Way between 10th Street and James Brown Blvd. in Augusta, Georgia. The current plan is for the offices of the Administrator remain in the Municipal Building at 530 Greene Street rather than the new Augusta Judicial Center and John H. Ruffin Jr. Courthouse. This amendment is to strike the language requiring that the Administrator have an office at the courthouse and to update the language of these local laws to reflect the name change of the government required by 1997 Ga. Laws p. 4024, which designates the name of the consolidated government as “Augusta, Georgia”. A redline document reflecting the proposed changes is attached.

**Analysis:** See attached.

**Financial Impact:** N/A.

**Alternatives:** 1. Create an office for the Administrator at the new Judicial Center. 2. Have Commission meetings at the new Judicial Center.

**Recommendation:** Approve amendments.

**Funds are Available  
in the Following  
Accounts:** N/A.

**REVIEWED AND APPROVED BY:**

**Clerk of Commission**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF AUGUSTA, GEORGIA TO AMEND AN ACT ENTITLED “AN ACT TO CREATE A BOARD OF COMMISSIONERS FOR ROADS AND REVENUES FOR THE COUNTY OF RICHMOND; TO DEFINE THEIR POWERS AND DUTIES; AND FOR OTHER PURPOSES”, APPROVED AUGUSTA 19, 1907 (GA. L. 1907, P. 324), AS AMENDED BY AN ACT APPROVED AUGUSTA 14, 1931 (GA. L. 1931, P. 555), AS AMENDED BY AN ACT APPROVED MARCH 10, 1964 (GA. L. 1964, P. 2809), AS AMENDED BY AN ACT APPROVED MARCH 10, 1964 (GA. L. 1964, P. 2810), AS AMENDED BY AN ACT APPROVED MARCH 21, 1970 (GA. L. 1970, P. 3325), AS AMENDED BY AN ACT APPROVED MARCH 21, 1970 (GA. L. 1970, P. 3327), AS AMENDED BY AN ACT APPROVED MARCH 22, 1974 (GA. L. 1974, P. 3034), AS AMENDED BY AN ACT APPROVED MARCH 21, 1974 (GA. L. 1974, P. 3562), AS AMENDED BY AN ACT APPROVED APRIL 17, 1975 (GA. L. 1975, P. 3857), HOME RULE ORDINANCE APPROVED DECEMBER 7 AND 21, 1976 (GA. L. 1977, P. 4559), HOME RULE ORDINANCE APPROVED MAY 1 AND MAY 15, 1979 (GA. L. 1980, P. 4590), AS AMENDED BY AN ACT APPROVED MARCH 14, 1984 (GA. L. 1984, P. 4245), AND HOME RULE ORDINANCE APPROVED FEBRUARY 19 AND MARCH 5, 1991 (GA. L. 1992, P. 7048), RELATING TO THOSE PROVISIONS WHICH SURVIVED CONSOLIDATION; TO STRIKE LANGUAGE REQUIRING THAT THE ADMINISTRATOR HAVE AN OFFICE AT THE COURTHOUSE; TO UPDATE THE NAME OF THE GOVERNMENT; TO REPEAL ALL LOCAL LAWS, CHARTER SECTIONS, CODE SECTIONS AND ORDINANCES AND PARTS OF LOCAL LAWS, CHARTER SECTIONS, CODE SECTIONS AND ORDINANCES IN CONFLICT HEREWITH; TO PROVIDE AN EFFECTIVE DATE AND FOR OTHER PURPOSES.**

**WHEREAS**, those sections of “An Act to create a Board of Commissioners for Roads and Revenues for the County of Richmond” which pertain to the creation, election, and general powers of the Commission have been superseded by consolidation (Ga. L. 1995, p. 3648; Ga. L. 1996, p. 3607; Ga. L. 1997, p. 4024; Ga. L. 1997, p. 4690); and

**WHEREAS**, the location for Richmond County and other Augusta, Georgia judicial functions have been at the Municipal Building at 530 Greene Street and the facility at 401 Walton Way in Augusta, Georgia; and

**WHEREAS**, the Augusta, Georgia courthouse location will change as a result of the recent construction of the Augusta Judicial Center and John H. Ruffin Jr. Courthouse, located on Walton Way between 10th Street and James Brown Blvd. in Augusta, Georgia; and

**WHEREAS**, Section 1-50 of the Augusta, Georgia Charter and Laws of Local Application 1980 Ga. Laws p. 4590, § 6 provide that the Administrator “shall have an office at the courthouse”; and

**WHEREAS**, Augusta, Georgia seeks to have the offices of the Administrator remain in the Municipal Building at 530 Greene Street rather than the new Augusta Judicial Center and John H. Ruffin Jr. Courthouse; and

**WHEREAS**, 1997 Ga. Laws p. 4024 designates the name of the consolidated government as “Augusta, Georgia”; and

**WHEREAS**, Augusta, Georgia seeks to update the local laws to reflect the name of the consolidated government;

**NOW BE IT THEREFORE ORDAINED** as follows:

**CHARTER AND LAWS OF LOCAL APPLICATION.** An ordinance to amend local legislative act 1907 Ga. Laws p. 324, known as “An Act to create a Board of Commissioners for Roads and Revenues for the County of Richmond”, approved Augusta 19, 1907 (Ga. L. 1907, p. 324), as amended by an Act approved Augusta 14, 1931 (Ga. L. 1931, p. 555), as amended by an Act approved March 10, 1964 (Ga. L. 1964, p. 2809), as amended by an Act approved March 10, 1964 (Ga. L. 1964, p. 2810), as amended by an Act approved March 21, 1970 (Ga. L. 1970, p. 3325), as amended by an Act approved March 21, 1970 (Ga. L. 1970, p. 3327), as amended by an Act approved March 22, 1974 (Ga. L. 1974, p. 3034), as amended by an Act approved March 21, 1974 (Ga. L. 1974, p. 3562), as amended by an Act approved April 17, 1975 (Ga. L. 1975, p. 3857), Home Rule Ordinance approved December 7 and 21, 1976 (Ga. L. 1977, p. 4559), Home Rule Ordinance approved May 1 and May 15, 1979 (Ga. L. 1980, p. 4590), as amended by an Act approved March 14, 1984 (Ga. L. 1984, p. 4245), and Home Rule Ordinance approved February 19 and March 5, 1991 (Ga. L. 1992, p. 7048), so that said Act when amended shall read as follows:

Section 1. The Augusta, Georgia Board of Commissioners shall establish and maintain a program of recreation for the benefit of all citizens of Augusta, Georgia. In establishing and carrying out such program, the commissioners shall establish and locate recreational facilities throughout

Augusta, Georgia so that such programs shall be available to all citizens of Augusta, Georgia.

Section 2. The Augusta, Georgia Board of Commissioners shall establish a program of animal control to prevent stray animals from running at large throughout Augusta, Georgia. In order to carry out said program, the Commission shall establish and maintain appropriate facilities for the collection and housing of impounded stray animals from throughout Augusta, Georgia. The Commission shall have the authority to adopt reasonable resolutions in relation to the subject matter of this Section in order to carry out the powers, duties and responsibilities imposed upon them by the provisions of this section.

Section 3. Any person, firm, partnership or corporation violating any rule or regulation established by the Augusta, Georgia Board of Commissioners under the authority of this law for the protection of the general public in the control of animals, not in conflict with the general laws of this State of the United States, shall be guilty of a misdemeanor.

Section 4. The Augusta, Georgia Board of Commissioners shall establish a program to regulate and control access points and utility excavations on all Augusta, Georgia roads, and said Commission shall have the authority to adopt reasonable regulation in relation to the subject matter of this Section in order to carry out the powers, duties and responsibilities imposed upon them by the provisions of this section.

Section 5. The Augusta, Georgia Board of Commissioners shall each year prior to November 1<sup>st</sup> selected a certified public accounting firm to perform an audit of all Augusta, Georgia offices handling public funds for the subsequent fiscal year. No such firm shall be selected for said audit which has performed such services for three consecutive years.

Section 6. The Augusta, Georgia Board of Commissioners shall hold one session for Augusta, Georgia purposes on the first Tuesday in every month, except the month of April 2007 and the month of April for every year thereafter, and at other times as often as in their judgment the powers and duties herein conferred may require.

Section 7. The Augusta, Georgia Board of Commissioners shall have the power and authority to elect an Administrator. The Administrator shall be responsible to the Board of Commissioners of Augusta, Georgia for the

proper administration of the affairs of Augusta, Georgia. The terms and conditions of employment of the Administrator, and the duties of the Administrator shall be as determined by resolution of the Board of Commissioners of Augusta, Georgia.

Section 8. The Augusta, Georgia Board of Commissioners shall have the authority to elect an attorney at law who is licensed as such, and whose duty it shall be to advise and represent the Commission in all legal matters pertaining to the discharge of their official duties and to represent the interests of Augusta, Georgia as the Commission deems it proper. The term of office for said attorney shall be for one year, and he shall be elected by the Commission at its regular meeting in January of each year. Said attorney shall be compensated upon a fee basis or upon a fixed monthly, annually or other method of compensation as the Commission deems to be in the best interest of Augusta, Georgia. The county attorney shall be ineligible for membership under any existing pension or retirement laws of Augusta, Georgia.

Section 9. The Augusta, Georgia Board of Commissioners is authorized and empowered to employ additional attorneys for compensation when deemed in the best interest of Augusta, Georgia by the Commission, and to pay said compensation out of Augusta, Georgia funds.

Section 10. All laws and parts of laws in conflict with this amendment are hereby repealed.

**SECTION 2.** This ordinance shall become effective upon its adoption in accordance with applicable laws. Once this ordinance is read into the minutes by the Commission, a notice containing a synopsis of the proposed local act and Charter amendments shall be published in the Augusta Chronicle once a week for three weeks. Following the final week of publication, the local act and Charter amendments shall be placed on the Commission agenda for final approval. The local act and Charter amendments will be effective following the second reading of the final approval.

**SECTION 3.** All code provisions, ordinances or parts of ordinances in conflict herewith are to be repealed upon the final approval of these local act and Charter amendments.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

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David S. Copenhaver  
As its Mayor

Attest:

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Lena J. Bonner, Clerk of Commission

Seal:

## **CERTIFICATION**

The undersigned Clerk of Commission, Lena J. Bonner, hereby certifies that the foregoing Ordinance was duly adopted by the Augusta, Georgia Commission on \_\_\_\_\_, 2011 and that such Ordinance has not been modified or rescinded as of the date hereof and the undersigned further certifies that attached hereto is a true copy of the Ordinance which was approved and adopted in the foregoing meeting(s).

\_\_\_\_\_  
Lena J. Bonner, Clerk of Commission

Published in the Augusta Chronicle.

Date: \_\_\_\_\_

An Act to create a board of commissioners of roads and revenues for the county of Richmond; to define their powers and duties, and for other purposes (as amended).

~~Section 1.~~

~~(a) Beginning January 1, 1985, the governing authority of Richmond County shall be a board of commissioners of said county, referred to in the section as the board, consisting of six members.~~

~~(b) For the purpose of the board established in subsection (a) of this section, Richmond County is divided into six commissioner districts as follows:~~

~~Commissioner District 1—That portion of Richmond County lying within House District 85.~~

~~Commissioner District 2—That portion of Richmond County lying within House District 86.~~

~~Commissioner District 3—That portion of Richmond County lying within House District 87.~~

~~Commissioner District 4—That portion of Richmond County lying within House District 88.~~

~~Commissioner District 5—That portion of Richmond County lying within House District 89.~~

~~Commissioner District 6—That portion of Richmond County lying within House District 90.~~

~~As used in this subsection, 'House District' means representative districts of the Georgia House of Representatives specified in Code Section 28-2-1 of the O.C.G.A., as such Code section existed on January 1, 1984. Any part of Richmond County which is not included in an commissioner district described in this subsection shall be included within that commissioner district contiguous to such part which contains the least population according to the United States decennial census of 1980 for the State of Georgia.~~

~~(c) No person shall be eligible to serve as a member of the board unless that person:~~

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

~~(2) Continues to reside within the commissioner district from which elected during that person's term of office; and~~

- ~~(3) Is a registered and qualified elector of Richmond County.~~
- ~~(d) Those members of the board of commissioners of Richmond County serving as such on January 1, 1984, under the previously existing provisions of this section shall serve out their respective terms of office but shall be deemed to be serving out those terms in designated commissioner districts as follows:~~
- |                                      |                                    |
|--------------------------------------|------------------------------------|
| <del>— Mr. Larry Colet</del>         | <del>Commissioner District 1</del> |
| <del>— Mr. Tom Tinsley</del>         | <del>Commissioner District 2</del> |
| <del>— Mr. William J. Williams</del> | <del>Commissioner District 4</del> |
| <del>— Mr. Jack Miles</del>          | <del>Commissioner District 5</del> |
| <del>— Mr. Jack Padgett</del>        | <del>Commissioner District 6</del> |
- ~~(e) those members of the board who, under subsection (d) of this section, are deemed to be serving out their terms in the designated Commissioners Districts 1 and 4, shall serve until December 31, 1984, and the election and qualification of their respective successors, which successors shall be elected for Commissioner districts 1 and 4 at the 1984 November general election. At that same 1984 November general election, the first member shall be elected for Commissioner District 2. The first members thus elected from Commissioner Districts 1, 2 and 4 shall serve, beginning January 1, 1985, for initial terms of four years each and until their respective successors are elected and qualified under subsection (g) of this section. Those members of the board who, under subsection (d) of this section, are deemed to be serving out their terms in designated Commissioner Districts 3, 5 and 6 shall serve until December 31, 1986, and until their respective successors are elected and qualified under subsection (f) of this section. From January 1, 1985, until December 31, 1986, the board shall consist of those three members first elected under this subsection and those three incumbent members continued in office under this subsection.~~
- ~~(f) At the 1986 November general election, successors to those members of the board of Commissioners Districts 3, 5 and 6, all of whose terms expire December 31, 1986, shall be elected to serve, beginning January 1, 1987, for terms of four years each and until their respective successors are elected and qualified under subsection (g) of this section.~~
- ~~(g) Successors to members of the board whose terms expire after December 31, 1986, shall be elected at the general election immediately preceding the expiration of that respective member's term of office, shall take office on the first day of January immediately following their election for terms of four years and until the election and qualification of their respective successor.~~
- ~~(h) Each member of the board elected to the board in the 1984 November general election or any election thereafter shall be elected by a majority of voters voting within the commissioner district of that member. All members of the board shall be nominated and elected in accordance with the provisions of Chapter 2 of the Title 21 of the O.C.G.A., the Georgia Election Code.~~

- ~~(i) Any vacancy in the board which occurs within in six months prior to the expiration of a term of office shall be filled for the unexpired term, and until a successor is elected and qualified, by a member appointed by the remaining members of the board. Any vacancy in the board which occurs more than six months prior to the expiration of a term of office shall be filled for the unexpired term, and until a successor is elected and qualified, by a special election called for that purpose within 45 days after that vacancy occurs. No person shall be appointed or elected to fill a vacancy unless that person resides in the commissioner district corresponding to that of the member whose unexpired term is being filled.~~
- ~~(j) At the first regular meeting of the board in 1985, and at that first meeting each year thereafter, the members of the board shall elect from their number a chairperson and vice chairperson to serve as such until the first regular meeting of the board the immediately succeeding year. The chairperson shall preside at meeting of the board and vote on all matters before the board and have such further duties as the board may provide. The vice chairperson shall serve as the chairperson during the absence, disqualification, or disability of the chairperson. Vacancies in the office of chairperson or vice chairperson shall be filled by the remaining members of the board electing from this number a successor to fill any unexpired term as chairperson or vice person, respectively. A majority of the members of the board shall constitute a quorum for the transaction of business of the board.~~
- ~~(k) The chairperson of the board shall receive an annual salary of \$12,000.00, payable in equal monthly installments, and a monthly expense allowance of \$200.00 for actual and necessary expenses incurred in carrying out the chairperson's official duties. Member of the board, other than the chairperson, shall each receive an annual salary of \$7,200.00, payable in equal monthly installments, and a monthly expense allowance of \$100.00 for actual and necessary expenses incurred in carrying out their respective official duties. The salary and expense allowances of the chairperson and other members of the board shall be paid from county funds.~~
- ~~(l) The board shall have the right and power to issue all necessary writs and summon parties or witnesses before it and shall have the power to punish for contempt by fine or imprisonment in the same manner as the probate court. The sheriff or the county policy of Richmond County may be required to attend meetings of the board.~~

~~Section 2. Before entering upon the discharge of their duties, each member of the Board of Commissioners shall take an oath before the Judge of the Superior Court or Probate Judge of said County for the true and faithful performance of their duties and that they are not the holders of any public funds unaccounted for. In addition, each member of the Board of Commissioners shall further give a satisfactory surety bond to be approved by the Probate Judge of the County and payable to the Probate Judge or his successors in office and filed in the office of the Probate Judge, in the sum of Ten Thousand (\$10,000.00) Dollars, conditioned upon the faithful performance of the office, which bond, when approved by said Probate Judge, shall be by him~~

~~recorded in the recorded of official bonds kept by him in his office. The premiums due on all such bonds shall be paid by the County fiscal authorities out of the County treasury.~~

~~Section 3. Be it further enacted, that the said board of commissioners shall exercise all the powers relative to county matters that were vested in the judge of the city court as ex officio commissioner of roads and revenues under and by virtue of an Act “to constitute the judge of the city court in the County of Richmond ex officio commissioner of roads and revenues for Richmond County; to define his powers and duties; and for other purposes,” approved September 17, 1883.~~

Section 3A. The Augusta, Georgia ~~b~~Board of ~~e~~Commissioners ~~of Richmond County~~ shall establish and maintain a program of recreation for the benefit of all citizens of Richmond CountyAugusta, Georgia. In establishing and carrying out such program, the commissioners shall establish and locate recreational facilities throughout the countyAugusta, Georgia so that such programs shall be available to all citizens of Richmond CountyAugusta, Georgia.

Section 3B. The Augusta, Georgia Board of ~~e~~Commissioners ~~of Richmond County~~ shall establish a program of animal control to prevent stray animals from running at large throughout the countyAugusta, Georgia. In order to carry out said program, the ~~board of commissioners~~Commission of Richmond County shall establish and maintain appropriate facilities for the collection and housing of impounded stray animals from throughout Augusta, GeorgiaRichmond County. The ~~commissioners of Richmond County~~Commission shall have the authority to adopt reasonable resolutions in relation to the subject matter of this Section in order to carry out the powers, duties and responsibilities imposed upon them by the provisions of this section.

Section 3C. Any person, firm, partnership or corporation violating any rule or regulation established by the Augusta, Georgia ~~b~~Board of ~~e~~Commissioners under the authority of this law for the protection of the general public in the control of animals, not in conflict with the general laws of this State of the United States, shall be guilty of a misdemeanor.

Section 3D. The Augusta, Georgia Board of Commissioners ~~of Richmond County~~ shall establish a program to regulate and control access points and utility excavations on all countyAugusta, Georgia roads, and said ~~board~~Commission shall have the authority to adopt reasonable regulation in relation to the subject matter of this Section in order to carry out the powers, duties and responsibilities imposed upon them by the provisions of this section.

Section 3(D). The Augusta, Georgia Board of Commissioners ~~of Richmond County~~ shall each year prior to November 1<sup>st</sup> selected a certified public accounting firm to perform an audit of all countyAugusta, Georgia offices handling public funds ~~of Richmond County~~ for the subsequent fiscal year. No such firm shall be selected for said audit which has performed such services for three consecutive years.

Section 4. Be it further enacted, that said commissioners shall hold one session for countyAugusta, Georgia purposes ~~at the courthouse~~ on the first Tuesday in every month, except

the month of April 2007 and the month of April for every year thereafter, and at other times as often as in their judgment the powers and duties herein conferred may require.

~~Section 5. Be it further enacted, that they shall cause to be kept a book of minutes containing their acts and doings as commissioners, a complete record of the affairs of the county. Said minutes, records, and vouchers for all funds of the county disbursed shall be kept in the commissioner's office in the court house, and subject to the inspection and examination of the grand juries at each and every term of the superior court; and they shall at the spring term of the superior court make to the grand jury thereof, a full and explicit report of the condition of the affairs of the county for the preceding, and accompany said report with a statement of receipts and disbursements for the year, and to furnish any information to the grand jury that they may desire concerning county matters.~~

Section 6. Said Board of Commissioners shall have the power and authority to elect an an County Administrator, who shall have an office at the courthouse. The County Administrator shall be responsible to the Board of Commissioners of Richmond County Augusta, Georgia for the proper administration of the affairs of the County Augusta, Georgia. The terms and conditions of employment of the County Administrator, and the duties of the County Administrator shall be as determined by resolution of the Board of Commissioners of Richmond County Augusta, Georgia.

~~Section 7. Be it further enacted, that all laws and parts of laws in conflict with this Act, especially section 41 of "An Act to establish a city court in the County of Richmond; to provide for the appointment of the judge and solicitor thereof, and to define their powers and duties," approved September 22, 1881; and "An Act to constitute the judge of the city court in the County of Richmond ex-officio commissioner of roads and revenues for Richmond county; to define his powers and duties; and for other purposes," approved September 17, 1883, be and the same is hereby repealed.~~

Section 8. The Augusta, Georgia bBoard of eCommissioners shall have the authority to elect an attorney at law who is licensed as such, and whose duty it shall be to advise and represent the said board of commissionersCommission in all legal matters pertaining to the discharge of their official duties and to represent the interests of the countyAugusta, Georgia as said board of commissionersthe Commission deems it proper. The term of office for said attorney shall be for one year, and he shall be elected by said boardthe Commission at its regular meeting in January of each year. Said attorney shall be compensated upon a fee basis or upon a fixed monthly, annually or other method of compensation as said board of commissionersthe Commission deems to be in the best interest of the countyAugusta, Georgia. The county attorney shall be ineligible for membership under any existing pension or retirement laws of Richmond CountyAugusta, Georgia.

Section 9. The Augusta, Georgia bBoard of eCommissioners is authorized and empowered to employ additional attorneys for compensation when deemed in the best interest of the countyAugusta, Georgia by said board of commissionersthe Commission, and to pay said compensation out of countyAugusta, Georgia funds.

Section 10. Be it further enacted, that all laws and parts of laws in conflict with this amendment be and the same are hereby repealed.



**Administrative Services Committee Meeting  
4/11/2011 12:55 PM**

**Motion to Approve an Ordinance Amending the Duties of the Administrator**

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**Department:** Law

**Caption:** Motion to approve an ordinance to amend the Augusta, GA Code Title One Article Three Section 1-2-36 relating to duties of the Administrator of Augusta, Georgia; to repeal all code sections and ordinances and parts of code sections and ordinances in conflict herewith; to provide an effective date and for other purposes .

**Background:** On March 1, 2011, the Augusta, Georgia Commission approved revisions to the Augusta, Georgia Personnel Policy and Procedures Manual which included revisions to the scope of the duties of the Administrator. This proposed ordinance updates and amends the Augusta, Georgia Code related to the Administrator's duties to be consistent with the revisions to the Personnel Policy and Procedures Manual. A worksession regarding this amended ordinance was held on Friday, March 18, 2011.

**Analysis:**

**Financial Impact:**

**Alternatives:** Deny

**Recommendation:** Approve

**Funds are Available  
in the Following  
Accounts:**

**REVIEWED AND APPROVED BY:**

**Administrator  
Clerk of Commission**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO AMEND THE AUGUSTA, GA CODE TITLE ONE ARTICLE THREE SECTION 1-2-36 RELATING TO DUTIES OF THE ADMINISTRATOR OF AUGUSTA, GEORGIA; TO REPEAL ALL CODE SECTIONS AND ORDINANCES AND PARTS OF CODE SECTIONS AND ORDINANCES IN CONFLICT HERewith; TO PROVIDE AN EFFECTIVE DATE AND FOR OTHER PURPOSES.**

WHEREAS, On March 1, 2011, the Augusta Georgia Commission approved revisions to the Augusta, Georgia Personnel Policy and Procedures Manual; and

WHEREAS, Augusta, Georgia desires to update and amend the Code as related to the duties of the Administrator to be consistent with the revisions to the Augusta, Georgia Personnel Policy and Procedures Manual;

**THE AUGUSTA, GEORGIA COMMISSION**, ordains as follows:

**SECTION 1.** AUGUSTA, GA. CODE Section 1-2-36 as set forth in the Augusta, Ga. Code, re-adopted July 10, 2007, is hereby amended by striking this section in its entirety as set forth in "Exhibit A" hereto and inserting in lieu thereof new Code Section 1-2-36, restated as set forth in "Exhibit B" hereto.

**SECTION 2.** This ordinance shall become effective upon its adoption in accordance with applicable laws.

**SECTION 3.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
David S. Copenhaver  
As its Mayor

Attest:

\_\_\_\_\_  
Lena J. Bonner, Clerk of Commission

Seal:

## CERTIFICATION

The undersigned Clerk of Commission, Lena J. Bonner, hereby certifies that the foregoing Ordinance was duly adopted by the Augusta, Georgia Commission on \_\_\_\_\_, 2011 and that such Ordinance has not been modified or rescinded as of the date hereof and the undersigned further certifies that attached hereto is a true copy of the Ordinance which was approved and adopted in the foregoing meeting(s).

\_\_\_\_\_  
Lena J. Bonner, Clerk of Commission

Published in the Augusta Chronicle.

Date: \_\_\_\_\_

First Reading \_\_\_\_\_

Second Reading \_\_\_\_\_

## Exhibit A

### **Sec. 1-2-36. Duties.**

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

- ~~(a) To recommend for appointment or removal all Augusta Richmond County department heads, subject to the approval of the Commission, with the exception of the Augusta Richmond County attorney, the Clerk of Commission, the Equal Opportunity Officer, and the internal auditor, all of whom shall be appointed and discharged directly by the Commission;~~
- ~~(b) Subject to the rules and regulations of the Commission, where applicable, the Administrator for Augusta Richmond County shall be the appointed authority for all other Augusta Richmond County employees whose appointment is now or hereinafter vested in the Commission, and shall have the right to employ and discharge the same;~~
- ~~(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 have supervision over all departments or divisions of Augusta Richmond County 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 Richmond County employees;~~

- ~~(h) — To require reports from heads of departments, and other employees trusted with administrative duties or exercising discretion;~~
- ~~(i) — To prepare and submit to the Mayor and Commission a proposed annual budget; when the budget has been prepared and adopted as provided by law by the Commission, it shall be the duty of the Administrator for Augusta-Richmond County 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-Richmond County and shall make such recommendations on Augusta-Richmond County affairs as the Administrator deems necessary for the effective operation of Augusta-Richmond County;~~
- ~~(k) — To act as liaison between the Mayor and/or Commission and all Augusta-Richmond County department heads or employees of Augusta-Richmond County;~~
- ~~(l) — To confer with and assist all other elected or appointed officials of 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 for him by the Mayor and Commission.~~

## **Exhibit B**

### **Sec. 1-2-36. Duties of Administrator.**

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

- (a) To have the exclusive right to recommend for appointment or removal all Augusta, Georgia department heads, subject to the approval of the Commission, with the exception of the General Counsel, the Clerk of Commission, the Equal Employment Opportunity Director, and the Disadvantaged Business Enterprise Liaison, all of whom shall be appointed and discharged directly by the Mayor and Commission;
- (b) Subject to the rules and regulations of the Commission, where applicable, the Administrator for Augusta, Georgia shall be the appointed authority for all other Augusta, Georgia employees whose appointment is now or hereinafter vested in the Commission, and shall have the right to employ and discharge the same;
- (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, except as otherwise provided in the Augusta, Georgia Charter, the Administrator shall keep the Mayor fully informed and shall coordinate with the Mayor to ensure that all laws, ordinances, and resolutions of Augusta, Georgia are faithfully executed;
- (d) To have supervision over all departments or divisions of Augusta, Georgia now or hereinafter subject to the jurisdiction of the Commission, with the exception of the General Counsel, the Clerk of Commission, the Equal Employment Opportunity Director, and the Disadvantaged Business Enterprise Liaison, all of whom shall report directly to the Mayor and 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, Georgia employees, with the exception of the Augusta, Georgia Law Department, the Clerk of Commission, the Equal Employment Opportunity Director, and the Disadvantaged Business Enterprise Liaison, all of whom shall report directly to the Mayor and Commission;
- (h) To require reports from heads of departments, and other employees trusted with administrative duties or exercising discretion, with the exception of the General Counsel, the Clerk of Commission, the Equal Employment Opportunity Director, and the Disadvantaged Business Enterprise Liaison, all of whom shall report directly to the Mayor and Commission;
- (i) To prepare and submit to the Mayor and Commission a proposed annual budget; when the budget has been prepared and adopted as provided by law by the Commission, it shall be the duty of the Administrator for Augusta, Georgia to execute the budget; no department or office of Augusta, Georgia 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, Georgia and shall make such recommendations on Augusta, Georgia affairs as the Administrator deems necessary for the effective and efficient operation of Augusta, Georgia;
- (k) To act as liaison between the Mayor and/or Commission and all Augusta, Georgia department heads or employees of Augusta, Georgia, with the exception of the General Counsel, the Clerk of Commission, the Equal Employment Opportunity Director, and the Disadvantaged Business Enterprise Liaison, all of whom shall report directly to the Mayor and Commission;
- (l) To confer with and assist all other elected or appointed officials of 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, Georgia 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 approve all position classifications, reclassifications, reorganizations, and pay adjustments up to fifteen (15%) percent of base pay and provide the Administrative Services Committee with a monthly report of such adjustment(s) following any calendar month during which such adjustment(s) were made; and
- (p) To perform such other duties as may be required for him by the Mayor and Commission.



**Administrative Services Committee Meeting  
4/11/2011 12:55 PM**

**Ordinance to present Proposal to amend the Augusta, Georgia Charter (§ 1-40) and Laws of Local Application (1995 GA. Laws p. 3648, § 14), relating to Equal Opportunity; to separate the Function of Equal Employment Opportunity from Minority and Small Busin**

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**Department:** Commission

**Caption:** An Ordinance to present Proposal to amend the Augusta, Georgia Charter (§ 1-40) and Laws of Local Application (1995 GA. Laws p. 3648, § 14), relating to Equal Opportunity; to separate the function of Equal Employment Opportunity from Minority and Small Business Opportunities; to provide policies and guidelines; to create a Local Small Business Business Opportunity Program and Citizens' Small Business Advisory Board; to create a DBE Program for federally assisted contracts; to repeal all Local Laws, Charter Sections, Code Sections and Ordinances and parts of Local Laws, Charter Sections, Code Sections and Ordinances in conflict herewith; to provide an effective date and for other purposes.

**Background:**

A. A. Current language of Augusta, Georgia Charter § 1-40 (GA. L. 1995 p. 3648, § 14). 1. Section 1-40 currently states that“ the Commission shall employ a person to serve as equal employment opportunity director and as director of minority and small business opportunities. ” According to the Charter, the person in this position is tasked with: a) ensuring equal opportunities for employees of Augusta, Georgia; and b) ensuring “equal opportunities for all businesses and citizens in contracting with the Commission and all departments, agencies, authorities, and other entities of local government”; and c) encouraging “the development of minority and small businesses within Richmond County.” 2. The Charter does not address the requirements of federal regulations with respect to a DBE Program for federally funded projects. B. B. Current Operational Practice 1. Augusta, Georgia does not currently employ a director that is responsible for Equal Employment Opportunity (EEO), Local Small Business (LSB) and Disadvantaged Business Enterprise (DBE) for federally funded projects. 2. EEO functions are performed by two employees in an office separate from LSB and DBE. 3. The LSB program and DBE compliance functions for all departments (except the airport) are performed by two employees in an office separate from EEO. 4. Airport

related DBE compliance functions for federally funded airport projects are performed by one person in the airport. C. C. Proposed Change 1. The work and function of EEO is distinctly different from LSB and DBE and will become a separate office consistent with the current practice. 2. Although the LSB program and DBE compliance are completely separate programs, consistent with current practice, the LSB program and the DBE compliance function will be performed by employees in the same office. 3. The airport DBE compliance function will be merged into the DBE compliance program for the rest of Augusta. 4. The LSB program will be improved consistent with recommendations made by NERA Consulting. 5. The DBE Program for federally funded projects includes federal regulatory requirements as requested by the U.S. Department of Transportation.

**Analysis:** See attached.

**Financial Impact:** N/A.

**Alternatives:** 1. Move the LSB Program under an Office of Economic Development and Contract Compliance. 2. Move the LSB Program under the Procurement Office. 3. Decline to separate these functions at this time and create a new job title (and job description) for a Director of Equal Employment (who will be responsible for equal employment officer duties, operating the DBE Program for federally funded projects as well as operating the LSB Program).

**Recommendation:** Approve.

**Funds are Available  
in the Following  
Accounts:** N/A.

**REVIEWED AND APPROVED BY:**

**Administrator.  
Clerk of Commission**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO PRESENT PROPOSAL TO AMEND THE AUGUSTA, GEORGIA CHARTER AND LAWS OF LOCAL APPLICATION, SECTION 1-40 RELATING TO EQUAL OPPORTUNITY; TO SEPARATE THE FUNCTION OF EQUAL EMPLOYMENT OPPORTUNITY FROM MINORITY AND SMALL BUSINESS OPPORTUNITIES; TO PROVIDE POLICIES AND GUIDELINES; TO CREATE A LOCAL SMALL BUSINESS ADVISORY BOARD; TO REPEAL ALL CHARTER, CODE SECTIONS AND ORDINANCES AND PARTS OF CHARTER, CODE SECTIONS AND ORDINANCES IN CONFLICT HERewith; TO PROVIDE AN EFFECTIVE DATE AND FOR OTHER PURPOSES.**

**WHEREAS**, Augusta, Georgia seeks to separate the functions of Equal Employment Opportunity, Disadvantaged Business Enterprise and Local Small Business and seeks to provide policies and guidelines for these functions; and

**WHEREAS**, Augusta, Georgia seeks to create a Local Small Business Advisory Board and to modify the Charter to reflect changes in the manner in which services and functions are provided;

**NOW BE IT THEREFORE ORDAINED** as follows:

**CHARTER AND LAWS OF LOCAL APPLICATION.** An ordinance to amend Augusta, Georgia Charter and Laws of Local Application, Chapter 1, Article 5, Sections 1-40, called "Equal Opportunity", as set forth in the Augusta, Georgia, Charter, re-adopted July 10, 2007, is hereby presented. The ordinance is to amend the Charter by striking Section 1-40 in its entirety as set forth in "Exhibit A" hereto and inserting in lieu thereof a new Section 1-40 called "Equal Employment Opportunity, Local Small Business Program and Disadvantaged Business Enterprise Program for the Department of Transportation, Federal Transportation Administration and Other Federally Assisted Contracts" as set forth in "Exhibit B" hereto.

**SECTION 2.** This ordinance shall become effective upon its adoption in accordance with applicable laws. Once this ordinance is read into the minutes by the Commission, a notice containing a synopsis of the proposed Charter amendment shall be published in the Augusta Chronicle once a week for three weeks. Following the final week of publication, the Charter amendment shall be placed on the Commission agenda for final approval. The Charter amendment will be effective following the second reading of the final approval.

**SECTION 3.** All code provisions, ordinances or parts of ordinances in conflict herewith are to be repealed upon the final approval of this Charter amendment.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
David S. Copenhaver  
As its Mayor

Attest:

\_\_\_\_\_  
Lena J. Bonner, Clerk of Commission

Seal:

## **CERTIFICATION**

The undersigned Clerk of Commission, Lena J. Bonner, hereby certifies that the foregoing Ordinance was duly adopted by the Augusta, Georgia Commission on \_\_\_\_\_, 2010 and that such Ordinance has not been modified or rescinded as of the date hereof and the undersigned further certifies that attached hereto is a true copy of the Ordinance which was approved and adopted in the foregoing meeting(s).

\_\_\_\_\_  
Lena J. Bonner, Clerk of Commission

Published in the Augusta Chronicle.

Date: \_\_\_\_\_

## EXHIBIT A

### **STRIKE:**

#### **Sec. 1-40. Equal opportunity.**

~~—(a) The government of Augusta-Richmond County shall encourage the meaningful involvement in its operations of all citizens of Augusta-Richmond County, particularly those who are members of minority or other traditionally disadvantaged groups, as appointees, employees, and independent contractors. The Commission shall afford equal opportunities for employment and promotion to all persons regardless of race, sex, religion, gender, creed, color, or national origin.~~

~~—(b) It is the policy of the Augusta-Richmond County government to ensure the equitable participation of all minorities, including African Americans, women, and small businesses in providing goods and services to the city-county government. The goal of this section is to increase the use of such minorities and small businesses to a level comparable with their availability. This participation goal shall be used as a guideline to the Commission and shall not be construed as a ceiling or quota.~~

~~—(c) In furtherance of the policies stated in subsections (a) and (b) of this section, the Commission shall employ a person to serve as equal employment opportunity director and as director of minority and small business opportunities. The director shall develop and, subject to the approval of the Commission, implement such policies, procedures, and guidelines as the director deems necessary or appropriate to ensure equal employment opportunities for all citizens. The director, subject to the approval of the Commission, shall propose and implement such policies, procedures, and guidelines as are necessary and appropriate to ensure equal opportunities for all businesses and citizens in contracting with the Commission and all departments, agencies, authorities, and other entities of local government and to encourage the development of minority and small businesses within Richmond County. In addition, said director shall have such other powers and duties as may from time to time be afforded by action of the Commission.~~

~~—(d) The Commission shall establish' a citizens advisory council for minority employment and small business opportunities to advise the Commission and director of matters pertaining to this section, and to meet with minorities and small businesses to review the problems of minority and small business opportunities.~~

~~(1995 Ga. Laws, p. 3648; 1996 Ga. Laws, p. 3607; 1997 Ga. Laws, p. 4024; 1997 Ga. Laws, p. 4690)~~

## EXHIBIT B

### **REPLACE WITH:**

#### **Sec. 1-40. Equal Employment Opportunity, Local Small Business Program and Disadvantaged Business Enterprise Program for the Department of Transportation, Federal Transportation Administration and Other Federally Assisted Contracts.**

(a) The government of Augusta, Georgia shall implement and follow employment practices that treat all persons fairly regardless of race, sex, religion, gender, creed, color, national origin, disability, genetics or protected age classification. It is the policy of the Augusta, Georgia government to provide equal employment opportunities to all minorities and women.

(b) Subject to the limitations of federal and state law, the government of Augusta, Georgia shall implement and follow procurement practices that treat all persons fairly regardless of race, sex, religion, gender, creed, color, national origin, disability, genetics or protected age classification. It is the policy of the Augusta, Georgia government to provide equal opportunities for participation to all minorities, women, and small businesses in providing goods and services to the government.

(c) In furtherance of the policy stated in subsection (a), the Commission shall employ a person to serve as Equal Employment Opportunity Director (EEO Director). The EEO Director shall develop and, subject to the approval of the Commission, implement such policies, procedures, and guidelines as necessary or appropriate to ensure equal employment opportunities for Augusta, Georgia. The EEO Director shall report to the Mayor and Commission.

(d) In furtherance of the policy stated in subsection (b), the Commission shall develop and implement a Local Small Business Opportunities Program (LSBOP). The LSBOP shall be operated by the Procurement Director or such other person as the Commission Directs by Resolution. The Director of the LSBOP shall develop and, subject to the approval of the Commission, implement such policies, procedures, and guidelines as necessary or appropriate to provide opportunities for local small businesses in providing goods and services to the government.

(e) The Commission shall establish a Citizens' Small Business Advisory Board (CSBAB) to advise the Commission and the Director of the LSBOP on matters pertaining to the LSBOP.

(f) In accordance with federal and state regulations the Commission shall develop and implement a Disadvantaged Business Enterprises (DBE) Program for U.S. Department of Transportation (DOT) assisted contracts, Federal Transportation Aviation (FTA) assisted contracts and other federally assisted contracts having DBE requirements. The DBE Program must comply with DOT and FTA mandated DBE requirements for certain DOT and FTA assisted contracts as required by 49 C.F.R. Part 26 and 49 C.F.R. Part 23.

(g) The DBE Program shall be operated by a DBE Liaison who shall report to the Mayor and Commission and have direct, independent access to the Mayor concerning DBE Program matters.