

STATE OF GEORGIA

FULTON COUNTY

January 27, 2014

**RESOLUTION TO PROVIDE FOR RULES OF MAYOR AND COUNCIL CONDUCT**

**WHEREAS**, the City of Roswell is a Georgia Municipal Corporation; and

**WHEREAS**, the Mayor and Council are the governing authority of the City of Roswell, Georgia;  
and

**WHEREAS**, the Mayor and Council of the City of Roswell wish to provide for the manner in which the Mayor and Councilmembers interact with city employees; and

**WHEREAS**, the Mayor and Council have determined that it is in the public interest to have Rules of Mayor and Council Conduct:

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the City of Roswell, that the Rules of Mayor and Council Conduct attached hereto and incorporated herein are hereby adopted and effective immediately upon approval.

The above Resolution was read and approved by the Mayor and Council of the City of Roswell, Georgia, on the 27<sup>th</sup> day of January, 2014.

Attest:

\_\_\_\_\_  
Jere Wood, Mayor

\_\_\_\_\_  
Marlee Press, City Clerk  
(Seal)

\_\_\_\_\_  
Councilmember Jerry Orlans

\_\_\_\_\_  
Councilmember Rebecca Wynn

\_\_\_\_\_  
Councilmember Betty Price

\_\_\_\_\_  
Councilmember Richard Dippolito

\_\_\_\_\_  
Councilmember Kent Igleheart

\_\_\_\_\_  
Councilmember Nancy Diamond

## RULES OF MAYOR AND COUNCIL CONDUCT

The purpose of these Rules of Mayor and Council Conduct is to foster an environment of civility and effectiveness, and to establish the manner in which the Mayor and City Council should interact with city staff.

### 1. Individual Council Members shall not direct employees of the City.

**Exceptions:** Individual Councilmembers may direct their administrative/executive/ staff.

**Basis:** Council as a whole may set personnel policies for the City according to the Roswell City Charter Section Ch. 4.60. Responsibility for the day to day operations of the City and supervising all city employees and departments, however, rest with the City Administrator under Charter Section Ch. 4.10. All municipal charters are strictly construed, and powers which are not expressly, or by necessary implication, conferred cannot be exercised. *City of Midway v. Midway Nursing and Convalescent Center, Inc.*, 230 GA. 77 (1973). Therefore, individual Elected Officials are not authorized to act in a supervisory manner and/or instruct City employees.

### Examples of Violations:

- 1) Instructing a Code Enforcement officer to issue a citation.
- 2) Instructing staff through a question – “Could you do this for me?”
- 3) Directing staff to attend a citizen meeting i.e. HOA meetings.
- 4) Asking staff a question that an Elected Official knows or should know will require extensive analysis or research to answer.

**Scope:** *This rule does not apply to a Councilmember’s question to staff that does not require extensive analysis or research to answer.*

*This rule does not apply to a Councilmember forwarding citizen complaints or reporting violations of City ordinances to staff, provided Council shall not direct staff on how to respond to such complaints or violations.*

**Alternatives:** *A Councilmember may ask the City Administrator to direct staff to research questions.*

*A Councilmember may suggest to the City Administrator action that staff should take.*

2. The Mayor shall not direct employees of the City except where authorized by the Charter or as may be provided by Ordinance consistent with the Charter.

**Exception:** The Mayor may direct his administrative/executive staff.

**Basis:** The Charter expressly grants the Mayor the following authority and responsibility:

- *Authority to conduct inquiries and investigations into the conduct of the City affairs.*
- *To see that all laws and Ordinances of the City are faithfully executed.*
- *To require members of several Departments of the City to meet with him at a time and place designated for consultation and advice on the affairs of the City.*
- *To prepare and have prepared an Agenda for each meeting of the City Council.*
- *Any action by the Mayor in the furtherance of these duties shall be exempt from the rule that regarding the Mayor not directing employees of the City.*
- *Declare a state of emergency and assume direct operational control over all emergency management resources (Code Section 8.2.5)*

3. The Mayor and/or individual Councilmembers ~~Individual Elected Officials~~ shall not reprimand, rebuke, reproof, or scold staff.

**Exceptions:** ~~Individual Elected Officials~~ The Mayor and/or Individual Councilmembers may reprimand their administrative/executive staff provided these actions shall not be disciplinary under the City personnel rules and regulations unless all rules and regulations are followed.

The Mayor shall have the authority to reprimand staff in furtherance of his duties and obligations under the Charter for failure to follow laws and ordinances of the city and/or directive given by the Mayor pursuant to authority granted by the Charter provided these actions shall not be disciplinary under the City personnel rules and regulations unless all rules and regulations are followed.

**Basis:** Council sets the human resources policy for the City. The City Charter provides that the Mayor shall see that all laws and Ordinances of the City are faithfully executed and may conduct inquiries and investigations into conduct of city affairs and require members of the several departments to meet with him for consultation and advice (Ch. 3.90). The City Administrator may oversee and supervise the regular business affairs of the city and exercise executive supervision over all city employees and departments (Ch. 4.10). The Code of Ordinances further provides that the City Administrator shall appoint and, when necessary, suspend or remove all employees of the city under his supervision except department heads and shall investigate all complaints in relation to matters concerning the administration of the government of the city. Therefore, an individual Elected Officials should not interfere with the administrative functions of the city by reprimanding or sanctioning staff. Staff should implement policy decisions of the full Council, not individual Elected Officials.



**Examples of Violations:**

- 1) Scolding staff for issuing a report, giving an opinion, or taking a position.
- 2) Berating staff or belittling staff at public meetings.
- 3) Interfering with administrative disciplinary matters involving staff.

*Scope: This rule does not apply to an Elected Official criticizing city policy or action. Disciplinary action against a Staff member shall be governed by the personnel rules for the City of Roswell.*

| *Alternatives: Elected Officials may request that Kay Lovethe City Administrator reprimand or criticize staff or take disciplinary action.*

4. **Individual Councilmembers shall not speak or represent themselves as speaking for the City unless authorized by the Mayor and/or Council.**

**Basis:** The City's Charter Section Chapter. 3.9(2) provides that the Mayor is the official spokesperson for the City and Chief Advocate of Policy. Individual Elected Officials' opinions or positions do not represent the opinion or position of the City of Roswell.

**Examples of Violations:**

- 1) Discussing the City of Roswell's position on issues with other governmental officials unless the Councilmember expressly states that he is not representing or speaking on behalf of the City, or unless the Councilmember is authorized by Mayor and Council to speak on behalf of the City.
- 2) Negotiating the sale or purchase of real property without authorization of Mayor and Council.
- 3) Discussing submittals with proposers or bidders on City projects regarding such projects without authorization of Mayor and Council.

*Scope: This rule does not apply to a Councilmember taking a positions provided they make it known that they are acting as an individual councilmember or as a private citizen not as a representative of the City.*

5. **The Mayor shall not speak or represent himself as speaking for the City where expressly prohibited by City Ordinance or where contrary to policy adopted by**

**Council. Prohibited acts shall include negotiating the sale or purchase of real or personal property or the terms of contracts without authorization of Council.**

*Scope: This rule does not apply to representations by Mayor made with express disclaimer that Mayor not speaking in the capacity of Mayor ~~of or~~ as representative of the City.*

## **6. Complaints against Staff**

~~Individual Councilmembers Elected Officials~~ shall not complain to the city or its employees about conduct of city staff except to the City Administrator, a Department Head, the City Attorney, or the Mayor. In the event an Elected Official makes a complaint about conduct of city staff, this complaint shall be investigated. Any violation of city policy by staff shall be dealt with according to the *City of Roswell Human Resources Policies and Procedures Manual*. In the event that it is found that there was ~~there was~~ no violation of city policy, this finding shall be reported to the Mayor and Council who may take action as appropriate, up to and including public reprimand of an Elected Official for making a wrongful complaint.

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## **7. Violations by Elected Officials**

City staff members shall be instructed to report a violation of the Rules of Mayor and Council Conduct by an Elected Official to their Department Head. The violation shall be reviewed and if there is reason to believe there has been a violation of the Rules of Mayor and Council Conduct, such violation shall be reported to the City Administrator, the City Attorney, or Mayor. If the City Administrator, the City Attorney, or Mayor believes that there has been a violation of the Rules of Mayor and Council Conduct by an Elected Official, they shall report their findings to the Mayor and Council in closure. The named elected official shall be notified that an alleged violation will be forthcoming to Closure. The Mayor and Council shall determine in their sole discretion if a violation has occurred and they may act as they deem appropriate, up to and including public reprimand.

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