

COUNCIL BILL NO.: 437797

ORDINANCE NO.: 5658

**AN ORDINANCE**

**AMENDING**

Article IV, Division 2 of the Charter of the City of Marietta to modify the definition of eligible members of the Police and Fire Civil Service and to update the title used to refer to the Personnel Director of the City of Marietta.

**NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MARIETTA, GEORGIA:**

**Section 1:** That Section 4.13 of the Charter of the City of Marietta is modified to read as follows:

There is hereby established a Marietta Police and Fire Civil Service System. All sworn officers of the Marietta Police Department and certified officers of the Marietta Fire Department, except the police chief and deputy police chiefs and fire chief and deputy fire chiefs, shall be under the Marietta Police and Fire Civil Service System hereinafter created, and all persons who may thereafter be elected or appointed as sworn or certified officers of said departments (except the chiefs and deputy chiefs, thereof) shall thereafter remain and continue their respective employment as municipal officers and employees during satisfactory performance and obedience to City laws and ordinances and such reasonable rules and regulations as may from time to time be prescribed by the Civil Service Board, and adopted by the City Council as hereinafter provided; however, nothing herein contained shall be construed to prevent or preclude proper adverse action, up to and including termination, against any officer or member of said fire department or police department for cause.

**Section 2:** That a new paragraph be added to Section 4.13 of the Charter of the City of Marietta to read as follows:

The incumbents of the position of deputy chief at the time of passage of this action shall retain rights under the civil service system as provided herein for the duration of their occupancy of the position of deputy chief.

**Section 3:** That Section 4.14 of the Charter of the City of Marietta is modified to read as follows:

The following definitions, as used in this division, shall apply:

Members of the fire department. All certified officers of the department below the rank of deputy chief and such others as such Civil Service Board may find and designate to properly be such members, with approval of the city council.

Members of the police department. All sworn officers of the department below the rank of deputy chief, and such other persons as such Civil Service Board may find and designate to properly be such members with approval of the city council.

**Section 4:** That the first sentence in Section 4.26 of the Charter of the City of Marietta is modified to read as follows:

No non-probationary member of the fire department below the rank of deputy chief or of the police department below the rank of deputy chief, shall be removed, discharged, demoted, adversely affected by the promotional process or involuntarily retired except for cause upon written charges or complaint and after an opportunity for an open public hearing in his or her own defense before the Civil Service Board.

**Section 5:** That each reference made to the Director of Human Resources in Section 4.15 and Section 4.28 of the Charter of the City of Marietta be changed to the Director of Personnel.

**Section 6:** It is hereby declared to be the intention of this Ordinance that its sections, paragraphs, sentences, clauses, phrases and words are severable, and if any section, paragraph, clause, phrase or word of this Ordinance is declared to be unconstitutional or invalid, it shall not affect any of the remaining sections, paragraphs, clauses, phrases or words of this Ordinance.

**Section 7:** All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

**Section 8:** This Ordinance shall become effective upon the signature or without the signature of the Mayor, subject to Georgia laws 1983, page 4119.

**FIRST READING:**

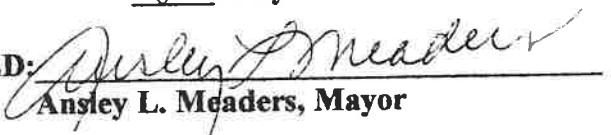
**VOTE:** 7 Yeas      0 Nays

**DATE:** February 12, 1997

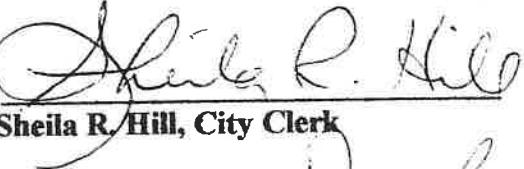
**APPROVED:** Ansley Meaders  
Ansley L. Meaders, Mayor

**ATTEST:**

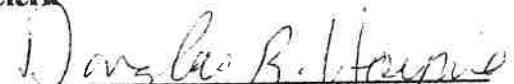
Sheila R. Hill  
Sheila R. Hill, City Clerk

COUNCIL BILL NO.: 437797ORDINANCE NO.: 5658**SECOND READING:**VOTE: 7 Yeas 0 NaysDATE: March 12, 1997 APPROVED:  
Ansley L. Meaders, Mayor

ATTEST:

  
Sheila R. Hill, City Clerk

APPROVED AS TO FORM:

  
Douglas R. Haynie, City Attorney