



May 10, 2011 **CITY OF MORROW, GEORGIA** **7:30 pm**
Regular Meeting

CALL TO ORDER: Mayor Millirons
PLEDGE OF ALLEGIANCE: All
INVOCATION: Mayor Millirons

1. **ROLL CALL**

2. **APPROVAL OF MEETING AGENDA:**

(Agenda Item 11-05-252)

To add or remove items from the Agenda:

3. **CONSENT AGENDA:** None at this time

4. **REPORTS AND PRESENTATIONS:** None at this time

5. **FIRST PRESENTATION:** None at this time

6. **OLD BUSINESS:** None at this time

7. **NEW BUSINESS:**

(Agenda Item 11-05-253)

1. Approval of a Resolution of the Mayor and Council of the City of Morrow Ratifying and Adopting the Findings of Fact of the Hearing Board pursuant to Section 5.16 of the City Charter which mandates removal of Officials from office for one or more of the causes provided in Title 45 of the Official Code of Georgia Annotated, hereby removing John Lampl from Office as a Councilmember of the City of Morrow; and for other purposes.

8. **GENERAL COMMENTS:**

Citizens-
City Manager-
Mayor and Council –

9. **ADJOURNMENT:**

STATE OF GEORGIA
COUNTY OF CLAYTON

RESOLUTION NO. 2011-05-24

APPROVAL OF A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF MORROW RATIFYING AND ADOPTING THE FINDINGS OF FACT OF THE HEARING BOARD PURSUANT TO SECTION 5.16 OF THE CITY CHARTER WHICH MANDATES REMOVAL OF OFFICIALS FROM OFFICE FOR ONE OR MORE OF THE CAUSES PROVIDED IN TITLE 45 OF THE OFFICIAL CODE OF GEORGIA ANNOTATED, HEREBY REMOVING JOHN LAMPL FROM OFFICE AS A COUNCILMEMBER OF THE CITY OF MORROW; AND FOR OTHER PURPOSES.

WHEREAS, the Mayor and Council of the City of Morrow received a grievance from Dan Defnall dated June 17, 2010 regarding treatment of him by Councilmember John Lampl; and

WHEREAS, in response to that grievance, the Council adopted Res. No. 2010-07-10 on Aug. 24, 2010, invoking its powers to make inquiries and investigations pursuant to the City Charter and designating the firm of Elarbee Thompson to serve as the investigator on its behalf; and

WHEREAS, on Nov. 10, 2010, the Council received Elarbee Thompson's written investigative report with supporting documentation; and

WHEREAS, on Nov. 23, 2010, the Council, after formally receiving in open meeting a summary of the investigative findings, approved Res. No. 2010-11-16, finding that reasonable cause existed to believe that Councilmember Lampl had engaged in conduct that may warrant his removal from office; invoking the powers to remove an elected official under Section 5.16(b)(1) of the City Charter; and ordering a removal hearing be conducted in accordance with said Charter provisions; and

WHEREAS, Ord. No. 2011-27 was adopted by Council on January 18, 2011 implementing a process by which removal proceedings could be held; and

WHEREAS, a Notice of Charges was prepared by Elarbee Thompson against Councilmember Lampl, dated Feb. 9, 2011, which charges were personally served on Councilmember Lampl, also on Feb. 9, by Chief of Police Baker; and

WHEREAS, hearing of those Charges was originally scheduled for Feb. 28, 2011, but was reset at the request of Councilmember Lampl; and

WHEREAS, a Hearing Board was formally appointed by Res. No. 2011-04-23 on April 12, 2011 and hearing reset to April 27 and 28, 2011; and

WHEREAS, on April 27 and 28, 2011, a public hearing was held on the Notice of Charges, at which Councilmember Lampl failed to appear; and

WHEREAS, the Hearing Board heard testimony from several witnesses under oath and received into evidence a number of tendered documents; and

WHEREAS, after deliberation, the Hearing Board reached its determination as to the facts, which determination was set out in a document entitled Finding of Facts, dated May 2, 2011, a copy of which was distributed upon receipt to all elected officials, including Councilmember Lampl; and

WHEREAS, the Findings of Fact determined that Councilmember Lampl had committed malfeasance under O.C.G.A. § 45-11-4(b)(1), oppressive or tyrannical partiality in the administration of his office under O.C.G.A., § 45-11-4(b)(2), and had acted in violation of the Georgia Whistleblower Act, O.C.G.A., § 45-1-4; and

WHEREAS, the Findings of Fact further found that pursuant to Section 5.16 of the City Charter, such findings mandate removal from office;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Morrow, Georgia, that the Findings of Fact of the Hearing Board are ratified and adopted as the Findings of this Governing Body.

BE IT FURTHER RESOLVED that, pursuant to Section 5.16 of the City Charter which mandates removal of officials from office for one or more of the causes provided in Title 45 of the Official Code of Georgia Annotated, the Mayor and Council hereby removes John Lampl from his office as a Councilmember of the City of Morrow. Such removal is effective immediately.

SO RESOLVED this 10th day of May, 2011.

Jim Millirons, Mayor

Attest:

Evyonne Browning, City Clerk

(Seal)

Resolution prepared by:

Laurel E. Henderson
City Attorney

