

**Called Council Meeting
City of Doraville
Minutes
December 28, 2004
10:00 a.m.**

Present were: Ray Jenkins, Mayor,
Council Members: Thurman Roach
Lamar Lang
David Weese
Marlene Haden
Jason Anavitarte

Council Member Ed Lowe was absent.

The Mayor called the meeting to order and stated that the purpose of the called meeting was to allow Marcella McElveen the opportunity to appeal her termination. The Mayor turned the meeting over to the City Attorney.

Marcella McElveen was asked to come forth and state her appeal. Ms. McElveen stated that she had been an employee with the city for over fifteen years. Ms. McElveen stated that in those fifteen years she had never had any disciplinary action taken against her. Ms. McElveen stated that it had not been her job to count the bond money at the Police Department but she had continued to count the bond money since 2002. It was the normal practice to void a receipt if the money did not balance and write another receipt for a different amount and collect the rest of the bond money when the person came to court.

The bond in question was in a sealed envelope when Ms. McElveen counted the bond money in front of two other people. The envelope stated that a bond of \$420.00 has been received when in fact the envelope only contained \$220.00. Ms. McElveen stated that she immediately notified the supervisor that was on duty that the envelope contained \$220.00 instead of \$420.00. Ms. McElveen stated that she voided the receipt, which was what she had been told to do by the former City Clerk, and wrote a new receipt for \$220.00.

Ms. McElveen asked the Council to suspend her or take some other disciplinary action but not to take away the fifteen years that she had worked for the city.

Captain Jamie Brown stated that he did not learn about the incident until five days after the incident happened. Captain Jamie Brown stated that there had been some differences in Ms. McElveen's statement of the incident and the jailer who had taken the bond money. A polygraph test was given to Ms. McElveen and the jailer. The jailer passed the polygraph test and Ms. McElveen did not pass the polygraph test.

Police Chief, John King, stated that the suspension was not about \$200.00, that it was a matter of trust. Chief King stated that he could not trust someone who would void a receipt and state that they would get the rest of the money when the person came to court. Chief King referred to the polygraph test and stated that a polygraph test was not allowed as evidence in a criminal case but was allowed as evidence in a civil case.

Chief King stated that Ms. McElveen had done a great job but again it was a matter of trust. Chief King referred to the fact that Ms. McElveen had been feeding the court staff on

Tuesdays and Thursdays and charging the meals to the city. Over \$6,000.00 had been spent on meals to feed the court staff under his administration. Chief King stated that he did not realize that the court had been charging the meals to the city until one of the invoices was questioned. Grandma's Biscuits had kept excellent records and was able to provide Chief King the information that was needed to determine why the invoice was out of line. Chief King stated that the court staff had paid back the cost of meals for one month.

Chief King stated that no one had the authority to tell Ms. McElveen to charge meals for the court staff to the city. Only the City council could make that decision.

The City Attorney made reference to the outstanding bail bond forfeitures. The City Attorney stated that over \$100,000.00 in old bail bond forfeitures were outstanding and that the Bonding Companies had not been properly notified or that the reset dates were not according to the City's Ordinance.

Brian Connors, with 911 Bonding Company, stated that the Court Clerk had not followed proper procedures and produced documentation that he had notified the Court Clerk on numerous occasions that a defendant was in another jail and asked the Court Clerk to put a hold on the defendant for the City of Doraville. Mr. Connors stated he fulfilled his obligation to notify the city of the defendant's whereabouts and was released from the bond. Brian also stated that he had checked his records for notification from the court on failures to appear and could not find any paperwork concerning notification from the Court Clerk.

Ms. McElveen stated that she did notify 911 Bonding Company about failures to appear by certified mail. Ms. McElveen stated that she had done what she was supposed to do. The Police Department was responsible for placing warrants on the GICI system, not the Court Clerk. Ms. McElveen stated that she was never trained on procedures for bail bond forfeitures and that she had notified the Police Chief that 911 Bonding had outstanding bail bond forfeitures.

Ms. McElveen stated that the court had been charging their meals on Tuesday and Thursday to the city for over six years. No one had ever told her to stop and stated that her supervisor told her to charge the meals to the city because they could not leave the Court House on court days.

Ms. McElveen stated that they were told that if they did not live in the city of Doraville they could not come to the Council Meetings. She had no idea that the Council did not approve the cost of feeding the court staff on court days.

The City Attorney again stated that the bail bond forfeitures were not being handled correctly and produced a folder with current bail bond forfeitures. The City Attorney stated that he did not think the city could collect on the more current forfeitures that were in addition to the \$100,000.00 in old bail bond forfeitures.

Mayor Pro-Tem Lang made a motion to uphold Chief King's decision to terminate Marcella McElveen's employment with the City of Doraville. Council Member Anavitarte seconded the motion. Motion carried unanimously.

Mayor Jenkins adjourned the meeting.

Mayor Ray Jenkins

Attest