

**ORDINANCE ADDING NEW CODE SECTION 2-33: RULES FOR CONDUCT OF BUSINESS AND PROCEDURE AND ORDER OF BUSINESS.**

IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF WATKINSVILLE, GEORGIA, AS FOLLOWS:

An Ordinance of the Watkinsville Council updating its Rules.

WHEREAS, per Charter Section 2.18: "The Council shall adopt its rules of procedure and order of business consistent with the provisions of this Charter..."; and

WHEREAS, per Section 2.16: "...Council shall have the authority to adopt and provide for the execution of such ordinances, Resolutions, rules and regulations, not inconsistent with this Charter, the Constitution, and the laws of the State of Georgia, which it shall deem necessary, expedient, or helpful for the peace, good order, protection of life and property, health, welfare, sanitation, comfort, convenience, prosperity, or well-being of the inhabitants of the City...; and

WHEREAS, this is in the context of following 1982 City Code Sections and Article, to the extent not superseded by 1983 Charter (see Charter Sec. 7.11 regarding inconsistent provisions and Charter Sec. 7.19 Repealer): 1982 Code Sec. 2-1 "Exercise of Governmental Authority", 2-29 "Meetings", 2-31 "Rules for Conduct", 2-32 "Legislative Authority", 2-41 "General Authority", 2-42 "Duties", 2-43 "Powers", and Article III of 1982 City Code.

THEREFORE, BE IT ORDAINED that Chapter 2 of the Code of the City of Watkinsville, Georgia is hereby amended to add as follows, by inserting a new Section 2-33:

WHEREFORE, BE IT ORDAINED by the Council of the City of Watkinsville as follows:

The Preamble above and this page are a part of the Ordinance adopted herewith. Council adopts and approves the below Ordinance Section 2-33, in the form below, effective May 19, 2021. This is severable, and if any part shall be determined invalid, the remainder shall stand. All Resolutions and Ordinances and parts thereof in conflict herewith are repealed.

APPROVED May 19, 2021, after first reading on April 21.

CITY COUNCIL OF WATKINSVILLE, GEORGIA (SEAL)

By: Acting Mayor

Acting Mayor Pro Tem

Council Member

Council Member

Council Member

Attest City Clerk:

(SEAL)

**SEC 2-33: RULES FOR CONDUCT OF BUSINESS AND PROCEDURE AND ORDER OF BUSINESS**

The Charter addresses roles of City appointed officials, City employees and of City Council (Mayor, Council members, and Mayor Pro-Tem). The foregoing, including members of Committees, Board and Commissions, are collectively "Officials."

These Rules, per Charter including Section 2.18, describe how Officials shall treat one another, staff, constituents, and others, and establish the suitable behavior and courtesies, to make governance run smoothly. Proper operation of government requires the public to have full confidence in the professionalism and integrity of government. This is adopted to maintain order, and provide a uniform method of conducting governance in a fair, orderly manner.

Council seeks: 1) that the City is managed professionally; 2) open, responsive government, 3) a consistently high level of service; and 4) employees have clear lines of reporting.

A consistent goal of these Rules is "respect", acting in a way which shows you are aware of someone's rights and wishes, and treating them in a dignified way, following the "Golden Rule." Officials experience stress in making decisions that impact citizens. At times, impact to the community must be weighed against impact to a few. Respect for each individual, through words and actions, guides Officials to do the right thing in even the most difficult situations. Civility, respect, and appropriate behavior are a vital part of public service. Officials shall: 1) Participate in meetings and other arenas with respect, consideration, and courtesy; 2) Prepare in advance of meetings; 3) Represent the City professionally; 4) Be respectful of other people's time; 5) Stay focused and act professionally during meetings; 6) Adhere to Georgia law, Charter, City Code, Policies and Resolutions; 7) Serve as a model of civility to the community in person and online; 8) Inspire public confidence in City government; 9) Demonstrate honesty and integrity in every action and statement;

### **Conduct Rules Generally**

#### **Endorsement of Candidates; Non-Partisan Local Government**

Do not mention endorsements at City meetings or functions. Council is elected on a non-partisan basis, and shall not interject partisan rhetoric or talking points related to national or state-wide political issues into City meetings or activities.

#### **Legislative Process (Meeting Management)**

The City generally follows Robert's Rule of Order as a guide, as applicable.

### **Conduct with One Another**

Officials have chosen public office, to serve and protect the City. This common goal must be acknowledged even as Officials may "agree to disagree" on contentious issues.

#### **In Meetings**

##### **• Practice civility, professionalism and decorum in discussions and debate**

Difficult questions, challenges to a point of view, and criticism of ideas are legitimate elements of government in action. This does not allow belligerent, slanderous, abusive, or disparaging comments. No raising one's voice or actions that could be construed as threatening will be tolerated. Avoid mannerisms and non-verbal communication indicating disrespect or disinterest.

##### **• Honor the role of the Mayor, with assistance of the City Attorney, in maintaining order**

The Mayor, with assistance of City Attorney, shall keep the comments of Officials, and citizens, on track in meetings. Officials shall honor efforts by the Mayor and Attorney to focus discussion on agenda items. If there is disagreement, this shall be voiced politely and with reason, following these Rules.

##### **• Avoid disparaging personal comments**

No Official may make disparaging remarks about any person or their character. If an Official is offended by remarks, the offended Official should call for a "point of personal privilege" asking the "offender" to justify or apologize for the remarks. The Mayor and Attorney will maintain control of this discussion.

##### **• Demonstrate effective problem-solving approaches**

Officials 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.

- **Keep comments relative to topics discussed**

Officials commit to keep comments relevant, to allow time to fully discuss scheduled issues.

### **In Private Encounters**

- **Continue respectful behavior in private**

The same level of respect of differing points of view for public discussions shall be maintained in private conversations.

- **Be aware of the insecurity of written notes, voicemail messages, and e-mail**

Technology allows words generated without forethought to be distributed widely. All notes, voicemail messages and e-mail should be treated as potentially "public" communication.

- **Even private conversations can have a public presence**

Officials are always on display – they are monitored by people around them. Lunch conversations will be eavesdropped on, parking lot debates will be watched, and casual comments between individuals noted.

### **Conduct with Staff**

Governance relies on cooperative efforts. Officials shall show mutual respect for contributions by each individual for the good of the City.

Council shall not direct any department head or employee to perform a task. All such requests shall be made to the Manager, and, follow-up shall be with the Manager only. If the job is not performed to reasonable satisfaction, this shall be taken up with the Manager first; then next discussed with all Council in executive session.

- **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.

- **Contact with City staff**

Questions of staff, and requests to staff for information or follow-up, shall be directed to the Manager. Information responding to a request will be given to the entire Council.

- **Do not disrupt the Manager or Clerk from work**

Officials shall not disrupt the Manager or Clerk while performing job functions. Use email.

- **Never publicly criticize an employee**

Officials shall not express concerns about a City employee in public or to the employee. Concerns about staff shall be made to the Manager privately, and in executive session.

- **Check with Manager on correspondence before taking action**

Before sending correspondence on City issues, Officials shall check with the Mayor and Manager to see if a City response has been sent or is in progress.

- **Do not attend meetings with staff unless requested by Manager.**

Even if an Official does not say anything, their presence wields influence, shows partiality, can intimidate staff, and can hamper staff's ability to do their job.

- **Requests for staff support**

Requests for staff support, even in high priority or emergency situations, shall be made to the Manager, who shall allocate resources to maintain a professional, well-run government.

- **Do not solicit political support from staff**

Council shall not solicit political support (contributions, signs, support list, etc.) from staff.

### **Contact with Public**

#### **In Meetings**

Officials shall be fair and impartial. Making the public feel welcome is important.

- **Be welcoming to speakers and treat them with care and gentleness**

Public speaking is difficult for some. Issues affect people's lives and homes and are emotional.

- **Be fair and equitable in allocating time to individual speakers**

The Mayor and Attorney will announce limits on speakers and summarize the below rules. Each speaker will have 4 minutes, with applicants and appellants or their designated representatives allowed moderately more time. If many speakers are anticipated, the Mayor and Attorney may shorten the times and/or ask speakers to limit themselves to new information and points not already covered. Each speaker may only speak once, unless Council requests additional clarification. After the close of a hearing, no more public input will be accepted unless the Mayor and Attorney, with concurrence of Council, reopen the hearing for a limited purpose.

- **Active listening**

Try to look at speakers when they are speaking, reading for a long time or gazing around the room gives the appearance of disinterest. Avoid smirking, disbelief, anger or showing boredom. Avoid side conversation, throat clearing, and any other cues that may indicate to citizens that their comments are not important.

- **Ask for clarification, but avoid debate and argument with the public**

Do not interrupt a speaker, unless they are in violation of rules, in which case the Mayor and Attorney shall intervene. A Council member can ask the Mayor and Attorney for a point of order if the speaker is out of order. If speakers become flustered or defensive, the Mayor and Attorney shall calm and focus the speaker, to maintain order and decorum. Questions by Officials to the public shall seek to clarify or expand information, not challenge or belittle the speaker. Council's inclinations about upcoming votes shall not be revealed until after the public hearing is closed.

- **Parliamentary procedure in conducting public meetings**

The Attorney is advisory parliamentarian and answers questions or interprets situations. Rulings are by the Mayor, with advice of the Attorney, subject to appeal to Council.

#### **In Unofficial Settings**

- **Make no promises on behalf of the Council**

Council may be asked to explain an action or give an opinion. It is appropriate to give a brief overview of City policy. Refer to the Mayor and Manager for further information. It is inappropriate to promise Council action, or promise staff will do something specific.

- **Make no derogatory comments about other Officials**

It is acceptable to publicly disagree about an issue, but it is unacceptable to make derogatory comments about other Officials.

- **Remember our citizens decided to live in Watkinsville for a reason**

Officials are observed by the community. Their behavior serves as models for proper deportment. Honesty and respect for each individual shall be reflected by Officials. It is a serious and continuous responsibility.

## **Conduct with Other Public Agencies**

### **• Be clear about representing the City or personal interests**

If an Official speaks before an agency or organization, they must state: If the statement is personal opinion or the official stance of the City.

If representing the City, they must support the official City position. If they are representing an organization whose position is different from the City, they shall withdraw from voting on the issue if it impacts or is detrimental to the City's interest. Officials shall be clear about which organizations they represent and inform Council of such.

### **• Correspondence shall be equally clear about representation**

City letterhead may be used when representing the City and the City's official position. A copy of official correspondence shall be given to the Clerk to be filed as part of the record. City letterhead shall not be used for a personal or dissenting point of view.

## **Conduct with City Committees, Boards and Commissions**

Appointment shall be based on expertise, ability to work with staff and the public, and commitment to official duties, and not a political "reward." These groups provide community input and advise Council. They shall be treated with respect.

### **• Attending a Committee, Board or Commission meeting**

Officials may attend meetings open to the public. If it is a hearing, the Official shall be sensitive to how their participation, especially if on behalf of an individual, business or developer, could be viewed as unfairly affecting the process, and public comments by such an Official shall be clearly made as individual opinion, not a representation of Council.

### **• Limit contact with Committee, Board and Commission members**

It is inappropriate for an Official to contact such members to lobby on behalf of an individual, business, or developer. Officials shall contact the Manager to make inquiries or comments.

### **• Members of Committees, Board and Commissions Serve the City, not individual Officials**

Council appoints these members, thus the groups and their members do not report to individual Officials. Officials shall not threaten members with removal.

### **• Be respectful of diverse opinions on Committees, Board and Commissions**

These groups represent many points of view and provide advice based on a full spectrum of concerns and perspectives. Officials shall respect all these groups and their members.

### **• Keep political support away from public forums**

Members of these groups may offer political support to an Official, but not in a public forum while conducting official duties. Officials may support committee, board and commission members running for office, but not in an official forum in their capacity as an Official.

### **• Inappropriate behavior, removal**

Rule violation by a member shall be noted to the Mayor and Manager, who shall counsel the offender. If the behavior continues, the Mayor and Manager shall bring it to the Council.

## **Contact with Media**

### **• The Mayor and Manager are the official spokespersons of City Policy.**

Most of the media represent high levels of journalistic integrity and ethics, and can be trusted. But one bad experience can be catastrophic. Words not said cannot be quoted. The Mayor and Manager are the designated representatives to speak on the official City position. If another

Official is contacted by the media, and they desire to speak, they should be clear their comments represent a personal viewpoint. Comments out of context cause problems. Avoid humor, sarcasm, word play, slurs or swear words.

### **Rules of Procedure and Rules of Order of Business**

Per OCGA 21-2-541.1, Council shall be sworn in at their first organizational meeting of the New Year and hold office until their successors are elected and qualified and take said oath of office.

Per Charter 2.17(a), Council shall hold regular meetings generally on the third Wednesday at 6 pm. The purpose of a Council meeting includes allowing each Official and citizens to state their positions in an orderly fashion; it is not a trial where persons are to be cross-examined, interrogated, belittled or held out for public ridicule or embarrassment.

No Official may divulge any confidential information, legal advice, or strategy discussions revealed during executive session. An Official may be asked to make a specific commitment to this rule in connection with a particular matter. If an Official is unwilling to pledge such commitment, they shall be excluded from participating in that portion of the executive session.

### **Comment Procedures for the Public**

City residents and taxpayers have first priority. Sign the list prior to speaking- name, address, email and phone number. Comments shall be only directly relating to Agenda items. In addition to comments in public hearings and under "Public Comments" section of Agendas, Council in its discretion may also allow additional public comment prior to votes on matters of public interest.

Speak only from the podium, state name & address. 4 minutes per person. Try not to repeat previous comments. Refrain from debate, argument, personal attacks or irrelevant discussion.

Council suggests spokespersons in complex or controversial matters. Only the spokesperson potentially (with Council permission) speaks longer than 4 minutes, or more than once.

Address only the merits of the pending matter, and address remarks directly to Council, as they are the decision makers. This is typically for comments, often not "Question and Answer", as Council can't speak to potential litigation, attorney client or personnel matters.

If a speaker, after being cautioned, continues to violate rules, Council reserves the right to ask a speaker to leave the podium or the council chambers.

### **Rule Violations – Sanctions Generally**

#### **• Introduction**

Those who violate rules after a warning may be barred from further participation or removed or be subject to additional sanctions. Officials who violate rules may be reprimanded or censured by Council, or serious infractions may lead to other sanctions.

#### **• Investigation, Adjudication and Sanction Procedures**

The Mayor, (or Mayor Pro Tem or Manager), assisted by the Attorney, shall point out to the offender the infractions, and seek compliance. If the offense is serious, or offenses continue, the matter may, in the Council's discretion, be officially referred by Council to the Mayor, Mayor Pro Tem and Manager, to be assisted by the Attorney, for recommendation (not decision) to the Council. If any one of the following is the alleged offender, such individual shall not be involved in handling the investigation: Mayor, Mayor Pro Tem, Manager or Attorney. Upon receipt of complaint, the Mayor, Mayor Pro Tem and Manager, and Attorney shall give the accused an opportunity to address the complaint within 5 days in writing. Provided, however, if the infraction occurs during a meeting, Council may in its reasonable discretion take preliminary

initial action addressing the conduct: temporarily for said meeting barring further participation by the offender, or removal of offender.

The Mayor, Mayor Pro Tem, Manager and Attorney shall in either case investigate and provide in writing within 14 days of receipt of referral (served on all parties in interest and City Clerk and Council) a report and recommendation (not decision) of appropriate action to Council, to include, but not limited to: 1) discussing and counseling; 2) recommending sanction to the Council to consider in a public meeting; or 3) forming a Council *ad hoc* subcommittee to review the allegation, the investigation and the findings, and if appropriate recommend sanction options for Council consideration.

Council shall take action upon the report and recommendation at the next regular meeting following receipt of the report and recommendation, by holding a hearing at said meeting. Notice thereof, including the report and recommendation, shall be personally served upon the complainant and the accused. Council shall conduct the hearing per due process procedures it establishes but, in all circumstances, the hearing shall include testimony and the cross-examination of witnesses. The accused and complainant shall have the right to be represented by counsel, to hear and examine the evidence and witnesses and to present evidence and witnesses in opposition or in extenuation. Upon conclusion of the evidence, Council shall deliberate in public, and reach a majority decision by public vote. The decision of Council shall be tendered to the accused and complainant within 5 days.

If no recommendation is made by Mayor, Mayor Pro Tem, Manager and Attorney within 14 days of receipt of referral, the matter can be appealed to Council. Appeals shall be verified and filed in writing with the City Clerk and contain a clear and concise statement of facts on which it is based along with an allegation that such facts constitute violation(s) of these Rules, a reference to the Rule allegedly violated, any information which might support the allegations including name and address of all witnesses and any documentary evidence that supports the allegations. Process and procedures shall generally follow the same process as the paragraph above.

Council may, upon finding of guilt, impose sanctions, including one or more of the following:

- 1) A verbal censure that shall be noted in the Minutes without further elaboration;
- 2) A written censure outlining the facts underlying the violation;
- 3) Removal of offender from any committee, board or commission in which the offender is involved per a letter, signed by Council, to the head of such committee, board or commission, stating the offender is not authorized to represent the City, for up to one year.
- 4) A fine not to exceed \$500 per offense, which shall be paid by the offender to the general fund within 10 days; if the offender fails to make this payment within the time specified, the amount of the penalty shall be withheld from the offender's compensation.

Any accused or complainant adversely affected by the decision may obtain review of such decision by the Superior Court upon *Certiorari* filed within 10 days of receipt of notice of the decision of Council. Upon failure to obtain the *writ of certiorari* within 10 days, the decision of Council shall be final. Review by the Superior Court shall be limited to a non - *de novo*, on the record, Motion hearing within 30 days of Appeal filing, for inquiry of whether there was any evidence before Council which supported the decision of Council. Council refusing or failing to take action shall not be reviewable by the Superior Court.