

CHAPTER 1-9. CODE OF ETHICS

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Sec. 1-9-1. Purpose.

Declaration of policy. It is the policy of the city that the proper government and administration of the city requires that public officials be independent, impartial and responsible to the people; that governmental decisions and policy be made in proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government in recognition of these goals, a code of ethics for all city officials is adopted.

This code has the following purposes:

- (1) To encourage high ethical standards in official conduct by city officials and employees;
- (2) To establish guidelines for ethical standards of conduct for all such officials by setting forth those acts or actions that are incompatible with the best interest of the city;
- (3) To require disclosure by such officials of private financial or other interest in manners that affect the city; and

- (4) To serve as a basis for disciplining those who refuse to abide by its terms.

Pursuant to controlling state and federal law, the provisions of this article shall not apply to political contributions, loans, expenditures, reposts or regulation of political campaigns or the conduct of candidates in such campaigns.

(Ord. No. 2007-37, § I, 9-4-07)

Sec. 1-9-2. Definitions.

As used in this article, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

City official or official means any person who is an elected official of the city.

Decision means any ordinance, resolution, contact, franchise, formal action or other matter voted on by the city council members, as well as the discussions or deliberations of the city council members which can or may lead to a vote or formal action by that body.

Discretionary authority means the power to exercise any judgment in a decision or action.

Employee means any person who is a full-time or part-time employee of the city.

Entity means a sole proprietorship, partnership, limited partnership, firm, corporation, private businesses, professional corporation, holding company, joint stock company, receivership, trust or any other entity recognized by law through which business may be conducted.

Immediate family means spouse, mother, father, brother, sister, son, or daughter of any city official.

(Ord. No. 2007-37, § I, 9-4-07)

Sec. 1-9-3. Acceptance of gifts.

With the exception of campaign contributions which shall be reported in accordance with state

laws, no city official shall solicit or accept directly or indirectly anything of value from any person, corporation, or group which:

- (1) Has, or is seeking to obtain, contractual or other business or financial relationships with the city;
- (2) Seeks to have a city official exercise a matter of discretion in his or her favor;
- (3) Seeks to have interests which may be affected by the performance or nonperformance of the official duty of the city official; or
- (4) Has the appearance to influence a city official in the performance of the official's duties.

(Ord. No. 2007-37, § I, 9-4-07)

Sec. 1-9-4. Intent.

It is the intent of this section that city officials avoid any action or inaction whether or not specifically prohibited by section 1-9-3, which might result in, or create the appearance of:

- (1) Using public office for private financial, business, social or fraternal gain;
- (2) Impeding government efficiency or economy; or
- (3) Adversely affecting the confidence of the public in the integrity of the government.

(Ord. No. 2007-37, § I, 9-4-07)

Sec. 1-9-5. Financial interests of members.

City officials may not:

- (1) Have direct or indirect financial interests that conflict substantially with their responsibilities and duties as government servants, or
- (2) Engage in, directly or indirectly, financial transactions as a result of, or primarily relying upon, information obtained from their office. Aside from these restrictions, city officials are free to engage in lawful financial transactions to the same extent as private citizens.

(Ord. No. 2007-37, § I, 9-4-07)

Sec. 1-9-6. Use of public property.

A city official shall not use city government property of any kind for any purpose other than officially approved activities, nor direct employees to use such property for any purpose other than officially approved activities.

(Ord. No. 2007-37, § I, 9-4-07)

Sec. 1-9-7. Use of confidential information.

A city official shall not directly or indirectly, make use of, or permit others to make use of, for the purpose of furthering a private interest, official information not made available to the general public.

(Ord. No. 2007-37, § I, 9-4-07)

Sec. 1-9-8. Coercion by city official.

A city official shall not use his position in any way to coerce, or give the appearance of coercing, another person, business, entity or group by providing any benefit to them or persons within his immediate family, or those with whom an official has business or financial ties or social ties.

(Ord. No. 2007-37, § I, 9-4-07)

Sec. 1-9-9. Voting in matters of personal interest.

A city official shall not vote on an ordinance, amendment, or resolution in a meeting that would directly affect his or her private business interests or property interests; nor such interests of his immediate family.

(Ord. No. 2007-37, § I, 9-4-07)

Sec. 1-9-10. Unauthorized purchases.

A city official shall not order any goods and services for the city nor obligate city funds for such payment, without prior official authorization for such expenditure.

(Ord. No. 2007-37, § I, 9-4-07)

Sec. 1-9-11. City attorneys used for private business.

A city official shall not use the attorney or attorneys who are under retainer by the city for personal or private business without paying the attorney just compensation.

(Ord. No. 2007-37, § I, 9-4-07)

Sec. 1-9-12. Unauthorized use of public employees.

A city official shall not use their superior position to request or require a city employee to:

- (1) Do clerical work on behalf of his family, business, social, church or fraternal interests;
- (2) Purchase goods and services to be used for personal, business, or political purposes;
- (3) Personally work for them without offering just compensation; and/or
- (4) Perform work allegedly for the benefit of the city without prior official authorization.

(Ord. No. 2007-37, § I, 9-4-07)

Sec. 1-9-13. Travel expenses.

A city official shall not draw per diem or expense monies from the city to attend a seminar, convention, or conference and then fail to attend the seminar, convention, or conference without refunding the prorata unused per diem or expense monies to the city.

(Ord. No. 2007-37, § I, 9-4-07)

Sec. 1-9-14. Conflict of interest.

No elected official, appointed officer, or employee of the city or any agency or political entity to which this chapter applies shall engage in any business or transaction or have a financial or personal interest, direct or indirect, which interferes with the proper discharge of or impairs their judgment or action in the performance of their official duties.

(Ord. No. 2007-37, § I, 9-4-07)

Sec. 1-9-15. Acceptance of gifts, gratuities, special privileges.

(a) Employees and city officials shall not accept any gifts, loans, rewards, favors, or services that may reasonably tend to improperly influence them in the discharge of their official duties. This limitation is not intended to prohibit the occasional acceptance of articles of negligible value which are distributed generally nor to prohibit loans from regular institutions. It is particularly

important that employees and officials guard against relationships which might be construed as or give the appearance of favoritism, coercion, unfair advantage or collusion.

(b) City officials and employees shall not use or attempt to use, including but not limited to knowledge obtained by or through their employment or by virtue of their position, to secure an economic benefit or advantage, special privilege or exemption for themselves or others.

(c) City officials and employees shall not accept employment or engage in any business or professional activity which they may reasonably expect would require or induce them to disclose confidential information acquired by them by reason of their official position.

(d) Employees shall not accept payments from outside sources for professional services (i.e., teaching, instructing, speaking engagements, consulting, honorariums) when such activities are done on city time or when such services pertain to the purchase or sale of city property.
(Ord. No. 2007-37, § I, 9-4-07)

Sec. 1-9-16. Proprietorship of creations.

All plans, designs, reports, specifications, drawings, devices, inventions, and other items produced or created by employees during working hours or through the use of city facilities or equipment or at the request of the city shall be and become the sole property of the city.
(Ord. No. 2007-37, § I, 9-4-07)

Sec. 1-9-17. Confidential information.

City officials and employees shall not disclose confidential information gained by reason of their official position, nor shall they otherwise use such information for their personal gain or benefit.
(Ord. No. 2007-37, § I, 9-4-07)

Sec. 1-9-18. Conflict of interest.

(a) If an employee of the city is an officer, director, agent or member of, or owns any interest in an entity which is subject to the regulation of, or which has financial commitments with the city, they shall file a sworn statement detailing the interest or commitment with the city clerk.

(b) Employees shall not transact any business in their capacity as city employees with any business entity of which he or she is an officer, director, agent, member, or in which he or she owns a controlling interest, excluding civic, charitable or religious organizations.

(c) Employees shall not have personal investments in enterprises which create a conflict or perceived conflict between their personal interest and public interest. A passive interest by any official or employee in any public or private entity with which interest is five (5) percent or less will not constitute a sufficient interest to raise a presumption or a perceived conflict of interest.
(Ord. No. 2007-37, § I, 9-4-07)

Sec. 1-9-19. Ethics committee.

The ethics committee shall consist of five (5) members appointed by the council. All members shall be residents of the city and shall serve a four-year term.
(Ord. No. 2007-37, § I, 9-4-07)

Sec. 1-9-20. Receipt of complaints.

(a) All complaints against city officials shall be filed with the ethics committee. The ethics committee may require that oral complaints, and complaints illegibly or informally drawn, be reduced to a memorandum of complaint in such form as may be prescribed by the city council. A copy of any filed complaint shall be forwarded to the party against whom the complaint is filed.

(b) Upon receipt of a complaint in proper form, the ethics committee shall review and investigate it to determine whether the complaint is justified, frivolous, patently unfounded or fails to state facts sufficient to invoke the disciplinary jurisdiction of the city council.

(c) The ethics committee shall be empowered to conduct investigations through hearings and collecting evidence and information concerning any complaint.

(d) Upon completion of its investigation of a complaint, the ethics committee shall be empowered to document their findings and dismiss those complaints which are frivolous, patently unfounded or which fail to state facts sufficient to

invoke the disciplinary jurisdiction of the city council, provided, however, that a rejection of such complaint by the ethics committee shall not deprive the complaining party of any action he might otherwise have at law or in equity against the respondent government servant.

violation thereof shall subject the offender to disciplinary action which may include censure and public or private reprimand. Power to administer a greater punishment shall include power to administer the lesser

(Ord. No. 2007-37, § I, 9-4-07)

(e) The ethics committee shall be empowered to adopt forms for formal complaints, notices, applications for reinstatement and any other written instruments necessary or desirable under these rules.

(f) Should the committee determine after a hearing that disciplinary action is warranted, it shall make written findings and recommendations to the city council.

(g) The official against whom a complaint is filed may present evidence to the ethics committee and/or city council concerning any alleged complaints. The final disciplinary decision and/or penalties shall only be determined after hearing and opportunity to present evidence.

(h) Employees who are charged with violation of the code of ethics will be given due process according to the city's personnel policies and procedures.

(Ord. No. 2007-37, § I, 9-4-07)

Sec. 1-9-21. Right to appeal.

Any final decision by the city council pursuant to this Code shall be reviewable by the Superior Court of Hall County. The review by the superior court shall be limited to whether there was evidence to support the decision of the city council. Provided however, the city council's refusal or failure to take action pursuant to this Code shall not be reviewable by the superior court.

(Ord. No. 2007-37, § I, 9-4-07)

Sec. 1-9-22. Additional regulations.

This chapter shall be cumulative to any other ordinance, resolution or act now existing.

(Ord. No. 2007-37, § I, 9-4-07)

Sec. 1-9-23. Penalties.

The code of ethics to be observed by city officials and employees are set forth herein, and any