



4800 Ashford Dunwoody Road
Dunwoody, Georgia 30338
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TO: Mayor and City Council

FROM: Eric Linton, City Manager

DATE: October 15, 2024

SUBJECT: Amending City Charter

DISCUSSION

O.C.G.A. § 36-35-3(b)(1) authorizes Cities to amend its Charters:

....Municipal charters may be amended by ordinances duly adopted at two regular consecutive meetings of the municipal governing authority, not less than seven nor more than 60 days apart. A notice containing a synopsis of the proposed amendment shall be published in the official organ of the county of the legal situs of the municipal corporation or in a newspaper of general circulation in the municipal corporation once a week for three weeks within a period of 60 days immediately preceding its final adoption. The notice shall state that a copy of the proposed amendment is on file in the office of the clerk or the recording officer of the municipal governing authority and in the office of the clerk of the superior court of the county of the legal situs of the municipal corporation for the purpose of examination and inspection by the public. The recording officer of the municipal governing authority shall furnish anyone, upon written request, a copy of the proposed amendment....

Proposed charter amendment seeks to amend Sec. 2.13. (a)(4) Prohibitions:

City seeks to amend the charter prohibitions by permitting certain gifts or donations without limitations from individuals, charities, and benevolent or philanthropic organizations: (1) to provide aid and support of law enforcement; or (2) to provide aid and support of city personnel facing hardships due to a serious health condition of the employee (or immediate family member defined as spouse, child, or parent).

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Lynn Deutsch Mayor
Eric Linton ICMA-CM City Manager
Sharon Lowery CMC City Clerk

Catherine Lautenbacher City Council Post 1
Rob Price City Council Post 2
Tom Lambert City Council Post 3

Stacey Harris City Council Post 4
Joe Seconder City Council Post 5
John Heneghan City Council Post 6

AN ORDINANCE TO AMEND DUNWOODY, GEORGIA CHARTER ARTICLE II, SECTION 2.13.-PROHIBITIONS

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 Charter contains certain provisions restricting gifts to City of Dunwoody personnel, and the City now wishes to clarify the language as provided herein; and

WHEREAS, the City seeks to amend the charter pursuant to the Home Rule Authority under Georgia law, O.C.G.A. Section 36-35-3, et seq., by permitting certain gifts or donations without limitations from individuals, charities, and benevolent or philanthropic organizations: (1) to provide aid and support of law enforcement; or (2) to provide aid and support of city personnel facing hardships due to a serious health condition of the employee (or immediate family member defined as spouse, child, or parent); and

WHEREAS, this Charter amendment is necessary to ensure the health, safety, and welfare of Dunwoody residents by supporting law enforcement and city personnel facing serious health conditions and allowing certain charitable, benevolent, and philanthropic donations.

NOW, THEREFORE, the Mayor and City Council of the City of Dunwoody HEREBY ORDAIN that the Dunwoody, Georgia Charter ARTICLE II, SECTION 2.13. PROHIBITIONS is amended as follows:

Sec. 2.13. - Prohibitions.

- (a) No elected official, appointed officer, or employee of the city or any agency or political entity to which this Charter applies shall knowingly:
 - (1) Engage in any business or transaction or have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of official duties or which would tend to impair the independence of his or her judgment or action in the performance of official duties;
 - (2) Engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of official duties or would tend to impair the independence of his or her judgment or action in the performance of official duties;

- (3) Disclose confidential information concerning the property, government, or affairs of the governmental body by which engaged without proper legal authorization or use such information to advance the financial or other private interest of himself or herself or others, except as required by law;
 - (4) Accept any valuable gift, defined as having a value exceeding \$100.00 unless changed by resolution of the City Council, whether in the form of service, loan, object, or promise, from any person, firm, or corporation which to his or her knowledge is interested, directly or indirectly, in any manner whatsoever in business dealings with the governmental body by which he or she is engaged, except as specifically authorized below. Notwithstanding anything herein to the contrary, the prohibitions contained herein shall not include gifts or donations from individuals, charities, and benevolent or philanthropic organizations: (1) to provide aid and support of law enforcement; or (2) to provide aid and support of city personnel facing hardships due to a serious health condition of the employee (or immediate family member defined as spouse, child, or parent).
 - (5) Represent other private interests in any action or proceeding against this city or any portion of its government; or
 - (6) Vote or otherwise participate in the negotiation or in the making of any contract with any business or entity in which he or she, or members of his or her immediate family, has a financial interest.
- (b) Any elected official, appointed officer, or employee who has any private financial interest, directly or indirectly, in any contract or matter pending before or within any department of the city shall disclose such private interest to the city council. "Private financial interest" shall include interests of immediate family. The mayor or any councilmember who has a private interest in any matter pending before the city council shall disclose in writing such private interest and such disclosure shall be entered on the records of the city council, and he or she shall disqualify himself or herself from participating in any decision or vote relating thereto. Any elected official, appointed officer, or employee of any agency or political entity to which this Charter applies who shall have any private financial interest, directly or indirectly, in any contract or matter pending before or within such entity shall disclose such private interest to the governing body of such agency or entity.
- (c) No elected official, appointed officer, or employee of the city or any agency or entity to which this Charter applies shall use property owned by such governmental entity for personal benefit, convenience, or profit, except in accordance with policies promulgated by the city council or the governing body of such agency or entity.

STATE OF GEORGIA
CITY OF DUNWOODY

ORDINANCE 2024-XX-XX

- (d) Any violation of this section which occurs with the knowledge, express or implied, of a party to a contract or sale shall render said contract or sale voidable at the option of the city council.
- (e) Except as authorized by law, no member of the city council shall hold any other elective city office or be employed by any city or county government during the term for which elected.

(Ord. No. 2024-__-__, __-__-2024)

Approved:

Lynn P. Deutsch, Mayor

ATTEST:

Approved as to Form and Content:

Sharon Lowery, City Clerk (Seal)

City Attorney