STATE OF GEORGIA

CITY OF DORAVILLE

ORDINANCE NO. 2010-____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF DORAVILLE, GEORGIA AS AMENDED TO ADOPT A NEW SECTION, CHAPTER 2 ADMINISTRATION, ARTICLE III MAYOR, SECTION 2-63; TO AMEND THE FORMAL COMMUNICATION SYSTEM BETWEEN MAYOR AND COUNCIL ON PERSONNEL ISSUES; TO EFFECTUATE LEGISLATIVELY A MEMORANDUM OF UNDERSTANDING REGARDING OPERATIONS MANAGEMENT; TO PROVIDE SEVERABILITY; TO PROVIDE PENALITIES; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE FOR AN ADOPTION AND EFFECTIVE DATE; TO PROVIDE FOR CODIFICATION; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

WHEREAS, the Mayor and Council unanimously approved a Memorandum of Understanding Regarding Operations Management (hereinafter "Memo") on March 19, 2009;

WHEREAS, the Memo significantly outlined processes, the implementation of which require legislative action;

WHEREAS, one of the processes to improve City administration agreed upon at the March 19, 2009 meeting was the creation of a systemic approach to Mayor and Council communications on personnel issues by the issuance of clearly articulated communications in writing between the parties;

WHEREAS, the Council adopted Section 2-63 to effectuate the agreed upon concepts and some time has passed allowing practical observation of the effectiveness of the section;

WHEREAS, after due deliberation the Mayor and Council have elected to adopt further language in the ordinance so as to further articulate a systemic approach on Mayor to Council and Council to Mayor communications; and

WHEREAS, the health, safety, welfare and aesthetics of the citizens of the City of Doraville shall be improved and protected by adoption and implementation of this Ordinance.

THE MAYOR AND COUNCIL OF THE CITY OF DORAVILLE, GEORGIA HEREBY ORDAIN:

Section 1.

That the Code of Ordinances, City of Doraville, Georgia is hereby amended by adding a section to be numbered Article III Mayor, Chapter 2 Administration, Section 2-63, which said section reads as follows:

"Chapter 2 Administration

. . .

Article III. Mayor

Sec. 2-63. Mayor and Council communications on personnel issues.

All personnel concern(s) of Councilmembers shall be sent, in writing, to the Mayor's office at City Hall within five (5) days of the event triggering the concern(s). The concern(s) shall be clearly articulated. The Mayor shall respond to all clearly articulated Council concern(s) on personnel issues in writing within ten (10) business days of receipt of the written concern(s). Such time frames may be varied to accommodate previously scheduled holidays or paid time off periods.

. . ."

Section 2.

a. It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

b. It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section paragraph, sentence, clause or phrase of this Ordinance.

c. In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section 3.

Penalties provided for violations of this Ordinance are set out in Section 1-12, as amended, of the Code of Ordinances, City of Doraville, Georgia and are hereby incorporated as if set out fully.

Section 4.

All ordinances or parts of ordinances in conflict herewith are hereby expressly repealed.

Section 5.

The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 6.

The Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City of Doraville.

Section 7.

It is in the intention of the governing body, and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the code Ordinances, City of Doraville, Georgia and the sections of this Ordinance may be renumbered to accomplish such intention.

Section 8.

This Ordinance shall become effective upon its adoption by the Mayor and Council.

SO ORDAINED, this _____ day of _____, 2010.

CITY OF DORAVILLE

_____
Ray Jenkins, Mayor

_____
First Reading

_____
Second Reading

ATTEST:

_____ (SEAL)
Rhonda Blackmon, City Clerk

APPROVED AS TO FORM:

_____
Murray J. Weed, City Attorney

	Yea	Nay
Maria Alexander	☐	☐
Brian Bates	☐	☐
Pam Fleming	☐	☐
Karen Pachuta	☐	☐
Donna Pittman	☐	☐
Bob Roche	☐	☐