

AN ORDINANCE

AN ORDINANCE AMENDING THE CODE OF GRIFFIN, GEORGIA, AT CHAPTER 2, ADMINISTRATION, BY DELETING ARTICLE III, OFFICERS AND EMPLOYEES, DIVISION 2, CODE OF ETHICS, IN ITS ENTIRETY AND ENACTING A REVISED DIVISION 2, CODE OF ETHICS; TO PROVIDE FOR A CODE OF ETHICS FOR OFFICERS AND EMPLOYEES; TO PROVIDE DEFINITIONS; TO DEFINE CONDUCT PROHIBITED AND EXPECTED; TO PROVIDE FOR SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE; TO REPEAL ALL CODE PROVISIONS, ORDINANCES, OR PARTS OF ORDINANCES IN CONFLICT HERewith; TO RESTATE THE CODE OF GRIFFIN, GEORGIA, AS MODIFIED HEREIN; AND FOR OTHER PURPOSES.

WHEREAS, as a group and as individuals, the governing authority of the City of Griffin, Georgia has subscribed to the following ethical principles and pledged to conduct its affairs accordingly:

- * Serve Others, Not Ourselves;
- * Use Resources With Efficiency and Economy;
- * Treat All People Fairly;
- * Use The Power of Our Position For The Well Being Of Our Constituents; and
- * Create An Environment Of Honesty, Openness And Integrity;

And

WHEREAS, the City of Griffin, Georgia has been recognized by the Georgia Municipal Association as a “City of Ethics”;

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF GRIFFIN, GEORGIA, AND IT IS ESTABLISHED AS FOLLOWS:

Section 1. The Code of Griffin, Georgia is amended at Chapter 2, ADMINISTRATION, by deleting Article III, OFFICERS AND EMPLOYEES, Division 2, CODE OF ETHICS, in its entirety and enacting in lieu thereof new Division 2, CODE OF ETHICS, as follows:

“DIVISION 2. CODE OF ETHICS

Sec. 2-76. - Purpose.

The public trust requires public servants to fulfill their duties faithfully and honestly and to subordinate any personal interest which conflicts with the public interest. A public servant is a trustee of the people and should strive to further the general welfare and not

use public office in order to improve his or her own private standing. The principle policies which form the foundation of this code of ethics are:

- (a) The trust of citizens in their government is cultivated when individual public servants act with integrity and when the public is aware that its servants act with integrity.
- (b) The constitutions, laws and regulations of the United States and State of Georgia and ordinances of the City of Griffin should be upheld as a *de minimus* standard of conduct.
- (c) The most effective way to eradicate unethical practices is to consistently act with the highest moral principles and to consistently react appropriately to the ethical decisions of others.
- (d) Elected officials shall exercise sound judgment and apply ethical principles in making decisions that in any manner reflect upon their elected office.
- (e) All citizens should be treated with courtesy, impartiality and equality.
- (f) Those persons who fail to abide by the terms of this code of ethics shall be sanctioned.

Sec. 2-77. - Intent.

It is the intent of this code of ethics that any city official shall not knowingly engage in any activity which is incompatible with the proper discharge of his or her official duties or which would tend to impair his or her judgment or actions in the performance of his or her official duties. Furthermore, city officials should avoid any action which might result in or create the appearance of the following:

- (a) Using public office for private gain.
- (b) Impeding city efficiency or economy.
- (c) Affecting adversely the confidence of the public in the integrity of those who conduct the affairs and business of the City of Griffin.

Sec. 2-78. – Conflicts.

Notwithstanding anything herein to the contrary, state law and the Charter of the city shall be controlling in the event of an actual conflict with the provisions of this code of ethics. This article shall be interpreted to supplement, and not replace, said provisions of state law and the Charter.

Sec. 2-79. - Definitions.

- (a) *A thing of value* shall mean anything of material value, regardless of its monetary amount, perceived or intended by the city official to whom it is offered, to be sufficient to influence the city official in the performance or nonperformance of an official action. A thing of value shall not include:

- (1) Food or beverage consumed at a single meal or event;

- (2) Legitimate salary, benefits, fees, commissions, or expenses associated with a recipient's nonpublic business, employment, trade, or profession;
- (3) An award, plaque, certificate, memento, or similar item given in recognition of the recipient's civic, charitable, political, professional, or public service;
- (4) Food, beverages, and registration at group events to which all members of the governing body of the city are eligible to attend;
- (5) Actual and reasonable expenses for food, beverages, travel, lodging, and registration for a meeting which are provided to permit participation or speaking at the meeting;
- (6) A commercially reasonable loan made in the ordinary course of business;
- (7) Any gift with a value less than \$100.00;
- (8) Promotional items generally distributed to the general public or to public officers;
- (9) A gift from a member of the public officer's immediate family; or
- (10) Food, beverage, or expenses afforded public officers, members of their immediate families, or others that are associated with normal and customary business or social functions or activities;

provided, however, that receiving, accepting, or agreeing to receive anything not enumerated in subparagraphs (1) through (10) of this paragraph shall not create the presumption that a thing of value has been received.

(b) *City official or official* shall mean, unless otherwise expressly defined does not include city employees, members of the city commission, municipal court judges (including substitute judges), city manager, city clerk, city attorney, and all other persons holding, either by election or appointment, positions designated by the City Charter, as officers of the City. The term "city official" also includes all individuals, including city employees, appointed by the city commission to city authorities, commissions, committees, boards, task forces, or other bodies which can or may vote or take formal action or make official recommendations to the city commission.

(c) *Conflict of interest* shall mean an interest in transactions involving any person in the member's immediate family, any person with whom a contractual relationship exists whereby the member may receive any payment or other benefits, or any business in which the city official is a director, officer, employee, agent, or shareholder.

(d) *Decision* shall mean any ordinance, resolution, contract, franchise, formal action or other matter voted on by the city commission or other city board or authority.

(e) *Employee* shall mean any person who is employed in a position covered by the position classification plan of the City of Griffin; any person who is employed part-time by any operating department of the City of Griffin.

(f) *Government or city* shall mean the City of Griffin, Georgia.

(g) *Immediate family* shall mean spouse, child, parent, grandparent or sibling of any city official by blood, adoption or marriage.

(h) *Interest* shall mean any direct pecuniary benefit, which is not a remote interest (official affected in the same way as the general public), held by the official or accruing to a member of the governing authority as a result of a contract or transaction that is or may be the subject of an official act or action by or with the city. A member of the governing authority shall be deemed to have an interest in transactions involving:

- a. Any person in the member's immediate family;
- b. Any person with whom a contractual relationship exists whereby the member may receive any payment or other benefits unless the member is receiving a benefit for goods and services in the normal course of business for which the member has paid commercially reasonable rate;
- c. Any business in which the member is a director, officer, employee, agent, or shareholder, except as otherwise provided herein; or
- d. Any person of whom the member is a creditor, whether secured or unsecured.

Sec. 2-80. - Conduct.

- (a) The professional and personal conduct of city officials should be above reproach and avoid even the appearance of impropriety. City officials shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of the commission, boards and authorities, the staff or the public.
- (b) Respect for process. City officials shall perform their duties in accordance applicable law and with the processes established by the city commission and boards and authorities governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the city commission by city staff.
- (c) Conduct of public meetings. City officials shall prepare themselves for public issues; listen courteously and attentively to all public discussions before the body; and focus on the business at hand. They shall refrain from interrupting other speakers, making personal comments not germane to the business of the body, or otherwise interfering with the orderly conduct of meetings.
- (d) Decisions based on merit. City officials shall base their decisions on the merits and substance of the matter at hand.
- (e) Communication. City officials shall publicly share substantive information that is relevant to a matter under consideration by the commission or boards and authorities which they may have received from sources outside the public decision-making process.
- (f) Policy roles of city officials. City officials shall respect and adhere to the structure of government of the City of Griffin as outlined in the city Charter and policies and procedures. In this structure, the city commission determines the policies of the city with the advice, information and analysis provided by the public, boards, authorities, and city staff.
- (g) Independence of boards and authorities. Because of the value of the independent advice of boards and authorities to the public decision-making process, city officials

shall refrain from using their position to influence unduly the deliberations or outcomes of board and authority proceedings.

- (h) Positive work place environment. City elected officials shall support the maintenance of a positive and constructive work place environment for city employees and for citizens and businesses dealing with the city. All city elected officials shall recognize their special role in dealings with city employees and refrain from creating the perception of inappropriate direction to staff.

Sec. 2-81. - Prohibitions.

- (a) No city official shall act as an agent or attorney for another in any matter before the city commission, municipal court or other city body.
- (b) No city official shall directly or indirectly receive, agree to receive, or solicit, any , thing of value to which he or she is not entitled, except as may be provided by law, with the purpose of influencing him or her in the performance of any act related to the functions of his or her office or public employment. No city official shall induce the reasonable belief that the giving of a thing of value will influence his or her performance or failure to perform any official action.
- (c) No city official shall enter into any contract with, or have any interest in, either directly or indirectly, the city except as authorized by state law. All public funds shall be used for the general welfare of the people and not for personal economic gain.
- (d) Public property shall be disposed of in accordance with state law.
- (e) No city official shall solicit or accept other employment to be performed, or compensation to be received, while still a city official if the employment or compensation could reasonably be expected to impair such official's judgment or performance of city duties.
- (f) If a city official accepts or is soliciting a promise of future employment from any person or entity who has a substantial interest in a person, entity or property which would be affected by any decision upon which the official might reasonably be expected to act, investigate, advise, or make a recommendation, the official shall disclose the fact to the city commission and shall recuse himself/herself and take no further action on matters regarding the potential future employer.
- (g) No city official shall participate in the discussion, debate, deliberation or vote, or otherwise take part in the decision-making process on any agenda item, any official act or action in which he, she, or member of his or her immediate family has a conflict of interest.
- (h) No city official shall use city facilities, personnel, equipment or supplies for private purposes, except to the extent such are lawfully available to the public. A city official shall not direct employees to use such property for other than official purposes.
- (i) No city official shall utilize the city's name or logo for the purpose of endorsing any business.
- (j) No city official shall grant or make available to any person any consideration, treatment, advantage or favor beyond that which it is the general practice to grant or make available to the public at large.
- (k) A city official shall not directly or indirectly make use of, or permit others to make use of, official information not made available to the general public for the purpose of furthering a private interest.

- (l) A city official shall not use his or her position in any way to coerce, or give the appearance of coercing, another person to provide any financial benefit to such official or persons within the official's immediate family, or those with whom the official has business or financial ties amounting to a substantial interest.
- (m) A city official shall not order any goods and services for the city without prior official authorization for such expenditure. No city official shall attempt to obligate the city nor give the impression of obligating the city without proper prior authorization.
- (n) No city official shall draw travel funds or per diem from the city for attendance at meetings, seminars, training or other educational events and fail to attend such events without promptly reimbursing the city therefore.
- (o) A city official shall represent the official policies or positions of the city commission, board and/or authority to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, city officials shall explicitly state they do not represent their body or the city, nor will they allow the inference that they do.
- (p) In keeping with their role as stewards of the public interest, members of commission shall not appear on behalf of the private interests of third parties before the commission or any board or authority, or proceeding of the city, nor shall members of boards and authorities appear before their own bodies or before the commission on behalf of the private interests of third parties on matters related to the areas of service of their bodies.
- (q) A city official shall not use a city employee for personal or private business during regular business hours or during the employee's scheduled shift. A city official shall pay just compensation and shall not receive or expect a discount or special rate.
- (r) A city official shall not use his or her position in any way to coerce, or give the appearance of coercing, a municipal court judge in the outcome of matters before the municipal court.
- (s) A city official shall not act or create the appearance of acting on behalf of a member of the commission or other city official by promising to authorize or prevent any future official action of any nature, without prior authorization from the commission or its designee.

Sec. 2-82. - Disclosure.

A city official shall disclose the nature of any interest or benefit he or she has at the time such matter is presented to the commission for discussion and/or action. Such disclosure shall be recorded into the minutes of the meeting and become part of the public record. Following any disclosure made pursuant to this code of ethics, the member shall not participate in any ex-parte communications with other members regarding the matter at hand.

Sec. 2-83. - Duty to leave meeting.

To avoid the appearance of impropriety, after any city official is determined to have a conflict of interest or a potential conflict of interest in any matter, the member of

commission shall leave his or her regular seat as a member of the commission and not return to it until deliberation and action on the matter is completed.

Sec. 2-84. - Board of Ethics.

- (a) Appointment. The Board of Ethics of the City of Griffin shall be composed of three (3) residents of the city to be appointed as follows: The Mayor and each commissioner will appoint one (1) resident from their district to provide a pool of seven (7) individuals who have consented to serve as a member of the Board of Ethics and who will be available for a period of one year to be called upon to serve in the event a Board of Ethics is needed. The City Manager will maintain a listing of these qualified citizens. Upon receipt of a properly verified complaint and timely forwarding of that complaint to the city official charged in the complaint, the Mayor and Commission, at the next regularly scheduled public meeting or at a specially called public meeting, shall draw names randomly from the listing of qualified citizens until three (3) members of the Board of Ethics have been commissioned to serve. Upon appointment, members of the board of ethics shall sign an affidavit attesting to their qualification to serve as a member of the board. Such Board will elect one of its members to serve as chair. The selected members of the board shall serve until the complaint is resolved, at which time the selected members shall no longer be in the pool of seven. The mayor and commissioners who originally designated the departing members shall designate their replacements.
- (b) Qualifications.
 - 1. All members of the board shall remain a resident of the city and district while serving on the board.
 - 2. No person shall serve as a member of the board if the person has, or has had within the preceding one-year period, any interest in any contract or contracting with the city or has been employed by the city.
 - 3. No person shall serve on the board if he or she currently has any permit or rezoning application pending before the city, or any pending or potential litigation against the city or any city official is charged in the complaint.
 - 4. No person shall serve on the board who has been convicted of a felony involving moral turpitude in this state or any other state, unless such person's civil rights have been restored and at least ten years have elapsed from the date of the completion of the sentence without a subsequent conviction of another felony involving moral turpitude.
 - 5. No person shall serve on the board who is less than 21 years of age, who holds a public elective office, who is physically or mentally unable to discharge the duties of a member of the board, or who is not qualified to be a registered voter in the City of Griffin.
- (c) Compensation. The members of the board shall serve without compensation.
- (d) Expenses. The city commission shall provide meeting space for the board and, subject to budgetary procedures and requirements of the city, such supplies and equipment as may be reasonably necessary for the board to perform its duties and responsibilities.

- (e) Removal. Members of the board may be removed with or without cause by majority vote of the city governing authority.
- (f) Attorney. An independent attorney, contracted by the City shall attend all meetings and hearings of the board to insure that all proceedings are conducted properly and in accordance with applicable law.
- (g) Meetings. All proceedings of the board shall be noticed in accordance with Georgia's Open Meetings Law. The proceedings of the board shall, to the extent authorized by law, remain confidential and not be disclosed to third parties. All meetings or public hearings where evidence is taken shall be open. Deliberations may be conducted in executive sessions. Any final report or recommendation to the commission shall be conducted in an open meeting.

Sec. 2-85. - Duties and Powers of the Board of Ethics.

- (a) The constituted board of ethics shall have the following duties and powers:
 - 1. To establish procedures, rules and regulations governing its internal organization and conduct of its affairs;
 - 2. To prescribe forms, approved by the city attorney, for disclosure required in this article and to make available to the public information disclosed as provided in this section.
 - 3. To receive and hear complaints of violations of the standards required in this article.
 - 4. To make such investigation, hold such hearing(s) and provide response to a complaint as it deems necessary to determine whether any person has violated any provision of this article.
 - 5. To report its findings to the governing authority for such action as the governing authority deems appropriate.
- (b) The commission may consider the findings and recommendation(s) of the board and shall be the body to take final action.

Sec. 2-86. - Receipt of Complaint and Procedure.

All complaints under this article against city officials shall be in writing and filed with the City Attorney. All complaints shall be submitted and signed under oath, shall be legibly drawn and shall clearly address matters within the scope of this article. Upon receipt of a complaint in proper form, the City Attorney shall forward a copy of the complaint to the city commission and city official or officials charged in the complaint within no more than seven (7) calendar days.

Upon receipt of a properly verified complaint and timely forwarding of that complaint to the city official charged in the complaint, the Commission, at the next regularly scheduled public meeting or at a specially called public meeting, shall draw names randomly from the listing of qualified citizens until three (3) members of the Board of Ethics have been appointed.

Upon receipt of a complaint in proper form, the Board of Ethics shall conduct an initial review within thirty (30) days, to determine whether the complaint on its face is unjustified, frivolous, patently unfounded or fails to state facts sufficient to invoke the

disciplinary jurisdiction of the city commission. The board is empowered to recommend dismissal in writing complaints that it determines are unjustified, frivolous, patently unfounded or fail to state facts sufficient to invoke the disciplinary jurisdiction of the city council; provided, however, that a rejection of such complaint by the board shall not deprive the complaining party of any action such party might otherwise have at law or in equity against the city official. The board shall report in writing to the city commission any complaint dismissed under this section.

For complaints that are not dismissed, a hearing shall be held within sixty (60) calendar days after filing of the complaint. The board is empowered to conduct investigations, to take evidence, and to hold hearings to address the subject matter of a complaint. The board shall conduct hearings in accordance with the procedures and regulations it establishes but, in all circumstances, at least one hearing shall include the taking of testimony and the cross-examination of available witnesses. At any hearing held by the board, the city official who is the subject of inquiry shall have the right to written notice of the hearing and the allegations at least seven calendar days before the first hearing, to be represented by counsel, to submit and hear evidence and to call and cross-examine witnesses and, to oppose or try to mitigate the allegations. The city official subject to the inquiry shall also have the right but not the obligation of submitting evidence and calling witnesses. The decision of the board shall be rendered to the city commission within seven calendar days after completion of the final hearing. Failure to comply with any of the time deadlines in this section of the article shall not invalidate any otherwise valid complaint or in any way affect the power or jurisdiction of the board or the city commission to act upon any complaint.

Sec. 2-87. – Penalties.

Upon receipt of the findings of the Ethics Board, the City Commission may take the following action:

- (a) Dismiss the complaint;
- (b) Issue a public reprimand or censure; or
- (c) Request resignation of public official.

Sec. 2- 88. - Right to Appeal.

An action for judicial review may be commenced by filing an application for a writ of certiorari in the superior court of Spalding County within thirty (30) days after the decision of the board. The filing of such application shall act as supersedeas.

Secs. 2-89 – 2.95. – Reserved.”

Section 2. All ordinances and Code sections, or parts thereof, in conflict with the foregoing are expressly repealed.

Section 3. Should any provision of this ordinance be rendered invalid by any court of law, the remaining provisions shall continue in force and effect until amended or repealed by action of the municipal governing authority.

Section 4. Except as modified herein, The Code of Griffin, Georgia, is hereby reaffirmed and restated. The codifier is hereby granted editorial license to include this amendment in future supplements of said Code by appropriate section, division, article or chapter.

Section 5. This ordinance shall become effective upon second and final reading.

First Reading:	September 24, 2019
Second Reading:	October 8, 2019