

ORDINANCE NO.: 24-04

ADOPTING AMENDMENTS TO THE CODE OF ETHICS OF PAULDING COUNTY
REGARDING CONFLICTS OF INTEREST IN ZONING-RELATED MATTERS

STATE OF GEORGIA

COUNTY OF PAULDING

WHEREAS, the Board of Commissioners of Paulding County is charged with the responsibility of protecting the health, safety, and welfare of the citizens of Paulding County and as such, is authorized to enact ordinances governing activities and properties in the unincorporated areas of Paulding County, Georgia;

WHEREAS, the Board of Commissioners deems it essential to the proper operation of democratic government that the public officials be, and give the appearance of being, independent, impartial, and responsible to the people; that governmental decisions and policies be made in the proper channels of the governmental structure; and that public office not be used for personal gain;

WHEREAS, such measures are necessary to provide the public with confidence in the integrity of its government;

WHEREAS, the Board of Commissioners desires to amend the existing Code of Ethics to further define situations that constitute a conflict of interest in regard to zoning-related matters and to provide a procedure to be followed in the event of such a conflict.

NOW THEREFORE, be it ordained by the Paulding County Board of Commissioners as follows:

1.

The Paulding County Code of Ordinances Chapter 2, Article I, Division 2, entitled "Code of Ethics" is hereby amended as set forth on the attached Exhibit A (underline text shows additions while ~~strikethrough~~ text shows deletions).

2.

This amendment shall be effective upon passage.

3.

The sections, subsections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any section, subsection, paragraph, sentence, clause or phrase shall be declared illegal

by the valid judgment or decree of any court of competent jurisdiction, such illegality shall not affect any of the remaining section, subsections, paragraphs, sentences, clauses and phrases of this ordinance.

4.

All ordinances and parts of ordinances in conflict herewith are expressly repealed.

5.

All other aspects of the Paulding County Code of Ordinances shall remain in full force and effect.

SO ORDAINED THIS 20th DAY OF March, 2024.

VOTE ON ORDINANCE

	<u>Yes</u>	<u>No</u>	<u>Abstain/Absent</u>
Chairman David L. Carmichael	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Post 1 Keith Dunn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Post 2 Sandy Kaecher	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Post 3 Virginia Galloway	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Post 4 (Vacant)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ATTEST:

Rebecca Merideth
Rebecca Merideth
Clerk, Paulding County Board of Commissioners



Sec. 2-12. Definitions.

Solely for the purpose of this code of ethics:

- (1) *County official or official*, unless otherwise expressly defined, means the chairman and commissioners of the board of commissioners. The terms "county official" or "official" also include all individuals appointed by the chairman of the board of commissioners and/or board of commissioners as appropriate to county boards, commissions, and authorities, or other bodies which can or may vote or take formal action or make official recommendations to the board of commissioners. The terms do not include other county elected officials, county employees, the county attorney, the executive assistant to the board of commissioners, the comptroller, or department heads or chief executive officers, by whatever names designated, of the various departments of the county.
- (2) *Decision* means any ordinance, resolution, contract, franchise, formal action or other matter voted on by the board of commissioners or other county board, commission, or authority, as well as the discussions or deliberations of a county board, commission, or authority which can or may lead to a vote or formal action by that body.
- (3) *Employee* means any person who is a full-time or part-time employee of the county.
- (4) *Immediate family* means the spouse, mother, father, grandparent, brother, sister, son or daughter of any county official related by blood, adoption or marriage. The relationship by marriage shall include in-laws. An "in-law" is the sibling of one's spouse, the spouse of one's sibling, or the mother or father on one's spouse, but extends no further.
- (5) *Incidental interest* means an interest in a person, entity or property which is not a substantial interest as defined herein and which has insignificant value.
- (6) *Remote interest* means an interest of a person or entity, including a county official, which would be affected in the same way as the general public. For example, the interest of an official in the property tax rate, general county fees, county utility charges or a comprehensive zoning ordinance or similar matters is deemed remote to the extent that the official would be affected in common with the general public.
- (7) *Substantial interest* means an interest, either directly or through a member of the immediate family, in another person or entity, where:
 - a. The interest is ownership of five percent or more of the voting stock, shares or equity of the entity or ownership of \$5,000.00 or more of the equity or market value of the entity; or
 - b. The funds received by the person from the other person or entity during the previous 12 months that either equal or exceed (a) \$5,000.00 in salary, bonuses, commissions or professional fees, or \$5,000.00 in payment for goods, products or services, or (b) ten percent of the recipient's gross income during that period, whichever is less;
 - c. The person serves as a corporate officer or member of the board of directors or other governing board of a for-profit entity other than a corporate entity owned or created by the board of commissioners; or
 - d. The person is a creditor, debtor, or guarantor of the other person or entity in an amount of \$5,000.00 or more.

Sec. 2-13. Prohibitions.

- (a) No county official shall use such position to secure special privileges or exemptions for himself or herself or others, or to secure confidential information for any purpose other than official duties on behalf of the county.
- (b) No county official, in any matter before the board of commissioners or other county body, relating to a person or entity in which the official has a substantial interest, shall fail to disclose for the record such interest prior to any discussion or vote or fail to recuse himself/herself from such discussion or vote as applicable.
- (c) No county official shall act as an agent or attorney for another in any matter before the board of commissioners or other county body.
- (d) No county official shall directly or indirectly receive, or agree to receive, any compensation, gift, reward, or gratuity in any matter or proceeding connected with, or related to, the duties of his office except as may be provided by law.
- (e) No county official shall enter into any contract with, or have any interest in, either directly or indirectly, the county except as authorized by state law. Any official who has a proprietary interest in an agency doing business with the county shall make that interest known in writing to the board of commissioner via the clerk of the board of commissioners.
- (f) All public funds shall be used for the general welfare of the people and not for personal economic gain.
- (g) Public property shall be disposed of in accordance with state law.
- (h) No county official shall solicit or accept other employment to be performed, or compensation to be received, while still a county official if the employment or compensation could reasonably be expected to impair such official's judgment or performance of county duties.
- (i) If a county 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 board of commissioners and shall recuse himself/herself and take no further action on matters regarding the potential future employer.
- (j) No county official shall use county facilities, personnel, equipment or supplies for private purposes, except to the extent such are lawfully available to the public.
- (k) No county 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.
- (l) A county 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.
- (m) A county 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.
- (n) A county official shall not order any goods and services for the county without prior official authorization for such expenditure. No county official shall attempt to obligate the county nor give the impression of obligating the county without proper prior authorization.
- (o) No county official shall draw travel funds or per diem from the county for attendance at meetings, seminars, training or other educational events and fail to attend such events without promptly reimbursing the county therefore.

Sec. 2-14. Conflict of interest.

- (a) A county official may not participate in a vote or decision on a matter affecting an immediate family member or any person, entity, or property in which the official has a substantial interest.
- (b) A county official who serves as a corporate officer or member of the board of directors of a nonprofit entity must disclose their interest in said entity to the board of commissioners prior to participating in a vote or decision regarding funding of the entity by or through the county.
- (c) Where the interest of a county official in the subject matter of a vote or decision is remote or incidental, the county official may participate in the vote or decision and need not disclose the interest.
- (d) (1) Where a county official, or an immediate family member thereof, owns real property, in whole or in part; or is an officer, member, manager, or shareholder in an entity that owns real property which is:
 - a. the subject of a rezoning application, special use permit, land use permit, or medical hardship application; or
 - b. located within 1,000 feet of real property which is the subject of a rezoning application, special use permit, land use permit, or medical hardship application (measured by the closest straight-line distance),then the county official is disqualified from participating in any official vote or decision on the matter and must follow the provisions of this subsection (d).
- (2) A county official must disclose any disqualification arising from subsection (d)(1) in writing to the county clerk or the community development director prior to any public hearing or other official consideration of the matter.
- (3) Where a county official is disqualified, the county official shall remove him/herself from the dais of the meeting room during any public hearing or other official consideration of the matter. Once the matter is concluded, the county official may resume his or her position at the dais.
- (4) A disqualified county official retains the right to engage in expressive activities of the type normally and properly undertaken by any other private property owner in regard to the pending matter from which the county official was disqualified as recognized by the Georgia Supreme Court in *Little v. City of Lawrenceville*, 272 Ga. 340 (2000).