



CITY COUNCIL MEETING

Donna Pittman-Mayor

Robert J. Patrick-District 1

Trudy Jones Dean – District 2

Karen Pachuta – District 3

Pam Fleming – District 1

Brian Bates – District 2

Maria Alexander – District 3

Mayor Pro-Tem

AGENDA

July 1, 2013. 6:30PM

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. EXECUTIVE SESSION
4. CEREMONIAL PRESENTATIONS, CITY ANNOUNCEMENTS, SPECIAL GUESTS:
5. ROLL CALL
6. APPROVAL OF MINUTES:
 - May 06, 2013
 - May 20, 2013
 - June 03, 2013
7. PUBLIC COMMENTS ON AGENDA ITEMS
8. REPORTS: DEPARTMENTS
 - a) Mayor
 - b) City Attorney
 - c) Stormwater
 - d) Police
 - Asset Forfeiture Budgets
 - e) Courts
 - f) Public Works
 - g) Library
 - Appointment to the DeKalb County Library Board Trustees
 - h) Parks & Recreation
 - i) City Hall
 - j) Planning & Zoning
 - k) IT Department
 - l) Finance
 - Surplus Property List
 - Draft Surplus Policy
9. PUBLIC HEARING

10. OLD BUSINESS

- a) Discussion of Proposed Rules and Procedures for City Council Meetings- City Manager Shawn Gillen
- b) Second Read of Ordinance to Revised Agenda Procedures- City Manager Shawn Gillen

11. NEW BUSINESS

- 1) First Read Amending Chapter 2 to Remove Purchasing and Bidding Procedures-City Attorney Cecil McLendon Jr.

12. EXECUTIVE SESSION

13. REPORTS; COMMITTEES, COMMISSIONS, BOARDS AND APPOINTMENTS

14. PUBLIC COMMENTS

15. ADJOURNMENT



THE CITY OF DORAVILLE
AGENDA ITEM SHEET

Subject: Asset Forfeiture Budgets

Date of Meeting: July 1, 2013

Budget Impact: Y N

Budget Impact Amount: \$

Funding Source:

() Annual

() Capital

(X) N/A

Regular Meeting ()

Work Session ()

Recommendation ()

Policy/Discussion ()

Report ()

Other ()

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Action Requested: Receipt of 2012/2013 Asset Forfeiture Budget Revision

History, Facts, Issues:

Options: _____

Recommended Action:

Department: Police

Department Head: John King

Administrative Comments and Recommendation: _____

Action Taken By Board: _____

**THE CITY OF DORAVILLE, GEORGIA
CONFISCATED ASSET FUND
STATE ACCOUNT
BUDGET REVISION
FOR YEAR ENDING JUNE 30, 2013**

REVENUES-

FORFEITURES/AWARDED FUNDS _____ **\$311,705**
INTEREST _____ **\$363**

TOTAL REVENUE _____ **\$312,068**

ACCOUNT BALANCE AS OF JULY 1, 2012 _____ **\$ 80,005**

EXPENDITURES-

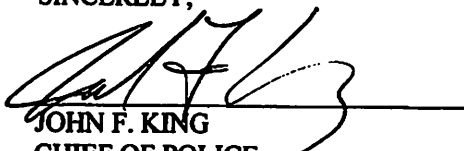
GENERAL LAW ENFORCEMENT EXPENSES _____ **\$392,073**

TOTAL EXPENDITURES _____ **\$392,073**

THE FEDERAL CONFISCATED PROPERTY SPECIAL REVENUE FUND FOLLOWS THE SAME GENERAL GUIDELINES AS THE STATE CONFISCATED PROPERTY FUND. THE MONIES RECEIVED INTO THIS FUND ARE FROM THE DEPARTMENT OF JUSTICE AND WILL BE PUT TO USE BY THE AGENCY HEAD OF THE DORAVILLE POLICE DEPARTMENT FOR LAW ENFORCEMENT USE ONLY. THE WAR AGAINST DRUGS IS OFTEN A HIT-OR-MISS PROPOSITION RESULTING IN A GREAT VARIANCE OF FUNDS RECEIVED FROM ONE YEAR TO THE NEXT AND SHOULD NOT BE BUDGETED IN ADVANCE. SEE TITLE 21 U.S.C. 853 AND TITLE 21 U.S.C. 881.

I SUBMIT THIS BUDGET REVISION FOR THE YEAR ENDING JUNE 30, 2013 FOR COUNCIL'S APPROVAL. THIS BUDGET IS SUBMITTED IN ORDER TO COMPLY WITH THE BUDGET REQUIREMENTS UNDER THE LAWS OF THE STATE OF GEORGIA.

SINCERELY,


JOHN F. KING
CHIEF OF POLICE
CITY OF DORAVILLE, GEORGIA

6/17/2013
DATE



THE CITY OF DORAVILLE
AGENDA ITEM SHEET

Subject: Appointment to the DeKalb County Library Board of Trustees
Date of Meeting: 07/01/2013
Budget Impact: Y ☒ N
Budget Impact Amount: \$ _____

Regular Meeting	()
Work Session	()
Recommendation	()
Policy/Discussion	()
Report	()
Other	()

Funding Source:
() Annual
() Capital
() N/A

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Action Requested: Appoint Mrs Louella Jenkins to the DeKalb County Library Board of Trustees. She will represent the seat for the City of Doraville.

History, Facts, Issues: Mrs Eleanor Duker recently resigned from the Board of Trustees leaving a vacant seat for the City of Doraville

Options: _____

Recommended Action: _____

Department: Library

Department Head: Sammy J. Henry

Administrative Comments and Recommendation: _____

Action Taken By Board: _____



AGENDA ITEM REQUEST SHEET

Subject: Disposal of Surplus Property

Date of Meeting: July 1, 2013

Budget Impact: ☐ Yes ☐ N/A

Budget Impact Amount: \$ _____

Funding Source:

- ☐ Annual
- ☐ Capital
- ☐ Grant(s)/ Technical Assistance
- ☐ N/A

- Regular ☒
- Work Session ☐
- Recommendation ☐
- Policy/Discussion ☐
- Report ☐
- Ceremonial ☐
- Other ☐

Department: Finance

Department Head: Lisa Ferguson

Background:

In conjunction with the department heads, the Finance Department has developed a list of property items that the departments have determined is no longer useful for city functions. The list is attached. We are requesting authorization to dispose of the listed property as surplus.

The items are set to be listed on GovDeals. The items may be sold individually or in groups. Items that do not sell at auction within a reasonable amount of time may be recycled, destroyed or thrown away.

The next steps will be to place an ad in the Champion newspaper to advertise the sale in accordance with our ordinance and run the auctions GovDeals.

Surplus Property List
As of 06/20/2013

Quantity Public Works:

1	36" commercial walk behind mower (Exmart)
2	2 Echo back pack blower (pb-400-E)
1	Power caddy (110 gallons) sprayer - pull behind tractor.
2	2 Snapper weed eaters
1	Stihl stick edger
1	Red max weed eater
1	Yard pro weed eater
1	Band saw 7"
1	Snapper bag-n-wagon - pull behind riding lawn mower
1	Bob cat push mower.
1	Jacobsen push mower.
1	Jacobsen reel mower rider - parts only
1	Giant Vac detacher used on lawns
1	Coba 2000 GTL base radio for CB radios
3	VHS players
1	small TV

Quantity City Hall

1	Printer Okidata Microline 395
1	Printer HP Color Laserjet 2550N
1	Printer HP Laserjet 1200 series
1	Monitor Dell
1	Professional Lock & Safe Monitor
1	Telephone Meridian
1	Telephone Digitel 2884
1	Black Dell keyboard
1	2004 Crown Victoria

Surplus Property List
As of 06/20/2013

Quantity	Confiscated Assets
1	Samsung Flat Screen TV
1	LG Flat Screen TV
1	Budget Grow Power supply
4	Blockbuster 8" lights
1	Idylis Air Purifier
1	Idylis Air Purifier
1	Flotec Laundry Tray System
1	Budget Grow IIW Lamp
10	Budget Grow lights lamps
3	Sunlight Sun Blaze 44" lights
1	Honeywell DeHumidifier
1	Flotec Sump Pump
4	Sunlight Supply Lamps - 1000 Watts
1	Sun System 10 Econogrow Lamp
1	Sun System 10 Econogrow Lamp
1	Idylis Air Purifier
8	Sunblaze 48" lights
1	Black Water Chiller Eco Plus
2	Flotec Water Pumps
3	Eco Plus Commercial Aerifier
8	Sun System Cool Sun XL Reflector
1	SS-1 MH400 Lights
1	SS-1 MH400 Lights
1	SS-1 HP5 Lights
1	SS-1 HP5 1000 Lights
1	Hydrologi Tall Blue Filter unit
1	Galaxy Electronic Ballast 400 W
1	Galaxy Electronic Ballast 400 W
1	Galaxy Electronic Ballast 400 W
1	Galaxy Electronic Ballast 400 W
1	Galaxy Electronic Ballast 400 W
1	Galaxy Electronic Ballast 400 W
1	Galaxy Electronic Ballast 400 W
1	Lumatek Electronic Ballast 600 W
1	Lumatek Electronic Ballast 600 W
1	Lumatek Electronic Ballast 600 W
1	Ridgid Compound Saw with Stand
1	Sun System 10 Crop Master 1000 SW
1	Sun System 10 Crop Master 1000 SW
5	Pur Gro Grobot
4	Automation Fertilizer
1	Pure Gro Grobot Evolution
8	Sun Systems 10 Econogrow 600 HPS
1	Lasko Ceramic Element heater
1	Pure Gro Grobot Evolution

Surplus Property List
As of 06/20/2013

Quantity	Confiscated Assets
7	Eye Hort Blue Bulbs
9	1000 W Eye Hort Bulbs
1	Sun system Crop Master 1000SW
1	Sun system Crop Master 1000SW
1	Sun system Crop Master 1000SW
1	Sun system Crop Master 1000SW
1	Sentinel C02 Controller
1	Sentinel Digital Timer



AGENDA ITEM REQUEST SHEET

Subject: Surplus Property Policy

Date of Meeting: July 1, 2013

Budget Impact: ☐ Yes ☐ N/A

Budget Impact Amount: \$ _____

Funding Source:

- ☐ Annual
- ☐ Capital
- ☐ Grant(s)/ Technical Assistance
- ☐ N/A

- Regular ☒
- Work Session ☐
- Recommendation ☐
- Policy/Discussion ☐
- Report ☐
- Ceremonial ☐
- Other ☐

Department: Finance

Department Head: Lisa Ferguson

Background:

The surplus policy is being updated to provide more flexibility in disposing of personal property items that the City has determined are no longer of use to them. The current ordinance requires that all surplus items be auctioned. Auctioning items is an excellent way to dispose of surplus items however, it is not always the most appropriate way to dispose of certain items.

The new policy allows the staff the flexibility to determine what the best method of disposing of property is. It allows for exceptions for certain items which cannot legally be auctioned and for items which simply should not be auctioned. It restricts donations and prohibits direct sales to employees. It provides for specific instructions on how confiscated assets are handled.

This policy applies to personal property only. Real property cannot be disposed of under the provisions of this policy.

CITY OF DORAVILLE FINANCIAL POLICIES

SURPLUS PROPERTY POLICY

Excess, Surplus, and Obsolete Materials: It shall be the duty of the user to report all excess, surplus or obsolete materials to the Finance Department. At this point, the Finance Director will examine alternatives as to the most advantageous disposition of the items. Items could be refurbished or reconditioned, transferred, traded in for new equipment, sold by auction or sealed bid or recycled.

Transfer: The most gainful method for handling an item no longer needed by a department is to transfer it to another department that has a use for the item. Items may also be transferred to other governmental units such as schools, municipalities, counties, etc.

Trade-In: In replacing obsolete equipment, it is sometimes advantageous to trade-in the old equipment. The invitation for bids on the replacement item should call for bid prices with or without trade-in and provided that award may be made either way.

Sale: Excess, surplus and obsolete items not transferred will be consolidated and offered for sale by auction or by sealed bid method. The preferred method of selling surplus property will be the Govdeals web auction. The consolidated list will be submitted to the City Manager or his designee for approval before an auction or sealed bid is organized. The property offered for sale will be on an "AS IS/WHERE IS" basis. The sale will be given public notice on the city website. Sealed bids will be opened at the time and place announced with the City retaining the right to reject any and all bids.

Recycling: Items which cannot be sold via auction, traded-in or transferred within a reasonable amount of time may be recycled by delivering the items to the local recycling center or to a specialized recycling vendor if necessary.

Other means of disposal: As a last resort, items which cannot be auctioned, traded-in, transferred or recycled may be destroyed and thrown away. Any items that are thrown away must be destroyed or otherwise rendered unusable prior to disposal.

Sale to Employees: To reduce opportunities for deception and to help avoid any appearances of impropriety in the disposition program, it will be the policy to prohibit the direct sale of surplus property to any City employee. This policy does not prohibit City employees from extending an offer at a public auction or in the form of a sealed bid.

Donations: Donations and contributions of City property, funds and services by the City, without valuable consideration, are prohibited.

Allocation of Proceeds: Proceeds from the sale of excess or surplus property will go into the General Fund as miscellaneous revenue.

Exceptions:

1. **Confiscated Assets and other property in the hands of the Police Department:** Property received through the asset forfeiture process will be disposed of using the guidelines provided in the Guide to Equitable Sharing for State and Local Law Enforcement Agencies published by the US Department of Justice Criminal Division/Asset Forfeiture and Money Laundering Section. This provision includes assets purchased using Confiscated Assets funds and evidence for which no owner can be identified.

Allocation of Proceeds: Proceeds from the sale of confiscated assets will be returned to the Confiscated Assets Fund.

2. Retirement of Police Canines: Though it is rare, from time to time Police dogs will need to be retired. Our primary focus will be to place the animal in an appropriate environment. It is the City's preference to transfer ownership of the animal to its handler. If that is not feasible, the City will make arrangements to transfer ownership of the animal to another individual who is trained as a handler of Police dogs. The new owner will be required to release the City of any liability upon completion of the sale. Police Canines will not be auctioned to the general public.

Allocation of Proceeds: Proceeds from the sale of Police Canines will be returned to either the General Fund or the Confiscated Assets fund depending on which fund originally paid for the purchase of the animal.

3. Other Police Property: Certain items purchased for use by the Police Department may not be auctioned due to safety concerns, such as bulletproof vests, or due to restrictions imposed by Federal or State law, such as firearms.

Bulletproof vests have expiration dates. Though they may still appear usable after that point, it is not advisable to do so. Therefore, they cannot be sold at auction and must be thrown away.

Firearms may not be sold at auction but may be traded in by the Police Department when they purchase new weapons. Firearms may also be transferred to another Police Department or public safety entity provided that the transfer complies with the applicable federal and state laws. In all cases, disposition of firearms shall comply with applicable state law requirements.

Note: This exception list is not meant to be all inclusive and may change over time. Exceptions will be handled on a case by case basis and the policy may be amended or expanded based on experience.



THE CITY OF DORAVILLE AGENDA ITEM SHEET

Subject: **Ordinance to revise Chapter 2 of City Code
to delete certain Agenda Procedures and to
adopt Rules and Procedures for Council Meetings**

Regular Meeting (X)
Work Session ()

Date of Meeting: _____

Budget Impact: ___Y___X___N

Budget Impact Amount: \$___N/A_____

Recommendation (X)
Policy/Discussion ()
Report ()
Other (X)

Funding Source:

- () Annual
- () Capital
- () N/A

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This Agenda Item is actually two items intertwined. First, there is a proposed Rules and Procedures for Council adoption which is a comprehensive document creating the procedures by which Council Meetings and other Open Meetings would proceed, including decorum, Agendas, public comments, public hearings, committees, etc. To adopt these Rules and Procedures without having it placed in the City Code allows for flexibility to revise as necessary. Alongside this document is an Ordinance for First Read to revise what would be conflicting provisions for Agenda and Council Meeting Administration in the City Code, in Chapter 2, Article II, currently. These are set for adoption concurrently.

Options: **Adopt or revise these Rules and Procedures and Ordinance.**

Recommended Action: **Adopt the attached Ordinance and Rules and Procedures.**

Department: City Manager Department Head: Shawn Gillen

Administrative Comments and Recommendation: _____

Action Taken By Board: _____

RULES AND PROCEDURES FOR CITY COUNCIL MEETINGS AND PUBLIC HEARINGS

Section 1. Open Meetings. All meetings of the Mayor and City Council shall be held in accordance with the provisions of Title 50, Chapter 14 of the Official Code of Georgia Annotated. The public shall be afforded access to meetings other than Executive Sessions, in compliance with Georgia law. Only Executive Sessions held in accordance with Georgia law may be closed to the public.

Section 2. Executive Sessions. Executive sessions of the Council may be held for the purpose of discussing topics exempted from public access requirements by Title 50, Chapter 14 of the Official Code of Georgia Annotated. Meetings will only be closed to the public for the purposes allowed within State law.

(a) Non-Exempt Topics. If a Council Member attempts to discuss a non-exempt topic during an Executive Session, the Mayor shall immediately rule that Council Member out of order and such discussion shall cease. If the Council Member persists in discussing the non-exempt topic, the Mayor shall adjourn the meeting immediately.

(b) Procedure For Entering Into Executive Sessions. No Executive Session shall be held except pursuant to a majority affirmative vote of the City Council Members present with the vote taken in a public meeting. The minutes of the public meeting shall reflect the names of the Council Members present, those voting for the Executive Session, and the specific reasons for the Executive Session. All votes taken on items discussed in Executive Session shall be taken in an open meeting.

(c) Executive Session Minutes.

(1) Executive Sessions Discussing Real Estate Acquisition. Minutes of an Executive Session in which the acquisition of real estate is discussed shall be taken in the same manner as minutes of an open meeting (Section 21) and shall be available for public inspection except that any portion of the minutes identifying the real estate shall be redacted until such time as the action for acquisition of the real estate is taken, or decision is reached that the proposed deal acquisition is to be terminated, abandoned or until court actions are to be initiated through the use of condemnation proceedings.

(2) Other Executive Sessions. Minutes of Executive Sessions devoted to any permissible topic other than land acquisition shall be maintained by the clerk in accordance with State of Georgia law.

(d) Mayor or Presiding Officer Affidavit. The Mayor or other presiding officer shall execute an affidavit stating, under oath, that the Executive Session was devoted to topics exempt from the public access requirements. The affidavit shall include the specific

exemption to the open meetings law. The City Attorney shall review and approve the form of the affidavit to be utilized, as well as the completed affidavit to be executed for each Executive Session. The affidavit shall be notarized and filed with the minutes of the open meeting.

[Cross Reference: O.C.G.A. §§ 50-14-2, 5-14-3 and 50-14-4]

Section 3. Visual and Sound Recordings. Visual, sound, and visual and sound recordings shall be permitted for all public hearings, as long as such recordings are in accordance with State law.

[Cross-reference: O.C.G.A. § 50-14-1(c)]

Section 4. Quorum. A quorum must be present for conducting meetings of the City Council. A quorum is four (4) members of the City Council. Any Council Member may raise a point of order directed to the Mayor or presiding officer if he or she believes that a quorum is not present. If, during the course of a meeting, a Council Member or Council Members leave and a quorum no longer exists, the meeting may not continue. If a quorum is not attained within thirty (30) minutes, the meeting may be rescheduled by the Mayor or presiding officer with the approval of the Council Members present.

Section 5. Mayor. As provided in Article III, Section 3.01 of the City Charter, the presiding officer of the City Council shall be the Mayor. As presiding officer, he or she is responsible for the orderly conduct of the meeting. In order to fulfill this duty, the Mayor shall enforce the rules of procedure that are adopted by the City Council. The Mayor shall be impartial and conduct the meetings in a fair manner. The Mayor may name a Sergeant-at-Arms to assist in maintaining the orderly conduct of the Council Meetings. As provided in Article II, Section 2.10, the Mayor is treated as one of the Council Members for quorum purposes, and the Mayor may vote only when there is a tie.

Section 6. Mayor Pro-Tempore. The Council shall select a Mayor Pro-Tempore from the Council Members at the first meeting of each calendar year following each general election by a majority vote. The Mayor Pro-Tempore shall fulfill the duties of the Mayor if the Mayor is not in attendance. The Mayor Pro-Tempore shall serve a term of two years and until a successor is elected and qualified.

Section 7. Presiding Officer. If the Mayor and the Mayor pro-tem are absent or otherwise unable to serve as presiding officer at a meeting and a quorum of Council Members is present, the remaining Council Members shall select a Council Member to serve as presiding officer of the meeting until either the Mayor or Mayor pro-tem is present at the meeting.

Section 8. Parliamentarian. The City Attorney shall serve as the parliamentarian for City Council meetings.

Section 9. Amendments to the Rules. Any amendments to the rules of order shall be submitted by a Council Member in writing to the city manager three business days before a regular meeting of the City Council. The proposed amendment shall be included in the agenda

for that meeting and distributed to all Council Members. All amendments require a two-thirds vote of the Council to be adopted.

Section 10. Suspending the Rules of Order. Rules of Order may be suspended in the case of an emergency. A motion to suspend the rules requires a second, is debatable, and requires a two-thirds vote of the Council. Rules governing quorums, voting methods and requirements (Article II, Section 2.10), the notification to Council Members of meetings (Article II, Section 2.09) and rules necessary for compliance with state law may not be suspended; provided, however, that, in the event that a state of emergency is declared by the Governor or other authorized state official, the City Council may waive time-consuming procedures and formalities imposed by state law.

[Cross-reference: O.C.G.A. § 38-3-54]

Section 11. Regular Meetings. Regular meetings of the City Council shall be held at 6:30 p.m. or at a time determined by majority vote of the City Council, but shall include at least one regular meeting per month, as provided in Article II, Section 2.09 (c). If starting at 6:30 p.m., the Meeting shall end at 9pm unless otherwise extended by a majority vote of Council. All regular meetings shall be held in the City Council meeting room, provided however, that other sites are allowed prior to the opening of City Hall or as provided by other sections of this document. A notice containing the foregoing information shall be posted and maintained in a conspicuous place available to the general public at the regular meeting place of the City Council. Prior to the establishment of a regular meeting place, the public notice shall be posted at the location at which the meeting will be held. ~~Prior to each Regularly Scheduled Meeting, there shall be a Work Session scheduled for one (1) hour prior to the Meeting. No item on the Work Session shall also appear at the Council Meeting that same day. The Work Session Agenda shall be as follows:~~

~~Call to Order~~

~~Roll Call~~

~~Public Comment (limited to 10 minutes, 3 minute per person)~~

~~Work Session Discussion Items~~

~~Other Business~~

~~6. Adjournment~~

[Cross-reference: O.C.G.A. § 50-14-1(d)]

Section 12. Meetings Other Than Regular Meetings. The City Council may meet at times and locations other than those regularly scheduled meetings.

(a) Special Meetings and Rescheduled Regular Meetings. A regular meeting may be canceled, rescheduled, recessed or moved to a new location within the City by the Mayor or by a majority of the Council in office for any reason. As provided in Article II, Section 2.09 of the City Charter, special meetings of the City Council may be held on call of the Mayor and one (1) councilmember or three (3) council members. Notice of such special meetings shall be served on all other members personally, by registered mail or by electronic means at least 24 hours in advance of the meeting. Such notice shall not be

required, if the Mayor and Council Members are present when the Special Meeting is called. Such notice of any Special Meeting may be waived by a Council Member in writing before or after such a meeting. Attendance at a meeting shall also constitute a waiver of notice on any business transacted in such Council Member's presence. Only the business stated in the call may be transacted at the Special Meeting. Notice to the public shall be given in accordance with State law.

(b) Meetings With Less Than 24 Hours Notice. When emergency circumstances occur, the City Council may hold a meeting as allowed by State law. When such meetings are to be held, the clerk shall provide notice to the legal organ of the city and to each member of the city governing authority as soon as possible. The notice shall include the subjects expected to be considered at the meeting. In addition, the minutes shall reflect the reason for the emergency meeting and the nature of the notice given to the media and public.

[Cross-reference: O.C.G.A. § 50-14-1-(d)]

(c) Meetings During a State of Emergency. When it is imprudent, inexpedient or impossible to hold City Council meetings at the regular meeting place due to emergency or disaster resulting from manmade or natural causes, as declared by the Governor or other authorized state official, the City Council may meet anywhere within or outside of the city. Such a meeting may be called by the Mayor and one councilmember or three (3) Council Members. At the meeting, the Council Members shall establish and designate emergency temporary meeting locations where public business may be transacted during the emergency. Any action taken in such meetings shall have the same effect as if performed at the regular meeting site.

[Cross reference: O.C.G.A. §§ 50-14-1(d), 38-3-54, 38-3-55]

(d) Policy Committee of the Whole/Work Session. Policy Committee of the Whole/Work Session meetings shall be held at a time determined by majority vote of the City Council, but shall include at least one meeting per month on the Second meeting of the Month. The Policy Committee of the Whole shall review and provide suggestions and opinions on items submitted by the City Manager or member of City Council regarding Ordinances and Policies that the City is or will be undertaking and which, in the City Manager's opinion, needs additional review and comment prior to the item coming before the full Mayor and Council Board at a Council Meeting or Work Session. The Policy Committee of the Whole shall be composed of the members of the City Council.

The order of business of the Policy Committee of Whole shall be as follows:

1. Call to Order
2. Roll Call
3. Minutes
4. Approval of Meeting Agenda
5. Public Comment (limited to 20 minutes, 3 minute per person and limited to Agenda items)
6. Reports and Presentations

7. Unfinished Business
8. New Business
9. Other Business
10. Adjournment

No final action shall be taken on items before the Policy Committee of the Whole/Work Session. Items on the agenda may be referred to the regular council meeting ~~or Work Session~~ for review or final action.

Prior to any Policy Committee of the Whole/Work Session Meeting, a voting meeting shall be held to vote on zoning-related items or other items that need a vote and cannot wait until the first meeting of the following month for a vote.

Section 13. Order of Business. All regular City Council meetings, except for Work Sessions as delineated above, shall substantially follow an established order of business. The order shall be as follows:

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Minutes
5. Approval of Meeting Agenda
6. Public Comment
7. Consent Agenda
8. Organizational and Procedural Items
9. Reports and Presentations
10. Unfinished Business
11. New Business
12. Other Business
- ~~12.~~ 13. Council Comments
- ~~13.~~ 14. Adjournment

Section 14. Agenda. The City Manager shall prepare an agenda of subjects to be acted on for each meeting. Work session topics and Council agenda items shall be submitted consistent with the process established by the City Manager. ~~An agenda approval meeting shall be held by the City Manager and the Mayor to finalize the agenda.~~—The agenda for the following Council Meeting or Work Session shall be made available to the City Council ~~at least one (1) day before~~ no later than Friday following every City Council meeting.

(a) Changing The Agenda. The order of the agenda may be changed during a meeting by a majority vote of the City Council. A new item, other than a zoning decision, may be added to the agenda by a majority vote of the City Council only if it becomes necessary to address the item during the meeting. An existing item may be removed from the agenda by the majority vote of the City Council.

(b) Agenda Must Be Made Public. The agenda of all matters to come before the City Council shall be made available to the public upon request and shall be posted at the meeting site as far in advance as reasonably possible, but not less than 24 hours prior to the start of the meeting. Notice of the agenda for emergency meetings will be handled in accordance with State law.

[Cross-reference: O.C.G.A. §§ 50-14-1(e)(1) and 36-66-4]

Section 15. Consent Agenda. A consent agenda may be prepared by the City Manager for the City Council to unanimously adopt motions on routine items. Any items of business that are expected to receive unanimous approval without debate may be placed on a consent agenda. At the appropriate time of the meeting, the Mayor shall read all of the items on the consent agenda. If a Council Member objects to an item being on the consent agenda, the Council Member shall direct the move of that particular item to the regular agenda. Following the reading of the consent agenda, the Mayor may ask for unanimous approval of the items on the consent agenda. If there are no objections, all the items on the consent agenda shall be approved ~~by a majority vote of the City Council.~~

Section 16. Decorum. All Council Members and members of the public shall conduct themselves in a professional and respectful manner. Remarks should be professional and personal attacks on, or disparaging remarks about, councilmembers, staff or the public shall not be allowed or tolerated and the Mayor shall enforce such decorum. All remarks shall be directed to the Mayor and not to individual Council Members, staff, or citizens in attendance. Personal remarks are inappropriate and may be ruled out of order. A Council Member may not speak at a meeting until he or she has been recognized by the Mayor. All comments made by a Council Member shall address the motion that is being discussed. The Mayor shall enforce these rules of decorum. If a Council Member believes that a rule has been broken, he or she may raise a point of order. A second is not required. The Mayor may rule on the question or may allow the City Council to debate the issue and decide by majority vote.

Section 17. Voting. Under normal circumstances, passage of a motion shall require the vote of at least four (4) Council Members, and must receive the affirmative vote of a majority of those voting at which a quorum is present. Voting on the adoption of ordinances shall be by ~~voice vote and the vote shall be recorded in the record, but any member of the City Council shall have the right to request a roll-call vote and such vote shall be recorded in the journal~~ until such time as an alternative system is implemented.

Except as otherwise provided in the City Charter, the affirmative vote of a majority of the Council Members present shall be required for the adoption of any ordinance, resolution or motion.

~~**Section 18. Abstentions.** No Council Member shall abstain from voting except in the case of a conflict of interest or if absent when a motion being voted upon was made. If a conflict of interest does exist, the Council Member shall provide a specific explanation of the conflict, and the explanation shall be recorded in the journal.~~

Section 189. Public Participation. Public participation in meetings of the City Council shall be permitted in accordance with the provisions of this section.

- i. **Public Comments.** The floor shall be open for public comments at no less than one point during the meeting. The public comments section will be provided immediately following the approval of the meeting agenda. ~~This public comments period will last a maximum of thirty minutes, and s~~Speakers' comments will be limited to three (3) minutes each. ~~No speaker shall yield time to another person. If a speaker is yielded time by other members of the public at the meeting, said speaker may speak up to ten minutes, irrespective of how many persons yielded their time to said speaker.~~

The presiding officer, at his or her discretion, may also call for additional public comment periods during the meeting whenever the presiding officer has a reasonable belief that such additional public input would be advantageous in guiding a specific Council decision. These public comment periods will also be limited to fifteen minutes. Individual speakers are limited to three (3) minutes each. All members of the public wishing to address the City Council shall submit their name and the topic of their comments to the city clerk prior to the start of any meeting held by the City Council; provided, however, that if the applicants of rezoning actions or individuals who wish to oppose a rezoning action have contributed more than \$250 to the campaign of a Council Member, the individual shall file a campaign disclosure form as required by O.C.G.A. § 36-67A-3 at least five (5) calendar days prior to the first hearing by the City Council. Individuals will be held to established time limits. These limits may be waived by a majority vote of the City Council.

[Cross-reference: O.C.G.A. § 36-67A-3]

(b) Public Hearings. The City Council may schedule public hearings for the purpose of soliciting public comment on any subject of interest to the City Council. Hearings may be held immediately prior to, during or following a meeting of the City Council or at such other places and times as the City Council may determine. Hearings require at least ten (10) minutes per side. These limits may be waived by a majority vote of the City Council. No official action shall be taken during any such public hearing. Hearings on zoning decisions shall be governed in accordance with the zoning policies and procedures.

[Cross-reference: O.C.G.A. §§ 36-66-4 and 36-66-5]

(c) Decorum. Members of the public shall not make inappropriate or offensive comments at a City Council meeting and are expected to comply with the rules of decorum that are established for Council Members. Individuals violating any rules of the City Council may be ruled out of order by the Mayor or on a point of order made by a Council Member. A majority vote of the City Council shall rule on the point of order.

An individual violating the rules of decorum may be removed from the meeting at the direction of the Mayor.

Section 1920. Meeting Summary. A summary of the subjects acted upon in a meeting and the names of the Council Members present at a meeting shall be prepared by the City Clerk and made available to the public for inspection within two business days of the adjournment of the meeting. This summary will be noted as unofficial prior to adoption by the Council of the minutes for the meeting. *[Cross-reference: O.C.G.A. § 50-14-1(e)(2)]*

Section 201. Minutes. The clerk of the City Council shall promptly record the minutes for each City Council meeting. The minutes shall specify the names of Council Members present at the meeting, a description of each motion or other proposal made at the meeting, the name of the Council Member who proposed each motion, the name of the Council Member who seconded each motion, and a record of all votes. In the case of a roll call vote, the name of each Council Member voting for or against a proposal shall be recorded. It shall be presumed that a Council Member has voted in the affirmative unless the minutes show otherwise. More detailed information may be included in the minutes at the request of the City Council.

The City Council shall approve the minutes before they may be considered as an official record of the City Council. The minutes shall be open for public inspection once approved as official by the City Council but in no case later than immediately following the next regular meeting of the City Council. A copy of the minutes from the previous meeting shall be distributed to the City Council in the agenda package for the following meeting. The minutes of the previous meeting shall be corrected, if necessary, and approved by the City Council at the beginning of each meeting. A majority vote is required for approval. Conflicts regarding the content of the minutes shall be decided by a majority vote. Upon being approved, the minutes shall be signed by the Mayor and attested to by the clerk of the City Council.

[Cross-reference: O.C.G.A. § 50-14-1(e)(2)]

Section 212. Procedure and Deadline. The Mayor and City Manager are authorized to establish detailed procedures and deadlines as necessary to ensure the effective organization of Council proceedings and orderly handling of business to come before the Council, in accordance with the Rules and Procedures adopted by the Mayor and Council.

Section 223. Roberts Rules of Order. This document shall serve as the rules and procedures of the Mayor and City Council. In the absence of applicable rules and procedures which may from time to time be encountered during the public meetings, Roberts Rules of Order shall be followed.

Section 234. Deferrals. If five (5) or fewer members of the City Council are present at the meeting, and upon request of the Mayor or a member of the City Council at such meeting, an item up for vote can be deferred for one (1) meeting. This “normal course” deferral may not be repeated for any item deferred in accordance with this provision.



THE CITY OF DORAVILLE AGENDA ITEM SHEET

Subject: **Amending Chapter 2 to remove purchasing
and bidding procedures**

Date of Meeting: July 1, 2013

Budget Impact: ___Y ___X ___N

Budget Impact Amount: \$ _____

Regular Meeting	(X)
Work Session	()
Recommendation	(X)
Policy/Discussion	()
Report	()
Other	()

Funding Source:

() Annual

() Capital

() N/A

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The Mayor and City Council recently adopted a comprehensive purchasing policy which specifically regulates all the purchasing transactions conducted by the City and City Staff, including RFP, RFQ and other bidding procedures. Currently, Sections 2-90 and 2-91 of the City Code also provide for some of what is now in the Purchasing Policies, specifically bidding procedures and spending authority, and these provisions are now in conflict with the adopted Purchasing Policies. In order to keep clarity and make sure that the Purchasing Policies are followed, these conflicting Code provisions should be removed and the Purchasing Policies referenced as the adopted document regulating purchasing in the City.

Options: ___To adopt this Ordinance or leave conflicting provisions as is.

Recommended Action: ___Adoption of this Ordinance.

Department: City Attorney

Department Head: Cecil G. McLendon, Jr.

Administrative Comments and Recommendation: _____

Action Taken By Board: _____

STATE OF GEORGIA
CITY OF DORAVILLE

ORDINANCE NO. 2013-_____

AN ORDINANCE TO AMEND CHAPTER 2 OF THE CITY OF DORAVILLE, GEORGIA CODE OF ORDINANCES TO REVISE PURCHASING REQUIREMENTS; AND FOR OTHER PURPOSES

WHEREAS, the City of Doraville is tasked with preserving the health, safety and welfare of the citizens of the City; and

WHEREAS, the Mayor and Council have adopted comprehensive purchasing policies to guide procedures for purchasing and bids in the City of Doraville; and

WHEREAS, Chapter 2 of the City of Doraville Code currently contains two sections, 2-90 and 2-91, that set out bidding procedures and some purchasing requirements that would be in conflict with the most recently established purchasing policies; and

WHEREAS, the Mayor and City Council have determined that it is appropriate to amend the City Code by deleting said conflicting provisions in the Code and linking to adopted purchasing policies.

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

Section 1

Chapter 2 ("Administration") Section 2-90 of the Code of Ordinances, City of Doraville, is hereby revised to read as follows:

"2-90. —~~Bids required; conditions; exceptions~~Purchasing.

The City's purchasing and bidding requirements shall be governed by Purchasing Policies as adopted by Mayor and City Council and as may be amended in the future. A

copy of said Purchasing Policies shall be kept on file with the City Clerk and Finance Director, and available for inspection upon request.~~(a) — Except as set out in subsection (b) below, all expenditures in excess of five thousand dollars (\$5,000.00) shall only be incurred after seeking sealed bids or request for proposals (RFPs) and all such bids or RFPs shall be opened and recorded by the Mayor, City Clerk and appropriate Department Head at an public meeting compliant with the requirements of the Georgia Open Meetings Act. The City Clerk and Department Head will review the bids for compliance and qualifications in accordance with the established requirements in the RFP and provide Mayor and Council with a recommendation along with a complete list of the responding bidders, their ranking and all appropriate measuring criteria for same, and each bidder's bid amount. The City Council shall make the award at a regular public meeting.~~

~~(b) — If the Mayor deems it appropriate and necessary to open bids or RFPs prior to the time stated in the RFP because the property or service acquired is deemed to be an emergency purchase which should be expedited, and a determination of such emergency is made by the Department Head, including a reason therefor, a particular bid or RFP may be opened prior to the designated time as stated in the RFP provided the same is opened in the presence of, and recorded by the City Clerk, Department Head and one (1) City Councilmember. Reasonable effort shall be made to notify all bidders and Councilmembers of the intent to open such bid(s) or RFPs ahead of the designated time. Otherwise such bids or RFPs shall be opened pursuant to the requirements of subsection (a) above.~~

~~(c) — It is the intention of the Mayor and Council that, except as set out in subsection (d) below, not less than two (2) bids be obtained for all purchases over five thousand dollars (\$5,000.00) and that the best bid, in accordance with the recommended measuring criteria for said bid or RFP, as determined by the Mayor and Council will be accepted. However, if only one (1) bid is submitted, the Council may choose to accept the sole bid or have the expenditure rebid. The City shall have the right to reject any and all bids or RFPs in its sole discretion without obligation to any bidder.~~

~~(d) — The following are exempt from the requirements of subsection (c) above.~~

~~—— (1) — Purchases under a contract which has been subject to the bidding process set out above.~~

~~—— (2) — Purchases from any previously bid government contract.~~

~~—— (3) — Purchases under a state or federal contract.~~

~~—— (4) — Purchases from a single source vendor.~~

~~(e) — The City Clerk is hereby authorized to develop all appropriate forms, as well as any necessary rules and procedures to effect the provisions of this section."~~

Section 2

Chapter 2 ("Administration") is further amended by deleting Section 2-91 in its entirety.

Section 3

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

Section 4

This Ordinance shall be codified in accordance with state law and the Code of the City of Doraville, Georgia. This Ordinance shall become effective upon its adoption by the Mayor and Council.

SO ORDAINED, this ____ day of _____, 2013.

CITY OF DORAVILLE, GEORGIA

Mayor

First Reading

Second Reading

ATTEST:

Sandra Bryant, Acting City Clerk (SEAL)

APPROVED AS TO FORM:

Cecil G. McLendon, Jr., City Attorney

	Yea	Nay
Maria Alexander	<input type="checkbox"/>	<input type="checkbox"/>
Brian Bates	<input type="checkbox"/>	<input type="checkbox"/>
Pam Fleming	<input type="checkbox"/>	<input type="checkbox"/>
Karen Pachuta	<input type="checkbox"/>	<input type="checkbox"/>
Trudy Jones Dean	<input type="checkbox"/>	<input type="checkbox"/>
Robert Patrick	<input type="checkbox"/>	<input type="checkbox"/>