

**CITY OF FOREST PARK
MAYOR & CITY COUNCIL AMENDED AGENDA
REGULAR MEETING
APRIL 20, 2020**

ANGELYNE BUTLER
MAYOR

Kimberly James
Mayor Pro-Tem Ward 1

Dabouze Antoine
Ward 2

Hector Gutierrez
Ward 3



Latresa Akins-Wells
Ward 4

Allan Mears
Ward 5

**The Meeting will be held via Zoom
Join Zoom Meeting**

<https://us02web.zoom.us/j/451924095?pwd=VmpqVlBqeXFCbWxwRWRKYW5TWlFWUT09>

Password: Covid2020

Or by telephone:

Dial: (929) 205-6099

Meeting ID/Webinar ID: 451 924 095

Password: 504422

Regular Meeting 6:00 P.M.

- I.** Call to Order
- II.** Invocation
- III.** Pledge of Allegiance
- IV.** Roll Call
- V.** Approval of Minutes
 - 1. Regular Meeting of Mayor and Council on April 6, 2020
- VI. Agenda Items:**
 - 1. City Manager's Report
 - 2. COVID-19 Update
 - 3. Consider a Resolution adopting the Georgia Municipal Association's (GMA) 5 Ethics Principals.

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Summary and Background: It is proposed that the City of Forest Park apply to become a GMA City of Ethics. There are two requirements. First, each city must adopt the GMA's 5 ethics principles via a resolution. The attached resolution is based on the model resolution promulgated by the GMA.

4. Consider the revision of the City's ethics ordinance to bring it in line with the GMA Model Ethics Ordinance.

Summary and Background: The second requirement of the GMA City of Ethics program is the adoption of an ethics ordinance that is substantially in line with the GMA model ethics ordinance. The attached ordinance is based on the GMA model ethics ordinances with a few minor adjustments. The substantive ethics standards are similar to our existing ordinance.

5. Consider the adoption of a Code of Conduct for the City of Forest Park.

Summary and Background: It is proposed that the City Council adopt a Code of Conduct to provide for enhanced civility and decorum. The attached Code of Conduct is based on similar codes from around the United States. **Option A** establishes the Code of Conduct as an aspirational policy. **Option B** establishes the Code of Conduct as a part of the City's Ethics Ordinance. Under **Option B**, violations of the Code of Conduct could potentially be considered for disciplinary action by the Ethics Board.

6. Appointment of City Clerk

VII. Executive Session for Personnel, Litigation, Real Estate and Legal Matters

VIII. Public Comment Period – During this time public comment period has been modified. Please do the following:

- Go to www.slido.com
- Use Event Code: 25487
- Submit questions or comments to the governing body no later than Monday 12:00 noon and they will respond to as many

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questions possible during this public comment period. **Please include your name and address when submitting questions.

- IX.** Comments by Governing Body
- X.** Adjournment

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF FOREST PARK, GEORGIA TO REVISE THE CODE OF ETHICS FOR OFFICIALS; TO PROVIDE FOR A COMPLAINT AND HEARING PROCESS WITH RESPECT TO ALLEGED VIOLATIONS OF THE CODE; TO PROVIDE FOR DISCIPLINE; AND FOR OTHER PURPOSES.

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 Chapter 6 to Title 2 of the Code as shown on Exhibit A.

Section 2. Article E of Chapter 1 to Title 2 of the Code is hereby repealed.

Section 3. 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 4. All ordinances or parts of ordinances in conflict with this Ordinance are, to the extent of such conflict, hereby repealed.

Section 5. This ordinance shall be effective immediately upon its adoption.

[SIGNATURES APPEAR ON FOLLOWING PAGE]

SO ORDAINED this _____ day of _____, 2020.

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

Chapter 6 Code of Ethics

Sec. 2-6-1 Purpose and intent.

(a) It is the policy of the City of Forest Park that the proper operation of democratic government requires that public officials be independent, impartial and responsible to the people; that governmental decisions and policy be made in proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, a code of ethics for all city officials is adopted.

(b) This Chapter has the following purposes:

- (1) To encourage high ethical standards in official conduct by city officials;
- (2) To establish guidelines for ethical standards of conduct for all such officials by setting forth those acts or actions that are incompatible with the best interest of the City;
- (3) To require disclosure by such officials of private financial or other interests in matters coming before the City; and
- (4) To serve as a basis for disciplining those who refuse to abide by its terms.

(c) It is the intent of this Chapter that City officials shall avoid any action, whether or not specifically prohibited by section 2-2-5 of this Chapter, which might result in, or create the appearance of the following:

- (1) Using public office for private gain;
- (2) Impeding government efficiency or economy; or
- (3) Affecting adversely the confidence of the public in the integrity of the government.

Sec. 2-6-2 Political campaigns not covered.

The provisions of this Chapter shall not apply to political contributions; loans, expenditures, reports or regulation of political campaigns; or the conduct of candidates in such campaigns.

Sec. 2-6-3 Scope of persons covered.

The provisions of this Chapter shall be applicable to the Mayor and all Members of the City Council, as well as to all members of the Forest Park Planning and Zoning Board, Forest Park Downtown Development Authority, the Forest Park Urban Redevelopment Agency, Forest Park Housing Authority, and to members appointed to any boards, authorities, commissions, or agencies of the City.

Sec. 2-6-4 Definitions.

As used in this Chapter, the following terms shall have the following meanings:

- (1) *City Official* or *Official*, unless otherwise expressly defined, means the Mayor and all Members of the City Council, as well as to all members of the Forest Park Planning and Zoning Board, Forest Park Downtown Development Authority, the Forest Park Urban Redevelopment Agency, Forest Park Housing Authority, and to members appointed to any boards, commissions or authorities of the City.
- (2) *Decision* means any ordinance, resolution, contract, franchise, formal action or other matter voted on by the Mayor and Council or other City board, authority, commission or agency, as well as the discussions or deliberations of the Council, board, authority, commission or agency which can or may lead to a vote or formal action by that body.
- (3) *Immediate family* means the spouse, mother, father, grandparent, brother, sister, son, daughter, grandchild of any city official related by blood, adoption or marriage. The relationship by marriage shall include in-laws.
- (4) *Remote interest* means an interest of a person or entity, including a City Official, which would be affected in the same way as the general public. For example, City utility charges or a comprehensive zoning ordinance or similar matter is deemed remote to the extent that the Official would be affected in common with the general public.
- (5) *Financial interest* means any an interest, either directly or through a member of the immediate family, in another person or entity, where:
 - a. The interest is ownership of five percent (5%) or more of the voting stock, shares or equity of the entity or ownership of \$5,000.00 or more of the equity or market value of the entity; or
 - b. The funds received by the person from the other person or entity during the previous 12 months either equal or exceed (i) \$5,000.00 in salary, bonuses, commissions or professional fees, or \$5,000.00 in

payment for goods, products or services, or (ii) ten percent (10%) of the recipient's gross income during that period, whichever is less;

- c. The person serves as a corporate officer or member of the board of directors or other governing board of a for-profit entity other than a corporate entity owned or created by the City Council; or
- d. The person is a creditor, debtor, or guarantor of the other person or entity in an amount of \$5,000.00 or more.

(6) *Thing of value* means any item, consideration, or benefit other than those exempted under O.C.G.A., § 16-10-2(a)(2). Thing of value shall not include the following:

- a. Food or beverage consumed at a single meal or event;
- b. Legitimate salary, benefits, fees, commissions, or expenses associated with a recipient's non-public business, employment, trade, or profession;
- c. An award, plaque, certificate, memento, or similar item given in recognition of the recipient's civic, charitable, political, professional, or public service;
- d. Food, beverages, and registration at group events to which all members of the Council, board, authority, commission or agency is invited;
- e. Actual and reasonable expenses for food, beverages, travel, lodging, and registration for a meeting which are provided to permit participation or speaking at the meeting;
- f. A commercially reasonable loan made in the ordinary course of business;
- g. Any gift with a value less than \$100.00;
- h. Promotional items generally distributed to the general public or to City Officials;
- i. A gift from a member of the City Official's immediate family; or
- j. Food, beverage, or expenses afforded City Officials, members of their immediate families, or others that are associated with normal and customary business or social functions or activities.

Sec. 2-6-5 Prohibited conduct.

(a) No City Official shall use such position to secure special privileges or exemptions for himself or herself or others, or to secure confidential information for any purpose other than official duties on behalf of the City.

(b) No City Official, in any matter before the Council or other City body, relating to a person or entity in which the Official has a Substantial Interest or from whom the Official has received a Thing of Value, shall fail to disclose for the record such Interest or receipt of such Thing of Value prior to any discussion or vote or fail to recuse himself or herself from such discussion or vote, as applicable.

(c) No City Official shall act as an agent or attorney for another in any matter before the City Council or other City body.

(d) No City Official shall directly or indirectly receive, or agree to receive, any Thing of Value in any matter or proceeding connected with, or related to, the duties of his office except as may be provided or exempted by law.

(e) No City Official shall enter into any contract with, or have any interest in, either directly or indirectly, the City except as authorized by state law. Any Official who has a proprietary interest in an agency doing business with the City shall make that interest known in writing to the City Council and the City Clerk.

(f) All public funds shall be used for the general welfare of the people and not for personal economic gain.

(g) Public property shall be disposed of in accordance with state law.

(h) No City Official shall solicit or accept other employment to be performed, or compensation to be received, while still a City Official if the employment or compensation could reasonably be expected to impair such Official's judgment or performance of City duties.

(i) If a City Official accepts or is soliciting a promise of future employment from any person or entity who has a substantial interest in a person, entity or property which would be affected by any decision upon which the official might reasonably be expected to act, investigate, advise, or make a recommendation, the Official shall disclose the fact to the City Council and shall recuse himself or herself and take no further action on matters regarding the potential future employer.

(j) No City Official shall use City facilities, personnel, equipment or supplies for private purposes, except to the extent such are lawfully available to the public.

(k) No City Official shall grant or make available to any person any consideration, treatment, advantage or favor beyond that which it is the general practice to grant or make available to the public at large.

(l) No City Official shall use his position in such a manner as to threaten, intimidate or humiliate the public or City workforce.

(m) A City Official shall not directly or indirectly make use of, or permit others to make use of, official information not made available to the general public for the purpose of furthering a private interest.

(n) A City Official shall not use his or her position in any way to coerce, or give the appearance of coercing, another person to provide any financial benefit to such official or persons within the Official's immediate family, or those with whom the Official has business or financial ties amounting to a Substantial Interest.

(o) A City Official shall not order any goods and services for the City without prior official authorization for such an expenditure. No City Official shall attempt to obligate the City nor give the impression of obligating the City without proper prior authorization.

(p) No City official shall draw travel funds or per diem from the City for attendance at meetings, seminars, training or other education events and fail to attend such events without promptly reimbursing the City therefor.

(q) No City Official shall attempt to unduly influence the outcome of a case before the Municipal Court of the City of Forest Park.

(r) No City Official shall use the attorney or attorneys who are employed by or appointed by the City for personal or private business without paying just compensation therefor.

(s) No City Official shall use his superior position to request or require an employee of the City to:

(1) Do clerical or other work on behalf of his or her family, business, social, church, or charitable or fraternal interests;

(2) Purchase goods and services to be used for personal, business, or political purposes; or

(3) Work for him or her personally without offering just compensation.

(t) No City Official shall grant or make available to any person or entity any consideration, treatment, advantage or favor beyond that which it is the general practice to grant or make available to the public at large. No City Official shall ask or require any City employee to grant or make available to any person or entity any consideration, treatment, advantage or

favor beyond that which it is the general practice to grant or make available to the public at large, or to exercise any discretionary authority except in accordance with established law.

(u) No City Official may participate in a vote or decision on a matter affecting an immediate family member or any person, entity, or property in which the official has a substantial interest.

(v) No City Official who serves as a corporate officer or member of the board of directors of a nonprofit entity shall fail to disclose that interest to the Mayor and Council prior to participating in a vote or decision regarding funding of that entity by or through the City.

(w) No City Official shall violate any provision of the City Charter or ordinances of the City.

Sec. 2-6-6 Remote interests need not be disclosed.

Where the interest of a City Official in the subject matter of a vote or decision is remote or incidental, the City Official may participate in the vote or decision and need not disclose the interest.

Sec. 2-6-7 Board of Ethics.

- (a) The Board of Ethics of the City shall consist of three (3) residents of the City, one appointed by the Mayor, one appointed by the City Council Members and a third appointed by the Mayor and approved by a majority of the City Council. The members of the Board of Ethics shall designate one of their members as Chairperson and another member as Recording Secretary.
- (b) All members of the Board of Ethics shall be residents of the City for at least one (1) year immediately preceding the date of taking office and shall remain a City resident while serving on the Board. No person shall serve on the Board of Ethics who has been convicted of a felony involving moral turpitude in this state or any other state, unless such person's civil rights have been restored and at least ten years have elapsed from the date of the completion of the sentence without a subsequent conviction of another felony involving moral turpitude. No person shall serve on the Board of Ethics who is less than 21 years of age, who holds a public elective office, who is physically or mentally unable to discharge the duties of a member of the Board of Ethics, or who is not qualified to be a registered voter in the City. No person shall be eligible for membership on the Board of Ethics who, within the preceding one-year period, has had any interest in any contract or contracting opportunity with the City or has been employed by the City.
- (c) Upon appointment, members of the Board of Ethics shall sign an affidavit attesting to their qualifications to serve as a member of the Board.

- (d) Members of the Board of Ethics with any permit or rezoning application pending before the City, or any pending or potential litigation against the City or any City Official charged in the complaint shall be disqualified from serving on the Board of Ethics for that complaint. An alternative member of the Board of Ethics shall be selected in the same manner as the disqualified individual for that particular complaint.
- (e) All members of the Board of Ethics shall serve a term of two (2) years.
- (f) Members of the Board of Ethics shall serve without compensation. The City shall provide meeting space for the Board of Ethics and, subject to budgetary procedures and requirements of the City, such supplies, equipment and staff assistance as may be reasonably necessary for the Board to perform its duties and responsibilities.
- (g) Members of the Board of Ethics may be removed by affirmative vote of the City governing authority.

Sec. 2-6-8 RECEIPT OF COMPLAINTS

- (a) All complaints against city officials shall be filed with the city clerk, who will give it to the Mayor and Council. The Mayor and Council may require that oral complaints, and complaints illegibly or informally drawn, be reduced to a memorandum of complaint in such form as may be prescribed by the city council. Upon receipt of a complaint in proper form, the city clerk or the clerk's designee shall forward a copy of the complaint to the city official or officials charged in the complaint within no more than seven (7) calendar days. Service may be by personal service, by certified mail, return receipt requested or by statutory overnight delivery.
- (b) All complaints shall be submitted and signed under oath, shall be legibly drawn and shall clearly address matters within the scope of this ordinance.
- (c) Upon receipt of a complaint in proper form, the Board shall review it to determine whether the complaint is unjustified, frivolous, patently unfounded or fails to state facts sufficient to invoke the disciplinary jurisdiction of the City Council. The Board of Ethics is empowered to dismiss in writing complaints that it determines are unjustified, frivolous, patently unfounded or fail to state facts sufficient to invoke the disciplinary jurisdiction of the City Council; provided, however, that a rejection of such complaint by the Board of Ethics shall not deprive the complaining party of any action such party might otherwise have at law or in equity against the city official. For complaints that are not dismissed, the Board of Ethics is empowered to collect evidence and information concerning any

complaint and add the findings and results of its investigations to the file containing such complaint.

- (d) The Board of Ethics is empowered to conduct investigations, to take evidence, and to hold hearings to address the subject matter of a complaint.
- (e) The Board of Ethics is empowered to adopt forms for formal complaints, notices, and any other necessary or desirable documents within its jurisdiction where the city council has not prescribed such forms.
- (f) Findings of the Board of Ethics shall be submitted to the City Council for action.
- (g) To discourage the filing of ethics complaints solely for political purposes, complaints will not be accepted against a person seeking election as a city official, whether currently serving as a city official or not, from the date qualifying opens for the elected office at issue through the date the election results for that office are certified. The time for filing complaints will not run during this period. Properly filed complaints will be accepted and processed after the election results have been certified.

Sec. 2-6-9 Hearing

A hearing shall be held within sixty (60) calendar days after filing of the complaint. The Board of Ethics shall conduct hearings in accordance with the procedures and regulations it establishes but, in all circumstances, at least one hearing shall include the taking of testimony and the cross-examination of available witnesses. The decision of the Board of Ethics shall be rendered to Mayor and Council within seven calendar days after completion of the final hearing. At any hearing held by the Board of Ethics, the city official who is the subject of inquiry shall have the right to written notice of the hearing and the allegations at least seven (7) calendar days before the first hearing, to be represented by counsel, to hear and examine the evidence and witnesses and, to oppose or try to mitigate the allegations. The city official subject to the inquiry shall have also have the right but not the obligation of submitting evidence and calling witnesses. Failure to comply with any of time deadlines in this section of the ordinance shall not invalidate any otherwise valid complaint or in any way affect the power or jurisdiction of the Board of Ethics or the city council to act upon any complaint.

Sec. 2-6-10 Appeals.

Any final decision by the Mayor and Council shall be reviewable by the Superior Court of Clayton County by writ of certiorari; provided that no failure or refusal of the Ethics Board or the Mayor and Council to take action pursuant to this Chapter shall be reviewable by superior court.

Sec. 2-6-11 Bar against subsequent complaint.

Where a complainant files a complaint for which the Ethics Board fails to make a “finding of violation” or for which the Mayor and Council fails to determine that any penalty is appropriate, the complainant shall be barred from filing any subsequent complaint against the same respondent Official for a period of 12 months after termination of the original complaint proceeding. Where a complainant files a complaint for which the Ethics Board fails to make a “finding of violation” or for which the Mayor and Council fail to determine that any penalty is appropriate, the complainant shall be barred from filing any subsequent complaint against the same respondent City Official alleging substantially the same facts and circumstances as the basis for the subsequent complaint.

Sec. 2-6-12 Penalty

Any person violating any provision of this article is subject to:

- (a) Public reprimand or censure by the city council;
- (b) Request for resignation by the city council; or
- (c) Removal from elected office pursuant to the procedure established by Section 5.16 of the City Charter.

RESOLUTION NO. _____

WHEREAS the Board of Directors of the Georgia Municipal Association has established a Certified City of Ethics program; and,

WHEREAS the City of Forest Park, Georgia wishes to be certified as a Certified City of Ethics under the GMA Program; and,

WHEREAS part of the certification process requires the Mayor and Council to subscribe to the ethics principles approved by the GMA Board;

NOW THEREFORE BE IT RESOLVED by the governing authority of the City of Forest Park, Georgia, that as a group and as individuals, the governing authority subscribes to the following ethics principles and pledges to conduct its affairs accordingly:

- Serve Others, Not Ourselves
- Use Resources with Efficiency and Economy
- Treat All People Fairly
- Use the Power of Our Position for the Well Being of Our Constituents
- Create an Environment of Honesty, Openness and Integrity

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SO RESOLVED this _____ day of _____, 2020.

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:

_____ (SEAL)
City Clerk

APPROVED AS TO FORM:

City Attorney

RESOLUTION NO. _____

**A RESOLUTION TO ADOPT A CODE OF CONDUCT FOR THE
CITY OF FOREST PARK**

WHEREAS, the City of Forest Park (“City”) is a municipal corporation duly organized and existing under the laws of the State of Georgia and is charged with being fiscally responsible concerning the use and expenditure of all public funds; and

WHEREAS, the City Council desires to establish a Code of Conduct for the City of Forest Park;

THEREFORE, THE CITY COUNCIL OF THE CITY OF FOREST PARK HEREBY RESOLVES:

SECTION 1. Approval. The policy attached hereto as Exhibit A is hereby approved.

SECTION 2. Public Record. This document shall be maintained as a public record by the City Clerk and shall be accessible to the public during all normal business hours of the City of Forest Park.

SECTION 3. Authorization of Execution. The Mayor or Mayor Pro Tem is hereby authorized to sign all documents necessary to effectuate this Resolution.

SECTION 4. Attestation. The City Clerk is authorized to execute, attest to, and seal any documents which may be necessary to effectuate this ordinance, subject to approval as to form by the City Attorney.

SECTION 5. Effective Date. This resolution shall become effective immediately upon its adoption by the Mayor and City Council of the City of Forest Park as provided in the City Charter.

[Remainder of Page Left Intentionally Blank]

SO RESOLVED this _____ day of _____, 2020.

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:

_____ (SEAL)
City Clerk

APPROVED AS TO FORM:

City Attorney

EXHIBIT A

CITY OF FOREST PARK 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 in order 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 at all times, 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 so as to bring credit upon the city as a whole, 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 as a whole. 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 don't 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

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- 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.

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 _____, 2020.

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:

_____ (SEAL)
City Clerk

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 in order 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 at all times, 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 so as to bring credit upon the city as a whole, 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 as a whole. 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 don't 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 staffs 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.

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