

CITY OF SOUTH FULTON, GEORGIA
VIRTUAL - SPECIAL CALLED MEETING
Thursday, January 6, 2022, 6:00 PM



The Honorable khalid kamau, Mayor
The Honorable Catherine F. Rowell, District 1 Councilmember
The Honorable Carmalitha Gumbs , District 2 Councilmember
The Honorable Helen Z. Willis, District 3 Councilmember
The Honorable Jaceey Sebastian, District 4 Councilmember
The Honorable Corey A. Reeves, District 5 Councilmember
The Honorable Natasha Williams, District 6 Councilmember
The Honorable Mark Baker, District 7 Councilmember

SPECIAL CALLED MEETING AGENDA

1. Meeting Called to Order
2. Roll Call
3. Agenda Items
 1. **Ratification and Confirmation of Swearing-In Ceremony that was held on January 4, 2022**
 2. **Decision to keep, postpone or cancel 2022 Inauguration scheduled for January 8, 2022**
 3. **Request Council Approval of an Ordinance Declaring A State of Emergency in the City of South Fulton; Providing for City Meetings to be Held Virtually; Providing for an Effective Date and for Other Purposes (Mayor khalid kamau)**
 4. **Decision to keep or postpone scheduled return to In-Person Meetings, scheduled for January 25, 2022**
 5. **Covid Safety Protocols for In-Person Attendance at Inauguration, In-Person Council Meetings and City Events**
4. Executive Session

When an Executive Session is Required, one will be called for the following issues:

1) Personnel, 2) Litigation or 3) Real Estate

1. **A Resolution To Express Disapproval Of Mayor khalid kamau's Recent Actions That Interfere, Disrupt and Violate The City's Charter Regarding Role Delineation Between The City Council And Mayor And For Other Lawful Purposes**
(Sponsored by Councilmembers Rowell, Gumbs, Willis, Sebastian, Reeves and Williams)

ADDED: After Executive Session Discussion on January 6, 2022

5. Adjournment of Meeting



CITY OF SOUTH FULTON



COUNCIL AGENDA ITEM

COUNCIL SPECIAL MEETING

SUBJECT: Ratification and Confirmation of Swearing-In Ceremony that was held on January 4, 2022

DATE OF MEETING: 1/6/2022

DEPARTMENT: Attorney



CITY OF SOUTH FULTON



COUNCIL AGENDA ITEM

COUNCIL SPECIAL MEETING

SUBJECT: Decision to keep, postpone or cancel 2022 Inauguration scheduled for January 8, 2022

DATE OF MEETING: 1/6/2022

DEPARTMENT: City Council



CITY OF SOUTH FULTON



COUNCIL AGENDA ITEM

COUNCIL SPECIAL MEETING

SUBJECT: Request Council Approval of an Ordinance Declaring A State of Emergency in the City of South Fulton; Providing for City Meetings to be Held Virtually; Providing for an Effective Date and for Other Purposes

DATE OF MEETING: 1/6/2022

DEPARTMENT: Mayor

ATTACHMENTS:

Description	Type	Upload Date
Ord2021 State of Emergency Ordinance Virtual Meetings 1.6.22	Cover Memo	1/13/2022

AN ORDINANCE DECLARING A STATE OF EMERGENCY IN THE CITY OF SOUTH FULTON; PROVIDING FOR CITY MEETINGS TO BE HELD VIRTUALLY; PROVIDING FOR AN EFFECTIVE DATE AND FOR OTHER LAWFUL PURPOSES.

(Sponsored by Mayor khalid kamau)

WHEREAS, the City of South Fulton ("City") is a municipal corporation duly organized and existing under the laws of the State of Georgia; and

WHEREAS, the duly elected governing authority of the City is the Mayor and Council thereof ("City Council"); and

WHEREAS, the World Health Organization has declared the COVID-19 Virus, commonly referred to as the Coronavirus, as a world health emergency and global pandemic; and

WHEREAS, the Georgia Department of Public Health ("DPH") collects, analyzes and tracks Covid-19 data in various categories, e.g., confirmed cases, hospitalizations, deaths by race and ethnicity,

WHEREAS, it is known that the COVID-19 Virus' can have a disproportionate impact on certain races and ages than other race or age groups; and

WHEREAS, the global pandemic caused by the spread of COVID-19 persists with the new Omicron variant of the virus currently infecting Georgians; and

WHEREAS, according to the Georgia Department of Public Health, only 50.4% of Georgians are fully vaccinated; and

WHEREAS, it is essential for the City to continue to act in order to minimize the spread of COVID-19 and to prevent or minimize sickness, injury, or death, to people and damage to property resulting from this public health crisis;

WHEREAS, the City is authorized to declare an emergency and take measures to protect the life, health, property, or public peace of its citizens pursuant to Section 3.18 of its Charter; and

WHEREAS, O.C.G.A. §38-3-28 provides the City with the authority to make, amend, and rescind such orders, rules and regulations as necessary for emergency management purposes to preserve the health, safety and welfare of the residents of the City; and

WHEREAS, the Open Meetings Act, O.C.G.A. § 51-14-1 *et seq*, allows public agencies, such as the City, to conduct their meetings, via, teleconference in the event of an emergency; and

WHEREAS, the COVID-19 pandemic constitutes an emergency within the meaning of the Open Meetings Act; and

WHEREAS, The state of Georgia Governor's executive order declaring a Public Health State of Emergency which provided for City Meetings to be conducted virtually has expired; and

WHEREAS, the City adopted an emergency ordinance on July 27, 2021 which was renewed every thirty 30 days thereafter until November 2021; and

WHEREAS, the City Council desires to adopt this emergency ordinance to continue to provide for City Meetings to remain virtual to aid in the prevention and the potential spread of the Omicron variant at City meetings, which are staffed and attended by its elected officials, employees and citizens; and

WHEREAS, this Ordinance is in the best interests of the health and general welfare of the City, its residents and general public.

THE CITY COUNCIL OF THE CITY OF SOUTH FULTON HEREBY ORDAINS as follows:

Section 1. Declaration of Emergency. The City Council hereby declares that a public health state of emergency remains in the City of South Fulton due to the pandemic.

Section 2. City Meetings. All meetings of any Board, Commission, Authority, or the City Council shall continue to be held by virtual means, to include the use of the Zoom platform with concurrent live streaming of the proceedings on YouTube. Public comments will be received through Zoom in addition to written comments submitted to the City as provided on the City's website. In all other respects, the meetings will be conducted as though they were in person and held at City Hall.

Section 3. Effective Date. This Ordinance shall take effect upon passage by the City Council and shall expire by its own terms 30 days after its adoption, unless extended by further action of the City Council.

Section 4. It is hereby declared to be the intention of the City Council that: (a) All sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the City Council to be fully valid, enforceable and constitutional.

(b) To the greatest extent allowed by law, every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. No section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the City Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance.

Section 5. All Ordinances and parts of Ordinances in conflict herewith are hereby expressly repealed.

Section 6. The City Attorney, City Clerk are authorized to make non-substantive formatting and renumbering edits to this ordinance for proofing, codification, and supplementation purposes. The final version of all ordinances shall be filed with the clerk.

[signatures and voting tabulations appear on the following page]



CITY OF SOUTH FULTON



COUNCIL AGENDA ITEM

COUNCIL SPECIAL MEETING

SUBJECT: Decision to keep or postpone scheduled return to In-Person Meetings, scheduled for January 25, 2022

DATE OF MEETING: 1/6/2022

DEPARTMENT: City Council



CITY OF SOUTH FULTON



COUNCIL AGENDA ITEM

COUNCIL SPECIAL MEETING

SUBJECT: Covid Safety Protocols for In-Person Attendance at Inauguration, In-Person Council Meetings and City Events

DATE OF MEETING: 1/6/2022

DEPARTMENT: City Council



CITY OF SOUTH FULTON



COUNCIL AGENDA ITEM

COUNCIL SPECIAL MEETING

SUBJECT: A Resolution To Express Disapproval Of Mayor khalid kamau's Recent Actions That Interfere, Disrupt and Violate The City's Charter Regarding Role Delineation Between The City Council And Mayor

DATE OF MEETING: 1/6/2022

DEPARTMENT: City Council

ATTACHMENTS:

Description	Type	Upload Date
Res2022 for Censureship of Mayor rev 1	Cover Memo	1/13/2022

**RESOLUTION TO EXPRESS DISAPPROVAL OF MAYOR KHALID KAMAU'S
RECENT ACTIONS THAT INTERFERE, DISRUPT AND VIOLATE THE CITY'S
CHARTER REGARDING ROLE DELINEATION BETWEEN THE CITY COUNCIL AND
MAYOR AND FOR OTHER LAWFUL PURPOSES**

**(Sponsored by Councilmembers Rowell, Gumbs, Willis, Sebastian,
Reeves and Williams)**

WHEREAS, the City of South Fulton ("City") is a municipal corporation duly organized and existing under the laws of the State of Georgia; and

WHEREAS, the legislative authority of the government of this City, except as otherwise provided in this charter shall be vested in the City Council to be composed of a part-time mayor and seven part-time councilmembers, pursuant Section 2.10 (a); and

WHEREAS, the City, pursuant to Section 3.10 (a), the City Council shall be vested with all the powers of government of this city as provided by Article I of this Charter; and

WHEREAS, pursuant to Section 3.10 (b) of its Charter, has the authority to adopt and provide for resolutions, rules and regulations, not inconsistent with the Charter and with the Constitution and laws of the State of Georgia; and

WHEREAS, there is firm belief that the proper, efficient and effective administration and operation of the City Council-Manager form of government will be fostered by a clear definition of the roles and responsibilities of the City Council, Mayor, and City Manager, § 3.10A; and

WHEREAS, the full and complete legislative and policy making authority of the City resides in the part-time City Council and the full-time City Manager shall take no action which impinges upon or interferes with the City Council's policy making role, § 3.10A (1); and

WHEREAS, the City Manager is the full-time chief executive officer of the City, and, as such all department heads, § 3.10A (2); and

WHEREAS, the elected leaders of the City, including the Mayor must help foster a collaborative approach to City's affairs by not intimidating, interfering, disrupting or violating the provisions of the City's Charter and/or Code of Ordinances; and

WHEREAS, the City Council's expectation that the Mayor will consistently behave in a professional manner, show a willingness to collaborate even with those who disagree

with his policies and/or position and respect the Charter and the role delineations set forth therein; and

WHEREAS, the Mayor, on January 4, 2022, convened a meeting requesting the attendance of the City Manager, City Clerk, City Attorney and Communication Director to share his vision of his next 100 days and to also request their resignations, except for the Communications Director; and also sent out an email on the same day reiterating the same; and

WHEREAS, Sec. 1-6009 (1) of the City Code of Ordinances has established the Communications and External Affairs Department that is responsible for the development of internal and external communications, coordinates media relations, news releases, the city's website, social media, and newsletter, see also City Charter § 4.10 (d); and

WHEREAS, the Communication Department is the City's official and sanctioned internal and external communications vehicle for the dissemination of information regarding city related matters, affairs and/or business; and

WHEREAS, the Mayor, on January 4, 2022, neither conferred or consulted with City Council prior to making statement regarding city related matters, affairs and/or business, nor use the Communication Department for disseminating official city related matters, affairs and/or business; and

WHEREAS, the Mayor's conduct in requesting the resignation of the City Manager, City Clerk, City Attorney directly violates, contradicts and/or contravenes the City Charter that has established a City Council – City Manager form of government as set forth in the following provisions:

- Failure to uphold the Constitution, laws, and regulations of the United States, the State of Georgia, this Charter, and the Code of Ordinances of the City, § 2.16 (a) (1);
- Engage in other conduct which is unbecoming to a member, or which constitutes a breach of public trust, § 2.16 (a) (8);
- The Mayor and Councilmembers shall not in any manner dictate the appointment or removal of any city administrative officers or employees whom the City Manager or any of her subordinates are empowered to appoint, § 3.10A (3);
- The Mayor and Councilmembers shall deal with the city officers and employees who are subject to the direction and supervision of the City Manager solely through the City Manager, and neither the Mayor nor any Councilmembers shall give orders to any such officers or employees either publicly or privately, § 3.10A (4);
- The Mayor shall have no management authority or responsibility with respect to the operations and administration of city government, § 3.10A (8);
- The Mayor or a Councilmember may only recommend the removal of the City Manager from office in accordance with procedure set forth in the Charter, and, any such recommendation the City Council must adopt by affirmative vote of five of its members accompanied by a preliminary resolution stating the grounds for

removal or may suspend the City Manager for a time period not to exceed 45 days, § 3.23 (b);

- The City Manager shall be the chief executive officer of the City. The City Manager shall be responsible to the City Council for the administration of all city affairs placed in the City Manager's charge by or under this Charter . . . including having the authority to hire persons to act as department heads. . . suspend or remove any city employee and administrative officer the City Manager hires or appoints, § 3.25 (1);
- Except for the fire and police chief, the City Manager may suspend or terminate directors or department heads, so long as the City Attorney reviews the facts supporting the suspension or termination, § 4.10 (e);
- There shall be a director of each department or agency who shall be its principal officer. Each director shall, subject to the direction and supervision of the City Manager, be responsible for the administration and direction of the affairs and operations of the director's department or agency, § 4.10 (d);
- The Mayor may only remove the City Attorney for good cause and provided, however, that an affirmative vote of five member of the City Council may prevent the removal by determining that good cause for removal does not exist, § 4.12 (b);

WHEREAS, the City Council finds that it is necessary to officially reprimand, rebuke or condemn the Mayor's blatant disregard for the City Charter, its elected officials, appointed employees and department heads; and

WHEREAS, through this resolution the City Council desires to express its disapproval of the Mayor's conduct by violating and/or disrupting the City Council-City Manager form of government by acting outside his authority in an attempt to usurp the City Council and City Manager's authority. Therefore, it is the intent of this resolution to reinforce that this type of behavior will not be tolerable within the City;

WHEREAS, the City Council continues to express a willingness and desire to work with the Mayor in a collaborative, cordial and innovative way within the confines of the City Charter.

WHEREAS, this Resolution is in the best interests of the City, its employees, residents to help maintain the continuity and tranquility of the City governmental operations.

THE COUNCIL OF THE CITY OF SOUTH FULTON, GEORGIA, HEREBY RESOLVES as follows:

Section 1. That the Mayor is respectfully requested to abide by the City's Charter, Ordinances and/or Resolutions which clearly delineates the roles and responsibilities of the Mayor, Council and City Manager and refrain from interfering, impeding, disrupting or hindering the performance and duties of City Manager, City Attorney, City Clerk, department heads or other employees.

Section 2. The City Attorney and City Clerk are authorized to make non-substantive editing and renumbering revisions to this Resolution for proofing, codification, and supplementation purposes. The final version of all resolutions shall be filed with the City Clerk.

Section 3. All resolutions or parts thereof that are in conflict with this Resolution are, to the extent of such conflict, hereby repealed.

Section 4. The effective date of this Resolution shall be from the date of adoption, unless provided otherwise by the City Charter or state and/or federal law.

[signatures and voting tabulations appear on the following page]