

**MINUTES  
CITY OF TEMPLE  
DECEMBER 29, 2014 @ 6:30p.m.**

The regular council meeting of the Temple City Council was called to order by Mayor Lester Harmon at 6:30p.m. on December 29, 2014. The invocation was given by Mayor Lester Harmon.

**NEW BUSINESS:**

1. The first order of business was the adoption of the FY2015 operating budget. After the following questions by Council Member Ransom to City Attorney Daley.  
"Budget" means a plan of financial operation embodies an estimate of proposed expenditures during a budget period and it includes the proposed means financing them. A budget ordinance means that governmental action which appropriates revenues and fund balances for specified purposes, functions, or activities for a budget period.

What legal ramifications are there for city council members for spending outside the proposed means within the budget or financing these expenditures that are not in line item, such as a payroll service, non-budget overtime, bonuses and even the forensic audit? There are numerous expenditures that I am worried we incurred this year that are not shown as expenditures within our budget and even while voting for these issues, I was careful each time to ask or state that expenditures would require an amendment to the budget and yet those amendments have still not been done and some of those expenditures are still not shown in the proposed budget for 2015. How is the council liable for this with tax payers or GA law?

It was explained by Mrs. Daley that the council under Georgia State Law, must and operate under a balanced budget, it was clarified that "balanced" meant the total number of expenditures must equal the total amount of budget revenue. She explained that the "detail" lines were for in house accounting purposes and that it was the total of those detail lines that must be balanced with the end total in the operating budget.

Mrs. Daley stated at some point in regards to the discussion of these questions that the council needed to make the budget amendments for the 2014 budget by December 31<sup>st</sup>.

Mrs. Daley agreed that by state law and the city charter that the council could operate under the 2014 budget on a month to month basis for up to six months if the council failed to approve the 2015 budget.

When asked what liability there would for the council if a complaint was filed for failing to operate under a balanced budget, she explained that a council member would not be personally responsible for the funds, but the state could put us on non-compliance and that they held the purse strings in which I asked did that mean the punishment would fall back on to the tax payers?

A budget ordinance or resolution is balanced when the sum of estimated revenues and appropriated fund balances is equal to appropriations. (My notes to questions In regards to IF the council does NOT vote to accept this budget for the year 2015)

I have been asking for month to see accurate financial data and for a list of the needed budget amendments that the city needs to adopt by ordinance for 2014 in order to continue to expend city Tax Dollars, I have every reason to believe that we are not operating under the state law of a "balanced budget" and if we continue into the year 2015, without adopting this 2015 budget, and instead continue to operate month to month under the 2014 budget which is unbalanced, what are the legal ramifications for that?

**Discussion centered around the fact that the council needed to make the amendments to the 2014 budget, again Mrs. Daley stated we were supposed to have them by December 31<sup>st</sup>. Failing to do so could cause the City to lose state grants.**

Clarification from Attorney Daley regarding adopting a budget that is unbalanced, can a council member be held liable for knowingly adopting, spending or continuing to operate under an unbalanced budget?

**Again it was explained to me that a council member could not be held personally "liable" but the state did require the City of Temple to adopt and operate under a balance budget or we could be considered to be out of compliance with State regulations.**

Council Member Walden asked if budget can be adopted if bank statements were not balanced City Attorney Daley, responded it could.

A motion was made by Council Member Miller, with a second by Council Member Bracknell, to approve the budget as presented. Motion carried 4-1 with Council Member Ransom voting against it.

2. The second item of business was the adoption of the FY2015 capital expense budget. After discussion, a motion was made by Council Member Bracknell, with a second by Council Member Miller, to approve the budget as presented. Motion carried 4-1 with Council Member Ransom voting against.

3. The third item of business was to discuss a 3-way stop at Center Point Rd. and Billings Rd. This will be completed by the Carroll County Public Works Department. After discussion, a motion was made by Council Member Walden, with a second by Council Member Simmons, to approve. Motion carried 5-0.

4. The Forth Item of business was discussion of sub contracting payroll service. After discussion a motion was made by Council Member Bracknell with a second by Council Member Walden to contract with corporate payroll service. This service is to start January 1, 2015. Motion carried 5-0 Vote

5. The fifth item of business was the discussion of giving the part-time senior center employees 29 hours Christmas bonus instead of the 15 hours they received. After discussion, it was decided to give the average of the last 6 months pay. Also discussed was an employee with the police department receiving a full weeks bonus since she missed being employed 1 year by 1 week. A motion was made by Council Member Bracknell, with a second by Council Member Miller. Motion carried 4-1 with Council Member Ransom voting against.

6. The sixth item of business was the first read of an ordinance to create the position of Chief Financial Officer. Attorney Daley presented the ordinance along with a job description.

7. The seventh item of business was for the city administrator to ask for a committee to be formed to formulate a cut-off policy for the city. No action was taken.

8. The eighth item of business was for Attorney Daley to give an update on FOGO. A representative from FOGO will be present at the January council meeting.

9. The ninth item of business was to discuss budget amendments. After the following questions by Council Member Ransom.

Any increase in appropriation at the legal level of control of the local government, weather accomplished through a change in anticipated revenues in any fund or through a transfer of appropriations among departments, shall require the approval of the governing authority. Such amendments shall be adopted by ordinance.

Am I correct in understanding that a budget amendments is required for the transfer of budgeted funds of funds designated for a specific purpose within a department from one program or function to another program or function, anything that constitutes a change in operations upon which the original adopted budget was developed and that such a change must be adopted in an open meeting by the governing authority, through an ordinance in order to be legal?

I was answered that was correct.

I wanted to know if I vote NO to any expenditure not in the budget and not provided to me an ordinance am I protected if a tax payer decides to call the council out on any of this or file a complaint against the council for failing to adopt a balanced budget or amend an unbalanced budget.

**I asked this question several different ways and was told each time that the sanctions would not be against a council member personally, but against the taxpayers of the city in regards to possible noncompliance and the withholding of state funds or grants.**

**After discussion no action was taken.**

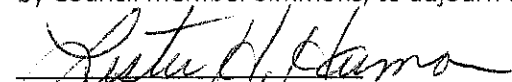
10. The tenth item of business was a report from Attorney Daley on accounts payable. Attorney Daley reported that the city was regularly paying late fees on credit card bills as well as to electric companies.

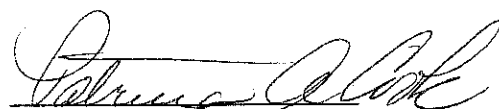
11. The eleventh item of business was included in item #8. During discussion of item 8, it was recommended to train Pam Edwards, Cindy Moore, Lynn Nixon and Tina Duncan in the new programs when the city converts to them.

12. The twelfth item of business was to discuss e-mail. A motion was made by Council Member Bracknell, with a second by Council Member Miller, to remove this item of business.

13. The thirteenth item of business was to discuss hiring Ann Fazio with our auditing firm to reconcile bank statements. After discussion, Attorney Daley suggested hiring Lisa Loftin with Carroll County to complete this work. If hired at lower rate of pay.

With no further business to conduct, a motion was made by Council Member Bracknell, with a second by Council Member Simmons, to adjourn the meeting.

  
Mayor Lester Harmon

  
Acting City Clerk