



**ELECT**  
**EARNESTINE D. PITTMAN**  
**WARD C**

**A Fighter for the People!**

**Former Mayor and Council Member**

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**Vol. 1**

**FINAL ELECTRIC REFUND CLAIMS  
WORKSHOP**

My final electric claims workshop will be held on:

**Saturday, September 28, 2019**

**2925 Headland Drive**

**Suite 800**

**Across the street from Mrs. Winner's**

**Please read all of this. You owe it to yourself, and to me for spending my time and money on you because I CARE!**

Residents must have a copy of their total electric kWh consumption report from the City Clerk's Office. All the necessary claim forms will be provided along with assistance in filling out the forms. Current and former residents may also visit my website to download the complete claim packet with instructions.

To get a **copy** of your kWh consumption report; you can email, hand deliver or provide written authorization for someone to make the open records request on your behalf. If you authorize someone to make the request on your behalf make sure to include: **your name as it appears on the electric account; current address; telephone number; account number; and how you wish to be notified when the information becomes available.**

The open records request should read: **"I am requesting my monthly electrical consumption amount for my account # \_\_\_\_\_ for each month during the period from June 2013 to June 2019"; OR from the time you opened your account after June 2013 to June 2019.**

Please let me know if you plan to attend. I will only

have forms and assistance for residents who have **signed up by September 25, 2019**. The smallest refund claim for PCA and ECCR fees alone has been for more than **\$600**. Ours PCA and ECCR fees totaled **\$1,620.31** including **7%** sales tax.

**What Is the Legal Basis for the Electric Refund Claim?**

The Electric Refund Claim is based on the City Charter: **"Sec. 5-206, - Service charges. The city council by ordinance shall have the power to assess and collect fees, charges, and tolls for sewers, sanitary and health services, or any other services provided or made available within and without the corporate limits of the city for the reasonably estimated cost to the city of providing or making available such services. If unpaid, such charges shall be collected as provided in section 5-209 of this charter."**

The phrase, **"The city council by ordinance shall have the power"** means that the **"Only"** way for the council to **"assess and collect"** is to do so by an **Ordinance**. The **adoption** of an Ordinance by Mayor and Council provides **limited** protection to residents because no Mayor and Council can pass an **assessing** Ordinance without **two** public hearings. The residents are given the opportunity to have input before Mayor and Council votes. However, once Mayor and Council votes and the Ordinance is adopted, the **Ordinance** becomes the law of the land **until** Mayor and Council **amends or repeals the current Ordinance with another Ordinance**.

This is the basis for the Electric Refund Claim. **The City cannot provide any documentation that the November 8, 2010 and November 5, 2012 Electric Utility Ordinances have been amended or repealed.**

## Timeline and Basis for the Electric Utility Refund Claim

I was the Mayor from 2010 – 2013. In late October of 2012, Mayor and Council was told by the Finance Department that the Electric Utility would be facing a **\$3.2 million** deficit for the Wholesale Cost by June 30, 2013. Hence, the Interim City Manager Seigfried Jones, by request of the Finance Department and the Electric Utility, wanted Electric Cities of Georgia (ECG) to do a **rate study** that would generate an additional \$3.2 million by June 2013.

First, Mayor and Council had to **“codify”** the Electric Utility Rate Schedule that was supposedly adopted in the FY 2011 Budget Ordinance. Hence, at the November 5, 2012 Council Meeting: **“Council Member Langford motion to adopt the ordinance for electric rates with Council Member Cook providing the second. The motion carried with Council Member Rhodes and Hubbard voting "no".”** This was the Electric Rate Schedule that had been placed in the FY 2011 Budget binder; but was never voted on as an Ordinance.

Then at the November 12, 2012 Council Meeting: **“Council Member Slaughter-Gibbons made a motion to accept the resolution to examine electrical utility rates with Council Member Martin providing the second. The motion carried with Council Member Rhodes voting "no".”** As a result of that motion, a Special Call Meeting was called for November 15, 2012 for one item:

**“Discussion and Possible Action with MEAG and Electric Cities of Georgia to Discuss Power Cost Adjust Presented by City Council Electrical Utilities Pittman, Martin, Cook.”**

At the January 7, 2013 Council Meeting, ECG provided Mayor and Council with several options as part of the rate study. **“Council Member Cook motion to approve proposal #2 to adopt a Power Cost Adjustment of 0.0102 kwh and ECCR of 0.0062 kwh and an EMR discount at .0111 effective until June 2013 with Council Member Reed providing the second. The motion carried with Council Member Rhodes and Hubbard**

**voting "no".** Using this information, ECG was supposed to generate a new Electric Rate Schedule.

At the February 4, 2013 Council Meeting: **“Council Member Slaughter-Gibbons made a motion to have discussion on Electrical Rates and how the readers are read with Council Member Rhodes providing the second. The motion carried unanimously.”** No action was taken on the discussion.

At the February 14, 2013 Council Meeting: **“Council Member Cook made a motion to postpone the discussion and action on the Amendment to the Electric Ordinance to the May Work Session with Council Member Hubbard providing the second. The motion carried unanimously.”**

At the April 15, 2013 Council Meeting: **“Council Member Slaughter-Gibbons motion to accept the MEAG Power year end settlement for 2012 in the amount of \$2,046,721 and to be placed on the flexible operating account short term 100% with Council Member Gothard providing the second. The motion carried unanimously.”** This information changed the entire outlook for changing the electric rates; adding a power cost adjustment (pca) and changing the calendar to one-year-round summer rate system.

At the May 20, 2013 Council Meeting: **“Council Member Martin motion to approve the electric rate adjustment but died for a lack of a second. After some discussion, Council Member made a motion to adopt option 1 to reinstate summer/winter rate for residential cost of action of \$900,000 with Council Member Cook providing the second. A roll call was taking and Council Member Gothard, Rhodes, Cook, Reed and Hubbard voting "yes" and Council Member Martin, Langford, Slaughter-Gibbons voting "no". The motion passed.”** This was the last time that Mayor and Council discussed amending the Electric Utility rates in 2013. ECG never provided Mayor and Council with any new rate schedule or changes to be voted on.

All the quotes in **bold print** can be found in the listed Council Meetings Minutes and Agendas on the City’s website; Videotaped Council Meetings and Taped- Recorded Council Meetings are filed

with the City Clerk's office. I have provided documentation that solidifies the basis for the Electric Utility Refund Claim. **All** Council Meetings are videotaped and tape-recorded. **All** Council Minutes and Council Agendas are provided by the City Clerk's staff. The City Clerk is the City's official records keeper.

Therefore, one can only rationally conclude that **someone** other than the "**city council**" authorized the implementation of the **Winter rates; PCA fees and ECCR fees in City of East Point Customer Care Department handbook**; which is a clear violation of the City Charter; and the basis for the Electric Utility Refund Claim.

This Electric Utility Refund Claim has absolutely nothing to do with the Plaintiffs Class Action Lawsuit that is on appeal in the court. Do not be concerned with the City's denial of the claim. The City's denial of the claim is as worthless as the disclaimer on the City's website and the two-sided flyer that is illegally being distributed without any contact information or who authorized it in the City's public buildings. The two-sided flyer with "**The City of East Point is Not Providing Electric Refunds**" is simply an intimidating tactic to stop residents from filing claims. It is a violation of the City Charter for any written communications representing the City or the City's position to be distributed without a vote of Mayor and Council and contact information.

City Attorney Brad Bowman wrote in his denial form claim letter; "**The substance of your claim has been litigated in the case of Joseph Johnson et al vs. the City of East Point et al., and in 2019 the Superior Court of Fulton County ruled the City's electric rates have been legally established and charged. Therefore, the rates billed have been appropriate, as ruled by the Court. As a result, the City shall not make the requested payment and your claim is denied**".

If what Atty. Bowman says is true, the Judge has declared **Sec.5-206** of the **City Charter unconstitutional**. The **total** substance of the Electric Utility Refund Claim is grounded in the belief, supported by **Sec.5-206**, that Mayor and Council and **only** the Mayor and Council **shall** set rates and collect fees by **Ordinances** and the processes voted on by Mayor and Council. This is not what the court case was about at all. The MEAG Refund had **absolutely**

**nothing** to do with Mayor and Council being the **sole** entity authorized by the City Charter to set rates and fees.

They **cannot** stop me from helping you; however, they **can** stop you from filing for a claim by intimidating claim suppression; just like voter suppression in the 2016 Presidential Election. It is your decision and money; and **only** you can file a claim for your refund. When you **receive** a denial letter, **KEEP it and let me know**.

**Just so you know, the \$3.2 million Electric Utility deficit was a lie.** The Budget Analyst "**mistakenly**" transferred **\$3.2 million** from the Camp Creek Tad escrow account into the General Fund Operational account and the money was spent. So, instead of owning up to the "**mistake**", the Budget Analyst and the Finance Department fabricated the Electric Utility deficit hoax to replace the money to pay the Camp Creek Tad bond debt. This information came to light in late May while we were working on the FY 2013 Budget. So yes, I know how the Finance Department has misused, abused, and manipulated the Electric Utility rates **without** the knowledge of **all** the Council Members and **without** a vote of any Mayor and Council. I also opposed the City's reorganization of the Finance Department taking over Customer Care after I left office.

### **DISPUTE CURRENT AND FUTURE ELECTRIC BILLS NOW!**

Mayor and Council **have** not stopped The Electric Utility from charging the unauthorized Winter rates; PCA fees and ECCR fees. Therefore, the **basis** for **disputing** these unauthorized charges is the **same** basis that you used when filing an Electric Refund Claim. They cannot afford to disconnect anyone's electric services when they cannot produce the proper documents according to the City Charter for charging the unauthorized rates and fees.

You can **subtract** the PCA and ECCR fees beginning with your September electric bill and file a dispute with Customer Care. Residents should replace Council Members in the November Election who are violating the City Charter, abusing their Oaths of Office, and failing their fiduciary duties. Mayor and Council need to respond to the residents and acknowledge the fact that wrongdoing has occurred and fix it.

They need to nullify the rates in the **City of East Point Customer Care Department handbook** and reinstate the rates listed in the **November 5, 2012 Ordinance**; and implement a process to pay the claims. I will provide **updates via emails and my website**.

## THE UPCOMING NOVEMBER ELECTION

**YES, I am a serious Ward C candidate.**

Residents in Ward C have not had a townhall meeting since I left office as Mayor. Although every Council Member receives **\$1,800** to communicate with their constituents, not a single elected official representing Ward C has done so. **That will change when I am elected in the November Election.**

I am not asking Ward C residents to vote for me because of what I might do. I am asking you to vote for me because **You** know that I am a proven public service in and out of an elected office. I have been both a Council Member and the Mayor and I truly believe that my time spent in both positions were the right ones at the time. **Ward C** needs a strong knowledgeable Council Member fighting for them at Council Meetings and Work Sessions **NOW**.

The City and the residents need a voice that will challenge the adopted **FY 2020 Budget** that contains **absolutely nothing for the residents** except:

- 1) Higher increased property taxes on top of increased property tax assessment.
- 2) **\$6 million** in authorized and illegal power cost adjustment (pca) fees and environmental compliance cost recovery (eccr) fees.
- 3) Unauthorized residential electric Winter rates.
- 4) Rental fees to use the Community Rooms at two fire stations.

On the other hand, the **FY 2020 Budget** does contain early Christmas gifts:

- 1) **\$5,800** raise for the Mayor
- 2) **\$5,000** raise for each Council Member
- 3) **1.5%** across the board raises for all **590** budgeted City employees

- 4) An additional **\$247,000** in discretionary expenditures for Mayor and Council perks that include some of the following:
  - (a) **\$164,000** for four Wednesday Winndown Music entertainment; at **\$41,000** per event!
  - (b) **\$5,000** Silver Fox Ball
  - (c) **\$8,000** Holiday Business Expo
  - (d) **\$10,000** Jazz Festival
  - (e) **\$10,000** Youth Council Initiative
  - (f) **\$1,400** for Flowers
  - (g) **\$8,000** in unidentified MISC events

All the above Council Perks' expenditures are a violation of the State Gratuity Clause that prohibits the spending of taxpayer funds to any person, entity, or event where there is no **tangible benefit flowing back to** the taxpayers in exchange for the funds.

What **tangible benefit will flow back to the taxpayers in exchange for the \$82,000 spent on the last two Wednesday Winndown music events?** No tickets were sold; no parking fees were collected; police officers were paid overtime or pulled off their regular patrol routes; local businesses could not compete with the food and beverage trucks from outside of the City; and most of the attendees were not East Point residents!

The **FY 2020 Budget** does not contain one cent of Community Development Building Grant (CDBG) funds for residents based on income for code home improvements such as new roofs; heating and cooling units; plumbing; gutters; windows/floors/doors; electrical wiring; insulation and tree removal. Instead Mayor and Council voted to use **\$68,000** in CDBG funds to continue to build a dirt bike trail in Sykes Park; after voting in February to spend **\$64, 800** of CDBG funds in for a pump track. At least Mayor and Council are consistent in **providing** for the pleasure and entertainment for visitors while **neglecting** the needs of the taxpayers and utility users who are **paying the bills**.

I am asking Ward C residents to vote for me, so that we can focus on the needs of the residents while following the laws of the State and the City. Lawmakers should not be lawbreakers.

**You can help me by sharing this information and requesting a YARD SIGN!**

Thanks to **MIKE HERRING**, Write-in-Candidate for WARD A for providing the space for my Final Electric Refund Claims workshop meeting.