

**City of Temple  
Special Called Meeting  
Temple City Council  
October 18, 2017, 6:30PM  
Temple City Hall**

**Council Members Present:** Richard Bracknell, Howard Walden, Tom Wallace

**Council Members Absent:** Penny Ransom, Todd Rothwell

**Call to Order:** In the absence of Mayor Harmon, the meeting was called to order by Mayor Pro Tem Richard Bracknell at 6:30PM.

Mayor Pro Tem Bracknell asked City Attorney Mike McCrae if they have a quorum. The City Attorney stated that three members of the Council constitute a quorum and the meeting was called by three members of the Council pursuant to their authority as contained in section 2-10, subsection B of the Charter of the City of Temple, so the meeting is duly constituted and held by them.

**Approve the published agenda of this date's City Council Meeting, as presented:**

There was a motion to approve the agenda by Councilmember Walden, second by Councilmember Wallace. Vote 3-0.

**New Business:**

1. Consider approving a request to be made to the Carroll County Board of Elections that said Board take action to investigate and conduct, if necessary, a challenge regarding the qualifications of Gerald Powell to run for the Office of Mayor and to have his name placed on the ballot for the November 7, 2017, City of Temple Municipal Election, pursuant to O.C.G.A. 21-2-6 and related provisions of Georgia Law

City Attorney Mike McCrae provided some procedural background of why the meeting is taking place. He explained on October 4th, City Clerk Kristin Etheredge received documents concerning the qualifications of candidate Gerald Powell to be on the ballot for the Mayor of Temple. Those documents show that Gerald Powell was convicted of the felony sale of marijuana on October 21, 1992. The attorney stated that felony sale of marijuana is a crime involving moral turpitude which would mean he would be ineligible to hold the office of Mayor, unless his rights were restored under the provisions of Georgia code 45-2-1. When the information was received, he sent it to Mr. Powell's attorney asking him to review it and determine if it was the wrong Gerald Powell or if it was not true, but we did not receive any comment from his lawyer at that time. He then requested from the Board of Pardons and Paroles an affidavit on whether his rights have been restored, that is required for him to be qualified for the position of candidate for Mayor. By affidavit of October 10, 2017, the Board of Pardons and Paroles indicated that his rights had not been restored. As attorneys for the City of Temple, it is their position that any time any matter comes before a city that is a concern in regards to any candidate, which has nothing to do with ethnicity or their background, or any constitutional privilege, they are required to review that. He stated that they were required to do that in this case and it had nothing to do with any of the council members that are present at this meeting, or with the Mayor or other Council members that are not here. He said that they believe he is not qualified to run for office. The Board of Elections

and the Secretary of State's office were contacted; both stated the challenge hearing could be done by the City or by the Carroll County Board of Elections by request of the City. It is the attorney's advice that the city challenges this qualifying and request that the Carroll County Board of Elections does it. There was a motion by Council member Walden to investigate, and if necessary, have the Carroll County Board of Elections conduct a challenge hearing regarding the qualifications of Gerald Powell to run for Mayor. Second by Council Member Wallace. Vote 3-0.

There was a motion to adjourn by Council Member Walden, second by Council Member Wallace. The meeting adjourned at 6:39PM.

**Adjournment:**

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Mayor

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City Clerk