

TO: The Honorable Albert M. Pickett
Judge, Richmond County Superior Court

FROM: Richmond County Special Grand Jury

DATE: November 19, 2002

RE: Interim Presentment

We, the members of the Richmond County Special Grand Jury, sworn in open court on November 29, 1999, respectfully submit the attached interim presentment regarding various specific matters; to summarize our previous findings and presentments; and to present additional conclusions and recommendations.

We expect to conclude our service within 60 days and will ask the Court to discharge us from further service in January 2003.

Attachments: Signature Page
Presentment

SPECIAL GRAND JURY, NOVEMBER TERM, 1999


CAROL R. WILSON


WENDY CROSS THOMPSON


SHARRON H. MARTIN


DELORIES N. JONES


LARRY G. CLARK


ARTHUR W. WIGGINS, JR.


PATRICIA M. POSTON


ROBERT L. POLK, JR.


FRANK A. STAFFORD


MALISSA W. COLLINS


LAKESHIA DOZIER


MYRA L. CLARK


PAUL B. BAILEY


ANN C. STALNAKIER


JAMES L. GUINAN

Presentment of the Special Grand Jury of Richmond County 2002

The Special Grand Jury (SGJ) was created in 1999 to examine the operations of the government of Augusta-Richmond County (ARC). The SGJ is made up of everyday people, of every age group, from all walks of life. The SGJ focused on the problems in government, not who was in the government. Competency alone was all that mattered. Never relying on the word of just one person, jurors spent innumerable hours taking testimony from hundreds of witnesses and examining thousands of documents. In producing nine presentments analyzing government operations, the SGJ found that the facts spoke for themselves.

As these presentments became public, they stimulated a healthy dialogue in the community. A few politicians and community leaders proposed various solutions, but in the end, all attempts failed at the state and local levels. The Charter Committee failed to provide a charter; the local legislative delegation was unable to effectively legislate a bill; the county commissioners were sulky in their inaction. Hopefully, these failed ventures will not deter bona fide efforts to enact future change because as this presentment will show, there continues to be a pressing need for governmental reform.

Why Reform is Needed

The following actions (and inactions) of commissioners and public leaders since the 2001 SGJ Interim Presentment demonstrate that nothing has been done to ameliorate the present situation.

Many groused about the SGJ, with commissioners even stating they would not take action just because it was the SGJ who brought the issues to light. Often they would demonstrate very cynical attitudes. Following the Fire Presentment, the Public Safety Committee chairman declared he would not allow it to be discussed before "his committee." Responding to public criticism, he then created a special committee made up of the Administrator, the Fire Chief, another commissioner and himself to study the presentment and come back with a plan of action. This committee has yet to hold its first meeting. The Fire Chief testified he has never been informed he was a member of such a committee or what its purpose was. The chairman, vociferous in his public criticism of the presentment, later testified that he had never even entirely read the SGJ report. He also testified that the special committee would never meet.

The Purchasing Presentment got the same treatment. Upon its release, the County Administrator wrote a page and a half response that said little and was inaccurate. For example, he misrepresented the Sheriff's position on creating his own purchasing department. The Administrator placed Purchasing's problems everywhere but in Purchasing, to the degree he admitted there were problems. By reducing a 52-page report to a page and a half, he gave certain commissioners an out. When the idea of doing the compliance audit called for by the SGJ came up in committee, one commissioner sloughed it off as unnecessary (as did the Administrator). Later, in testimony, this

commissioner admitted to never having read the Purchasing Presentment, even though he had vigorously criticized it. He stated it was just too hard to read so many pages. These reactions to SGJ reports show some of the recurrent problems with many in the ARC government and its structure. Powerless to correct the problem, the Administrator has to publicly justify inaction. Commissioners garble the facts and decry what they have not read in order to protect the status quo and sacred cows.

This distortion is further illustrated in the way governmental and public leaders attempted to manipulate citizens and civic organizations concerning SGJ presentments. For example, the Fire Presentment addressed the culture of corruption and decline in the Fire Department. Yet some suggested the motive of the presentment was racial. But when Ronnie Few and a commissioner attacked the head of the EEO, they attacked an African-American. When the Interim Chief demeaned his training chief, he attacked an African-American. When Few lied under oath to the Personnel Board, half were African-Americans (including Bobby Hankerson and Charles Walker, Jr.). The officer who was lied about is an African-American. Meanwhile, the SGJ recommended that the Fire Marshal, who is white, be removed, and replaced by an African-American. Many of the firefighters affected by shady promotions and skewed raises are African-Americans. The union and political leadership in Washington D.C., who had the same issues with Few, are overwhelmingly African-American. Augusta taxpayers, fleeced by his waste, were of every ethnicity. Those cited in the presentment understood what they were doing and were never victims.

Finally, there are still extraordinary instances where commissioners involve themselves in county disciplinary actions. In late 2001, there was a case of sexual harassment in Public Works. A supervisor was accused of sexually harassing a subordinate and her daughter on county property. The Human Resources Director/EEO and the head of Public Works both recommended termination because of the seriousness of the charges, an eyewitness account and the employee's disciplinary history of rude, uncooperative behavior. The situation became more chaotic, even dangerous, when the employee (who had been convicted of murdering a man and had served eleven years of a life sentence) ignored direct orders from Human Resources and Public Works and immediately began confronting witnesses. One subordinate felt so threatened that he filed a police report after this employee allegedly intimidated him at his home. The SGJ learned through testimony that a commissioner (Lee Beard) contacted the Administrator, while he was considering the recommended punishment, and stated that the employee did not need to be fired, that something else could be worked out. The Administrator then launched an investigation of his own. In a highly irregular action, he ignored the recommendation to terminate by the employee's department head and the Director of Human Resources and merely demoted the employee (with a pay cut). Incredible as it may seem, the Administrator stated a firing could not be "sustained," even though he found a pattern of "harassment and intimidation." Clearly the Administrator was intimidated by the commissioner's interference.

When viewed together, these episodes present a picture of a government structure sorely in need of remodeling. The current form of government is easily manipulated by

politicians and is often used to promote personal agendas. It must be reformed to prevent such abuses. The SGJ, in light of the above episodes and nine presentments, re-submits its recommendations from the 2001 Interim Presentment for careful consideration by the community in the following *Appendix A*.

New Information and New Recommendations

The SGJ has further information concerning a prior presentment, as well as three specific new recommendations for consideration by the citizens to remedy certain problems that have come to light throughout the SGJ process.

Minority Link Bulletin

After the Minority Link Deposit Program (MLDP) Presentment came out, the SGJ further researched certain issues. It was stated that there were more MLDP loans made than the three cited in the presentment. Evidence from Regions Bank (attached to the original MLDP Presentment) contradicts this. That letter clearly stated that Regions Bank could find only three loans made in conjunction with the MLDP and listed those specific loans. The SGJ subpoenaed the other loans attributed to the MLDP as given to the media by Housing and Neighborhood Development (HND). Examination of these purported MLDP loans proved conclusively that they were never part of the MLDP. There was no paperwork or notations connecting them with the MLDP. Testimony by the former HND Program Administrator revealed that contractors were sent to Regions Bank because she knew the loan officer and felt he might be able to help the contractors get financing. She also stated that the MLDP was never put into practice. The SGJ, backed by testimony and bank records, stands by its MLDP Presentment.

Since the original report, the SGJ has learned that MLDP is still in disarray. A participating bank has made recent MLDP loans to businesses *outside* Augusta-Richmond County. One loan was made to a business in Columbia County to do work in Aiken County. Testimony from the County Attorney and the County Administrator suggests that this violates the letter and the spirit of the MLDP contract. Meanwhile, the County Finance Director has since informed a MLDP bank that the loans may be made only to businesses with government contracts (federal, state or local). This contradicts the interpretation of the contract given to the SGJ by the County Attorney and the County Administrator. The SGJ wishes to restate its recommendation that MLDP loans be made only to entities within ARC, doing business in ARC. The SGJ once again maintains that the County must define and more effectively administer this worthwhile program.

New Recommendations

1. The SGJ found that the auditing process for County pass-through grants is very flawed. The Finance Department performs the state-mandated audits, but they are done offhandedly with sloppy paperwork and substandard adherence to rules and procedures. It is an almost non-existent process and must be fixed. With the large amount of pass-through grant money coming into the area via these grants, the

County must take its audit responsibility seriously or else become liable for misused funds. The SGJ recommends stronger and more thorough policies be developed for auditing these grants.

2. The Equal Employment Officer (EEO) is a mandated officer in the consolidation bill. Their function is to provide a neutral venue for employee complaints and to provide services to protect the employee and the County against unfair practices. The position was filled with a dedicated employee until her promotion to head of Human Resources. The position has since been watered down in a couple of ways. The Administrator gave the EEO to a deputy administrator who directly supervises various departments. This removes the needed impartiality from EEO procedures. Secondly, SGJ testimony has unanimously shown this deputy has very "weak investigative skills." The Administrator went on to use the EEO salary to hire an administrative assistant to handle public relations for him and the government. It seems almost dishonorable to use a salary of someone who protects the rights of the employees to hire someone who protects the image of the bosses. The SGJ recommends that an experienced, knowledgeable person be hired to fill the EEO position for the protection of the government employees. This is important in light of past and current practices of politicians and supervisors in this government. An administrative assistant who handles public relations can be absorbed into another position. The EEO, a key and legally mandated office, should be funded and enthusiastically supported by putting a capable employee in this position.
3. The SGJ recommends the empanelling of a Special Grand Jury every five to seven years. Until a charter with adequate checks and balances is created, a future SGJ would look into and expose gridlock, cronyism, fraud, abuse and waste that will likely continue to occur.

Conclusions

During the tenure of the SGJ, it has observed and reported on different aspects of the government. The problems reported in no way reflect on the hundreds of County employees the SGJ has met while fulfilling its mandate. These public servants are dedicated and hardworking people who want to do their jobs well. They are a good foundation stabilizing our government, but existing problems must be faced and repaired for consolidation to fulfill its promise.

Augusta has fallen behind its neighbors in economic development and it is the fault of politicians and "community leaders" who are unwilling to set aside their personal agendas. Some even bristle when citizens point out problems or propose solutions. A few have even stated that the public is not qualified to comment since most do not understand the government. The County Administrator told the SGJ that they and the citizens should be focusing on "customer service and not be concerned about the behind-the-scenes management." These inflexible attitudes stifle government reform and discourage those who are trying to improve the system. Meanwhile, many politicians, unwilling or unable to lead, exert their energies protecting themselves and their friends.

It is time for the community itself to take direct action. Why? The long-term consequences could be staggering. With political gridlock and chaos in the government, our community is difficult to market to outside investment. This failure to infuse new money into the state local economy hurts the infrastructure of ARC and its school system causing more and more people to move out of Augusta, taking with them much needed tax dollars. To stop this downward, spiral all of the citizens must work together for Augusta to realize its full potential.

Appendix A

Recommendations from the 2001 Presentment

Develop a Charter that includes the following:

- A. Mayor with Veto Power - To foster a better government process, we strongly recommend veto power for the mayor, with a seven-vote commission override provision. This would bring more stability by setting up a check and balance system. Because the whole county elects the mayor, he is not bound by particular geographical loyalties. He is the voice of the whole county. We believe the veto would help him to better represent this constituency and bring more forthrightness and cooperation to the overall governing process.

- B. Commission-employee Contact – The Charter should include an ordinance that forbids commissioners from giving work instructions or directing any city-county government employee. The Administrator or his designee would act as the gatekeeper regarding all routine, non-emergency communications with employees from department head down (employees working directly for the commission would naturally be exempted). Many municipalities already treat such conduct as a misdemeanor offense. This ordinance would protect the employees from micromanagement and interference by political officials.

- C. Ethical Standards – The Charter should include the county’s existing ethics ordinance. The Athens, Georgia Charter also has such a provision. The penalties for ethics violations should be spelled out clearly. The Athens Charter has a provision regarding testimony given by a public official who is “ . . . *duly and properly called as a witness before any unified government, state, or federal judicial or administrative tribunal . . .*” An official would be guilty of an ethical violation if he does not answer any proper question as to the performance of his official duties. The Athens ordinance specifies how ethics violations are defined and evaluated and prescribes the penalties for such violations. These statutes are worthy of our emulating.

- D. District Make-up – We suggest that the County be divided into 10 electoral districts, with six commission seats representing geographical districts and four at-large representatives. This would create a commission that would represent the interests of a broader cross-section of citizens.

- E. Review Committee – We recommend that, like Athens, the Augusta-Richmond County Charter should include a provision for a review committee. This committee would be formed four years after the Charter goes into effect and every four years thereafter. Each Review Committee would have a term of six months. Its duties would include the examination of all aspects of County government. Appointees should be from the Grand Jury Pool. The committee would consist of no fewer than 21 members, 2 from each electoral district, and a chairman chosen by the group from within the group. It would make its findings known in the same style as Grand Jury Presentments. Because the committee's term would be limited to six months, any unresolved inquiry or problem would be given over to the Grand Jury process. This entity would function as a built-in watchdog group and would help ensure a more accountable and responsive government.
- F. Quorum and Abstentions – Under the current consolidation bill, a quorum of seven commissioners must be present to hold a commission meeting. Any action passed by the Commission currently requires six affirmative votes. The mayor currently is allowed to vote only to break a 5 to 5 tie. This "six vote must" regulation is not effective and is easily manipulated. The manipulation seems to be done one of two ways: either a commissioner leaves the room at the time of a vote or a commissioner abstains from voting. This usually occurs to avoid creating a 5 to 5 tie, giving the mayor the tie-breaking vote. Abstaining is done in order to make sure there are not six votes to defeat or pass legislation; therefore, no action is taken. This parliamentary maneuver derails the entire process and gives the abstaining commissioner(s) a de facto veto.

The Special Grand Jury also recommends the following changes to the system so that the commission process will function in a fair and open manner. The six-vote threshold should be changed to allow *a simple majority of the quorum* to pass commission actions. The mayor should be allowed to vote to break any tie, not just 5 to 5 ties. Most importantly, the abstention/leaving the room loophole must be closed. A roll call is held at the start of all commission meetings. Once a commissioner is marked "present," he can vote in one of the following ways: (1) "Aye" - in favor of a motion, (2) "Nay" - against motion, (3) "Abstain" - due to conflict of interest, no comment or "present" commissioner not in room. All abstentions would count toward the quorum. This method of voting would prohibit our representatives from leaving the chamber as a way to prevent business from moving forward. It would help put an end to the gridlock.