



Administrative Services Committee Meeting Commission Chamber- 1/24/2011- 1:00 PM

ADMINISTRATIVE SERVICES

1. Motion to approve personnel policy and procedures manual. (Referred from January 18 Commission meeting) ☐ [Attachments](#)
2. Discuss the Citizen Advisory Committee for Housing and Community Development Department. (Requested by Commissioner Johnson) ☐ [Attachments](#)
3. Approve submission of an NSP3 Substantial Amendment Abbreviated Plan by the Housing and Community Development Department for proposed activities outlined herein. ☐ [Attachments](#)
4. Motion to approve an Ordinance to amend the Augusta, GA Code Title Two Sections 1-7-11 through 1-7-21 to amend the personnel system; to repeal all code sections and ordinances and parts of the code sections and ordinances in conflict. (Referred from January 18 Commission meeting) ☐ [Attachments](#)
5. Update from the Housing and Community Development Department regarding the request from Ms. Elizabeth Jones, Executive Director, Shiloh Community Center, for funding from the ARC Housing and Community Development Department. (Referred from January 18 Commission meeting) ☐ [Attachments](#)

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**Administrative Services Committee Meeting
1/24/2011 1:00 PM
Approve Personnel Policy and Procedures Manual**

Department:	Law
Caption:	Motion to approve personnel policy and procedures manual. (Referred from January 18 Commission meeting)
Background:	None
Analysis:	None
Financial Impact:	None
Alternatives:	Denial of motion
Recommendation:	Approval of motion
Funds are Available in the Following Accounts:	None

REVIEWED AND APPROVED BY:

Clerk of Commission



**Administrative Services Committee Meeting
1/24/2011 1:00 PM
Citizen Advisory Committee**

Department: Clerk of Commission

Caption: Discuss the Citizen Advisory Committee for Housing and Community Development Department. (Requested by Commissioner Johnson)

Background:

Analysis:

Financial Impact:

Alternatives:

Recommendation:

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

REVIEWED AND APPROVED BY:

Clerk of Commission

RESOLUTION

WHEREAS, Augusta-Richmond County receives Community Development Block Grant (CDBG) funds from the Department of Housing and Urban Development; and

WHEREAS, such CDBG funds must be allocated among the various projects and entities submitting requests for the funds; and

WHEREAS, in order to assure a competitive process and to evaluate the proposed projects and uses in a non-political environment, the Augusta-Richmond County Commission deems it desirable to establish a Housing & Neighborhood Development Advisory Committee to assist the Housing & Neighborhood Development Department in evaluating such projected use of CDBG funds;

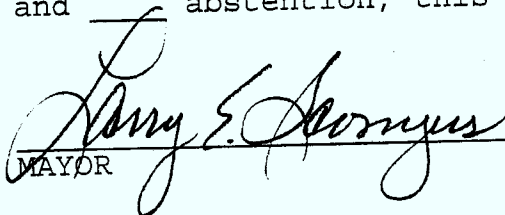
NOW, THEREFORE, BE IT RESOLVED BY THE AUGUSTA-RICHMOND COUNTY COMMISSION that a Housing & Neighborhood Development Advisory Committee is hereby established, to consist of ten (10) members, with one member to be appointed from each Commission district to assist the Housing & Neighborhood Development Department in evaluating projected uses of CDBG funds. The initial members of the Advisory Committee shall be appointed for a term to run concurrently with the term of the Commissioner for such district, and thereafter, each appointee to said Committee shall

serve for a term of four (4) years.

BE IT FURTHER RESOLVED that it shall be the responsibility of the Advisory Committee with technical assistance and guidance from the Housing & Neighborhood Development Department to evaluate and recommend to the Housing & Neighborhood Development Department for recommendation to the Augusta-Richmond County Commission annually a proposed allocation of CDBG funds anticipated to be awarded to Augusta-Richmond County, and for recommendation to the Commission proposed allocation of any recaptured or unprogramed funds.

BE IT FURTHER RESOLVED that the members of the Advisory Committee shall serve without compensation.

Duly adopted by the Augusta-Richmond County Commission by a vote of 10 for, 0 against, and abstention, this 5 day of November, 1996.


MAYOR

ATTEST:


CLERK

UPDATE 3/18/08

NAME OF BOARD**HOUSING AND COMMUNITY DEVELOPMENT
CITIZENS ADVISORY BOARD****Members and****District****Term****Appointment****Effective****Expires****MAYORAL**

James Rouse

09/04/07

Immediately 3/31/2011

DISTRICT 1

Nancy Barnes®

03/07/06

Immediately 3/31/2010

DISTRICT 2

John Butler

3/18/08

Immediately 3/31/2011

DISTRICT 3

D. Clay Ward

3/07/06

Immediately 3/31/2010

DISTRICT 4

Rita Washington

4/17/07

Immediately 3/31/2008

DISTRICT 5

1/17/06

Immediately 3/31/2010

DISTRICT 6

Nathaniel Charles (Resigned)

6/18./02

Immediately 3/31/2004

DISTRICT 7

Jeffery Foreman

1/17/06

Immediately 3/31/2010

DISTRICT 8

Irma Lorie Williams

3/29/05

Immediately 3/31/2008

DISTRICT 9

Barbara Gordon®

3/21/06

Immediately 3/31/2010

DISTRICT 10

Jay Forrester

3/29//05

Immediately 3/31/2008

NOTE: Terms corresponds with term of the commissioner elected from that district.

Meeting date: Third Thursday each month 3:00 P.M.



Administrative Services Committee Meeting
1/24/2011 1:00 PM
NSP3 Program – Application Submission Approval

Department: Housing & Community Development

Caption: Approve submission of an NSP3 Substantial Amendment Abbreviated Plan by the Housing and Community Development Department for proposed activities outlined herein.

Background:

The Neighborhood Stabilization Program (NSP) staff (a part of the Housing and Community Development Department-AHCDD) will work with local developers to comply with the U. S. Department of Housing and Urban Development's (HUD's) regulations under Section 2301(b) of the Housing and Economic Recovery Act of 2008 (Pub. L.110-289, approved July 30, 2008) (HERA), as amended, and an additional allocation of funds provided under Section 1497 of the Wall Street Reform and Consumer Protection Act of 2010 (Pub. L. 111 203, approved July 21, 2010) (Dodd-Frank Act) for additional assistance in accordance with the second undesignated paragraph under the heading 'Community Planning and Development - Community Development Fund' in Title XII of Division A of the American Recovery and Reinvestment Act of 2009 (Pub. L. 111-5, approved February 17, 2009) (Recovery Act), as amended, for the purpose of assisting in the redevelopment of abandoned and foreclosed homes. The City of Augusta's federal allocation (no local match required) under said amendment (\$1,164,297.00), as designated by HUD through formula allocation, is available for application through the submission of a NSP3 Substantial Amendment/Abbreviated Plan due March 1, 2011. The NSP staff is requesting approval for submission of said plan on behalf of the City of Augusta for Eligible Activities as outlined below. Please find below a brief history of NSP's Eligible Activities (as approved by HUD) and respective eligible Census Tracts for said Activities as outlined by HUD's Mapping Tool.

1. Administration (\$116,429.70) a. AHCDD will utilize the administrative allocation to provide the following:

- i. Salaries
- ii. Travel
- iii. Equipment
- iv. Supplies
- v. Other Miscellaneous

2. Redevelopment (\$756,793.05) a. AHCDD will work with nonprofits/public agencies/for-profits for the purpose of developing new construction and/or rehabilitating existing housing for homeownership and/or rental housing. Eligible Activity costs include:

- i. pre-development costs,
- ii. construction or rehabilitation costs,
- iii. project related soft costs,

Cover Memo

Item # 3

and iv. home buyer subsidies for down payment and mortgage loan closing costs. b. Eligible Census Tracts for Redevelopment Activities (as approved by HUD) are limited to the following based on criteria specified that any Census Tract/Development Area utilizing NSP3 funding have a State Minimum Threshold NSP3 Score of 17. Those eligible Census Tracts are illustrated on the attached and include:

- i. 103.00
- ii. 104.00
- iii. 105.04
- iv. 105.05
- v. 105.07
- vi. 105.08
- vii. 105.11
- viii. 107.03
- ix. 107.04
- x. 108.00
- xi. 014.00
- xii. 009.00

3. Low Income Housing (\$291,074.25) The City of Augusta, as designated by HUD, is required to provide housing for those households at or below 50% AMI (designated as low income persons) with no less than twenty-five percent 25% of NSP3 funds. This designation, titled as Set-Aside obligation, is a mandate of funding allocation under section 2301(f)(3)(A)(ii) to provide benefit to low-income persons (earning 50 percent or less of area median income). Those activities deemed eligible under this 25% Set Aside mandate are inclusive of activities performed under redevelopment or rehabilitation and defined herein within eligible Census Tracts referenced above

Analysis:

The Augusta Housing and Community Development Department via its Neighborhood Stabilization Program will attempt to diversify its federal allocation and enter into projects yielding immediate homeownership opportunities for single family housing by making available to income eligible citizens of Augusta Richmond County (deemed “low- and moderate-income persons” as it appears throughout the CDBG regulations at 24 CFR part 570 and defined as a member of a low-, moderate-, and middle-income household, and having an income equal to or less than 120 percent of area median income, adjusted for family size) creative financing mechanisms to include subsidy, down payment and closing costs assistance. The Housing and Community Development Department additionally plans to develop in those areas yielding the greatest opportunity for the City of Augusta to meet all HUD criteria including increased impact and increased density, which include Census Tracts 105.07 for the 25% Set Aside and 107.04 for redevelopment.

Financial Impact:

Upon completion of all NSP3 projects there will have been an approximate developmental impact of \$1.5 million within Augusta-Richmond County with additional taxable housing, building permit and water/sewer tap fees collected. Moreover, the submission and execution of said projects will meet the HUD expectation of each NSP3 grantee to carry out its NSP activities in the context of a comprehensive plan for the community’s vision of how it can make its neighborhoods not only more stable, but also more sustainable, competitive, and integrated into the overall metropolitan fabric, including access to transit, affordable housing, employers, and services.

Cover Memo

Alternatives:

None Recommended.

Recommendation: Approve submission of an NSP3 Substantial Amendment Abbreviated Plan by the Housing and Community Development Department for proposed activities outlined herein.

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

REVIEWED AND APPROVED BY:

**Finance.
Law.
Administrator.
Clerk of Commission**

Eligible Census Tracts for NSP3

Qualification Score of at Least 17



CensusTracts		
TRACTID		
103	105.08	Major Roads
104	105.11	Roads
105.04	107.03	
105.05	107.04	
105.07	108	
	14	
	9	



1 0.5 0 1 Miles

Mcduffie County

Jefferson County

108

107.04

107.03

105.05

105.08

105.07

105.04

105.11

104

103

14

9



**Administrative Services Committee Meeting
1/24/2011 1:00 PM
Ordinance to amend Personnel System**

Department: Law

Caption: Motion to approve an Ordinance to amend the Augusta, GA Code Title Two Sections 1-7-11 through 1-7-21 to amend the personnel system; to repeal all code sections and ordinances and parts of the code sections and ordinances in conflict. (Referred from January 18 Commission meeting)

Background: Realigning terms of appointee(s) to correspond with the term of the appointing commissioner(s), creating by-laws under which the personnel board shall operate under, and other purposes

Analysis: On [DATE], the personnel board approved section 1-7-20 to include the power to require current employee witnesses as identified by either party to attend and participate in the board hearing with the threat of disciplinary action for failure to attend and/or participate. However, due to operational concerns, we recommend that section 1-7-20 maintain the current status of voluntary participation for witnesses and have attached a version so reflecting.

Financial Impact: None

Alternatives: Approve sections 1-7-11 through 1-7-21 to amend the personnel system INCLUDING the power to require current employee witnesses to attend and participate in board hearings

Recommendation: Approve sections 1-7-11 through 1-7-21 to amend the personnel system EXCLUDING the power to require current employee witnesses to attend and participate in board hearings

Funds are Available in the Following Accounts:

REVIEWED AND APPROVED BY:

Clerk of Commission

Cover Memo

Item # 4

LAW DEPARTMENT VERSION

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE AUGUSTA, GA CODE TITLE TWO SECTION(S) 1-7-11 THROUGH 1-7-21 TO AMEND THE PERSONNEL SYSTEM; 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, Augusta, Georgia desires to update and amend the Code as related to the Personnel System;

WHEREAS, it is the desire of the Commission to update and improve the Personnel System provisions applicable to Augusta, Georgia employees;

THE AUGUSTA, GEORGIA COMMISSION ordains as follows:

SECTION 1. Augusta, Ga. Code Sections 1-7-11 through 1-7-19 as set forth in the Augusta, Ga. Code, re-adopted July 10, 2007, is hereby amended by striking each section in its entirety and inserting in lieu thereof new Code Sections 1-7-11 through 1-7-19, restated as set forth in "Exhibit A" hereto.

SECTION 2. AUGUSTA, GA. CODE Sections 1-7-20 and 1-7-21 as set forth in the Augusta, Ga. Code, re-adopted July 10, 2007, is hereby amended by inserting in lieu thereof new Code Sections 1-7-20 and 1-7-21, restated as set forth in "Exhibit B" hereto.

SECTION 3. This ordinance shall become effective upon its adoption in accordance with applicable laws.

SECTION 4. 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. 1-7-11. Persons included and excluded—Generally.~~

~~All employees of the governing authority of Augusta-Richmond County are hereby placed under the personnel system except the following: director of recreation; director of Daniel Field; director of Human Resources; director of the fire department; director of indigent defense; director of public works; director of utilities (water); director of public transit; director of animal control; director of the Richmond County Correctional Institute; director of Augusta Regional Airport at Bush Field; director of finance; director of housing & neighborhood development; director of Main Street Augusta; Administrator; director of information technology; director of purchasing; tax assessor; director of license and inspections; director of trees and landscape; director of human relations; county attorney; director of emergency management; clerk of commission; and internal auditor. Other department heads and professional positions in county government under the Jurisdiction of the Augusta Richmond County Commission may also be excluded by said Commission by appropriate resolution.~~

~~(Ord. No. 6939, § 2, 1-2-07)~~

~~Sec. 1-7-12. Inclusion of present employees.~~

~~All those individuals already employed by Augusta-Richmond County and not excluded herein under the provisions of section 1-7-11 and not excluded in the future under the provisions of section 1-7-11 shall be covered under the personnel system without further examination.~~

~~Sec. 1-7-13. Personnel board—Established, composition; appointment, terms of office, selection of mayor, filling of vacancies; removal from office; compensation.~~

~~(a) There is hereby established by the governing authority of Richmond County a personnel board composed of ten (10) citizens of Augusta-Richmond County of known interest in the improvement of public administration by impartial selection of qualified and efficient personnel (plus an additional two members should the Richmond County Legislative Delegation choose to appoint two members) to be appointed for terms of four (4) years; provided, however, the initial appointments shall be made as follows:~~

~~(1) Except as provided herein, members of the personnel board of Richmond County and the City of Augusta who were serving on said boards on January 1, 1997, having had no fixed terms, shall serve until their successors are appointed and qualified.~~

~~(2) Members of the personnel board serving as of January 1, 1997, shall continue to serve until their successors are appointed by the Commissioner representing the respective District and qualified and are to represent the districts as herein set forth, to wit:~~

		<i>Term Expires</i>
a. Colis Ivey	District 1	3/31/98
b. Dr. Velma Curtis	District 2	3/31/2000
c. James Watson	District 3	3/31/98
d. Deborrah Howard	District 4	3/31/2000
e. Al Ferguson	District 5	3/31/98
f. Appointment TBA	District 6	3/31/2000
g. Owen Crickenberger	District 7	2/28/2000
h. Robert W. Silas	District 8	3/31/2000

i. Appointment TBA ————— District 9 ————— 3/31/98
j. William Mayfield ————— District 10 ————— 3/31/2000

~~(3) The successor to the member representing District 7 shall serve until March 31, 1998, or until his successor is appointed and qualified.~~

~~(4) Members of the board appointed by the Commissioner of the respective Districts to succeed those appointed in subsections 2 and 3 hereof shall serve for terms of office of four (4) years and until their successors are appointed and qualified.~~

~~(5) Should the Richmond County Legislative Delegation choose to appoint two (2) members as provided in the Consolidation Act, such members shall serve for a term of four (4) years and until their successors are appointed and qualified. In the event the appointed authority of the Legislative Delegation is removed from the Consolidation Act, this subsection shall automatically be repealed.~~

~~(6) All terms shall expire on March 31 of the applicable year, and new terms shall begin on April 1 of the applicable year.~~

~~(b) No member of the personnel board may be removed from office prior to the expiration of his term except for cause, as provided in section 1-4-4 herein, after having been given notice and afforded a hearing before the Augusta Richmond County Commission pursuant to section 1-4-2(b) and section 1-4-3.~~

~~(c) Members of the personnel board shall be paid the sum of twenty dollars (\$20.00) per diem for time actually devoted to the business of the board, not exceeding thirty (30) days in any calendar year, and shall be reimbursed for actual and necessary travel expenses.~~

~~Sec. 1-7-14. Same — Meetings.~~

~~All meetings of the personnel board shall be held in the chambers of the Commission in the Municipal building of Richmond County. Said board shall hold regular meetings at least once each month, and may hold such additional meetings as may be required for the proper discharge of its duties.~~

~~Sec. 1-7-15. Same — Purpose; duties and powers.~~

~~(a) *Purpose.* It shall be the duty, function and responsibility of the personnel board to represent the interests of the public in the improvement of personnel administration and the selection of qualified personnel.~~

~~(b) *Duties and Powers.* The duties and functions of the personnel board shall be as follows:~~

~~(1) [The personnel board shall have the responsibility] to propose rules and regulations and standards of the personnel system, and thereafter recommend to the board of commissioners the adoption of rules and regulations and standards effectuating the personnel system established under this article. Such rules and regulations shall include provisions for the establishment and maintenance of job classification and compensation plans, the conduct of examinations for appointment under the personnel system; the certification of eligible persons, appointments, promotions, transfers, demotions, separations, tenure, service ratings, reinstatements, appeals and such additional regulations as may be deemed to be in the best interest of impartial selection~~

of efficient personnel and improvement of public administration. Such rules and regulations shall prohibit political activity by any employee covered by the personnel system or the personnel board. The rules and regulations may provide for establishment of a register of persons eligible for appointment under the personnel system. Said rules and regulations when proposed by the personnel board as aforesaid and approved and adopted by the board of commissioners shall have the force of law and be binding upon all employees, departments and offices of the county governing authority that are not excluded herein, [provided, however, that] the board of commissioners shall have authority to amend, change or make additions to any rules and regulations adopted hereunder.

(2) [The personnel board shall have responsibility] to conduct hearings and render decisions on dismissals and to hear appeals from any employee who claims to have been improperly dismissed. The personnel board shall consider only complaints or grievances of employees as to dismissals. All complaints or grievances of any employees as to, transfers or suspensions shall be considered by the county administrator, whose decision shall be final.

(3) The personnel board shall keep and maintain an accurate record of minutes and shall be authorized to hire a clerk to keep and maintain its minutes; the compensation of such clerk is to be in accordance with the pay plan adopted for other employees under the personnel system.

(4) Said personnel board shall be authorized to make recommendations as to amendments, additions to, and changes in said rules and regulations from time to time; and, when said amendments, changes or additions are adopted by the board of commissioners, said amendments shall have the force of law and be binding on all parties affected by said personnel system.

~~Sec. 1-7-16. Same — Payment of costs from county funds.~~

~~All costs for salaries, fees, expenses, personnel and supplies for the operation of the personnel board and its office shall be paid out of county funds with prior approval of the Commission.~~

~~Sec. 1-7-17. Director of human resources.~~

~~The Augusta-Richmond County Commission shall select and appoint a qualified person as director of human resources and shall fix his compensation.~~

~~Sec. 1-7-18. Limitation on employee's right of action.~~

~~No employee shall be entitled to any type of action, complaint or grievance procedure as to dismissal until such employee has been in continuous employment for twelve (12) consecutive months. Continuous employment shall mean employment unbroken by discharge or resignation. Reelection or reappointment at the end of the term shall be regarded as continuous employment.~~

~~Sec. 1-7-19. Employee dismissal, right to appeal.~~

~~No employee of any department or office of Augusta-Richmond County which has been brought under the personnel system pursuant to this article may be dismissed from employment in said department or office except for good cause and in accordance with the rules and regulations adopted by the Commission. Any employee who is dismissed shall have the right of appeal pursuant to the terms of the rules and regulations prescribed for appeal by the personnel board.~~

~~Secs. 1-7-20 — 1-7-30. Reserved.~~

REPLACE WITH:

Sec. 1-7-11. Persons Included and Excluded - Generally.

All employees of the governing authority of Augusta, Georgia are hereby placed under the personnel system except the following: Elected officials; employees and officers of elected officials where such elected official has elected for such employees to be excluded; Director of Recreation; Director of Daniel Field; Director of Human Resources; Director of the Fire Department; Director of Indigent Defense; Director of Engineering; Director of Utilities; Director of Public Services; Director of Public Transit; Director of Animal Control; Director of the Richmond County Correctional Institute; Director of Augusta Regional Airport at Bush Field; Director of Finance; Director of Housing & Neighborhood Development; Director of Main Street Augusta; Administrator; Deputy Administrators; Director of Information Technology; Director of Procurement; Tax Assessor; Director of License and Inspections; General Counsel; Deputy General Counsels; Director of Emergency Management; Clerk of Commission; and Director of Equal Employment Opportunity; Disadvantaged Business Enterprise Liaison. Other department heads and professional positions in county government under the Jurisdiction of the Augusta, Georgia Commission may also be excluded by said Commission by appropriate resolution.

Sec. 1-7-12. Inclusion of Present Employees.

All those individuals already employed by Augusta, Georgia and not excluded herein under the provisions of section 1-7-11, as may be amended, shall be covered under the personnel system without further examination.

Sec. 1-7-13. Personnel Board – Established; Composition; Appointment; Terms of Office; Selection of Members; Filling of Vacancies; Removal from Office; Compensation.

- (A) There is hereby established by the governing authority of Augusta, Georgia a Personnel Board composed of ten (10) citizens of Augusta, Georgia of known interest in the improvement of public administration, who are qualified to perform the duties provided herein (plus an additional two members should the Richmond County Legislative Delegation choose to appoint two members).
- (B) Members of the Personnel Board appointed by Commissions of their respective Districts shall serve on the board for terms congruent with the term(s) of their appointing Commissioners and continue to serve until their successors are duly appointed, qualified, and are to represent the Districts as herein set forth; provided, however, that:
 - (1) Except as provided herein, members of the Personnel Board of Augusta, Georgia who were serving on said board prior to January 1, 2011, shall serve until their fixed term has expired and continue to serve until their successors are appointed by the Commissioner representing the respective Districts, are qualified, and are to represent the Districts as herein set forth, to wit:

		<i>Appointment</i>	<i>Term Expires</i>
a. Aisha Leverett	District 1	4/01/2010	3/31/2013
b. Vacant	District 2		
c. Clay Ward	District 3	6/10/2010	3/31/2013
d. Vacant	District 4		
e. Gwendolyn Allen-Robinson	District 5	3/16/2010	3/31/2013
f. Donald D. Smith, Jr.	District 6	6/01/2008	3/31/2011
g. Dr. Ralph Walker	District 7	5/04/2010	3/31/2013
h. Vacant	District 8		
i. J.R. Riles	District 9	12/07/2010	3/31/2014
j. David (Chip) Barbee	District 10	9/02/2008	3/31/2011.

(2) The membership of Members of the Personnel Board appointed by the Commissioners of the respective Districts to succeed those previously appointed as detailed in subsection (B)(1) hereof shall automatically terminate upon the termination of the appointing Commissioner's incumbency. Such Members shall continue to serve until their successors are appointed and qualified.

(C) Should the Richmond County Legislative Delegation choose to appoint two (2) members as provided in the Consolidation Act, such members shall serve for a term of four (4) years and until their successors are appointed and qualified. In the event the appointed authority of the Legislative Delegation is removed from the Consolidation Act, this subsection shall automatically be repealed.

(D) Personnel Board members appointed by Commissioners may be removed from office by their appointing Commissioner at any time prior to the expiration of his or her term with or without cause.

(E) Members of the Personnel Board shall be paid the sum of fifty dollars (\$50.00) per diem for time actually devoted to the business of the board, not exceeding thirty (30) days in any calendar year, and shall be reimbursed for actual and necessary travel expenses.

Sec. 1-7-14. Same—Meetings.

All meetings of the Personnel Board shall be held in the Chambers of the Commission in the Municipal Building of Augusta, Georgia. Said board shall hold regular meetings as may be required for the proper discharge of its duties.

Sec. 1-7-15. Same—Purpose; Duties and Powers.

(A) **Purpose.** It shall be the duty, function and responsibility of the Personnel Board to represent the interests of the public in the dismissal of personnel from the employ of Augusta, Georgia.

(B) **Duties and Powers.** The duties and functions of the Personnel Board shall be as follows:

(1) The Personnel Board shall have responsibility to conduct hearings and render decisions on dismissals and to hear appeals from any employee who claims to have been improperly dismissed. The Personnel Board shall consider only complaints or grievances of employees as to dismissals. All complaints or grievances of any employees as to lesser forms of discipline shall be considered in accordance with the Augusta, Georgia Personnel Policies and Procedures Manual.

(2) The Personnel Board shall keep and maintain an accurate record of minutes and shall be authorized to utilize a clerk to provide administrative support for the board and keep and maintain its minutes; such clerk shall be chosen by the Chairperson of the Personnel Board from the full-time employees of the Human Resources Department and shall receive his or her normal salary for time spent performing the duties of the clerk of the Personnel Board. While acting in the role of the clerk of the Personnel Board, such person shall answer and report only to the Chairperson of the Personnel Board.

Sec. 1-7-16. Same—Payment of costs from Augusta, Georgia funds.

All costs for salaries, fees, expenses, personnel, and supplies for the operation of the Personnel Board and its office shall be paid out of Augusta, Georgia funds with prior approval of the Board of Commission.

Sec. 1-7-17. Director of human resources.

Augusta, Georgia shall select and appoint a qualified person as Director of Human Resources and shall fix his or her compensation.

Sec. 1-7-18. Limitation on employee's right of action.

No employee shall be entitled to any type of action, complaint or grievance procedure as to dismissal until such employee has been in continuous employment for at least twelve (12) consecutive months. Such time may be extended in accordance with the Probationary Policy. Continuous employment shall mean employment unbroken by discharge or resignation. Reelection or reappointment at the end of the term shall be regarded as continuous employment.

Sec. 1-7-19. Employee dismissal, right to appeal.

No employee of any department or office of Augusta, Georgia which has been brought under the personnel system pursuant to this article may be dismissed from employment in said department or office except for good cause and in accordance with the rules and regulations adopted by the Board of Commission. Any employee who is dismissed shall have the right of appeal pursuant to the terms of the rules and regulations prescribed for appeal herein and by the Augusta, Georgia Personnel Policies and Procedures Manual.

Exhibit B

Sec. 1-7-20. Bylaws of the Augusta, Georgia Personnel Board.

(A) **Purpose.** The purpose of these bylaws is to establish uniform procedures for the conduct of hearing and meeting of the Augusta, Georgia Personnel Board (hereinafter "Personnel Board" or "Board").

(B) General Provisions.

- (1) After an appeal of a dismissal has been properly filed with the Human Resources Department, the appeal shall be forwarded to the Chairperson of the Personnel Board to be scheduled for a hearing before the Personnel Board.
- (2) Notice of Hearing. Within seven (7) days from the filing of an appeal in accordance with the Employee Administrative Policy & Procedures Manual (hereinafter "Employee Manual"), the Chairperson of the Personnel Board shall designate an appropriate time and place to conduct the hearing and shall so notify all parties in writing. Such notification shall be mailed or served at least ten (10) calendar days in advance of the date set for the hearing. The Personnel Board will conduct an investigation into the charges based on the information provided by the Human Resources Department. At its next scheduled meeting, the Personnel Board will hold an open hearing and receive any additional evidence in relation to the Appeal. The Chairperson of the Personnel Board, or a majority vote of the Board, shall have the authority to postpone or to continue a hearing (either in the Chairperson's discretion, upon a motion by the Personnel Board or upon the motion of either party, orally or in writing).
- (3) Representation. Opportunity shall be afforded both parties to represent themselves or to be represented by an attorney licensed to practice law in the State of Georgia. All arrangements for providing legal counsel shall be the responsibility of the party desiring such representation. An employee intending to have representation shall inform the Director of Human Resources of such intentions at least 48 hours prior to the scheduled date of such hearing.
- (4) Pre-Hearing Conference. The Chairperson of the Personnel Board may arrange a pre-hearing conference for the purpose of reviewing the matter being appealed and establishing stipulations to expedite the hearing.
- (5) Witnesses.
 - (a) The appellant or the Human Resources Director (or his or her designee) may request the attendance of employees or other persons as witnesses when their testimony will aid in establishing the facts in the case. Employees appearing as witnesses shall be released from duty without loss of pay or time and without effect on their service rating. However, the Personnel Board does not have subpoena powers to compel a witness's attendance.
 - (b) No person shall directly or indirectly use, or threaten to use, any official authority or other influence which would tend to discourage any other person from testifying.

- (c) Each party shall provide the opposing party a witness list at least three (3) business days in advance of a scheduled Personnel Board hearing. A party seeking to have a witness testify that is not on their witness list may only do so with the consent of the opposing party.
- (6) Record of Hearing. A recording shall be made of all hearings; however, such recording will not be transcribed unless the Personnel Board decision is appealed in accordance with the Augusta, Georgia Personnel Policies and Procedures Manual; or a transcript is requested by the Personnel Board or either party to the hearing. If the employee requests a copy of the transcript prior to appealing the Personnel Board's decision, the employee shall pay the cost of having the recording transcribed. In addition to the recording of the hearing, or a transcription thereof, all documents entered into the record during the hearing shall be made part of the official record of the hearing. It shall be the responsibility of the clerk of the Personnel Board to compile the official record of the hearing and, upon the filing of an appeal of the Personnel Board's decision, to have such record certified by the Chairperson of the Personnel Board.

(C) Hearing Process.

- (1) Role of the Board. The Personnel Board shall have the authority to do the following in connection with any hearing:
 - (a) To administer oaths and affirmations;
 - (b) Regulate the course of the hearing;
 - (c) Set the time and place for continued hearings and pre-hearing conferences;
 - (d) Reprimand or exclude from the hearing any person for any indecorous or improper conduct committed in the presence of the Personnel Board;
 - (e) To make informal disposition of any case by stipulation, agreed settlement, consent order or default, unless such disposition is precluded by law;
 - (f) To render a decision as to issues properly presented to the Personnel Board; and
 - (g) To file Answers to Writs of Certiorari properly filed in the Superior Court of Richmond County.
- (2) Attendance at the Hearing. Any hearing at which the Personnel Board receives evidence or hears arguments on appeals of disciplinary actions, dismissals, or other purported violations of the rules shall be open to the public in accordance with Georgia Open Meetings Law. Witnesses may, however, be sequestered at the discretion of the Board.
- (3) Evidence. With respect to all hearings before the Personnel Board:
 - (a) Irrelevant, immaterial or unduly repetitious evidence shall be excluded. The rules of evidence as applied to the trial of civil non-jury cases in the Superior Courts of Georgia shall be followed. Evidence not admissible thereunder may be admitted if it is of a type commonly relied upon by reasonably prudent

- persons in the conduct of their affairs. The Personnel Board shall give effect to the rule of privilege recognized by law;
- (b) Objections to evidentiary offers may be made and shall be noted in the record;
 - (c) When a hearing will be expedited and the interest of the parties will not be prejudiced substantially, any part of the evidence may be received in written form;
 - (d) Documentary evidence may be received in the form of copies of excerpts if the original is not readily available; and
 - (e) The Director of Human Resources may proceed with the presentation of evidence first.
- (4) Conduct of Hearings. In the hearing of an appeal, the proceeding shall be informal but orderly. The following procedure shall prevail:
- (a) The Chairperson of the Personnel Board shall open the hearing by explaining the procedure to be followed in the hearing.
 - (b) Witness shall be sworn in and at the discretion of the Chairperson any or all witnesses may be sequestered;
 - (c) The Chairperson shall read or cause to be read the charges and specifications of the issues to be determined by the Personnel Board;
 - (d) The facts not in dispute may be stipulated;
 - (e) Each party shall be given an opportunity to make a brief opening statement identifying the issues and indicating what is to be proven. The Human Resources Director shall present their opening statement first followed by the employee;
 - (f) The Human Resources Director will begin its presentation of evidence followed by the employee;
 - (g) All witnesses shall testify under oath or affirmation. The employee and the Human Resources Director may call witnesses to testify at a grievance hearing. Falsifying a statement is considered as "serious misconduct" and may result in the employee's suspension or separation from employment;
 - (h) Each party may conduct such cross examination as shall be required for a full and true disclosure of the facts. In addition, the Personnel Board members may examine the witnesses;
 - (i) Before closing the hearing, the Chairperson may allow both parties the opportunity to make brief oral or written closing statements. The employee may present his or her closing statement first;
 - (j) At any point during the hearing, of his/her own accord or at the request of either party, the Chairperson may grant a fifteen (15) minute recess to allow the parties engage in confidential settlement negotiations. This initial fifteen (15) minute recess may be extended by the Chairperson if both parties signify that progress is being made in the settlement negotiations.

- (k) Within ten (10) working days of the hearing, a final decision will be rendered by the Personnel Board. Should the Board fail to overrule the dismissal decision, the dismissal shall stand. If the dismissal decision is reversed by the Personnel Board and the Personnel Board's decision is upheld in the review and appeal process (or no timely appeal is filed), the employee shall be "made whole" by being reinstated as an employee and provided back pay.
- (l) The Human Resources Director will notify the employee in writing of the final decision of the Personnel Board and will be responsible for implementation of any action ordered by the Board.
- (5) Time Limitations. In the hearing of an appeal, the parties are subjected to the following time limitations in the presentation of their cases and such time will be monitored by the clerk of the Personnel Board.
 - (a) Opening Statements. Each party shall have a maximum of five (5) minutes to make an opening statement.
 - (b) Presentation of Evidence. Each party shall have an initial time period of thirty (30) minutes to present evidence in support of their case. A party may be granted one or more extensions of time in fifteen (15) minute increments, upon motion and good cause shown, to complete presentation of evidence in support of their case.
 - (c) Closing Statements. Each party shall have a maximum of five (5) minutes to make a closing statement.

(D) Review of the Personnel Board's Decision. A decision of the Personnel Board shall not limit the rights of either party to further review and such decision shall be stayed by the filing of a petition for review. Any party, including the Human Resources Director, who has exhausted all administrative remedies available before the Personnel Board and who is aggrieved by a final ruling or order of the Personnel Board on any hearing may seek further review of the decision or order of the Personnel Board in accordance with the Augusta, Georgia Personnel Policies and Procedures Manual.

- (1) In the absence of an appropriate action for review of the Personnel Board's decision, within such time for review, the Personnel Board's decision shall, without further proceedings or notice, become the final decision of the Personnel Board and any right of additional appeals shall be extinguished.
- (2) Record for Review of Board's Decision. Upon receipt by the Chairperson of the Personnel Board of an appropriate action for review of the Personnel Board's Decision, the Board Clerk and/or Human Resources Department representative shall transmit a certified copy of the entire record to the reviewing body.
- (3) The Chairperson of the Personnel Board Shall Answer any Writ of Certiorari to the Superior Court of Richmond County.

Sec. 1-7-21. Legal Counsel for the Augusta, Georgia Personnel Board.

To the extent the Personnel Board, by majority vote, determines the necessity of independent legal representation to assist it in carrying out the duties and powers of Sec. 1-7-15, the

Chairperson of the Personnel Board shall submit a request for such representation to the Augusta, Georgia Commission. Such request shall be in writing and contain an explanation of the facts and circumstances for the request. The Clerk of Commission shall place the request on the Administrative Services Committee for consideration by the Committee and Commission.

Secs. 1-7-22—1-7-30. Reserved.

PERSONNEL BOARD VERSION

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE AUGUSTA, GA CODE TITLE TWO SECTION(S) 1-7-11 THROUGH 1-7-21 TO AMEND THE PERSONNEL SYSTEM; 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, Augusta, Georgia desires to update and amend the Code as related to the Personnel System;

WHEREAS, it is the desire of the Commission to update and improve the Personnel System provisions applicable to Augusta, Georgia employees;

THE AUGUSTA, GEORGIA COMMISSION ordains as follows:

SECTION 1. Augusta, Ga. Code Sections 1-7-11 through 1-7-19 as set forth in the Augusta, Ga. Code, re-adopted July 10, 2007, is hereby amended by striking each section in its entirety and inserting in lieu thereof new Code Sections 1-7-11 through 1-7-19, restated as set forth in "Exhibit A" hereto.

SECTION 2. AUGUSTA, GA. CODE Sections 1-7-20 and 1-7-21 as set forth in the Augusta, Ga. Code, re-adopted July 10, 2007, is hereby amended by inserting in lieu thereof new Code Sections 1-7-20 and 1-7-21, restated as set forth in "Exhibit B" hereto.

SECTION 3. This ordinance shall become effective upon its adoption in accordance with applicable laws.

SECTION 4. 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. 1-7-11. Persons included and excluded—Generally.~~

~~All employees of the governing authority of Augusta-Richmond County are hereby placed under the personnel system except the following: director of recreation; director of Daniel Field; director of Human Resources; director of the fire department; director of indigent defense; director of public works; director of utilities (water); director of public transit; director of animal control; director of the Richmond County Correctional Institute; director of Augusta Regional Airport at Bush Field; director of finance; director of housing & neighborhood development; director of Main Street Augusta; Administrator; director of information technology; director of purchasing; tax assessor; director of license and inspections; director of trees and landscape; director of human relations; county attorney; director of emergency management; clerk of commission; and internal auditor. Other department heads and professional positions in county government under the Jurisdiction of the Augusta-Richmond County Commission may also be excluded by said Commission by appropriate resolution.~~

~~(Ord. No. 6939, § 2, 1-2-07)~~

~~Sec. 1-7-12. Inclusion of present employees.~~

~~All those individuals already employed by Augusta-Richmond County and not excluded herein under the provisions of section 1-7-11 and not excluded in the future under the provisions of section 1-7-11 shall be covered under the personnel system without further examination.~~

~~Sec. 1-7-13. Personnel board—Established, composition; appointment, terms of office; selection of mayor, filling of vacancies; removal from office; compensation.~~

~~(a) There is hereby established by the governing authority of Richmond County a personnel board composed of ten (10) citizens of Augusta-Richmond County of known interest in the improvement of public administration by impartial selection of qualified and efficient personnel (plus an additional two members should the Richmond County Legislative Delegation choose to appoint two members) to be appointed for terms of four (4) years; provided, however, the initial appointments shall be made as follows:~~

~~(1) Except as provided herein, members of the personnel board of Richmond County and the City of Augusta who were serving on said boards on January 1, 1997, having had no fixed terms, shall serve until their successors are appointed and qualified.~~

~~(2) Members of the personnel board serving as of January 1, 1997, shall continue to serve until their successors are appointed by the Commissioner representing the respective District and qualified and are to represent the districts as herein set forth, to wit:~~

		<i>Term Expires</i>
a. Colis Ivey	District 1	3/31/98
b. Dr. Velma Curtis	District 2	3/31/2000
c. James Watson	District 3	3/31/98
d. Deborrah Howard	District 4	3/31/2000
e. Al Ferguson	District 5	3/31/98
f. Appointment TBA	District 6	3/31/2000
g. Owen Crickenberger	District 7	2/28/2000
h. Robert W. Silas	District 8	3/31/2000

i. Appointment TBA _____ District 9 _____ 3/31/98
j. William Mayfield _____ District 10 _____ 3/31/2000

(3) The successor to the member representing District 7 shall serve until March 31, 1998, or until his successor is appointed and qualified.

(4) Members of the board appointed by the Commissioner of the respective Districts to succeed those appointed in subsections 2 and 3 hereof shall serve for terms of office of four (4) years and until their successors are appointed and qualified.

(5) Should the Richmond County Legislative Delegation choose to appoint two (2) members as provided in the Consolidation Act, such members shall serve for a term of four (4) years and until their successors are appointed and qualified. In the event the appointed authority of the Legislative Delegation is removed from the Consolidation Act, this subsection shall automatically be repealed.

(6) All terms shall expire on March 31 of the applicable year, and new terms shall begin on April 1 of the applicable year.

(b) No member of the personnel board may be removed from office prior to the expiration of his term except for cause, as provided in section 1-4-4 herein, after having been given notice and afforded a hearing before the Augusta-Richmond County Commission pursuant to section 1-4-2(b) and section 1-4-3.

(c) Members of the personnel board shall be paid the sum of twenty dollars (\$20.00) per diem for time actually devoted to the business of the board, not exceeding thirty (30) days in any calendar year, and shall be reimbursed for actual and necessary travel expenses.

Sec. 1-7-14. Same — Meetings.

All meetings of the personnel board shall be held in the chambers of the Commission in the Municipal building of Richmond County. Said board shall hold regular meetings at least once each month, and may hold such additional meetings as may be required for the proper discharge of its duties.

Sec. 1-7-15. Same — Purpose; duties and powers.

(a) *Purpose.* It shall be the duty, function and responsibility of the personnel board to represent the interests of the public in the improvement of personnel administration and the selection of qualified personnel.

(b) *Duties and Powers.* The duties and functions of the personnel board shall be as follows:

(1) [The personnel board shall have the responsibility] to propose rules and regulations and standards of the personnel system, and thereafter recommend to the board of commissioners the adoption of rules and regulations and standards effectuating the personnel system established under this article. Such rules and regulations shall include provisions for the establishment and maintenance of job classification and compensation plans, the conduct of examinations for appointment under the personnel system; the certification of eligible persons, appointments, promotions, transfers, demotions, separations, tenure, service ratings, reinstatements, appeals and such additional regulations as may be deemed to be in the best interest of impartial selection

~~of efficient personnel and improvement of public administration. Such rules and regulations shall prohibit political activity by any employee covered by the personnel system or the personnel board. The rules and regulations may provide for establishment of a register of persons eligible for appointment under the personnel system. Said rules and regulations when proposed by the personnel board as aforesaid and approved and adopted by the board of commissioners shall have the force of law and be binding upon all employees, departments and offices of the county governing authority that are not excluded herein, [provided, however, that] the board of commissioners shall have authority to amend, change or make additions to any rules and regulations adopted hereunder.~~

~~(2) [The personnel board shall have responsibility] to conduct hearings and render decisions on dismissals and to hear appeals from any employee who claims to have been improperly dismissed. The personnel board shall consider only complaints or grievances of employees as to dismissals. All complaints or grievances of any employees as to, transfers or suspensions shall be considered by the county administrator, whose decision shall be final.~~

~~(3) The personnel board shall keep and maintain an accurate record of minutes and shall be authorized to hire a clerk to keep and maintain its minutes; the compensation of such clerk is to be in accordance with the pay plan adopted for other employees under the personnel system.~~

~~(4) Said personnel board shall be authorized to make recommendations as to amendments, additions to, and changes in said rules and regulations from time to time; and, when said amendments, changes or additions are adopted by the board of commissioners, said amendments shall have the force of law and be binding on all parties affected by said personnel system.~~

~~Sec. 1-7-16. Same—Payment of costs from county funds.~~

~~All costs for salaries, fees, expenses, personnel and supplies for the operation of the personnel board and its office shall be paid out of county funds with prior approval of the Commission.~~

~~Sec. 1-7-17. Director of human resources.~~

~~The Augusta-Richmond County Commission shall select and appoint a qualified person as director of human resources and shall fix his compensation.~~

~~Sec. 1-7-18. Limitation on employee's right of action.~~

~~No employee shall be entitled to any type of action, complaint or grievance procedure as to dismissal until such employee has been in continuous employment for twelve (12) consecutive months. Continuous employment shall mean employment unbroken by discharge or resignation. Reelection or reappointment at the end of the term shall be regarded as continuous employment.~~

~~Sec. 1-7-19. Employee dismissal, right to appeal.~~

~~No employee of any department or office of Augusta-Richmond County which has been brought under the personnel system pursuant to this article may be dismissed from employment in said department or office except for good cause and in accordance with the rules and regulations adopted by the Commission. Any employee who is dismissed shall have the right of appeal pursuant to the terms of the rules and regulations prescribed for appeal by the personnel board.~~

Secs. 1-7-20—1-7-30. Reserved.

REPLACE WITH:

Sec. 1-7-11. Persons Included and Excluded - Generally.

All employees of the governing authority of Augusta, Georgia are hereby placed under the personnel system except the following: Elected officials; employees and officers of elected officials where such elected official has elected for such employees to be excluded; Director of Recreation; Director of Daniel Field; Director of Human Resources; Director of the Fire Department; Director of Indigent Defense; Director of Engineering; Director of Utilities; Director of Public Services, Director of Public Transit; Director of Animal Control; Director of the Richmond County Correctional Institute; Director of Augusta Regional Airport at Bush Field; Director of Finance; Director of Housing & Neighborhood Development; Director of Main Street Augusta; Administrator; Deputy Administrators; Director of Information Technology; Director of Procurement; Tax Assessor; Director of License and Inspections; General Counsel; Deputy General Counsels; Director of Emergency Management; Clerk of Commission; and Director of Equal Employment Opportunity; Disadvantaged Business Enterprise Liaison. Other department heads and professional positions in county government under the Jurisdiction of the Augusta, Georgia Commission may also be excluded by said Commission by appropriate resolution.

Sec. 1-7-12. Inclusion of Present Employees.

All those individuals already employed by Augusta, Georgia and not excluded herein under the provisions of section 1-7-11, as may be amended, shall be covered under the personnel system without further examination.

Sec. 1-7-13. Personnel Board – Established; Composition; Appointment; Terms of Office; Selection of Members; Filling of Vacancies; Removal from Office; Compensation.

- (A) There is hereby established by the governing authority of Augusta, Georgia a Personnel Board composed of ten (10) citizens of Augusta, Georgia of known interest in the improvement of public administration, who are qualified to perform the duties provided herein (plus an additional two members should the Richmond County Legislative Delegation choose to appoint two members).
- (B) Members of the Personnel Board appointed by Commissions of their respective Districts shall serve on the board for terms congruent with the term(s) of their appointing Commissioners and continue to serve until their successors are duly appointed, qualified, and are to represent the Districts as herein set forth; provided, however, that:

 - (1) Except as provided herein, members of the Personnel Board of Augusta, Georgia who were serving on said board prior to January 1, 2011, shall serve until their fixed term has expired and continue to serve until their successors are appointed by the Commissioner representing the respective Districts, are qualified, and are to represent the Districts as herein set forth, to wit:

		<i>Appointment</i>	<i>Term Expires</i>
a. Aisha Leverett	District 1	4/01/2010	3/31/2013
b. Vacant	District 2		
c. Clay Ward	District 3	6/10/2010	3/31/2013
d. Vacant	District 4		
e. Gwendolyn Allen-Robinson	District 5	3/16/2010	3/31/2013
f. Donald D. Smith, Jr.	District 6	6/01/2008	3/31/2011
g. Dr. Ralph Walker	District 7	5/04/2010	3/31/2013
h. Vacant	District 8		
i. J.R. Riles	District 9	12/07/2010	3/31/2014
j. David (Chip) Barbee	District 10	9/02/2008	3/31/2011

(2) The membership of Members of the Personnel Board appointed by the Commissioners of the respective Districts to succeed those previously appointed as detailed in subsection (B)(1) hereof shall automatically terminate upon the termination of the appointing Commissioner's incumbency. Such Members shall continue to serve until their successors are appointed and qualified.

(C) Should the Richmond County Legislative Delegation choose to appoint two (2) members as provided in the Consolidation Act, such members shall serve for a term of four (4) years and until their successors are appointed and qualified. In the event the appointed authority of the Legislative Delegation is removed from the Consolidation Act, this subsection shall automatically be repealed.

(D) Personnel Board members appointed by Commissioners may be removed from office by their appointing Commissioner at any time prior to the expiration of his or her term with or without cause.

(E) Members of the Personnel Board shall be paid the sum of fifty dollars (\$50.00) per diem for time actually devoted to the business of the board, not exceeding thirty (30) days in any calendar year, and shall be reimbursed for actual and necessary travel expenses.

Sec. 1-7-14. Same—Meetings.

All meetings of the Personnel Board shall be held in the Chambers of the Commission in the Municipal Building of Augusta, Georgia. Said board shall hold regular meetings as may be required for the proper discharge of its duties.

Sec. 1-7-15. Same—Purpose; Duties and Powers.

(A) **Purpose.** It shall be the duty, function and responsibility of the Personnel Board to represent the interests of the public in the dismissal of personnel from the employ of Augusta, Georgia.

(B) **Duties and Powers.** The duties and functions of the Personnel Board shall be as follows:

- (1) The Personnel Board shall have responsibility to conduct hearings and render decisions on dismissals and to hear appeals from any employee who claims to have been improperly dismissed. The Personnel Board shall consider only complaints or grievances of employees as to dismissals. All complaints or grievances of any employees as to lesser forms of discipline shall be considered in accordance with the Augusta, Georgia Personnel Policies and Procedures Manual.
- (2) The Personnel Board shall keep and maintain an accurate record of minutes and shall be authorized to utilize a clerk to provide administrative support for the board and keep and maintain its minutes; such clerk shall be chosen by the Chairperson of the Personnel Board from the full-time employees of the Human Resources Department and shall receive his or her normal salary for time spent performing the duties of the clerk of the Personnel Board. While acting in the role of the clerk of the Personnel Board, such person shall answer and report only to the Chairperson of the Personnel Board.

Sec. 1-7-16. Same—Payment of costs from Augusta, Georgia funds.

All costs for salaries, fees, expenses, personnel, and supplies for the operation of the Personnel Board and its office shall be paid out of Augusta, Georgia funds with prior approval of the Board of Commission.

Sec. 1-7-17. Director of human resources.

Augusta, Georgia shall select and appoint a qualified person as Director of Human Resources and shall fix his or her compensation.

Sec. 1-7-18. Limitation on employee's right of action.

No employee shall be entitled to any type of action, complaint or grievance procedure as to dismissal until such employee has been in continuous employment for at least twelve (12) consecutive months. Such time may be extended in accordance with the Probationary Policy. Continuous employment shall mean employment unbroken by discharge or resignation. Reelection or reappointment at the end of the term shall be regarded as continuous employment.

Sec. 1-7-19. Employee dismissal, right to appeal.

No employee of any department or office of Augusta, Georgia which has been brought under the personnel system pursuant to this article may be dismissed from employment in said department or office except for good cause and in accordance with the rules and regulations adopted by the Board of Commission. Any employee who is dismissed shall have the right of appeal pursuant to the terms of the rules and regulations prescribed for appeal herein and by the Augusta, Georgia Personnel Policies and Procedures Manual.

Exhibit B

Sec. 1-7-20. Bylaws of the Augusta, Georgia Personnel Board.

(A) **Purpose.** The purpose of these bylaws is to establish uniform procedures for the conduct of hearing and meeting of the Augusta, Georgia Personnel Board (hereinafter “Personnel Board” or “Board”).

(B) **General Provisions.**

- (1) After an appeal of a dismissal has been properly filed with the Human Resources Department, the appeal shall be forwarded to the Chairperson of the Personnel Board to be scheduled for a hearing before the Personnel Board.
- (2) Notice of Hearing. Within seven (7) days from the filing of an appeal in accordance with the Employee Administrative Policy & Procedures Manual (hereinafter “Employee Manual”), the Chairperson of the Personnel Board shall designate an appropriate time and place to conduct the hearing and shall so notify all parties in writing. Such notification shall be mailed or served at least ten (10) calendar days in advance of the date set for the hearing. The Personnel Board will conduct an investigation into the charges based on the information provided by the Human Resources Department. At its next scheduled meeting, the Personnel Board will hold an open hearing and receive any additional evidence in relation to the Appeal. The Chairperson of the Personnel Board, or a majority vote of the Board, shall have the authority to postpone or to continue a hearing (either in the Chairperson’s discretion, upon a motion by the Personnel Board or upon the motion of either party, orally or in writing).
- (3) Representation. Opportunity shall be afforded both parties to represent themselves or to be represented by an attorney licensed to practice law in the State of Georgia. All arrangements for providing legal counsel shall be the responsibility of the party desiring such representation. An employee intending to have representation shall inform the Director of Human Resources of such intentions at least 48 hours prior to the scheduled date of such hearing.
- (4) Pre-Hearing Conference. The Chairperson of the Personnel Board may arrange a pre-hearing conference for the purpose of reviewing the matter being appealed and establishing stipulations to expedite the hearing.
- (5) Witnesses.
 - (a) The appellant or the Human Resources Director (or his or her designee) may request the attendance of employees or other persons as witnesses when their testimony will aid in establishing the facts in the case. Employees appearing as witnesses shall be released from duty without loss of pay or time and without effect on their service rating. Current employees whose attendance is requested by either party will be provided written notice of the need to attend the Board hearing. Failure of any noticed employee to attend the hearing may result in discipline up to and including termination. However, the Personnel Board does not have subpoena powers to compel a witness’s attendance.

- (b) No person shall directly or indirectly use, or threaten to use, any official authority or other influence which would tend to discourage any other person from testifying.
- (c) Each party shall provide the opposing party a witness list at least three (3) business days in advance of a scheduled Personnel Board hearing. **The Human Resources Director, or his/her designee, shall be responsible for providing the Board clerk with the witness lists of both parties so that notice may be given to current employees as explained in subsection (a) herein. Failure of any party to provide its witness list as described above may result in their current employee witnesses not receiving notice as explained in subsection (a) herein.** A party seeking to have a witness testify that is not on their witness list may only do so with the consent of the opposing party.
- (6) Record of Hearing. A recording shall be made of all hearings; however, such recording will not be transcribed unless the Personnel Board decision is appealed in accordance with the Augusta, Georgia Personnel Policies and Procedures Manual; or a transcript is requested by the Personnel Board or either party to the hearing. If the employee requests a copy of the transcript prior to appealing the Personnel Board's decision, the employee shall pay the cost of having the recording transcribed. In addition to the recording of the hearing, or a transcription thereof, all documents entered into the record during the hearing shall be made part of the official record of the hearing. It shall be the responsibility of the clerk of the Personnel Board to compile the official record of the hearing and, upon the filing of an appeal of the Personnel Board's decision, to have such record certified by the Chairperson of the Personnel Board.

(C) Hearing Process.

- (1) Role of the Board. The Personnel Board shall have the authority to do the following in connection with any hearing:
 - (a) To administer oaths and affirmations;
 - (b) Regulate the course of the hearing;
 - (c) Set the time and place for continued hearings and pre-hearing conferences;
 - (d) Reprimand or exclude from the hearing any person for any indecorous or improper conduct committed in the presence of the Personnel Board;
 - (e) To make informal disposition of any case by stipulation, agreed settlement, consent order or default, unless such disposition is precluded by law;
 - (f) To render a decision as to issues properly presented to the Personnel Board;
and
 - (g) To file Answers to Writs of Certiorari properly filed in the Superior Court of Richmond County.
- (2) Attendance at the Hearing. Any hearing at which the Personnel Board receives evidence or hears arguments on appeals of disciplinary actions, dismissals, or other purported violations of the rules shall be open to the public in accordance with

Georgia Open Meetings Law. Witnesses may, however, be sequestered at the discretion of the Board.

(3) Evidence. With respect to all hearings before the Personnel Board:

- (a) Irrelevant, immaterial or unduly repetitious evidence shall be excluded. The rules of evidence as applied to the trial of civil non-jury cases in the Superior Courts of Georgia shall be followed. Evidence not admissible thereunder may be admitted if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs. The Personnel Board shall give effect to the rule of privilege recognized by law;
- (b) Objections to evidentiary offers may be made and shall be noted in the record;
- (c) When a hearing will be expedited and the interest of the parties will not be prejudiced substantially, any part of the evidence may be received in written form;
- (d) Documentary evidence may be received in the form of copies of excerpts if the original is not readily available; and
- (e) The Director of Human Resources may proceed with the presentation of evidence first.

(4) Conduct of Hearings. In the hearing of an appeal, the proceeding shall be informal but orderly. The following procedure shall prevail:

- (a) The Chairperson of the Personnel Board shall open the hearing by explaining the procedure to be followed in the hearing.
- (b) Witness shall be sworn in and at the discretion of the Chairperson any or all witnesses may be sequestered;
- (c) The Chairperson shall read or cause to be read the charges and specifications of the issues to be determined by the Personnel Board;
- (d) The facts not in dispute may be stipulated;
- (e) Each party shall be given an opportunity to make a brief opening statement identifying the issues and indicating what is to be proven. The Human Resources Director shall present their opening statement first followed by the employee;
- (f) The Human Resources Director will begin its presentation of evidence followed by the employee;
- (g) All witnesses shall testify under oath or affirmation. The employee and the Human Resources Director may call witnesses to testify at a grievance hearing. Falsifying a statement is considered as "serious misconduct" and may result in the employee's suspension or separation from employment;
- (h) Each party may conduct such cross examination as shall be required for a full and true disclosure of the facts. In addition, the Personnel Board members may examine the witnesses;

- (i) Before closing the hearing, the Chairperson may allow both parties the opportunity to make brief oral or written closing statements. The employee may present his or her closing statement first;
 - (j) At any point during the hearing, of his/her own accord or at the request of either party, the Chairperson may grant a fifteen (15) minute recess to allow the parties engage in confidential settlement negotiations. This initial fifteen (15) minute recess may be extended by the Chairperson if both parties signify that progress is being made in the settlement negotiations.
 - (k) Within ten (10) working days of the hearing, a final decision will be rendered by the Personnel Board. Should the Board fail to overrule the dismissal decision, the dismissal shall stand. If the dismissal decision is reversed by the Personnel Board and the Personnel Board's decision is upheld in the review and appeal process (or no timely appeal is filed), the employee shall be "made whole" by being reinstated as an employee and provided back pay.
 - (l) The Human Resources Director will notify the employee in writing of the final decision of the Personnel Board and will be responsible for implementation of any action ordered by the Board.
- (5) Time Limitations. In the hearing of an appeal, the parties are subjected to the following time limitations in the presentation of their cases and such time will be monitored by the clerk of the Personnel Board.
- (a) Opening Statements. Each party shall have a maximum of five (5) minutes to make an opening statement.
 - (b) Presentation of Evidence. Each party shall have an initial time period of thirty (30) minutes to present evidence in support of their case. A party may be granted one or more extensions of time in fifteen (15) minute increments, upon motion and good cause shown, to complete presentation of evidence in support of their case.
 - (c) Closing Statements. Each party shall have a maximum of five (5) minutes to make a closing statement.

(D) Review of the Personnel Board's Decision. A decision of the Personnel Board shall not limit the rights of either party to further review and such decision shall be stayed by the filing of a petition for review. Any party, including the Human Resources Director, who has exhausted all administrative remedies available before the Personnel Board and who is aggrieved by a final ruling or order of the Personnel Board on any hearing may seek further review of the decision or order of the Personnel Board in accordance with the Augusta, Georgia Personnel Policies and Procedures Manual.

- (1) In the absence of an appropriate action for review of the Personnel Board's decision, within such time for review, the Personnel Board's decision shall, without further proceedings or notice, become the final decision of the Personnel Board and any right of additional appeals shall be extinguished.
- (2) Record for Review of Board's Decision. Upon receipt by the Chairperson of the Personnel Board of an appropriate action for review of the Personnel Board's

Decision, the Board Clerk and/or Human Resources Department representative shall transmit a certified copy of the entire record to the reviewing body.

- (3) The Chairperson of the Personnel Board Shall Answer any Writ of Certiorari to the Superior Court of Richmond County.

Sec. 1-7-21. Legal Counsel for the Augusta, Georgia Personnel Board.

To the extent the Personnel Board, by majority vote, determines the necessity of independent legal representation to assist it in carrying out the duties and powers of Sec. 1-7-15, the Chairperson of the Personnel Board shall submit a request for such representation to the Augusta, Georgia Commission. Such request shall be in writing and contain an explanation of the facts and circumstances for the request. The Clerk of Commission shall place the request on the Administrative Services Committee for consideration by the Committee and Commission.

Secs. 1-7-22—1-7-30. Reserved.



**Administrative Services Committee Meeting
1/24/2011 1:00 PM
Shiloh Community Center**

Department:

Caption: Update from the Housing and Community Development Department regarding the request from Ms. Elizabeth Jones, Executive Director, Shiloh Community Center, for funding from the ARC Housing and Community Development Department. (Referred from January 18 Commission meeting)

Background:

Analysis:

Financial Impact:

Alternatives:

Recommendation:

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

REVIEWED AND APPROVED BY:

Clerk of Commission

AGENDA ITEM REQUEST FORM

Commission meetings: First and third Tuesdays of each month - 5:00 p.m.

Committee meetings: Second and last Mondays of each month - 12:45 to 2:15 p.m.

Commission/Committee: (Please check one and insert meeting date)

☒	Commission	Date of Meeting	1/4/2011
☐	Public Safety Committee	Date of Meeting	
☐	Public Services Committee	Date of Meeting	
☐	Administrative Services Committee	Date of Meeting	
☐	Engineering Services Committee	Date of Meeting	
☐	Finance Committee	Date of Meeting	

Contact Information for Individual/Presenter Making the Request:

Name: Elizabeth Jones - Executive Director - Shiloh Community Center
Address: 1633 15th Street Augusta, Georgia 30901
Telephone Number: 706.738.0089 803.270.6801
Fax Number: 706.738.2081
E-Mail Address: ej.shilohcommunitycenter@gmail.com

Caption/Topic of Discussion to be placed on the Agenda:

March 28, 2010 Request for operating funds from HND/CDBG
September 29, 2010 Request for funds for Roof & Wiring
from HND/CDBG

Please send this request form to the following address:

Ms. Lena J. Bonner	Telephone Number: 706-821-1820
Clerk of Commission	Fax Number: 706-821-1838
Room 806 Municipal Building	E-Mail Address: lbonner@augustaga.gov
530 Greene Street	
Augusta, GA 30911	

Requests may be faxed, e-mailed or delivered in person and must be received in the Clerk's Office no later than 5:00 p.m. on the Wednesday preceding the Commission or Committee meeting of the following week. A five-minute time limit will be allowed for presentations.

Item # 5