

A RESOLUTION IMPOSING WITHIN THE CITY OF DUNWOODY, GEORGIA, A MORATORIUM OF NINETY (90) DAYS (UNLESS SOONER TERMINATED) UPON APPLICATION AND ENFORCEMENT OF THE CITY OF DUNWOODY ETHICS ORDINANCE AND UPON ACCEPTING OF COMPLAINTS FOR VIOLATIONS THEREFOR OR CONSIDERATION OF SAID COMPLAINTS, IN ORDER TO ALLOW FOR THE CONSIDERATION AND ADOPTION OF REVISIONS TO SAID ETHICS ORDINANCE AND PROCEDURES RELATED THERETO.

WHEREAS, the City of Dunwoody is charged with preserving the health, safety and welfare of the citizens of the City; and

WHEREAS, the City of Dunwoody previously adopted the Ethics Code as Article VIII of Chapter 2 of the City of Dunwoody Code, to provide for proper ethical conduct of City officials and to provide for complaints and process of adjudication therefor for violations of said code of ethics; and

WHEREAS, as a result of some recent Ethics Complaints, it has become apparent to the Mayor and City Council that the process for adjudication of same is overly complicated and time intensive and not conducive to the understanding of the general public; and

WHEREAS, the Mayor and City Council, in order to provide an orderly and easily manageable Ethics Complaint process, desire to review alternatives to the current procedure and adopt all appropriate ordinances in order to effect said revisions; and

WHEREAS, a reasonable amount of time is necessary in order to accomplish the aforesaid actions; and

WHEREAS, in order to provide the minimal necessary amount of time for the Mayor and Council of the City of Dunwoody to adopt rules and ordinances to provide for said ethics complaint process, enforcement and process of the current Ethics Ordinance should be stayed; and

WHEREAS, the failure to allow for such adopting of rules and ordinances without staying same may result in continued reliance and abeyance on complicated procedures that are not conducive to easy management by the citizens or the City; and

WHEREAS, the Mayor and City Council find that a ninety (90) day period of time to conduct review of procedures and adopt necessary ordinances revising same is a reasonable period of time.

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**STATE OF GEORGIA
CITY OF DUNWOODY**

RESOLUTION 2013-01-01

NOW THEREFORE, be it resolved by the Mayor and Council of the City of Dunwoody, Georgia as follows:

1. The aforesaid recitals are not mere recitals, but are material portions of this Resolution; and
2. During the period of the within moratorium the Mayor and Council shall consider the current Ethics Code and other alternatives and determine the best procedure to utilize, and adopt any requisite Ordinance to revise the Ethics Code as determined by the Mayor and City Council; and
3. During the period of the within moratorium no complaints for violations of the current Ethics Code, Chapter 2, Article VIII of the City of Dunwoody Code, shall be submitted or accepted by the City Clerk and no such complaints that have not already been submitted prior to the date of enactment of this Resolution, shall be adjudicated or discussed by the Ethics Board; and
4. During the period of the within moratorium, the Mayor and Council shall adopt the necessary and desired revisions to the Ethics Code; and
5. This Moratorium covers any Complaint for violations of the current City Ethics Code sought to be filed at any time after enactment and adoption of this Ordinance; and
6. This Moratorium shall stay any effective statute of limitations that currently exists in the City Ethics Code or that will exist in any revised Ethics Code and the period of time this Moratorium is in place shall not be counted against any Complaints to be filed after the expiration or termination of this Moratorium by virtue of the statute of limitations; and
7. The within moratorium shall begin upon adoption of this Resolution by the Mayor and City Council of the City of Dunwoody and shall end upon ninety (90) days' expiration therefrom, unless sooner terminated by resolution of the Mayor and Council; and
8. In the event that any one or more of the provisions contained in this Resolution or Moratorium shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not effect any other provision of this resolution or moratorium but this resolution and moratorium shall be construed as if such invalid, illegal, or unenforceable provision has never been contained herein.
9. The within resolution and moratorium shall become effective upon its adoption.

SO RESOLVED AND EFFECTIVE, this the ____ day of _____, 2013.

**STATE OF GEORGIA
CITY OF DUNWOODY**

RESOLUTION 2013-01-01

Approved:

Michael G. Davis, Mayor

ATTEST:

Sharon Lowery, City Clerk

A RESOLUTION EXTENDING WITHIN THE TERRITORIAL LIMITS OF THE CITY OF DUNWOODY, GEORGIA THE MORATORIUM UPON THE APPLICATION AND ENFORCEMENT OF THE CITY OF DUNWOODY ETHICS ORDINANCE AND UPON ACCEPTING COMPLAINTS FOR VIOLATIONS THEREOF OR CONSIDERATION OF SAID COMPLAINTS FOR AN ADDITIONAL ~~SIXTY~~ DAYS.

WHEREAS, the City of Dunwoody is charged with preserving the health, safety and welfare of the citizens of the City; and

WHEREAS, the City has previously adopted a Moratorium on application and enforcement of the City of Dunwoody Ethics Ordinance and upon accepting complaints for violations thereof or considerations of said Complaints in order to investigate and adopt revised procedural guidelines for same; and

WHEREAS, said Moratorium is set to expire on April 14, 2013; and

WHEREAS, due to the City Council's need to continue fleshing out the procedural provisions of the Ethics Ordinance, the City Council believes additional time is necessary in order to agree on the best and most equitable provisions of ethics due process; and

WHEREAS, as a result of said continuous investigation and revision process, the Mayor and City Council find that an additional ~~sixty (60)~~ days is necessary in order to adopt the new Ethics Code satisfactory to all the members of the Dunwoody Governing Authority.

NOW THEREFORE, be it resolved by the Mayor and Council of the City of ~~Doraville~~ Georgia, as follows:

1. That the above recitals are not mere recitals, but are material portions of the within resolution; and
2. That the Mayor and Council intend to continue to review and adopt a newly revised Ethics regulations within the next ~~sixty (60)~~ days; and
3. The previously established Moratorium in the City of Dunwoody for application and enforcement of the City of Dunwoody Ethics Code and upon accepting complaints for violations thereof or consideration of said complaints, which was set to expire on April 14, 2013 is hereby extended an additional ~~Sixty (60)~~ days and shall terminate without further action by the City Council at midnight on ~~June~~ 14, 2013, unless sooner terminated by Resolution of the City Council; and
4. In the event that any one or more of the provisions contained in this resolution or moratorium extension shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not

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affect any other provisions of this resolution or moratorium but this resolution and moratorium shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.

5. The within resolution and moratorium extension shall become effective as of its adoption.

SO RESOLVED AND EFFECTIVE, this the ____ day of _____, 2013.

Michael G. Davis, Mayor

ATTEST:

Sharon Lowery, City Clerk