

## Chapter 2: Administration

### Article 1: General Provisions

#### *Section 1: Meetings*

(a) *Meeting Times.* As described in Section 2.09 of the Charter, the Council shall meet at least once a month. Regular meetings shall be held on the second and fourth Mondays of each month at 7:00 p.m. The Council may designate alternative meeting times so long as the time is published either electronically on the City website or through other means, including posting at the building designated as City Hall at least 24 hours before the meeting.

(b) *Meetings scheduled on a Federal or State Holiday.* If the regular meeting falls on a Federal or State holiday, the Council may reschedule the meeting to the following Tuesday, and publish the time change as described in subsection (a) of this section.

(c) *Special Meetings.* Special meetings may be called in accordance with the Charter provision 2.09.

(d) Any meeting of the Council may be continued or adjourned from day to day, or for more than 1 day, but no adjournment shall be for a longer period than until the next regular meeting thereafter.

#### *Section 2: Open Meetings and Records*

(a) All meetings shall be held in accordance with the Georgia Open and Public Meetings Act codified at O.C.G.A. § 50-14-1 et seq.

(b) All City records subject to the Georgia Open Records Act, codified at O.C.G.A. 50-18-70 et seq, shall be available to the public. The City Clerk shall comply with any valid requests under the Georgia Open Records Act and prepare any materials requested.

#### *Section 3: Document Retention*

Pursuant to the Georgia Records Act, O.C.G.A. § 50-18-90 et seq, the City of Dunwoody adopts the records management plan and record retention schedules recommended by the Georgia Secretary of State as amended from time to time by future resolutions of the Mayor and Council of the City of Dunwoody. The City Clerk shall coordinate all records management for the City including storage, archiving, and destruction of records. Records shall be maintained according to approved retention schedules. All requests made under the Georgia Open Records Act, O.C.G.A. § 50-18-70 et seq, excepting standardized routine requests of the City of Dunwoody Police Department, the City of Dunwoody Fire Department, and the City of Dunwoody Municipal Court shall be made to the City Clerk. No record shall be destroyed except as provided in the approved retention schedule; provided, however, a written record may be destroyed if it is otherwise preserved by means of microfiche, scanning, or other reliable photographic or digital means as permitted by law. Changes to the retention schedules shall be adopted by resolution of the Mayor and Council.

#### *Section 4: Fees*

The City Clerk shall charge the full amount permitted by Georgia law to copy the records subject to the Georgia Open Records Act. If compilation and replication of such documents takes more than 15 minutes, the City Clerk may charge an additional reasonable administrative charge.

*Section 5: Subpoenas*

(a) The Council, when sitting as a judicial or quasi-judicial body pursuant to public law, its charter, or its ordinances, shall compel the attendance of witnesses by subpoena under the same rules as prevail in the superior courts, and any witness who shall fail to respond to the subpoena, or who shall refuse to testify under oath, shall be guilty of contempt.

(b) The subpoenas as authorized in the preceding section shall bear witness in the name of the Mayor; shall be issued by the City Clerk; and shall be served by the Chief of Police, any police officer, or by such other person as the Mayor may designate.

(c) Should any person fail to respond to a subpoena of the Council, after having been lawfully served, without good cause, or should the person refuse to testify under oath, then the Council shall hold the person in contempt, and, in their discretion, punish the person by the imposition of a fine according to the maximum allowed by state law. Each of the failures or refusals herein described shall constitute a separate contempt.

*Section 6: Reimbursement and Travel*

(a) The Mayor and Council Members shall be reimbursed for their own reasonable travel expenses incurred in connection with City business related to travel outside the City, and those Cities that share borders with the City.

(b) Overnight Travel. The City shall reimburse the Mayor or Council members for actual expenses of meals incurred in connection with overnight travel, lodging, ground transportation and incidental expenses incurred in connection with City business.

(c) Expense Reports. Within 60 days after incurring the aforementioned expenditure(s), the Mayor or Council Members shall file with the City Manager a signed travel expense form setting forth the reasonable expenses incurred for which City payment is sought. Original receipts documenting each expense over \$10.00 must accompany the form, except for reasonable and customary out-of-pocket expenses such as tolls, valet services, gratuities, and mileage. If a travel expense form has not been filed within 60 days after incurring an expenditure, the City shall not reimburse such expenses.

(d) Notwithstanding any provision to the contrary, no expenses shall be reimbursed that exceeds the maximum expense amount allowed by the Charter.

**Article 2: Personnel**

*Section 1: Personnel Manual*

The City Manager shall establish a personnel manual for all municipal employees. In addition to sections deemed necessary by the City Manager, the manual shall include policies regarding equal

employment opportunity, nondiscrimination, and sexual harassment. The manual will be updated from time to time as required by federal and state laws.

### *Section 2: Employees*

(a) In general, municipal employees shall be categorized as full time, part time or by terms decided by contract with the City.

(b) Municipal Employees. Full-time employees will be paid an hourly salary, weekly salary or some other pay rate; part-time employees will work at irregular intervals on a short-term basis, and temporary workers will be hired to fill a temporary need for a specified period of time.

(c) Contract Employees. The City Manager shall have the authority to propose contractual employment relationships between the City and third parties. The terms of these third party contracts will be established by the contract at the time of hiring. The Council must approve a contract worth more than \$25,000.00. Issues of liability and scope of agency are to be defined by the contract.

### *Section 3: Job Descriptions*

The City shall maintain a job specification for each position held by a Municipal Employee. The City may provide a job specification for contracted positions. Such specification shall describe the duties of the position, the qualifications necessary, licenses required, to whom such employee reports, expected salary range, and such other information as is necessary to recruit for such position effectively. Such specifications may be amended from time to time by the City Manager.

### *Section 4: Benefits*

It shall be the policy of the City of Dunwoody to attract and retain a qualified workforce through the provision of a comprehensive package of benefits. To that end, the City shall be authorized to contract with benefits providers for the purpose of providing insurance, retirement, pension plans and other benefits deemed necessary by the Council upon approval of the benefit program by the City Council. Eligibility for benefits and the cost to employees shall be specified in the Personnel Manual.

### *Section 5: Records*

The City shall keep such records and make such reports as may be required by applicable state or federal laws or regulations.

## **Article 3: City Departments**

### *Section 1: Authorization*

The following departments may be established by the Council:

- (a) Administration
- (b) Finance

- (c) Community Development
- (d) Transportation
- (e) Public Works
- (f) Police
- (g) Fire & EMS
- (h) Parks and Recreation
- (i) Building

One or more department may be combined to form one or more multifunctional departments.

#### *Section 2: Right of Contract*

The City may contract with third parties to provide all or portions of the functions of any municipal department.

#### *Section 3: Oversight*

(a) There shall be a director of each department or agency who shall be its principal officer. Each director shall, subject to the direction and supervision of the City Manager, be responsible for the administration and direction of the affairs and operations of the director's department or agency.

### **Article 4: City Boards and Commissions**

#### *Section 1: Creation*

There may be created a Board of Zoning Appeals, a Design Review Board, a Historic Preservation Board, a Planning Commission, a Construction Board of Appeals, and an Alcohol Licensing and Appeals Board, which shall have the powers and duties and be subject to and governed by the regulations set forth in this Article and this Code. The duties of each Board are defined in the corresponding City Code section.

#### *Section 2: Composition*

All Board members must be appointed by the Mayor and approved by the Council.

#### *Section 3: Membership*

(a) The Council shall determine by Resolution the number of members of each Board or Commission. Except as provided in subsection (b) below, the Council shall establish qualifications for members of each Board. Each Board member shall be nominated by the Mayor and approved by the Council. The Council shall determine if and at what amount Board members will be compensated.

(b) Except as otherwise provided herein, each Board or Commission member must be a resident of the City of Dunwoody. Should the Board member move out of the City; he or she may remain active until the Mayor and Council appoint his or her replacement.

(c) Members must attend two-thirds of meetings in a calendar year. Failure to do so warrants removal from the Board.

#### *Section 4: Terms*

(a) Each member shall serve a specified term of not more than 4 years. Consecutive terms are permissible, and terms may be staggered. Each member, but the Mayor and Council members that may serve on a Board, shall have equal terms of an amount to be specified by the Mayor.

(b) The Mayor and Council members may serve as ex-officio members without a vote on a Board or Commission so long as they remain elected to office. A former Council member or former Mayor may serve on a Board.

(c) Members filling vacancies shall serve the remainder of the term to which they were appointed. A consecutive appointment is permissible.

(d) Any member may be removed for cause by the Mayor and a majority of the Council.

#### *Section 5: Quorum*

A majority of actual Board members establishes a quorum. Any action taken requires a majority of affirmative votes of the quorum present.

#### *Section 6: Procedure*

(a) Each of the Boards shall adopt its rules of procedure, which shall be substantially similar to the Rules of Procedures of the City Council, and determine its time of meetings. The date and time of each meeting as well as agenda items to be considered shall be publicized in the same manner as meetings of Mayor and Council.

(b) Each of the Boards shall elect, annually, at its first meeting of the calendar year, one of its members to serve as Chair, and one to serve as Vice Chair. Each Board or Commission shall also appoint a Secretary to serve as the official record keeper for the Board or Commission. The Secretary of the Planning Commission may be the Director of Community Development or his designee.

(c) All meetings at which official action is taken shall be open to the public and all records maintained by the Committee shall be public records unless expressly excepted by a provision of the Georgia Open Records Act. The Boards shall keep minutes of their formal proceedings, showing the vote of each member upon each question; and records of their examinations and other official actions, all of which shall be filed in the office of the City Clerk. Copies of the minutes shall be sent to the Mayor and each member of the Council. The minutes of the meetings shall be a public record. This section shall not be construed as prohibiting closed sessions when permitted by the Georgia Open Meetings and Open Records Acts.

#### *Section 7: Training*

The Council may establish a mandatory training program for Board members.

*Section 8: Additional Guidelines of the Planning Commission*

- (a) Any vacancy in the membership shall be filled in the same manner as the original appointment.
- (b) The Planning Commission may receive reimbursement for customary expenses incurred in conjunction with any authorized activity of the Planning Commission.
- (c) The Planning Commission shall meet monthly in accordance with an established schedule of meetings as prepared by the Dunwoody Department of Community Development.
- (d) It shall be the function and duty of the Planning Commission to review and make recommendation(s) for action by the Mayor and City Council on the following:
  - i. All applications for annexation, rezoning, master plans, concurrent ordinances and/or variances;
  - ii. Applications for use permits and modifications to same;
  - iii. Amendments to the text of the Dunwoody Zoning Ordinance, Dunwoody Subdivision Regulations, the Dunwoody Comprehensive Plan, the Future Land Use Map, and the Zoning Map.
  - iv. Perform other functions of the Planning Commission as may be required by Federal and State law.

Nothing contained herein shall prevent the Mayor and City Council from hereafter assigning other duties to the Planning Commission.

- (e) Any application that is to be considered by the Planning Commission must be submitted to the Department of Community Development in accordance with the established filing schedule as prepared by said department or as stated in the Dunwoody Zoning Ordinance.
- (f) At the close of each public hearing, the Chair of the Planning Commission shall call the members to order for consideration and a vote on the issue currently before them. The vote of the Planning Commission shall be nonbinding and shall be made in the form of a recommendation to the Mayor and City Council from the following list:
  - 1. Approval as recommended by staff with recommended conditions;
  - 2. Approval as recommended by staff with revised conditions as presented by the Planning Commission;
  - 3. Denial.

- (g) The Planning Commission may move to table an item for a specified period of time in order to receive additional information necessary to make a recommendation to the Mayor and City Council. Should a request to table an item be made by the applicant and/or the property owner, the Planning Commission shall consider the request and if granted shall not table said request longer than for a period of ninety (90) days. The 90-day period shall begin on the same day the action is made by the Planning Commission. If the tabled item is not returned within the prescribed period, the item shall then be automatically withdrawn and shall be required to follow the prescribed and established procedure to re-file applications before the Planning Commission.

*Section 9: Additional Guidelines of the Design Review Board*

If created by Resolution of City Council, the Dunwoody Design Review Board shall consist of residents, land owners, business owners and professional architects and/or land planners, who either maintain primary residences and/or businesses or own land in the City. The Design Review Board shall review all plans for development in the City for compliance with standards delineated by the Community Guidelines as established in the City of Dunwoody Zoning Resolution or other ordinance of City Council, and shall make recommendations to the Department of Community Development prior to the approval of a Concept Plan, Land Disturbance Permit, Building Permit, or Sign Permit.

**Article 5: City Advisory Committees**

*Section 1: Authorization*

The Mayor may establish Advisory Committees. Each Committee may have one or more Council members. The Mayor is an ex-officio member of every Committee. The City Manager or a designee shall oversee the meetings of each Committee and is an ex-officio, non-voting, member of each.

*Section 2: Duties*

- (a) Each Committee may, from time to time, propose policies and ordinances to the Council in the subjects germane to the Committee.
- (b) This section shall not be interpreted to require Committee approval for a measure to be heard before the Council.
- (c) Members must attend two-thirds of meetings in a calendar year. Failure to do so warrants removal from the Committee.

*Section 3: Membership*

- (a) Except as provided in subsection (b) below, the Mayor shall establish qualifications for members of each Committee. Each committeeperson shall be nominated by the Mayor and approved by the Council.

(b) Each Committee member must be either a resident of the City of Dunwoody or an owner or officer of a business domiciled in the City of Dunwoody. Should the Committee member move out of the City or no longer be an owner or an officer or a business domiciled in the City of Dunwoody, he or she may remain active until the Mayor and Council appoint his or her replacement.

#### *Section 4: Terms*

(a) Each Committee member shall serve a specified term of not more than 4 years. Consecutive terms are permissible. Each Committee member, but the Mayor and Council members serving thereon, shall have staggered terms of an amount to be specified by the Mayor.

(b) The Mayor and Council members on each Committee shall serve on that Committee so long as they remain elected to office. A former Council member or former Mayor may serve on a Committee, but such person shall not take the place of the elected member.

(c) Members filling vacancies shall serve the remainder of the term to which they were appointed. A consecutive appointment is permissible.

(d) Any member may be removed with or without cause by the Mayor.

#### *Section 5: Compensation*

Committee members may serve without compensation. Reasonable expenses for travel may be reimbursed and committee members may be compensated pursuant to a policy to be established by the City Manager and approved by the Council.

#### *Section 6: Quorum*

A majority of actual Committee members establishes a quorum. Any action taken requires a majority of affirmative votes of the quorum present.

#### *Section 7: Procedure*

(a) Each of the Committees shall adopt its rules of procedure, which shall be substantially similar to the Rules of Procedure of the City Council, and determine its time of meetings. The date and time of each meeting as well as agenda items to be considered shall be publicized in the same manner as meetings of the Mayor and Council.

(b) All meetings at which official action is taken shall be open to the public and all records maintained by the Committee shall be public records unless expressly excepted by a provision of the Georgia Open Records Act. The Committees shall keep minutes of their formal proceedings, showing the vote of each member upon each question; and records of their examinations and other official actions, all of which shall be filed in the office of the City Clerk. Copies of the minutes shall be sent to the Mayor and each member of the City Council. The minutes of the meetings shall be a public record. This section shall not be construed as prohibiting closed sessions when permitted by the Georgia Open Meetings and Open Records Acts.

(c) Expenditures of the Committees, if any, shall be within the amounts appropriated for the purpose intended by the Mayor and Council during the annual budgeting process.

*Section 8: Training*

The Mayor may establish a mandatory training program for Committee members.

**Article 6: City Finances**

*Section 1: Fiscal Year*

The fiscal year of the City shall be set by Ordinance of the City Council.

*Section 2: Finance Director*

(a) The functions of the City Accountant and City Treasurer shall be performed by the Finance Director or his/her designee within the Finance Department under the direction of the Finance Director.

(b) The Finance Director shall perform at least the following duties:

- (1) Managing, planning, directing, and maintaining the city's financial operations, including serving as chair of the city finance department, if such a department is established;
- (2) Directing and supervising the work of personnel involved in performing the accounting, utility billing, property tax, payroll, and purchasing functions for the city;
- (3) Providing technical leadership in budgeting, overseeing, and directing investment opportunities and debt administration, as well as ensuring proper record retention policies are strictly followed;
- (4) The council may require the finance director to perform other duties.

(c) The City may contract with a third party to serve as Finance Director.

*Section 2: City Tax Collector*

(a) The Mayor shall nominate a City Tax Collector, subject to ratification by the Council. The City Tax Collector also may serve as the City Treasurer, City Accountant, and City Finance Director.

(b) The City may contract with a third party, including the Tax commissioner of DeKalb County, Georgia, to serve as City Tax Collector.

(c) The City Tax Collector shall perform at least the following duties. The Mayor and Council may require the City Tax Collector to perform other duties:

- (i) Managing, planning, and directing the collection of all City taxes.
- (ii) Notifying delinquent taxpayers of their status in accordance with Georgia law.

*Section 3: Audits*

(a) The City Council shall appoint an internal auditor to audit the financial records and expenditures of city funds and to report the results of such audits in writing to the city council at times and intervals set by the city council but no less than quarterly. Such audit reports shall, at a minimum, identify all city expenditures and other financial matters that the internal auditor either determines are not in compliance with or cannot conclusively be determined to be in compliance with (a) the provisions of the charter, (b) the applicable city budget, and (c) applicable ordinances, resolutions, or other actions duly adopted or approved by the City council.

(b) The City Council shall appoint an auditor to perform an annual independent audit of all city accounts, funds, and financial transactions by a certified public accountant selected by the city council. The audit shall be conducted according to generally accepted accounting principles. Any audit of any funds by the state or federal government may be accepted as satisfying the requirements of this charter. Copies of all audit reports shall be available at printing cost to the public. As a minimum, all audits and budgets of the city shall satisfy the requirements of Chapter 81 of Title 36 of the O.C.G.A. relating to local government audits and budgets.

**Article 7: Purchasing**

*Section 1: Definitions*

When used in this Article, the following words, terms, and phrases, and their derivations shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Any terms not defined by this Article shall have the meaning ascribed to them elsewhere in this Code.

(a) *City Finance Director* means the City Accountant, his agent, or the Chair of the City Finance Department, if such a department is created, or is in existence.

(b) *Construction* means the process of building, altering, improving, or demolishing any public structure or building, or other public improvements of any kind to any public real property. The term “Construction” does not include the routine operation, repair and/or maintenance of existing structures, building, or real property.

(c) *Contract* means any City agreement, regardless of form or title, for the procurement or disposition of goods, commodities, and services.

(d) *Employee* means an individual drawing a salary or wage from the City whether on a full-time or part-time basis. The term shall encompass all members of the Governing Authority without regard to whether or not such individual is compensated.

- (e) *Gifts or Favors* means any thing or any service of value.
- (f) *Goods or Commodities* means supplies, apparatus, materials, equipment, and other forms of tangible personal property.
- (g) *Governing Authority* means the City entity responsible for the contract.
- (h) *Ordinance* means this Article.
- (i) *Purchase Order* means the document used by the City to obtain supplies, goods, commodities and services from vendors.
- (j) *Purchasing Agent* means the principal purchasing official of the City pursuant to Section 2 of this Article.

*Section 2: Purchasing Agent*

- (a) The Mayor may appoint the City Manager or his agent to serve as the Purchasing Agent for the City, or the Mayor may contract with an independent third party to serve as the Purchasing Agent.
- (b) The purchasing agent shall have the following duties and powers:
  - (i) Arrange and negotiate the purchase or contract for all equipment, supplies, and contractual services for the city or any using agency; arrange and negotiate for the sale or otherwise dispose of all surplus equipment and supplies or real estate of the city or any using agency;
  - (ii) Maintain a perpetual or periodic inventory record of all materials, supplies, or equipment stored in city storerooms, warehouses, and elsewhere, including monthly reports that provide:
    - A. The titles of all requests for proposals and the method of source selections to be used;
    - B. All contracts authorized by the council, the method of source selection used, and the total dollar amount;
    - C. All emergency contracts awarded pursuant to this article;
    - D. All change orders or contract modifications authorized by the council, the dollar amount, and the reason;
    - E. All change orders or contract modifications authorized by the purchasing agent, the dollar amount, and the reason; and
    - F. An explanation of any changes, and the costs involved, in the scope of services made between the time a contract is awarded and the time that a resolution authorizing the contract is sent to the council for adoption;

- (iii) Control and supervise all city storerooms and warehouses, unless otherwise provided in this Code;
- (iv) Develop and maintain a purchasing policy and procedure manual which will be updated by the purchasing agent periodically and approved by the City council;
- (v) Direct efforts to procure services through advertisements of bids as required by this article and by state law;
- (vi) Require bonds, insurance, and other forms of protection for the city on the process of procuring goods and services for the city;
- (vii) Terminate solicitations for bids for any goods or services when, in the opinion of the purchasing agent, it is in the city's best interest to do so, including termination for breach of contract or anticipated breach of contract;
- (viii) Reject any and all bids when, in the opinion of the purchasing agent, it is in the city's best interest;
- (ix) Consult with the city attorney if a contracting party breaches or is reasonably anticipated to breach its contract with the city.

*Section 3: Legal representation.*

The city attorney represents the city in all legal matters and has the authority to provide standard terms and conditions of contracts and purchase orders and approves all contracts.

*Section 4. Purchasing policy.*

The purchasing policy, as amended from time to time and approved by Resolution of the City Council, is adopted by reference as if set out at length in this Code