

**A RESOLUTION OF THE CITY OF CUMMING CONCERNING THE REQUEST OF A
MEMBER OF THE COUNCIL TO BE CENSURED FOR THE CONDUCT OF THAT
SAME MEMBER OF THE COUNCIL**

WHEREAS, the City of Cumming (“the City”) is vested with the power to address official malfeasance through, *inter alia*, its Charter pursuant to Sections 51 and 52 thereof;

WHEREAS, Councilwoman Linda Ledbetter asked City Officials what she could do to in order to have the Council of the City of Cumming to censure¹ her;

WHEREAS, this request for censure arises out of certain events that occurred after multiple Executive Session meetings of the Council of the City of Cumming;

WHEREAS, the Executive Session meetings were held in order to discuss the leasing of real property, including but not limited to a lease for property and discussion of what was needed to comply with the gratuities clause of the Georgia Constitution;

WHEREAS, the facts giving rise to the request for censure are as follows:

- During a discussion about potentially leasing property, Councilwoman Linda Ledbetter stated that she was on the Board of the Bell Center (the Col. Hiram Parks Bell Southern History & Genealogical Research Center, Inc.), a potential tenant and current occupant of the property under discussion, and that the Bell Center could not afford the monetary consideration which would be requested by the City.
- This was the first time Councilwoman Linda Ledbetter disclosed that she was in any way affiliated with the Bell Center.
- The minutes of the City of Cumming show that Councilwoman Linda Ledbetter made the motion in 2017 to enter into a lease which was never executed by the Bell Center.
- Upon being asked about this issue in a subsequent meeting to determine whether or not she could engage in the discussion or should recuse herself, Councilwoman Linda Ledbetter denied ever having stated that she was on the board of or affiliated with the Bell Center.
- Other than the statement of Councilwoman Linda Ledbetter, the City was not able to determine if she in fact was or is affiliated with the Bell Center.
- On multiple occasions the Council gave direction to the City Administrator to negotiate with the Bell Center in an effort for the City to receive adequate consideration in compliance with the gratuities clause of the Georgia Constitution for the lease of the property it occupied.
- While he was negotiating with the Bell Center, it became obvious to the City Administrator that someone who was in the closed Executive Session where he was given parameters for negotiation had already spoken with the Bell Center representatives.

¹ Councilwoman Ledbetter actually asked how she could get the Council to censor her, but that is not something a governing authority does to its members, and as such it is believed she intended to discuss censure.

- During another closed Executive Session where the lease of real property to the Bell Center was being discussed, the Council was informed that someone had breached the privilege and confidentiality of Executive Session, how the same could be a breach of duty to the City, and possibly even a violation of the Oath of Office taken by members of the City Council if it was a member of Council who disclosed the information.
- To convey the seriousness of the matter, the entire Council was reminded such actions could be considered official malfeasance, which could ultimately result in impeachment and removal from office.
- After the foregoing was explained, Councilwoman Linda Ledbetter admitted that it was she who breached the privilege and confidentiality of Executive Session, and discussed the lease of real property with Bell Center representatives.
- There was no further discussion of the matter, nor any discussion about impeachment or removal of any member of the Council, including Councilwoman Ledbetter.
- The City continued to try and work with the Bell Center representatives to reach an agreement with them.
- Progress was made for the Bell Center to lease real property from the City, and the City was expecting to receive substantial in-kind consideration for the use of its real property.
- Suddenly, and to the surprise of the City, the Bell Center reneged on the tentative agreement reached with the City.
- During a subsequent Executive Session, after being informed of the Bell Center's change of position and request to be allowed to move out of the property it was occupying by June 1, 2021, the City Council discussed other potential sale or lease options for that same property, including but not limited to a potential use by Forsyth County, Georgia.
- The City Administrator was once again tasked with reaching out to discuss the potential sale or lease uses of the property, including the potential use in conjunction with Forsyth County.
- Shortly after this direction was given, third parties who were not in the closed Executive Session began to ask questions of the City about the lease or sale options the City discussed in closed Executive Session.
- Third parties who were not in the closed Executive Session began to post on social media about options the City discussed in closed Executive Session.
- Based upon the knowledge of third parties about what the City had discussed in Executive Session, it became evident that once again someone had breached the confidence of Executive Session and had discussed the closed meeting topics outside of the closed meeting.
- In an update to the discussion about the use of the City's real property and its potential for sale or lease, Councilwoman Linda Ledbetter once again admitted that she discussed closed meeting topics outside of the closed meeting without the consent or approval of the City Council.
- The City believes that disclosure of closed Executive Session discussions in both of those instances hampered the City's ability to effectively negotiate for the best interests and outcome of the City of Cumming.

- The foregoing notwithstanding, the City Council was content to take no official action against Councilwoman Ledbetter, believing that the matter would no longer be a problem.
- Thereafter, Councilwoman Linda Ledbetter asked what she could do to have the City Council censure her.

NOW THEREFORE, PREMISES CONSIDERED, BE IT RESOLVED AS FOLLOWS:

1. RESOLVED: that the Council of the City of Cumming has elected to not formally censure Councilwoman Linda Ledbetter for her conduct;
2. RESOLVED: that based upon her request so as to see what could be done to cause the Council to censure her, the City has brought this issue to the attention of the public;
3. RESOLVED: that while unauthorized disclosure of executive session discussions likely hurts the City when it comes to the City’s negotiation of matters for the benefit of all the City’s citizens, the City Council of the City of Cumming trusts that Councilwoman Ledbetter understands this, and will refrain from disclosing to the public matters that are properly discussed in confidence in executive session for the City’s benefit.

So Resolved this ____ day of July, 2021.

Troy Brumbalow, Mayor

Christopher Light, Councilmember

Linda Ledbetter, Councilmember

Jason Evans, Councilmember

Chad Crane, Councilmember

Joey Cochran, Councilmember

Attest, Jeff Honea, City Clerk