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August 21, 2021

To: Brad Bowman; East Point City Attorney
From: Earnestine D. Pittman; Former East Point City Council Member and Mayor
Re: Cease and Desist Letter to Ms. Andrea Hudson; East Point Resident

Dear Attorney Bowman:

I am writing to you because I am simply appalled and dismayed that you would write any resident a Cease-and-Desist letter on behalf of a Council Member concerning comments made during Public Comments at a Council Meeting. The City Attorney's job description is defined in the City Charter in : **Sec. 4-102. - City attorney.**

“The city council shall appoint a city attorney, together with such assistant city attorneys as may be authorized and shall provide for the payment of such attorney or attorneys for services rendered to the city. The city attorney shall be responsible for providing for the representation and defense of the city in all litigation to which the city is a party; may be the prosecuting officer in the municipal court; shall attend the meetings of the city council as directed; shall advise the city council, mayor, city manager, and other officers and employees of the city concerning legal aspects of the city's affairs; and shall perform such other duties as may be required by virtue of the person's position as city attorney. The city attorney shall coordinate the handling of the day-to-day legal affairs of the city with the city manager but shall ultimately report to the city council.”

There is not anything in your job description that says you are the personal Attorney to any single or group of Council Members. Ms. Hudson is not in any litigation against the City. You are the CITY'S Attorney period. You do not provide counsel to any Council Member and that includes when the City is in litigation; then you provide Counsel to the Mayor and Council. You can advise the Mayor or Council Member on current or future policies or the legality of actions dealing with current or future businesses.

Sec. 2-204. - Rules of procedure.

“The city council shall adopt its rules of procedure and order of business consistent with the provisions of this charter and shall provide for keeping a journal of its proceedings, which shall be a public record. The mayor, as presiding

officer, shall serve or otherwise designate the city attorney to serve as parliamentarian for the purposes of ruling on questions of procedure. The mayor or any councilmember may, at any time, question the city attorney as to procedural matters governing the meetings of council. The mayor may designate a police officer of the city to serve as sergeant at arms for the express purpose of maintaining the decorum or order at meetings of city council; however, it will remain within the sole discretion of the presiding officer to rule a councilmember out of order.”

The Mayor is in charged of the Council Meeting. Other than questions concerning procedures from the Mayor or any Council Member, the City Attorney does not interject himself into any discussion; unless the discussion warrants legal advice to protect the City’s interests. You were right not to intervene during Ms. Hudson’s public comments. If Ms. Hudson’s decorum became an issue, it was the job and the Mayor and the sergeant of arms to deal with and not the City Attorney.

Sec.2 -2002. – Rules of Council

“Rule 28: Public comment. The public may speak during the public comment section of the agenda. Speakers must complete a comment form prior to the start of the meeting. Subject may include any subject of choice. There will be a three-minute time limit for each speaker. Speakers that have signed up to speak may give all or part of their time up to three (3) minutes to another speaker for a total of six (6) minutes of speaking time. Speakers may address the council only once during this time of the agenda. Speakers must identify themselves and their address prior to speaking. Questions from the speakers may not be addressed during the public speaking section of the agenda. East Point residents will have priority over other speakers. There will be a total of not more than sixty (60) minutes for the public speaking section of the agenda. Speakers may only address the presiding officer. Speakers shall observe all rules of decorum. No debate, disrespect or obscenities shall be tolerated. The presiding officer shall rule any such individual out of order that fails to comply with the forgoing.”

Since questions or statements made by the Speakers, in this case Ms. Hudson, neither the Mayor, any Council Member or you, the City Attorney had the right to interfere with her First Amendment Right of Freedom of Speech on any subject of her choice. Just because Ms. Hudson’s choice of topic was CM Sharon Shropshire’s outrageous use of the City’s credit card and the spending of City funds did not give anyone the right to interrupt her or to question her facts. To be perfectly honest, payments to IMANI Services could have been one of the more than five listings for Counseling; Consulting Health Services; Mental Health; and Psychological Services listed on Goggle. Anyone with an ounce of sense would logically conclude that CM Shropshire was displaying some mental lapse by the sheer number of items listed on her City’s credit card regardless of her claim that the services did not have anything to do with her mental health.

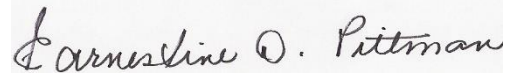
To add insult to injury, you had the audacity to compose and send her your Cease-and-Desist letter electronically during the Council Meeting! Attorney Bowman, you, who were

supposed to be protecting the City, have placed the City in danger of litigation on three counts:

- 1. Infringement of a resident's Free Speech**
- 2. Violation of your Office as described in the City Charter, and**
- 3. Intimidation of a resident for exercising her Constitutional Rights (Abuse of Power).**

You are not Council Member Sharon Shropshire's personal attorney, therefore for the reasons listed above, you should immediately write Ms. Hudson a letter apologizing for your rash and unfounded behavior that amounted to intimidation. Likewise, Mayor and Council should discipline you for your lack of professionalism and failure to follow the City Charter and placing the City in jeopardy of a lawsuit. You would do well to remind the Mayor and Council that some residents are not the only ones who make false and misleading statements at Council Meetings. This Mayor and Council do it on a regular basis.

Best Regards,

A handwritten signature in cursive script that reads "Earnestine D. Pittman". The signature is written in black ink on a light-colored background.

Earnestine D. Pittman