

AN ORDINANCE

AMENDING Marietta Code Section 1-14-2-010 entitled "Definitions."

NOW THEREFORE, THE MAYOR AND COUNCIL OF THE CITY OF MARIETTA, GEORGIA, HEREBY ORDAINS:

Section 1. The Code of Ordinances of the City of Marietta, Georgia, Section 1-14-2-010 shall be amended to read as follows:

1-14-2-010 - 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:

A. "Board member" shall mean any member appointed by the mayor and/or council and serving the City of Marietta on any board or commission.

B. "Business" or "business entity" means any entity, regardless of form, whether or not operated for profit, including, but not limited to, any corporation, general or limited partnership, sole proprietorship, joint venture, association, franchise, firm, institution, trust, person or foundation.

C. "Actual Knowledge" is knowledge of facts that a person has.

D. "Direct contractual interest" is defined as any direct interest that the elected official has in a contract regarding an individual item that is being considered by the city council and from which the elected official receives direct monetary value or other direct financial benefit from such contract that is directly affected by the elected official's vote on said item.

E. "District wide" means an ordinance, motion or action which affects an entire category or matter such as a zoning category, a TAD district or a category that encompasses an area or matter that is greater than an individual property.

F. "Elected official" shall be any person who is an elected city official with the City of Marietta and shall mean the elected members of the city council and the mayor.

G. "Employee" or "public employee" means any person, employed full-time or part time by the City of Marietta government or any City of Marietta agency. Appointees of boards and commissions of the City of Marietta shall be considered public employees for the purposes of this section.

H. "Employment interest" means a situation where the elected official is employed by a person or entity or the subsidiary of an entity that is seeking a contract or action from the City of

Marietta. Excluded from this definition is employment of an elected official by another governmental entity.

I. "Fair market" value as applies to real estate means the appraised value of the property for ad valorem tax purposes.

J. "Financial interest" means all direct ownership interests:

1. Of any business or subsidiary thereof or investment, exclusive of the individual stocks and bonds in mutual funds, in which the elected official owns a direct ownership interest which interest:
 - a. Is more than five percent of the total interests in such business or investment, exclusive of the individual stocks and bonds in mutual funds; or
 - b. Has a net fair market value of more than \$10,000.00.
2. In real property with or without improvements thereto owned and/or controlled and/or managed by the elected official having a fair market value of more than \$10,000.00;
3. Which is directly held by a trust of which the elected official is the trustee of or acting trustee or executor of a will or administrator of an estate and:
 - a. Where the elected official has actual knowledge of such ownership interest;
 - b. Where said trust is for a member of the family of the elected official; and
 - c. Where the trust owns a direct ownership interest which interest:
 - 1) Is more than five percent of the total interests in such business or investment, exclusive of the individual stocks and bonds in mutual funds;
 - 2) Has a net fair market value of more than \$10,000.00.
4. In real property in the State of Georgia having a fair market value of more than \$10,000.00 which is directly held by a trust of which the elected official is the trustee of or acting trustee or beneficiary of the trust or personal representative of an estate and:
 - a. Where the elected official has actual knowledge of such ownership interest; and
 - b. Where said trust is for a member of the family of the elected official.
5. Where such ownership interest is directly held by an individual the elected official has or is acting under power of attorney for financial affairs in a fiduciary capacity and:
 - a. Where the elected official has actual knowledge of such ownership interest;
 - b. Where said ownership interest owned by the individual is covered by the power of attorney;
 - c. Where said power of attorney is for a member of the family of the elected official; and
 - d. Where the individual for which the elected official has or is acting under power of attorney owns a direct ownership interest which interest:
 - 1) Is more than five percent of the total interests in such business or investment, exclusive of the individual stocks and bonds in mutual funds;
 - 2) Has a net fair market value of more than \$10,000.00.
6. In real property in the State of Georgia having a fair market value of more than \$10,000.00 where:
 - a. The elected official has actual knowledge of such ownership interest;
 - b. Where such ownership interest is directly held by an individual the elected official has or is acting under power of attorney for;
 - c. Where said power of attorney is for a member of the family of the elected official; and
 - d. Where said real property owned by the individual is covered by the power of attorney.

7. In any business or subsidiary thereof or investment, exclusive of the individual stocks and bonds in mutual funds, in which the combination of ownership interest of 1., 3. and 5., above, owns a direct ownership interest which interest:
- Is more than five percent of the total interests in such business or investment, exclusive of the individual stocks and bonds in mutual funds; or
 - Has a net fair market value of more than \$10,000.00; or
8. Where the combination of ownership interest of all ownership interests of a parcel of real estate owned as covered by 2., 4. and 6., above, where such ownership interest by any combination of the above is equal to or greater than \$10,000.00.
- "Interest(s)" means any legal or equitable economic interest as defined above, whether or not subject to an encumbrance or a condition, which was owned or held, in whole or in part, jointly or severally.

K. "Government or city" shall be construed to mean the City of Marietta, Georgia, government.

L. "Member of the family" means the spouse, mother, father, brother, sister, son, daughter, stepchildren of an elected official, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, step-sibling/blood-siblings or step children-in-law of an elected official. However, where one or more of the above are not known to the elected official in such relationship capacity, they shall not be considered a member of the family for purposes of this definition.

M. "Person" includes any individual, employee, appointee, entity or trust.

N. "Participate" means to take part in official act(s), action(s) or proceeding(s) as an elected official through approval, disapproval, decision or the performance of an official duty as an elected official. It does not include action(s) taken in the individual's private capacity and/or in a nonelected official capacity or the individual's appearance before a board of the city or dealing with employees of the city in such capacity as any other public citizen would in dealing with their individual business or individual interests.

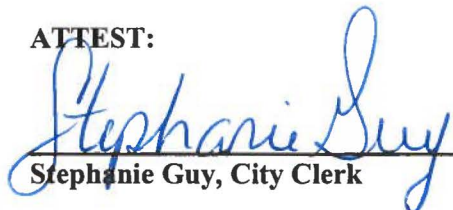
Section 2. This Ordinance shall become effective upon the signature or without the signature of the Mayor subject to Georgia laws 1983, Page 4119.

Section 3. All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

DATE: March 14, 2018

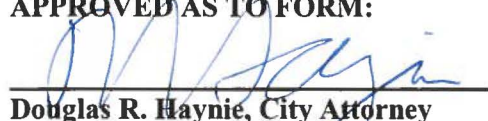
APPROVED:

ATTEST:


Stephanie Guy, City Clerk


R. Steve Tumlin, Mayor

APPROVED AS TO FORM:


Douglas R. Haynie, City Attorney