

File Attachments for Item:**4. Council Discussion on Approving a Code of Conduct Ordinance - City Manager****Background/History:**

An ordinance of the City of Forest Park, Georgia to include a code of conduct within the code of ethics for officials. This governing body is composed of individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, each governing body member has chosen to serve in public office to preserve and protect the present and the future of the city of Forest Park. This common goal should be acknowledged even as governing body members may "agree to disagree" on contentious issues. It is for the purpose stated above that the attached Code of Conduct Ordinance is brought forth for discussion and approval of the City Council.



CITY OF
FORESTPARK

City Council Agenda Item

Subject: Code of Conduct Ordinance

Submitted By: Dr. Marc-Antonie Cooper

Department: Executive Offices

Date Submitted: 6/23/2021

Work Session Date: 7/06/2021

Council Meeting Date: 7/06/2021

Background/History:

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It is for the purpose stated above that the attached Code of Conduct Ordinance is brought forth for discussion and approval of the City Council.

Cost: \$ -0-

Budgeted for: _____ Yes _____ No

Financial Impact:

None

Action Requested from Council:

Approval by Council at the Regular Meeting

**STATE OF GEORGIA
COUNTY OF CLAYTON**

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF FOREST PARK, GEORGIA TO
INCLUDE A CODE OF CONDUCT WITHIN THE CODE OF ETHICS
FOR OFFICIALS**

IT IS HEREBY ORDAINED by the Governing Authority of the City of Forest Park:

Section 1. The Code of Ordinances, City of Forest Park, Georgia is hereby amended by the addition of a new Section 2-6-13 as shown on Exhibit A. A violation of the attached Code of Conduct is actionable under Section 2-6-5(w) of the Code of Ordinances, City of Forest Park, Georgia.

Section 2. In the event any word, phrase, sentence, or paragraph is determined by a court of competent jurisdiction to be unconstitutional, the offending provisions shall be severed from the ordinance and the remaining words, phrases, sentences, and paragraphs shall continue in effect as fully as though no challenge had been brought, it being the intent of the Council that severability be applied to the maximum extent allowed by law.

Section 3. All ordinances or parts of ordinances in conflict with this Ordinance are, to the extent of such conflict, hereby repealed.

Section 4. This ordinance shall be effective immediately upon its adoption.

[SIGNATURES APPEAR ON FOLLOWING PAGE]

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SO ORDAINED this _____ day of _____, 2021.

Mayor Angelyne Butler

Council Member Kimberly James, Ward 1

Council Member Dabouze Antoine, Ward 2

Council Member Hector Gutierrez, Ward 3

Council Member Latresa Wells, Ward 4

Council Member Allan Mears, Ward 5

ATTEST:

City Clerk (SEAL)

APPROVED AS TO FORM:

City Attorney

EXHIBIT A

Section 2-6-13 CODE OF CONDUCT**Mayor and Council Member Conduct with One Another**

This mayor and council hereto referred as governing body is composed of individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, each governing body member has chosen to serve in public office to preserve and protect the present and the future of the city of Forest Park. This common goal should be acknowledged even as governing body members may "agree to disagree" on contentious issues.

In Public Meetings

1. Practice Civility and Decorum in Discussions and Debate. Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of a free democracy in action. This does not allow, however, governing body members to make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments. No shouting or physical actions that could be construed as threatening will be tolerated. Governing body members shall preserve order and decorum during council meetings, and shall not, by conversation or other action, delay or interrupt the proceedings or refuse to obey the orders of the Presiding Officer or this Code of Conduct. Governing body members shall, when addressing staff or members of the public, confine themselves to questions or issues then under discussion, shall not engage in personal attacks, shall not impugn the motives of any speaker, and shall always, while in session or otherwise, conduct themselves in a manner appropriate to the dignity of their office.

(Examples of misconduct include but are not limited to the following: yelling, shouting, fighting, making unwelcome physical contact, aggressive or bullying behavior, use of foul language, ignoring and/or interrupting the Presiding Officer.)

2. Honor the Role of the Mayor in Maintaining Order. It is the responsibility of the mayor to keep the comments of the council members on track during all meetings. Council members should honor efforts by the Presiding Officer to focus discussion on current agenda items. If there is a disagreement about the agenda or the Presiding Officer's actions, those objections should be voiced politely and with reason, following procedures outlined in parliamentary procedures.

3. Avoid Personal Comments that Could Offend other Governing body Members. If a governing body member is personally offended by remarks of another governing body member, the offended governing body member should make notes of the actual words used and call for a "point of personal privilege" that challenges the other governing body member to justify or apologize for the language used. The right of a governing body member to address the governing body on a question of personal privilege shall be limited to cases in which his or her integrity, character or motives are assailed, questioned, or impugned. The mayor will maintain control of this discussion.

(Examples of misconduct include but are not limited to the following: making personal criticisms, singling out members for ridicule and/or mentioning the names of other council members in a negative light.)

4. Demonstrate Effective Problem-Solving Approaches. Governing body members have a public stage to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole.

5. Code of Ethics. Governing body members shall conduct themselves to bring credit upon the city, and to set an example of good ethical conduct for all citizens of the community. Governing body members should constantly bear in mind these responsibilities to the entire electorate, and refrain from actions benefiting any individual or special interest group at the expense of the city. Governing body members should likewise do everything in their power to insure impartial application of the law to all citizens, and equal treatment of each citizen without regard to race, national origin, sex, social station, or economic position.

In Private Encounters

1. Continue Respectful Behavior in Private. The same level of respect and consideration of differing points of view that is deemed appropriate for public discussions should be maintained in private conversations.

2. Be Aware of the Insecurity (Non-Confidentiality) of Written Notes, Voicemail, and Email. Technology should be such to avoid personal attacks and offense to governing bodies. Written notes, text messages, voicemail messages and Email should be treated as potentially "public" communication!

3. Even Private Conversations can have Public Presence. Elected officials are always on display — their actions, mannerisms, and language are monitored by people around them that they may not know. Lunch table conversations will be eavesdropped upon, parking lot debates will be watched, and casual comments between individuals before and after public meetings noticed.

4. Quick Tips:

- a. Preserve dignity and self-respect.
- b. Listen for the message even if you do not agree with it.
- c. Respect others as they are.
- d. Express your independent perspective and be clear in stating that you are not speaking for the entire Governing body if you have not been authorized by the entire Governing body to do so.
- e. Participate intelligently.
- f. Be willing to delegate and let others make decisions.
- g. Lead from the front of the parade.
- h. Control all you should not all you can.
- i. Use few words after much thought rather than many words after little thought.

- j. Seek to create change and overcome the influence of conventional wisdom.
- k. Recognize when you need outside experts.
- l. Recognize the efforts of others.
- m. Continuously pursue excellence.

Governing Body Member Conduct with City Staff

Governance of the city of Forest Park relies on the cooperative efforts of all governing body members, who set policy, and city staff who implement and administer the governing body's policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community.

1. Treat all Staff as Professionals. Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Poor behavior towards staff is not acceptable.

(Examples of misconduct include but are not limited to the following: yelling, shouting, fighting, making unwelcome physical contact, aggressive/bullying behavior and/or use of foul language against a staff member.)

2. Direct Administrative and Operational Questions to City Management. Questions of city staff and/or requests for additional information that would be of interest to all governing body should be directed to the City Manager or designee. The City Manager should be copied on any request. Materials supplied to a governing body member in response to a request will be made available to all members of the governing body so that all have equal access to information.

3. When Possible, Keep Communication with City Staff Short, to the Point and at the Best Possible Time. Every effort should be made to limit disruption to the work of city staff. Governing body members should avoid making requests to staff who are in meetings, on the phone, or engrossed in performing their job functions.

4. Never Publicly Criticize an Individual Employee. Governing body members should refrain from expressing concerns about the performance of a city employee in public or to the employee directly. Comments about staff performance should only be made to the City Manager through private correspondence or conversation.

5. Do Not Get Involved in Administrative Functions. Governing body members shall not attempt to unethically influence or coerce the City Manager or department heads concerning either their actions or recommendations to governing body about personnel, purchasing, awarding contracts, selection of consultants, processing of development applications, or the granting of city licenses and permits.

6. Check with City Staff on Correspondence Before Taking Action. Before sending correspondence, governing body members should check with the City Manager to see if an official city response has already been sent or is in progress.

7. **Do not Attend City Staff Meetings Unless Requested by Staff.** Even if the governing body member does not say anything, the governing body member's presence implies support, or may show partiality, intimidate staff, and hamper staff's ability to do their job objectively.

8. **Legal Advice.** Before requesting research or other action by the City Attorney, Governing body members are encouraged to consider consulting with the City Manager or obtain the concurrence of Governing body to ascertain whether the request or action can be accomplished more cost-effectively by alternative means.

Governing Body Member Conduct with the Public

Making the public feel welcome is an important part of the democratic process. No signs of partiality, prejudice, or disrespect should be evident on the part of individual governing body members toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony.

In Public Meetings

1. **Be Welcoming to Speakers and Treat Them with Care and Gentleness.** Because personal concerns are often the issue of those who come to present to the governing body, governing body members should remember that how they treat the speaker will either help them relax or push their emotions to a higher level of intensity.

(Examples of misconduct include but are not limited to the following: yelling, shouting, arguing and/or otherwise exhibiting rude behavior towards speakers.)

2. **Give the Appearance of Active Listening.** It is disconcerting to speakers to have governing body members not to look at them when they are speaking. It is fine to look down at documents or to make notes but reading for a long period of time or gazing around the room gives the appearance of disinterest. Be aware of facial expressions, especially those that could be interpreted as "smirking," disbelief, anger, or boredom.

3. **Ask for Clarification but Avoid Debate and Argument with the Public.** Only the Chair (and not individual council members) may interrupt a speaker during a presentation. However, a council member may ask the mayor for a "point of order" if the speaker is off the topic or exhibiting behavior or language the council member finds disturbing. If speakers become flustered or defensive by council questions, it is the responsibility of the mayor to calm and focus the speaker and to maintain the order and decorum of the meeting. Questions by council members to members of the public should seek to clarify or expand information. It is never appropriate to belligerently challenge or belittle the speaker. Council member's personal opinions or inclinations about upcoming votes should not be revealed until after the public hearing.

4. **No Personal Attacks of any Kind, Under any Circumstances.** Governing body members should be aware that their body language and tone of voice, as well as the words they use, can appear to be intimidating or aggressive.

In Unofficial Meetings

1. Make no Promises on Behalf of the Governing body or Staff. It is inappropriate to promise governing body action overtly or implicitly, or to promise city staff will do something specific (i.e., fix a pothole, replace flowers, fix a leak, etc.) When approached by the public to correct a situation, governing body members should refer them to the City Manager.

2. Speak with One Voice. Governing body members will frequently be asked to explain a governing body action or to give their opinion about an issue as they meet and talk with constituents in the community. It is appropriate to give a brief overview of the facts or city policies as they relate to governing body action. Objectively present the governing body's collective decision or direction, even when you may not agree. If you feel the need to express your own opinion, state it in terms such as: "I would have preferred "x", but the governing body wanted "y" so that's what we will be doing." Explaining governing body decisions, without giving your personal criticism of the governing body's actions, will serve to strengthen the community's image of the city council. In addition, when speaking on matters of public concern that do not involve actions of the governing body, if you offer your own opinion be clear in stating that you are not speaking for the entire Governing body if you have not been authorized to do so.

(Examples of misconduct include but are not limited to the following: acting in a manner contrary to the official expressed will of the council; actively working against the stated objectives of the Council; and/or representing other interests against the interests of the city.)

3. Make no Personal Comments About Other Governing Body Members. It is acceptable to publicly disagree about an issue, but it is unacceptable to make derogatory comments about other governing body members, their opinions, and their actions. Honesty and respect for the dignity of each individual should be reflected in every word and action taken by governing body members. It is a serious and continuous responsibility.

(Examples of misconduct include but are not limited to the following: While in public or on social media, making personal criticisms, singling out members for ridicule and/or mentioning the names of other governing body members in a negative light.)

In Public

1. Be Welcoming to Speakers and Treat Them with Care and Gentleness.

(Examples of misconduct include but are not limited to the following: yelling, shouting, arguing and/or otherwise exhibiting rude behavior towards speakers.)

2. Give the Appearance of Active Listening.

3. Ask for Clarification but Avoid Debate and Argument with the Public.

4. No Personal Attacks of any Kind, Under any Circumstances.

The Forest Park Governing Body Principles of Proper Conduct:

- Keep promises
- Be dependable
- Build a solid reputation
- Participate and be available
- Demonstrate patience
- Show empathy
- Hold onto ethical principles under stress
- Listen attentively
- Study thoroughly
- Keep integrity intact
- Overcome discouragement
- Go above and beyond, time and time again
- Model a professional manner
- Respect one another as individuals
- Respect validity of different opinions
- Respect the democratic process
- Respect the community we serve.