

AN ORDINANCE OF THE CITY OF DUNWOODY TO INCREASE THE NUMBER OF MEMBERS SERVING ON THE BOARD OF ETHICS

WHEREAS, The Charter of the City of Dunwoody ("City") grants the City power to establish boards and commissions;

WHEREAS, Pursuant to its power under the Charter, the Mayor and Council of the City adopted an Ordinance that establishes a Board of Ethics and sets the number of its members at five with two alternate members; and

WHEREAS, The Mayor and Council have determined that the operation of said Board would be more effective with seven regular members and no alternates.

NOW, THEREFORE, the Mayor and City Council of the City of Dunwoody, Georgia, hereby Ordain as follows:

Section 1: Section 2-253 of Chapter 2 (Administration), Article VIII ("Ethics") of The City of Dunwoody, Georgia, Code of Ordinances is hereby repealed in its entirety and is replaced by the following:

Sec. 2-253. – Creation of board of ethics; membership; term; compensation.

- (a) Created; membership. There is created a board of ethics consisting of ~~five~~ seven members, ~~and two alternate members~~. Each member of the board of ethics shall have been a resident of the city for at least one year immediately preceding the date of taking office and shall remain a resident of the city while serving as a member of the board of ethics.
- (b) Member restrictions. Members of the board shall not be elected city officials, fulltime appointed officials (whether exempt or nonexempt), or city employees, and shall hold no elected public office nor any other city office or employment.
- (c) Appointment. Members of the board shall be appointed by the mayor and approved by the city council. Each city councilmember may submit to the mayor up to two names to consider for appointment to the board and the mayor may, but is not required to, choose to appoint members of the board from the names submitted by councilmembers. An appointment to fill a vacancy on the board shall be made by the mayor and approved by the city council.
- (d) Chairperson. The board shall elect one of its members to serve as chairperson and one as vice-chairperson of the board.
- (e) Term of office. Board members shall serve staggered terms of no more than three years, starting with the next appointments to the Board following the effective date of this ordinance. A member shall hold office until a member's successor is appointed.

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- (f) Limit of term. No person may serve more than two consecutive full terms as a board member.
- (g) Deliberations, actions open to the public. The board's deliberations shall be open to the public.
- (h) Compensation. Members of the board are volunteers and shall serve without compensation. The city council shall provide meeting space for the board of ethics. Subject to budgetary procedures and requirements of the city, the city shall provide the board of ethics with such supplies and equipment as may be reasonably necessary to perform its duties and responsibilities.
- (i) Staff support. The city council shall provide such staff support for the board as the city council determines to be necessary for the board to fulfill its duties and responsibilities. The city clerk, or assistant city clerk if the city clerk is the subject of the ethics complaint, shall serve as recording secretary to the board.
- (j) In conjunction with any special meetings for purposes of reviewing and holding hearings on complaints pursuant to this article, the board shall have standing monthly meetings on a day as determined by the board. Said monthly meeting may be cancelled by request of at least two members of the board if no complaints are pending for review or hearing at said meeting. At the first monthly meeting of the year, the board shall elect a chairman and vice chairman.
- (k) The board shall be authorized to develop and adopt written by-laws and procedural rules for meetings outside of the evidentiary hearing process established by this article.
- (l) The board shall receive biennial training on procedural rules, open meetings and open records laws and such other matters as pertains to the board's jurisdiction and operation. New board members shall receive the same training within two months after appointment.

Section 2: If any paragraph, subparagraph, sentence, clause, phrase or any portion of this Ordinance shall be declared invalid or unconstitutional by any court of competent jurisdiction or if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of the Ordinance to other circumstances not so held to be invalid. It is hereby declared to be the intent of the City Council of the City of Dunwoody to provide for separate and divisible parts, and it does hereby adopt any and all parts hereof as may not be held invalid for any reason.

Section 3: All ordinances in conflict with the terms of this Ordinance are hereby repealed to the extent of the conflict.

Section 4: This Ordinance shall be effective when signed by the mayor of the City of Dunwoody.

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SO ORDAINED and effective this ____ day of _____, 2024.

Approved By:

Lynn P. Deutsch, Mayor

Attest:

Approved as to Form and Content:

Sharon Lowery, City Clerk
(SEAL)

City Attorney