

MAYOR
Allen Brown



MAYOR PRO TEM
Kenneth Shaw

CITY MANAGER
Billy Edwards

CITY CLERK
Sarah Lumpkin

COUNCIL MEMBERS
Diana F. Reid
Jason Floyd
Vicky C. Nelson
Keith Jenkins

CITY ATTORNEY
Linnie L. Darden, III

June 9, 2017

Mr. Jeff Whitten
The Coastal Courier
Hinesville, Georgia 31310

Re: Open Records Request dated June 8, 2017

Dear Mr. Whitten:

This letter is in response to your Open Records Request received and dated June 8, 2017 for certain documents in my files that reflect or relate to the June Suspension of City Manager Billy Edwards. Please see the following attachments:

1. Copy of letters and correspondence between attorneys representing both the City and Mr. Edwards

Please advise if we can be of further assistance.

Sincerely,


Sarah R. Lumpkin, CMC
City Clerk

CC: Linnie Darden, City Attorney

"Home for a Day or a Lifetime"

115 East M.L. King Jr. Drive, Hinesville, GA 31313 (912) 876-3564

www.cityofhinesville.org



HUGH B. MCNATT
☎: (404) 962-3541
☎: (866) 332-8967
✉: hmcnatt@balch.com

June 5, 2017

Via Certified Mail and Email

(c21actreal@aol.com; slumpkin@cityofhinesville.org)

Honorable Mayor Allen Brown
City of Hinesville
115 East MLK Jr. Drive
Hinesville, GA 31313

City Council of the City of Hinesville Georgia
City of Hinesville
115 East MLK Jr. Drive
Hinesville, GA 31313

Dear Mayor and Council:

I have been hired by Lester L. Edwards ("Billy") regarding the City's attempt to suspend him without pay on June 1, 2017. Mr. Edwards has served the City for almost 39 years and has never been disciplined in any manner prior to this past week. The City's purported suspension is without legal authority and is unlawful. Mr. Edwards will be returning to work tomorrow on June 6, 2017.

The City's purported suspension is without legal authority and is unlawful for many reasons. These include the fact that it takes at least 4 votes of the City Council and the Mayor to effectuate any disciplinary action against the City Manager, even if the City can suspend him, which it cannot. See City Code of Ordinances Sec. 2-286. The City has not even attempted to give Mr. Edwards any reason for its decision, any ability to understand why he was suspended, any ability to defend himself against the unknown allegations made against him, assuming any such allegations were made. To be clear, the City of Hinesville's actions constitute a violation of the City of Hinesville Personnel Procedures and the City Code of Ethics. See e.g. Personnel Policy and Proc. Sec. 13.03(B); Code of Ethics 2-102, 2-103. Most importantly, the City of Hinesville's actions also violate Georgia and Federal law, including Mr. Edwards' constitutional rights under the first amendment, right to equal protection and due process.

To the extent the City of Hinesville intends to continue with its illegal action, Mr. Edwards demands an administrative hearing under Section 13 of the Hinesville Code. He also demands a Grievance Hearing under Sections 14 and 18.

Via Certified Mail and Email

(c21actreal@aol.com; slumpkin@cityofhinesville.org)

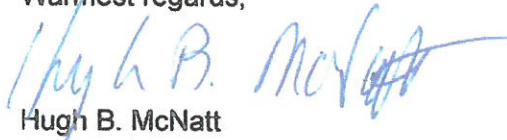
City Council of the City of Hinesville Georgia

June 5, 2017

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I hereby demand immediate revocation of the City's illegal disciplinary action, that it be stricken from his record and that he receive a public apology. Mr. Edwards additionally demands back pay for Friday and today plus attorneys fees incurred to date. Finally, Mr. Edwards demands production of all documents, including audio recordings of Executive Sessions, where Mr. Edwards's position or purported suspension has been discussed or referred to in any manner. If these actions are not taken, Mr. Edwards intends to pursue all rights and remedies allowed by law, including damages, costs and attorneys' fees.

Warmest regards,

A handwritten signature in blue ink that reads "Hugh B. McNatt". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Hugh B. McNatt

HBM:sk

cc: Linnie Darden, Esq. (via email ldarden@jojlaw.net)
T. Joshua R. Archer, Jr.
James L. Hollis

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CITY MANAGER
Billy Edwards

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June 7, 2017

Certified No. 7160 3901 9848 8007 3631

Hugh B. McNatt
Marybeth Gay, Balch & Bingham LLP
602 Church Street
Vidalia, GA 30474-4744

Re: Open Records Request dated June 5, 2017

Dear Mr. McNatt:

This letter is in response to your Open Records Request received and dated June 5, 2017. After carefully reviewing the request, the City of Hinesville is unable to provide you with that portion of the request dealing with the audio recordings of any executive session. Pursuant to O.C.G.A. § 50-14-1(e)(2)(c):

“Minutes of executive sessions shall also be recorded but shall not be open to the public. Such minutes shall specify each issue discussed in executive session by the agency or committee....Such minutes shall be kept and preserved for in camera inspection by an appropriate court should a dispute arise as to the propriety of any executive session.”

As such, the tapes/electronic records/minutes of executive sessions are exempt from disclosure to the public.

Your remaining request to make available for review and copying of all documents where Mr. Edwards' position or purported suspension has been discussed or referred to in any manner, will be available for you on or before June 16, 2017.

Sincerely,

A handwritten signature in blue ink that reads "Sarah R. Lumpkin".

Sarah R. Lumpkin, CMC
City Clerk

SRL/rmk

CC: Linnie Darden, City Attorney

"Home for a Day or a Lifetime"



HUGH B. MCNATT
t: (404) 962-3541
f: (866) 332-8967
e: hmcnatt@balch.com

June 7, 2017

VIA E-MAIL: LDARDEN@JOJLAW.NET

Linnie L. Darden, III
Hinesville City Attorney
City of Hinesville
115 East M. L. King Jr. Drive
Hinesville, Georgia 31313

Re: Fourteen (14) Day Suspension of Hinesville City Manager Billy Edwards

Dear Mr. Darden:

This letter responds to the City's letter of June 5, 2017, follows our phone call yesterday, Tuesday, June 6 and our subsequent conversation of today. Based on the City's June 5 letter, we advised Mr. Edwards not to report to work even though the City's purported suspension of him was and remains unlawful and illegal. Mr. Edwards did not report to work in hopes of avoiding an unnecessary confrontation, not because he agrees with the City's position that it is entitled to suspend him without pay, particularly under the current circumstances. Mr. Edwards was not afforded the barest of due process and has yet to be told why he was suspended. Having no information on why he was suspended, Mr. Edwards has no ability to refute or respond to the City's unstated reasons. Not only does his suspension violate the law and fail to provide even the barest level of due process, it is an affront to basic management principles.

On behalf of Mr. Edwards, I have several requests. First, please confirm that the Council never voted to remove Mr. Edwards and state whether the City believes Section 2-286 of the Hinesville City Code applies to his purported suspension. If you believe this section does apply, Mr. Edwards hereby requests the public hearing set forth in Section 2-286. Second, please state whether the City believes Mr. Edwards is entitled to a hearing under Section 13, 14, and 18 of the City of Hinesville's Personnel Policies and Procedures. We reiterate Mr. Edwards' requests for these hearings. Third, your June 5 response did not indicate when you will produce the documents we requested on Mr. Edward's behalf. Please produce those records.

Finally, I understand the City Council is willing to meet with Mr. Edwards to try to resolve this issue, but only after he serves the full length of his suspension. As the suspension is unlawful, forcing Mr. Edwards to serve the duration of it before even meeting with him is no offer at all. It was our hope

Linnie L. Darden, III
June 7, 2017
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the parties could meet in person and resolve this dispute quickly, but it appears the City Council is not willing to meaningfully consult with Mr. Edwards. Accordingly, Mr. Edwards rejects the City's proposed meeting.

I look forward to hearing from you soon.

Sincerely,



Hugh B. McNatt

HBM:dcd

cc: T. Joshua R. Archer, Jr., Esq.
James L. Hollis, Esq.

MAYOR
Allen Brown

CITY MANAGER
Billy Edwards

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Linnie L. Darden, III



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June 9, 2017

Via Certified Mail and Email

hmcnatt@balch.com

Hugh B. McNatt
Marybeth Gay, Balch & Bingham LLP
602 Church Street
Vidalia, GA 30474-4744

RE: Fourteen (14) day suspension of Hinesville City Manager Billy Edwards

Dear Mr. McNatt:

I received and read a copy of your letter dated June 7, 2017. I carefully reviewed all matters discussed by you as well as the interrogatories you posed in the letter. As a result, I wish to inform you that the City of Hinesville takes the position that the City Manager is an at-will employee as set forth under Section 2-282 of the Hinesville Code of Ordinances and Sections 13.08 and 14.05 of the City of Hinesville's Personnel Policy and Procedures Manual. Accordingly, the City of Hinesville will not grant Mr. Edwards a public hearing at this time. However, after the full fourteen (14) day suspension is served, the Mayor and Council will meet with Mr. Edwards to discuss the loss of his fourteen (14) days of pay. In regards to the Open Records request made by you in your June 5, 2017 letter, I have requested that City Clerk Sarah Lumpkin respond to your request according to her routine procedures.

Sincerely,

A handwritten signature in blue ink that reads "Linnie L. Darden, III".

Linnie L. Darden, III
Hinesville City Attorney

"Home for a Day or a Lifetime"

cc: Allen Brown
Kenneth Howard
Kenneth Shaw
Diana Reid
Jason Floyd
Vicky Nelson
Keith Jenkins