

A RESOLUTION BY THE CITY OF AVONDALE ESTATES

WHEREAS, the City of Avondale Estates has employed Roy Claiborne Brown as City Manager since 2007; and

WHEREAS, the employment relationship between the City and Mr. Brown is governed by that certain Employment Contract dated February 11, 2008; and

WHEREAS, by letter dated December 6, 2017, Mr. Brown tendered his resignation from such position, effective February 16, 2018; and

WHEREAS, subsequent to Mr. Brown's letter of resignation, the current Board of Mayor and Commissioners became aware of a purported First Amendment to the above-referenced Employment Agreement dated February 23, 2015; and

WHEREAS, the purported First Amendment, amongst other provisions, called for Mr. Brown to be paid a substantial severance pay-out in the event of his resignation; and

WHEREAS, upon investigation and legal research, the City Attorney has advised the Board of Mayor and Commissioners that the purported First Amendment was not properly approved in a public meeting and, even if it had been properly adopted, cannot legally bind the current Board unless the current Board elects to ratify it (See: O.C.G.A. Section 36-30-3(a) and *City of McDonough v. Campbell*, 289 Ga. 216 (2011)); and

WHEREAS, in light of the City Attorney's legal conclusions, the Board advised Mr. Brown that it would not ratify the First Amendment and would not pay him severance in connection with his tendered resignation; and

WHEREAS, Mr. Brown, by letter dated January 11, 2018, has offered to rescind his resignation and "continue to do my job and provide the very best service to our residents and business owners."

NOW THEREFORE, BE IT RESOLVED by the Board of Mayor and Commissioners of the City of Avondale Estates as follows:

- 1) The City hereby declines to ratify and formally renounces the First Amendment to the Employment Contract between The City of Avondale Estates and Roy Claiborne Brown dated February 23, 2015, such that said document is null, void and of no legal effect.
- 2) The City hereby ratifies the Employment Contract between the City of Avondale Estates and Roy Claiborne Brown dated February 11, 2007, such that the City and Mr. Brown continue to be bound by the terms of said Employment Contract.

- 3) The Board of Mayor and Commissioners hereby accepts Mr. Brown's rescission of his resignation such that Mr. Brown may remain in his position as City Manager.
- 4) The Board of Mayor and Commissioners is committed to working openly and cooperatively with Mr. Brown to resolve the issues between them and expects Mr. Brown to do likewise, in order to best serve the interests of the citizens of Avondale Estates.

SO RESOLVED, this 22nd day of January, 2018.

ATTEST:

BOARD OF MAYOR AND
COMMISSIONERS,
CITY OF AVONDALE ESTATES, GEORGIA

By _____

Gina Hill, City Clerk

Jonathan Elmore, Mayor

(SEAL)

Approved as to Form

Robert E. Wilson, City Attorney