

1 **A RESOLUTION TO AMEND THE LIMITATIONS ON SEEKING ELECTED OFFICE**
2 **PERSONNEL POLICY (211-22).**

3
4 **WHEREAS**, the right to run for elected office is important but not a fundamental
5 constitutional right; and

6 **WHEREAS**, Fulton County has compelling interests in avoiding conflicts of
7 interest, preserving the integrity of and public confidence in its governing body, and
8 ensuring that private political activity does not interfere with or create the appearance of
9 interference with Fulton County operations; and

10 **WHEREAS**, the Board of Commissioners is the governing authority of Fulton
11 County; and

12 **WHEREAS**, Fulton County employees are employed pursuant to rules adopted by
13 the Board of Commissioners; and

14 **WHEREAS**, Fulton County employees often have access to privileged and
15 confidential information by virtue of their employment; and

16 **WHEREAS**, Fulton County employees are responsible for executing their duties in
17 a neutral, non-partisan and impartial manner on behalf of the County; and

18 **WHEREAS**, Fulton County employees occupy positions of fidelity and public trust;
19 and

20 **WHEREAS**, a properly functioning government necessitates that its staff
21 discharge their duties without the influence of personal political interests; and

22 **WHEREAS**, due to the nature of Fulton County employment as described herein,
23 the Board of Commissioners finds it necessary to adopt reasonable limitations on political
24 activity to avoid the potential for unfair advantage, conflict of interest, impropriety, or
25 appearance of the same; and

1 **WHEREAS**, the Board of Commissioners further finds that a conflict of interest is
2 created when a Fulton County employee runs for election as a Fulton County
3 Commissioner; and

4 **WHEREAS**, pursuant to Fulton County Code § 1-117, the Board of Commissioners
5 has exclusive jurisdiction and control over the exercise of such other powers as are
6 granted by law, or are indispensable to their jurisdiction over county matters and county
7 finances; and

8 **WHEREAS**, pursuant to Fulton County Code § 34-70(b)(1), personnel policies are
9 subject to approval of the Board of Commissioners; and

10 **WHEREAS**, on March 16, 2022, the Board of Commissioners adopted the
11 Limitations on Seeking Elected Office Personnel Policy which did not permit covered
12 employees to remain employed while running for Fulton County Commissioner and did
13 not expressly provide for which election cycle it was to be applied; and

14 **WHEREAS**, the Board of Commissioners desires to amend the Limitations on
15 Seeking Elected Office Personnel Policy to clarify applicability and expressly identify the
16 election cycle for which it will begin to apply, including by clarifying that the Limitations on
17 Seeking Elected Office Personnel Policy only applies to future election cycles and not the
18 current 2022 election cycle.

19 **NOW, THEREFORE, BE IT RESOLVED**, that the Board of Commissioners of
20 Fulton County hereby declares that Fulton County Personnel Policy 211-22, which shall
21 be amended to the language in the personnel policy attached hereto, shall begin to apply
22 in future election cycles and not the current 2022 election cycle.



PERSONNEL POLICY

SUBJECT: Limitations on Seeking Elected Office

DATE: April 20, 2022

Number: 211-22

I. Statement of Policy

It is the policy of Fulton County to recognize and encourage employees' freedom of expression and association as well as the rights of employees to seek and hold public offices. Fulton County also recognizes that it has a compelling interest in preserving the integrity of and public confidence in its governing body, ensuring that private political activity does not interfere with or create the appearance of interference with Fulton County operations, and avoiding conflicts of interest and the appearance of conflicts of interest.

The Board of Commissioners is the governing authority of Fulton County. County employees are employed pursuant to rules adopted by the Board, are responsible for executing their duties in a neutral, non-partisan and impartial manner on behalf of the County, and often have access to privileged and confidential information. Due to the role of County employees and because they occupy positions of fidelity and public trust, Fulton County finds it necessary to adopt reasonable limitations on political activity in order to serve the objectives of maintaining impartiality and non-partisanship in the execution of employee duties and to avoid the potential for unfair advantage, conflicts of interest, impropriety, or appearance of the same.

II. Limitations on Candidacy for Office

Fulton County employees who seek election to the governing authority as a Fulton County Commissioner must resign from employment until such time the employee is no longer seeking a commission seat.

These policies do not create a contract of employment. Employment for non-classified employees remains "at will".

This policy shall apply to all Fulton County employees—including classified, unclassified, and personal staff of elected officials—who become candidates for a commission seat after the effective date of this policy.

III. Establishment and Implementation of Procedure

The County Manager, in consultation with the Chief Human Resources Officer and the County Attorney, is authorized to establish and modify, as needed, a procedure for implementing this policy.

These policies do not create a contract of employment. Employment for non-classified employees remains “at will”.