

## **Proposed Amendments to Rules of Decorum F.C.C. Sec. 101-68**

### **Sec. 101-68. - Decorum.**

#### *(a) Rules of Decorum*

- (1) All commissioners and all staff members shall dress in professional business attire when participating during board of commissioners meetings.
- (2) Cellular phone conversations are prohibited in the auditorium while a Board of Commissioners meeting is in open session.
- (3) All commissioners 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 disrespectful behavior damages the perception of the county.
- (4) All commissioners shall use decorous language in addressing fellow commissioners and staff, including addressing staff by official titles, and shall make no personal attack or personally derogatory remark to or about any commissioner or staff member.
- (5) Use of obscene or profane language is prohibited and shall constitute a breach of decorum.
- (6) Commissioners seeking information from staff shall do so within the confines of proper decorum.
- (7) A commissioner shall not speak during a meeting until recognized by the chair and likewise shall not interrupt another commissioner's remarks. All comments made by a commissioner during a meeting shall directly address the motion or item being discussed.
- (8) Any commissioner shall have the right to express dissent from or protest against any resolution or action of the board and have the reason entered into the minutes.
- (9) No commissioner shall make or cause to be made any defamatory statement about another commissioner. The phrase "defamatory statement" as used herein is defined by Georgia law and includes the statutory definitions outlined in O.C.G.A. §§ 51-5-1 and 51-5-4.

(10) No commissioner shall engage in behavior, or take private action that knowingly violates their oath of office, negatively impacts the public trust of Fulton County Government, or compromises the reputation of the board of commissioners, including criminal acts and acts of moral turpitude. A violation of this sub-section is deemed established by a court order or judgment in a judicial or quasi-judicial proceeding finding facts that would constitute a violation, or by a commissioner's admission on the record in such a proceeding, or by a commissioner's written or recorded public admission of such facts.

*(b) Conflicts of Interest*

(1) Commissioners shall announce potential conflicts of interest before a vote on proposed board action is taken.

(2) Commissioners shall comply with the conflicts of interest policy and all applicable laws and code of ethics codified in sections 2-66 through 2-79.

*(c) Enforcement.*

(1) The chair shall enforce the rules of decorum.

(2) Violation by a commissioner during a Board of Commissioners Meeting

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

b. Upon the raising of the point of order, the chair may rule on the issue or may allow the entire board to decide the issue by a majority vote.

c. In the event the chair is the board member alleged to have violated a particular rule of decorum, the duties assigned to the chair in this subsection shall be performed by the vice-chair.

d. If the point of order is decided by majority vote of the entire board and a violation is found, the Clerk to the Commission will automatically place the matter on the agenda for the next regularly scheduled meeting of the Board of Commissioners so that the Commissioner found or alleged to be in violation will have an

opportunity to be heard before the Board considers and votes on the imposition of penalties under subsection (d) of this Code.

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

1. The issue raised by the point of order is considered by all of the board members present;
2. The commissioner found or alleged to have committed the violation is provided written or oral notice of the alleged violation, which requirement is satisfied by the publication of a meeting agenda prior to a Board of Commissioners meeting at which the commissioner found or alleged to be in violation will have the opportunity to be heard;
3. The commissioner alleged to have committed the violation is provided an opportunity to be heard by the other members of the board in defense of the charge; and
4. Five members of the board affirmatively vote to (i) find the violation occurred; and (ii) impose the penalty.

(3) Violation by a commissioner outside of a board of commissioners meeting

a. If a commissioner believes another member has violated subsection (a)(10) of this Code, he or she, may introduce a resolution naming the commissioner alleged to have committed a violation and describing the actions alleged to have violated specific rules of decorum and the penalties sought provided in subsection (d) of this section to be imposed upon the offending commissioner.

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

1. The resolution is limited to discussion only during meeting in which it is introduced;
2. The commissioner alleged to have committed the violation is provided written or oral notice of the alleged violation;

3. The commissioner alleged to have committed the violation is provided an opportunity to be heard by other members of the board in defense of the charge; and

4. Five members of the board affirmatively vote to (i) approve the resolution; and (ii) impose the penalty sought within the censure resolution.

(4) Violation by a staff member during a board of commissioners meeting

a. If a commissioner 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 commissioner must second that point of order before the issue can be considered.

b. Upon the raising of the point of order, the chair may rule on the issue or may allow the entire board to decide the issue by a majority vote.

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

1. The issue raised by the point of order is considered by the entire board;

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

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

4. Five members of the board affirmatively vote to (i) find the violation occurred; and (ii) impose the penalty.

(d) *Penalties.*

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

a. *Administrative sanction.*

1. For a first violation by the violator of this section, the board may impose upon the violator an administrative sanction in an amount not to exceed \$500.00.
2. For a second violation by the violator of this section that occurs within 12 months after a first violation by him or her, the board may impose upon the violator an administrative sanction in an amount not to exceed \$1,000.00.
3. For a third (or subsequent) violation by the violator of this section that occurs within 12 months after the first violation by him or her, the board may impose upon the violator an administrative fine in an amount not to exceed \$2,000.00.
4. A second violation of this section by a violator that occurs more than 12 months after a prior violation by him or her shall be treated as a first violation under subsection (d)(1a.1).
5. The Finance Department shall deduct the monetary value of the administrative sanction from the violator's paycheck for the next pay period occurring after the imposition of the sanction.

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

c. *Denial of future legal defense.* In the case of a violation for making or causing a defamatory statement to be made about another commissioner, in addition to the sanctions herein, the board may also subject the violator to preemptive denial of all requests for legal representation in any civil or administrative proceeding against him or her individually arising out of the defamatory statement made.

(2) The penalties provided in this subsection are not mutually exclusive. The board, in its discretion, may impose any combination of the penalties for a violation of this section.

(3) 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 commission under Georgia law, the Fulton County Code of Laws, or Robert's Rules of Order, Newly Revised.

(4) For purposes of this section, any of the following actions by a commissioner or a staff member supports a decision that said person violated provisions of subsection ~~(e)~~(1)(a):

- a. 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 board;
- b. Conduct that constitutes unlawful harassment or discrimination in violation of state or federal law or this Code;
- c. 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 board; and that a reasonable person would find is vulgar, profane or obscene;
- d. Conduct that would tend to incite violence;
- e. Conduct that falsely disparages the character or reputation of another commissioner or a county employee; or
- f. Any other conduct undertaken for the purpose of disrupting or undermining the order of any meeting or formal proceeding before the commission.