

STATE OF GEORGIA

COUNTY OF CLAYTON

ORDINANCE NO. 2021-226

AN ORDINANCE TO AMEND THE CODE OF CLAYTON COUNTY, GEORGIA, AS AMENDED, SPECIFICALLY, CODE OF CLAYTON COUNTY, GEORGIA, CHAPTER 2 “ADMINISTRATION,” ARTICLE II “BOARD OF COMMISSIONERS,” TO ADD A NEW SUBSECTION 2-37 ENTITLED “CODE OF CONDUCT OF THE BOARD OF COMMISSIONERS”; TO REPEAL CONFLICTING LAWS, ORDINANCES, AND RESOLUTIONS; TO PROVIDE SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

NOW THEREFORE, BE IT ORDAINED BY THE CLAYTON COUNTY BOARD OF COMMISSIONERS AND IT IS HEREBY ORDAINED

Section 1. The Code of Clayton County, Georgia, as amended, is hereby further amended by amending Chapter 2, “Administration,” Article II “Board of Commissioners,” to add a new subsection 2-37 entitled “Code of conduct of the board of commissioners” to read as follows:

ARTICLE II. – BOARD OF COMMISSIONERS

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Sec. 2-37 – Code of conduct of the board of commissioners

Section 2-37-01. Decorum. The Clayton County Board of Commissioners desires to operate in the most ethical and conscientious manner possible and to that end the Board adopts this Code of Conduct and each member of the Board agrees that he or she will operate according to the Code of Conduct.

Section 2-37-02. Governance Structure. Each member of the Board agrees that he or she will:

- (a) Recognize that the authority of the Board rests only with the Board as a whole and not with individual Board members and act accordingly;*
- (b) Support the delegation of authority for the day-to-day administration of the County to the Chairman and act accordingly;*

(c) Honor the chain of command and refer problems or complaints consistent with the chain of command;

(d) Not undermine the authority of the department heads or intrude into responsibilities that properly belong to department heads, including such functions as hiring, transferring or dismissing employees.

Sec. 2-37-03. Strategic planning. Each member of the Board agrees that he or she will:

(a) Reflect through actions that his or her first and foremost concern is for the health, safety and welfare of County citizens;

(b) Participate in all planning activities to develop the vision and goals of the Board and the County;

(c) Render all decisions based on available facts and his or her independent judgment and refuse to surrender his or her judgment to individuals or special interest groups;

(d) Uphold and enforce all applicable laws, all rules and regulations of the County and the Board, and all court orders pertaining to the County.

Section 2-37-04. Board and Community Relations. Each member of the Board agrees that he or she will:

(a) Seek regular and systemic communications among the Board, employees and the community;

(b) Communicate to the Board expressions of public reaction to Board policies and programs.

Section 2-37-05. Policy development. Each member of the Board agrees that he or she will:

(a) Work with other Board members to establish effective policies for the County;

(b) Make decisions on policy matters only after the discussion at publicly held Board meetings;

(c) Periodically review and evaluate the effectiveness of policies on County programs and performance.

Section 2-37-06. Board meetings. Each member of the Board agrees that he or she will:

(a) Attend and participate in regularly scheduled and called Board meetings;

(b) Be informed and prepared to discuss issues to be considered on the Board agenda;

(c) Work with other Board members in a spirit of harmony and cooperation in spite of differences of opinion that may arise during the discussion and resolution of issues at Board meetings;

(d) Vote for a closed executive session of the Board only when applicable law or Board policy requires consideration of a matter in executive session;

(e) Maintain the confidentiality of all discussions and other matters pertaining to the Board and the County during executive session of the Board;

(f) Make decisions in accordance with the interests of the County as a whole and not any particular segment thereof;

(g) The Board shall not adopt or follow any code of ethics which prevents the members of the Board from discussing freely the policies and actions of the Board outside

of a Board meeting. This shall not apply to any matter or matters discussed in executive session or which are exempt from disclosure under O.C.G.A. § 50-18-72.

(h) Abide by all decisions of the Board.

Section 2-37-07. Personnel. Each member of the Board agrees that he or she will:

- (a) Consider the employment of personnel only after receiving and considering the recommendation of the department head;
- (b) Support the employment of persons best qualified to serve as employees of the County and insist on regular and impartial evaluations of County employees;
- (c) Comply with all applicable laws, rules, regulations and policies regarding employment of family members.

Section 2-37-08. Financial governance. Each member of the Board agrees that he or she will refrain from using the position as commissioner for personal or partisan gain or to benefit any person or entity over the interest of the County.

Section 2-37-09. Conduct as Board member. Each member of the Board agrees that he or she will:

- (a) Devote sufficient time, thought and study to the performance of duties and responsibilities of a member of the Board;
- (b) Become informed about current policy issues by individual study and through participation in programs providing needed education and training;
- (c) Communicate in a respectful professional manner with and about fellow Board members;
- (d) Take no private action that will knowingly compromise the Board or County;
- (e) Participate in all required training programs developed for Board members by the Board

Section 2-37-10. Conflicts of interest. Each member of the Board agrees that he or she will:

- (a) Announce potential conflicts of interest before Board action is taken;
- (b) Comply with the conflicts of interest policy of the Board, all applicable laws and the Code of Ethics codified in Sec. 70-61, et seq.

Section 2-37-11. Enforcement. Upon a motion supported by the affirmative vote of a minimum of four (4) commissioners, the Board may choose to conduct a hearing concerning a possible violation of this Code of Conduct by a member of the Board. The Board member accused of violating this Code of Conduct will have thirty (30) days notice prior to a hearing on the matter. The accused Board member may bring witnesses on his or her behalf to the hearing, and the Board may elect to call witnesses to inquire into the matter. If found by a vote of a majority of the members of the Board that the accused Board member has violated this Code of Conduct, the Board shall determine an appropriate sanction. The Board shall not impose a monetary sanction for violation of this Code of Conduct except in the instance of restitution, should circumstances dictate. A Board member subject to sanction may, within thirty (30) days of such sanction vote, appeal such decision to the Superior Court of Clayton County in accordance with

applicable law. A record of the decision of the Board to sanction a Board member for a violation of this Code of Conduct shall be placed in the permanent minutes of the Board.

Section 2. All laws, ordinances and resolutions, or parts thereof, which conflict with the provisions of this Ordinance are hereby repealed.

Section 3. If this Ordinance in whole or in part is determined to be unconstitutional by any court of competent jurisdiction, such unconstitutionality shall not affect the remainder of this enactment, and such remainder shall remain in full force and effect.

Section 4. This Ordinance shall become effective immediately upon its approval by the Board of Commissioners.

SO ORDAINED, this the 2 day of November, 2021.

CLAYTON COUNTY BOARD OF COMMISSIONERS


JEFFREY E. TURNER, CHAIRMAN


GAIL HAMBRICK, VICE-CHAIR


ALIEKA ANDERSON, COMMISSIONER


FELICIA FRANKLIN, COMMISSIONER


DEMONT DAVIS, COMMISSIONER

ATTEST:


BRENDA B. JAMES, CLERK