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August 14th, 2019

Mayor Jonathan Elmore
1094 Berkeley Road
Avondale Estates, GA 30002

VIA HAND-DELIVERY

Re: July 27th Commissioner's Chat

Mayor Elmore,

We have been retained by Mr. Roy "Clai" Brown to address comments made by you at the Commissioners' Chat on July 27th, 2019 regarding Mr. Brown's employment with Avondale Estates as City Manager and his contract in that position. The impression left by those comments was inaccurate and warrants correcting.

Your comments on the 27th suggest that there was some impropriety by Mr. Brown regarding his employment contract as amended and, more specifically, that Mr. Brown failed to disclose or attempted to hide the contract as amended between himself and the City. As you know, this is not the case. The facts are as follows:

- a) on February 18th, 2015, the Board of Mayor and Commissioners held an executive session to discuss Mr. Brown's employment;
 - b) on February 23rd, 2015, the Board brought Mr. Brown's employment contract up for annual review at a regular meeting for public comment and a vote, with the Mayor Pro Tem specifically referencing the agreement under consideration;
 - c) the Amendment to Mr. Brown's contract was executed by the Mayor Pro Tem, City Clerk, and City Attorney, as required by law;
 - d) since 2015, Mr. Brown's contract, including the amendment, has been a readily available public document in the custody of the City Clerk in accordance with the City Charter;
 - e) in 2015, you read the ordinance changing the retirement age for Mr. Brown from 65 to 55 in three public meetings, then you approved and signed said ordinance, as required by law;
 - f) in 2016 and 2017, Mr. Brown's employment contract was again reviewed by you at a regular meeting and public comment;
 - g) the severance package was part of Mr. Brown's contract that you and the Board reviewed annually and Mr. Brown's compensation and severance was appropriately accounted for in each year between
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2015 and 2018 in both the City's Operational Budget, Actuarial Report, and Comprehensive Annual Financial Report; and

- h) Mr. Brown did not receive a \$ 300,000 severance, as you know, and a significant fraction of the benefits he did receive were earned benefits for unused vacation and sick time.

As Mayor, you should have known all of the above facts. Mr. Brown's employment agreement with the City has always been a matter of public record and received all required approvals. Given your presence at and participation in many of the relevant meetings, you are fully aware of this. Nor is it at all apparent, despite your transparent efforts to paint Mr. Brown as the wrongdoer here, what "disclosure" you believe Mr. Brown – at the time a City employee – should have made about his contract, given that his contract, as amended, was properly approved and the matter of public record.

Mr. Brown is proud of his work as City Manager and feels privileged that he has had the opportunity to contribute to the Avondale Estates community. As is evident to anyone who was present at City meetings during Mr. Brown's time as City Manager, Mr. Brown is well-respected for his work for the City.

We are insisting that you publicly correct your inaccurate statements made at the Commissioners' Chat as a show of your candor and commitment to your work as a public servant. The Board of Mayor and Commissioners Regular Meeting scheduled for August 26th, 2019 would be an appropriate venue for that correction. As many residents may not attend the Regular Meeting, posting the correction on the City website would also be appropriate. In the future, I trust that you will refrain from using your position as a public official to besmirch Mr. Brown's reputation by making accusations of wrongdoing like those made at the July 27th Commissioners' Chat.

Sincerely yours,



JOHN E. ROBINSON
Robinson & Blazer, LLP

cc: Mr. Roy "Clai" Brown
Encl.

- 1) Agenda – Feb. 18th, 2015 Board Work Session
 - 2) Agenda/Minutes – Feb. 23rd, 2015 Regular Meeting
 - 3) Agenda/Minutes – May 18th, 2015 Regular Meeting, June 22nd, 2015 Regular Meeting, and July 1st, 2015 Special Called Meeting
 - 4) Comprehensive Annual Financial Reports – 2015, 2016, 2017, and 2018
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