

**PEACHTREE CITY CODE OF ETHICS**

**Section 62-71. Declaration of policy.**

- (a) The proper government and administration of the city requires that:
  - (1) Its officials and employees:
    - a. serve others and not themselves;
    - b. be independent, impartial and responsible;
    - c. use resources with efficiency and economy;
    - d. treat all people fairly;
    - e. use the power of their position for the well being of their constituents; and
    - f. create an environment of honesty, openness and integrity
  - (2) Governmental policies and decisions are made in the proper channels of the government structure;
  - (3) Public office and employment not be used for undue personal gain; and
  - (4) The citizens of the city have confidence in the integrity of their government.
- (b) Because the attainment of one or more of these ends is impaired whenever there exists in fact, or appears to exist, a conflict between the private interests and public responsibilities of city officials and employees, the public interest mandates that the city protect against such conflicts of interest by establishing appropriate ethical standards with respect to the conduct of its officials and employees in situations in which a conflict may exist or appear to exist.
- (c) Yet it is also essential to the efficient operation of the city that those persons best qualified be encouraged to serve in positions of public trust. Accordingly, the standards set forth in this article must be understood and interpreted in a way that will not unreasonably frustrate or impede the desire to seek public office by those best qualified to serve. To that end, officials and employees should not, except as otherwise provided by law, be denied

the opportunity available to all citizens to acquire and maintain private, economic and other interests except when a conflict would necessarily result.

- (d) The policy and purpose of this article, therefore, is to clarify those standards of ethical conduct that shall be applicable to the officials and employees of the city in the discharge of their public duties and to foster the development and maintenance of a tradition of responsible and effective public service.

## **Section 62-72. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**Agency** means the city council, and all other agencies, authorities, boards, commissions, committees, departments, and offices of the city, without exception.

**Business** means a corporation, a partnership, a sole proprietor, or any other person or organization carrying on an enterprise for profit.

**Business relationship** means an agreement between parties designed to result in an enterprise for profit to those parties.

**Censure** means a public expression of severe criticism or reproach.

**Confidential information** means any information, which by law or practice is not available to the general public.

**Contract** means any lease, claim, account or demand against or agreement with any person, whether express or implied, executed or executory, verbal or in writing.

**Employee** means any person holding a classified position as defined in policy I, section 3, of the city's personnel policy.

**Employment** means any rendering of services on request, whether paid or unpaid.

**Immediate family** means spouse and children.

**Interest** means any direct or indirect pecuniary or material benefit accruing to a public officer or employee as a result of a contract or transaction, which is or may

be the subject of an official act or action by or within the city. This does not, however, include those contracts or transactions which by their terms and by the substance of their provisions confer the opportunity and right to realize the accrual of similar benefits to all other persons and/or property similarly situated. For the purposes of this article, an official or employee shall be deemed to have an interest in the affairs of:

- (1) Any person in his immediate family.
- (2) Any person or business with whom a contractual relationship (either written or implied) exists, whereby he may receive a payment or other benefit, including an agreement for employment.
- (3) Any business in which he is an officer, director, employee, prospective employee or substantial shareholder (owning or controlling in excess of five percent of the total stock or total legal and beneficial ownership).

**Official** means any official, officer or member of the government of the city who is not an employee, whether elected or appointed, whether paid or unpaid, whether permanent, temporary or alternate.

**Official act or action** means any executive, legislative, administrative, appointive or discretionary act of any official or employee of the city or any agency of the city.

**Paid** means the receipt of, or right to receive, a salary or commission, percentage, brokerage or contingent fee.

**Participate** means to take part in official acts, actions or proceedings personally as an official or employee through approval, disapproval, decision or the failure to act or perform a duty.

**Person** means any individual, business, labor organization, representative, fiduciary, trust, or association, whether paid or unpaid, including any official or employee.

**Property** means any property, whether real or personal, tangible or intangible, including currency and commercial paper.

**Reprimand** means an expression of disapproval, either public or private.

**Transaction** means the conduct of any activity that results in or may result in an official act or action of the city.

### **Section 62-73. Impartiality.**

No official or employee shall by his conduct give reasonable basis for the impression that any person improperly can influence such official or employee or unduly enjoy such official's or employee's favor in the performance of official acts or actions, or that such official or employee is affected unduly by kinship, rank, position or association with any person. (Cross reference: PTC personnel policy XIX.)

### **Section 62-74. Gifts and favors.**

- (a) No official or employee shall accept any gift, loan, reward, favor or services that may reasonably tend to improperly influence him or her in the discharge of their official duties. This limitation is not intended to prohibit the acceptance of articles of negligible value, which are distributed generally, nor to prohibit officials or employees from accepting loans from regular lending 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) Nothing in this article shall prohibit any official or employee from accepting a gift on behalf of the city, provided that the person accepting the gift shall promptly report the receipt of such gift to the city council, which shall have the gift added to the inventory of the property of the city. (Cross reference: PTC personnel policy XVII.)

### **Section 62-75. Campaign contributions.**

The provisions of this article shall not apply to campaign contributions made to an official in compliance with the Georgia Campaign and Financial Disclosure Act (O.C.G.A. § 21-5-30 et seq.).

### **Section 62-76. Coercion**

No official or employee shall use his position in any way to coerce, or give the appearance of coercing, another person to provide any financial benefit to him or persons within his immediate family, or those with whom a council member has business or financial ties.

### **Section 62-77. Confidential information.**

No official or employee shall disclose or otherwise use confidential information acquired by virtue of his position with the city for his or another's personal gain.

**Section 62-78. Representation.**

Except in the regular discharge of official duties, no official or employee shall appear on behalf of any person, other than himself and his immediate family, before any city agency or municipal court. Neither shall any official or employee receive compensation for any services rendered on behalf of any person in relation to any case, proceeding or application before a city agency with respect to which such official or employee was directly concerned; or in which he has personally participated during the period of his service or employment, or which was under his active consideration or with respect to which knowledge or information was made available to him during the period of service or employment. However, a member of the city council may appear before city agencies on behalf of his constituents in the course of his duties as a representative of the electorate or in the performance of public or civic obligations.

**Section 62-79. Incompatible employment.**

No official or employee shall engage in or accept employment with or render services for any private business or professional activity when such is adverse to and incompatible with the proper discharge of his official duties or would tend to impair his independence of judgment or action in the performance of his official duties.

**Section 62-80. Outside employment.**

No employee shall engage in any other employment, or in any private business, or in the conduct of a profession, during the hours for which he is employed to work for the City or outside such hours in a manner or to an extent that affects or is deemed likely to affect his usefulness as an employee of the City. Toward this end, all outside employment must be reported to and approved by the employee's Division Director/Chief and the City Manager, and filed in the Personnel Office. (Cross reference: PTC personnel policy XVI.)

**Section 62-81. Abstention.**

An official or employee who has an interest that he has reason to believe may be affected by his official acts or actions or by the official acts or actions of the city shall disclose that interest. Such official or employee shall abstain from participating in any such discussion, voting or otherwise participating in any

official acts or actions affected by such interest. That interest shall be disclosed by such official or employee prior to there being taken any official act or actions.

#### **Section 62-82. Public contracts.**

The City shall not enter into a contract involving services or property with any official or employee or with a business in which the official or employee has an interest. This section shall not apply in the case of:

- (a) The designation of a bank or trust company as a depository for City funds;
- (b) The borrowing of funds from any bank or lending institution which offers the lowest available rate of interest in the community for such loan;
- (c) Contracts entered into in accordance with the Official Code of Georgia Annotated 16-10-6;
- (d) Contracts entered into under circumstances that constitute an emergency situation, provided that the Mayor prepares a written record explaining the emergency;
- (e) Contracts entered into with an official or employee, or with a business in which the official or employee has an interest, provided that such contract is:
  - (1) Awarded through a process of public notice and competitive bid,
  - (2) disclosure of the nature of such members interest is made prior to the time a bid is submitted; and
  - (3) after this section is complied with, a waiver of the prohibition contemplated by this section is issued by the City Manager.

#### **Section 62-83. Zoning.**

- (a) All officials and employees are deemed subject to the provisions of Chapter 67A of Title 36 of the Official Code of Georgia Annotated , and shall make the disclosures required in such Chapter , and shall be subject to the penalties stated in said chapter.
- (b) In addition, any official required to make the disclosures set forth in Chapter 67A of Title 36 of the Official Code of Georgia Annotated shall be prohibited from participating in the zoning matter in which such official or employee has a direct or indirect interest. A violation of the aforesaid provisions of the Official Code of Georgia Annotated shall also constitute a violation of this article.

#### **Section 62-84. Preacquisition of interest.**

No official or employee with respect to any contract or transaction which is or may be the subject of an official act or action of the city shall acquire an interest in such contract or transaction at a time when the official or employee has reason to believe that it will directly or indirectly be affected by an official act or action of the city.

**Section 62-85. Disclosure of relationships.**

- (a) Each party subject to this article shall disclose to the city council, either orally or in writing, the following information:
  - (1) Any current business interests between or among any parties subject to this article, with a description of such involvement;
  - (2) Any business interests between or among any parties subject to this article which have been terminated within the past six months; and
  - (3) Any business interests between or among any parties subject to this article anticipated in the next six-month period.
- (b) Additionally, each party subject to this article shall inform the city council, either orally or in writing, of any business relationship entered into with another party subject to this article, within ten days of such contractual or implied relationship.
- (c) Failure on the part of any party subject to this article to comply with the provisions of this section shall be deemed to be a violation of this article.

**Section 62-86. Use of city property.**

No official or employee shall use or permit the use of any city property, services, personnel, labor or other thing of value for personal gain or for any purpose other than the official business of the city. Any parties violating this provision shall be required to pay to the city a sum equal to the value of the benefits received, and shall likewise be deemed to have violated the provisions of this article. (Cross reference: PTC personnel policy XVIII.)

**Section 62-87. City Attorney used for private business.**

No official or employee shall use the attorney or attorneys who are under retainer by the City of Peachtree City for personal or private business without paying just compensation.

**Section 62-88. Compliance with applicable laws.**

No official or employee shall engage in any activity or transaction that is prohibited by any law, now existing or subsequently enacted, which is applicable to him by virtue of his office. Without limiting the applicability of other statutory provisions, the provisions of O.C.G.A. § 45-10-1 are incorporated in this section by reference.

#### **Section 62-89. Political Activity**

- (a) An employee of the city shall not have a right to publicly or otherwise hold himself out as a candidate in any Peachtree City Municipal election while holding employment with the City of Peachtree City.
- (b) City employees shall not take part in any political management or political campaigns for the election of mayor or any member of the city council for the City of Peachtree City during any period of time for which he is expected to perform work or receive compensation from the city.
- (c) No employee, official or other person shall solicit, orally or by letter, or be in any other manner concerned in obtaining any assessments, contributions, or services for any political party from any employee during his hours of duty, service, or work with the city.
- (d) Employees shall not represent the city by wearing any uniform or portion thereof that is issued by the city while participating in any campaign at any time.
- (e) The city in no way seeks to influence employees in their choice of party affiliations or candidates, recognizing that this is a matter for each person to decide. Therefore, nothing contained herein shall be construed to restrict the right of the employee to hold membership in and support a political party, to vote as he chooses, to express opinions on political subjects or candidates, to maintain political neutrality, to attend political parties after work hours, or to campaign actively during off duty hours in all areas of political activity.
- (f) Employees shall not utilize any city equipment or vehicles in support of any political campaign.

#### **Section 62-90. Enforcement and administration**

##### **(a) Board of Ethics.**

The Board of Ethics of the City of Peachtree City is hereby created and authorized by the Mayor and City Council of the City of Peachtree City.



The Board of Ethics of the City shall be composed of five (5) residents of the City to be appointed as provided in paragraphs 2 and 3 of this subsection. Each member of the Board of Ethics shall have been a resident of the City for at least one (1) year immediately preceding the date of taking office and shall remain a resident of the City while serving as a member of the Board of Ethics. No person shall serve as a member of the Board of Ethics if the person has, or has had within the preceding one (1) year period, any interest in any contract, transaction, or official action of the City.

The Mayor and Councilmembers shall each designate two (2) qualified citizens to provide a pool of ten individuals who have consented to serve as a member of such Board of Ethics and who will be available for a period of two (2) years to be called upon to serve in the event a Board of Ethics is appointed. The City Manager shall maintain a listing of these ten qualified citizens.

All complaints against an official or city employee shall be filed in writing and submitted to the City Manager. The City Manager shall provide a copy of the complaint to the Mayor and Council. The Mayor and Council, at the first public meeting after such complaint is filed, shall each draw names randomly from the listing of qualified citizens until the specified five (5) members of the Board of Ethics have been appointed. Such Board will elect one of its members to serve as Chairman.

The members of the Board of Ethics shall serve without compensation. The Governing Authority of the City shall provide meeting space for the Board of Ethics. Subject to budgetary procedures and requirements of the City, the City shall provide the Board of Ethics with such supplies and equipment as may be reasonably necessary for it to perform its duties and responsibilities.

The City Attorney is designated to be the legal advisor of the Board, except that the City Attorney is not authorized to represent the Board in any legal action if doing so would create a conflict, which would prevent the City Attorney from also representing the Mayor, The City Manager, or the governing body.

The City Clerk shall serve as the recording secretary to the Board and shall provide such administrative services to the Board as may be necessary.

**(b) The constituted Board of Ethics shall have the following duties and powers:**

- (1) To hold a public hearing within sixty (60) days after the receipt of complaint;
- (2) To receive and hear complaints of violations of the standards required by this ordinance;
- (3) To make such investigation and response to a complaint as it deems necessary to determine whether any person has violated any provisions of this Ordinance;
- (4) To hold such hearings and make such inquiries as deemed necessary to investigate and rule upon complaints;
- (5) Recommend any legislative or administrative action regarding the City's policies and practices which the Board believes would or could enhance the ethical environment in which public servants work;
- (6) To report its findings to the City Council for such action as the Governing Authority deems appropriate.
- (7) Upon completion of its investigation of a complaint, the ethics committee shall be empowered to dismiss those complaints which are unjustified, frivolous, patently unfounded or which fail to state facts sufficient to invoke the disciplinary jurisdiction; 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.

**(c) Penalty and Member Rights.**

- (1) The City Council at its next regular meeting not less than 15 days after the Board of Ethics makes its report, shall act upon the report either by censuring or reprimanding the official/employee, or, in its discretion, by taking no further action.
- (2) At any hearing held by the Board of Ethics, the official or employee who is the subject of inquiry shall have the right to written notice of the allegations at least 10 business days before a hearing, to be represented by counsel, to hear and examine the evidence and

witnesses and to present evidence and witnesses in opposition or in extenuation.

**(d) Appeals.**

- (1) Any official, employee or complainant adversely affected by these findings of the Board of Ethics may obtain judicial review of such decision.
- (2) An action for judicial review may be commenced by filing an application for a writ of certiorari in the Superior Court of Fayette County within thirty (30) days after the final decision by the Mayor and City Council. The filing of such application shall act as supersedes.

**(e) Advisory opinions.**

When any official or employee has a doubt regarding the applicability of any provision of this article to a particular situation, or regarding the definition of its terms, he may apply in writing to the city attorney for an advisory opinion. The advisory opinion shall be written, and may be provided directly to the requestor of such opinion. Nothing in this ordinance shall be construed to prohibit a request for an informal opinion by any public servant for the City Attorney regarding a potential conflict of interest. Neither a request for an informal opinion, nor the making of a statement concerning a potential conflict of interest made by a member of the governing body in the course of abstaining from voting shall create a presumption or inference that a public servant actually has a personal interest in the matter about which the opinion was requested.

Such opinion until amended or revoked shall be binding on the city, the city council, and the city attorney in any subsequent actions concerning the official or employee who sought the opinion and acted on it in good faith, unless material facts were omitted or misstated in the request for the advisory opinion. Such opinion, however, shall not be binding in any action initiated by any private citizen.

Any advisory opinion prepared by the city attorney shall be made public.

**Section 62-91. Distribution.**

The Personnel Manager shall cause a copy of this article to be distributed to every official and employee of the city within 30 days after its enactment. Each official

and employee elected, appointed or otherwise hired thereafter shall be furnished a copy before entering upon the duties of his office or employment.

**Section 62-92. Construction, application.**

- (a) This article shall be construed liberally to effectuate its purposes and policies and to supplement such existing laws as may relate to the conduct of the persons made subject to this article.
- (b) This article shall in no way be construed as creating an employment contract between the city and its officials and employees. Nevertheless, any official or employee affected by this article shall be required to affirm in writing that he has received a copy of this article and has read it and understands its provisions.
- (c) The propriety of any official act or action taken by or transaction involving any official or employee immediately prior to the time this article shall take effect shall not be affected by the enactment of this article.
- (d) The provisions of this article are severable; and if any of its provisions shall be held unconstitutional or invalid by a court of competent jurisdiction, the decision of the court shall not affect or impair any of the remaining provisions.

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed in their entirety. Done, Ratified and Passed this 20<sup>th</sup> day of January, 2000.

Robert P. L...  
Mayor  
Carol A. Fritz  
Dennis McMenamin  
Art S. Brooks  
James H. Hume

Attest:

[Signature]  
City Clerk