

STATE OF GEORGIA
COUNTY OF FULTON
CITY OF SOUTH FULTON

ORD2022-_____

AN ORDINANCE TO AMEND TITLE 1, ADMINISTRATION, CHAPTER 3, MAYOR AND COUNCIL, OF THE CODE OF ORDINANCES OF THE CITY OF SOUTH FULTON, GEORGIA, RELATED TO DECORUM AT COUNCIL MEETINGS; AND FOR OTHER LAWFUL PURPOSES.

(Sponsored by Councilmember Rowell)

WHEREAS, the City of South Fulton ("City") is a municipal corporation duly organized and existing under the laws of the State of Georgia;

WHEREAS, the duly elected governing authority of the City, is the Mayor and Council thereof ("City Council");

WHEREAS, the City Charter authorizes the City to enact rules and regulations concerning the public health, safety and welfare of the City;

WHEREAS, this Ordinance is in the best interests of the health and general welfare of the City, its residents and general public.

THE CITY COUNCIL OF THE CITY OF SOUTH FULTON HEREBY ORDAINS as follows:

Section 1. It is hereby ordained by the City Council that Title 1, Administration, Chapter 3, Mayor and Council, Section 1-3002, Presiding officer and rules for debate, Subsection (i), Decorum, of the Code of Ordinances of the City of South Fulton is hereby amended by deleting the current language of that provision in its entirety, and substituting in lieu thereof the following text so that, when amended, Section 1-3002(i) shall read in full as follows:

“Sec. 1-3002. – Presiding officer and rules for debate.

...

(i) Decorum.

1. General Expectations.

(a) The Mayor, Councilmembers and all staff members shall treat each other and the public in a dignified, courteous and respectful manner; value all opinions; be tolerant of others and; recognize that inappropriate behavior damages the perception of the City.

(b) The Mayor or a Councilmember seeking information from staff shall do so within the confines of proper decorum.

(c) Council Members shall not speak until recognized by the chair and likewise shall not interrupt another Councilmember's remarks. All comments made by a Councilmember shall directly address the motion or item being discussed.

(d) Any Councilmember shall have the right to express dissent from or protest against any resolution or action of the Council and have the reason entered into the minutes.

2. Enforcement.

(a) The Mayor shall enforce the rules of decorum.

(b) Violation by the Mayor or a Councilmember.

(1) If the Mayor or a Councilmember believes another member has violated a particular rule of decorum, he or she, upon recognition by the Mayor, may raise a point of order. Another Councilmember need not second that point of order before the issue can be considered.

(2) Upon the raising of the point of order, the Mayor may rule on the issue or may allow the entire Council to decide the issue by a majority vote.

(3) In the event the Mayor is alleged to have violated a particular rule of decorum, the duties assigned to the Mayor in this subsection shall be performed by the Mayor pro tempore.

(4) The penalties provided in subsection 3 of this section may be imposed only where the following conditions are met:

A. The issue raised by the point of order is considered by the entire Council;

B. The Mayor or Councilmember alleged to have committed the violation is provided written or oral notice of the alleged violation;

C. The Mayor or Councilmember alleged to have committed the violation is provided an opportunity to be heard by the other members of the Council in defense of the charge; and

D. Five (5) members of the Council affirmatively vote to (i) find the violation occurred; and (ii) impose the penalty.

(c) Violation by a staff member.

(1) If the Mayor or a Councilmember believes a staff member has violated a particular rule of decorum, he or she, upon recognition by the

chair, may raise a point of order. Another Councilmember must second that point of order before the issue can be considered.

(2) Upon the raising of the point of order, the chair may rule on the issue or may allow the entire Council to decide the issue by a majority vote.

(3) The penalties provided in subsection 3 of this section may be imposed only where the following conditions are met:

A. The issue raised by the point of order is considered by the entire Council;

B. The staff member alleged to have committed the violation is provided written or oral notice of the alleged violation;

C. The staff member alleged to have committed the violation is provided an opportunity to be heard by the other members of the Council in defense of the charge; and

D. Five (5) members of the Council affirmatively votes to (i) find the violation occurred; and (ii) impose the penalty.

3. Penalties

(a) For each violation of this section, the violator may be subject to the following penalties:

(1) Administrative sanction.

A. For a first violation by the violator of this section, the Council may impose upon the violator an administrative sanction in an amount not to exceed \$250.

B. For a second violation by the violator of this section that occurs within twelve months after a first violation by him or her, the Council may impose upon the violator an administrative sanction in an amount not to exceed \$500.

C. For a third (or subsequent) violation by the violator of this section that occurs within twelve months after the first violation by him or her, the Council may impose upon the violator an administrative fine in an amount not to exceed \$1000.

D. A second violation of this section by a violator that occurs more than twelve months after a prior violation by him or her shall be treated as a first violation under subsection A.

E. Within 30 days of the imposition of any sanction imposed under this subsection, the violator shall deposit into the general fund of the City of South Fulton monies equaling the entire amount of that sanction.

F. In the event that the violator does not comply with section 3(a)(1)(E), the violator's paycheck may be garnished. No garnishment shall withhold more than 50% of the entire fine amount from any single paycheck.

(2) Public reprimand. The Council may publicly reprimand the violator for the offending conduct, which may be an official censure/reprimand expressing the Council's displeasure with the offending conduct. In the event the violator is a member of the Council, such censure/reprimand shall not have any legal effect on that member's ability to continue to serve as a member of the Council.

(b) The penalties provided in this subsection are not mutually exclusive. The Council, in its discretion, may impose either or both penalties for a violation of this section.

(c) The penalties stated in this subsection are in addition to (and do not replace, limit or otherwise alter) any other lawful power provided to the City Council under Georgia law, the City of South Fulton Code of Ordinances, or Robert's Rules of Order, Newly Revised.

(d) For purposes of this section, any of the following actions by a Councilmember or a staff member supports a decision that said person violated subsection (a):

(1) conduct that a reasonable person would find to be hostile, offensive, intimidating humiliating or threatening and is unrelated to a governance or public policy issue presently before the City Council;

(2) conduct that constitutes unlawful harassment or discrimination in violation of state or federal law or this Code;

(3) conduct that references sexual acts, bodily functions or demeans groups of people due to their religious beliefs or race; that is inherently inappropriate for a formal proceeding before the Council; and that a reasonable person would find is vulgar, profane or obscene;

(4) conduct that would tend to incite violence;

(5) conduct that falsely disparages the character or reputation of another Councilmember or a City employee; or

(6) any other conduct undertaken for the purpose of disrupting or undermining the order of any meeting or formal proceeding before the Council.

Section 2. It is hereby declared to be the intention of the Mayor and Council that: (a) All sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the City Council to be fully valid, enforceable and constitutional.

(b) To the greatest extent allowed by law, every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. No section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the City Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance.

Section 3. All Ordinances and parts of Ordinances in conflict herewith are hereby expressly repealed.

Section 4. The City Attorney, City Clerk and contracted City Codifier are authorized to make non-substantive formatting and renumbering edits to this ordinance for proofing, codification, and supplementation purposes. The final version of all ordinances shall be filed with the clerk.

Section 5. The effective date of this Ordinance shall be the date of adoption unless provided otherwise by the City Charter or state and federal law.

[signatures and voting tabulations appear on the following page]