

**City of Dahlonega
Ethics Resolution for the City of Dahlonega
Council Members and Employees**

**A Resolution Establishing A Standard of Ethics For The City Of Dahlonega;
Defining Terms; Establishing Legislative Intent; Setting Ethical Guidelines For
Both Council Members and Employees**

Be it resolved by the City Council of Dahlonega and it is so resolved by the authority thereof that this resolution shall set ethical guidelines for the City Council and City Employees in the conduct of their duties:

General Provisions

Section 1. Definitions.

- (a) Employee shall be any person who is a fulltime or part-time employee of the City of Dahlonega.
- (b) City Council Member or Member of the Governing Authority shall be any person who is an elected City official, including the Mayor, of the City of Dahlonega.
- (c) Government, Governing Authority or City shall be construed to mean the City of Dahlonega, Georgia government.
- (d) Negligible value when used in this resolution shall mean something having a monetary value of not more than one hundred dollars (\$100.00).

Section 2. Intent.

It is the intent of this resolution that City Council Members and Employees avoid any action whether or not specifically prohibited which might result in, or create the appearance of the following:

- (1) using public office for private gain;
- (2) impeding government efficiency or economy; or
- (3) affecting adversely the confidence of the public in the integrity of the government.

Article A

Standards for Council Members

Section 3. Acceptance of gifts.

City Council Members shall not solicit or accept directly or indirectly anything of greater than negligible 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 of Dahlonga;
- (2) in exchange for the thing of value seeks to have a Council Member exercise a matter of discretion in his or her favor;
- (3) in exchange for the thing of value seeks to have interests which may be affected by the performance or nonperformance of the official duty of the Council Member;

This section shall not apply to campaign contributions which shall be reported in accordance with Georgia Laws, and for the purposes of this section incidental acceptance of gifts without evidence of unethical intent in amounts not exceeding \$100.00 in value shall be deemed excluded from the activity proscribed above.

Section 4. Financial interests of members.

City Council Members 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 Council Members are free to engage in lawful financial transactions to the same extent as private citizens.

"Interest" means any direct pecuniary benefit, which is not a remote interest held by 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:

- (1) Any person in the member's immediate family;
- (2) 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 or services in the normal course of business for which the member has paid a commercially reasonable rate;
- (3) Any business in which the member is a director, officer, employee, agent, or shareholder, except as otherwise provided herein; or
- (4) Any person of whom the member is a creditor, whether secured or unsecured.

Section 5. Use of public property.

A City Council Member shall not use government property of any kind for other than officially approved activities, nor shall he or she direct employees to use such property for these purposes.

Section 6. Use of confidential information.

A City Council Member 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.

Section 7. Coercion by Council Members.

A City Council Member shall not 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 8. Voting in matters of personal interest.

A City Council Member shall not vote on an ordinance or amendment in a City Council meeting that would directly affect his or her private business.

Section 9. Disqualification.

A Member of the Governing Authority shall disqualify himself/herself from participating in any official act or action of the City which results in a pecuniary benefit to the member or a business or activity in which he/she has an interest, when such benefit is not available to the public at large.

Section 10. Disclosure of Conflicts of Interest.

City Council members shall disclose the nature of any interest he/she has at the time such matter is presented to Mayor and Council for discussion. Such written or verbal statements shall be recorded into the minutes of the meeting and thus become part of the public record. Following any disclosure made pursuant to this section, the member shall refrain from all ex-parte communications with other members regarding the application in which he/she has an interest.

Section 11. Prohibited Contracts.

The City shall not enter into any contract involving services or property with a member of the Governing Authority or with a business in which a member of the Governing Authority 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 a Member of the Governing Authority, or with a business in which a member of the governing authority has an interest, provided that such contract is the result of a competitive bid, disclosure of the nature of such member's interest is made prior to the time any bid is submitted, and a waiver of the prohibition contemplated by this section is issued by the City Manager following disclosure.

Section 12. Unauthorized purchases.

A City Council Member shall not order any goods and services for the City of Dahlonega without prior official authorization for such an expenditure.

Section 13. Meetings of the Council.

Meetings of the Council shall be conducted in accordance with the Official Code of Georgia Annotated, Title 50, Chapter 14, as amended, and Title 36, Chapter 80, Section 1 as amended, as it applies to municipalities.

Section 14. City attorney used for private business.

A City Council Member shall not use the City Attorney of the City of Dahlonega without paying just compensation.

Section 15. Unauthorized use of public employees.

A City Council Member shall not use his superior position to request or require an 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; and
- (3) work for him personally without offering just compensation.

Section 16. Travel expenses.

A City Council Member shall not draw per diem or expense monies from the City of Dahlonega to attend a seminar, convention, or conference and then fail to attend the seminar, convention, or conference without refunding the pro-rata unused per diem or expense monies to the City except for illness or other circumstances in which the demanding of a refund would be unjust.

Section 17. Penalties.

The standards of ethics to be observed by City Council Members are set forth above and any violation thereof shall subject the offender to disciplinary action which may include a penalty in the nature of a warning imposed by the grievance committee of the City Council, and if determined by the City Council to require a penalty greater than a warning, then penalties available shall be censure, public or private reprimand. Power to administer a greater punishment shall include power to administer the lesser.

ARTICLE B

Administration Of Ethics Complaints Regarding City Council Members

Section 18. Complaints.

Any person having a complaint against any City Council member for an alleged ethics violation shall file in writing a verified complaint setting forth the particular facts and circumstances which constitute the alleged violation against the Governing Authority. The complaint shall be filed with the Mayor, or in the event the complaint regards the Mayor, shall be filed with the Mayor Pro-Tem. Upon receipt of a complaint, the Mayor, or in the event the complaint regards the Mayor, the Mayor Pro-Tem shall appoint three members of Council, who, along with the City Attorney, shall constitute an investigating committee to determine whether the complaint sets forth significant facts and circumstances so as to warrant a hearing before the Board of Ethics. In the event the complaint does not set forth sufficient facts to constitute an alleged violation and is found unjustified, frivolous or patently unfounded, it shall be dismissed and the complainant notified immediately. In the event the complaint is found to state sufficient facts to warrant a hearing before the Board of Ethics, the Board shall be appointed as provided herein.

Section 19. Board of Ethics.

(a) Composition of the Board of Ethics:

(1) 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.

(2) The Mayor and Council Members shall each designate two (2) qualified citizens to provide a pool of fourteen (14) 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.

(3) The City Manager shall maintain a listing of these fourteen (14) qualified citizens. Should the investigating committee determine a complaint warrants a hearing before the Board of Ethics, the Mayor and Council, at the first public meeting after such determination, shall 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.

(4) 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, equipment and legal support services as may be reasonably necessary for it to perform its duties and responsibilities. The City Attorney shall initially respond to legal support issues, but may then designate such other legal counsel as in the opinion of the City Attorney may be appropriate in consideration of potential conflicts and in keeping with the Code of Professional Responsibility.

(b) 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 hold a hearing within sixty (60) days after the receipt of complaint. Failure to hold a hearing within the specified time shall result in dismissal of the complaint as to the transaction and shall prevent refiling if a complaint arises in the same incident for at least a period of six (6) months;

(3) To prescribe forms, approved by the City Attorney, for the disclosure required in this Ordinance and to make available to the public information disclosed as provided in this section;

(4) To receive and hear complaints of violations of the standards required by this ordinance;

(5) 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.

(6) To hold such hearings and make such inquiries as deemed necessary to investigate and rule upon complaints;

(7) To report its findings to the Governing Authority for such action as the Governing Authority deems appropriate.

Section 20. Additional regulations.

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

Section 21. Right to Appeal.

Any final decision by the City Council pursuant to this resolution shall be reviewable by the Superior Court of Lumpkin County. The review by the superior court shall be limited to an inquiry of whether there was any evidence before the City Council which supported the decision of the Council.

ARTICLE C

Conflict of Interest, Political Activities and Code of Ethics As To Employees Penalties and Methods of Enforcement

Section 22. Acceptance of gifts, gratuities, special privileges.

(a) Employees shall not, other than items of negligible value, 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 acceptance of articles of negligible value which are distributed generally nor to prohibit employees from accepting loans from regular lending institutions, it is particularly important that employees guard against relationships which might be construed as or give the appearance of favoritism, coercion, unfair advantage or collusion.

(b) Employees shall not use or attempt to use their position to secure an economic benefit or advantages, special privileges or exemptions for themselves or others including the use of knowledge obtained by through their employment or by virtue of their position.

(c) 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 payment 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.

Section 23. 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 of Dhlonega.

Section 24. Confidential information.

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.

Section 25. Conflict of Interest.

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

(b) Employees shall not transact any business in their official capacity 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 investment in any enterprise which will create a conflict or a perceived conflict between their private interest and the public interest.

Section 26. Political activity.

(a) No person employed by the City shall either publicly or otherwise hold himself out as a candidate in any City of Dahlonge election while holding employment with the City.

(b) City employees shall not take part in any political management or political campaigns in election of Mayor or any member of the City Council for the City of Dahlonge 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 he is 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 27. Limitations and approval requirement regarding outside employment.

(a) City employment shall be considered to be the primary employment of all full-time employees. No employee may engage in outside employment which will interfere with the interests of city service. Standards by which some employment is not acceptable include, but is not limited to:

- (1) illegal activity;
- (2) employment that by virtue of association will reflect upon the reputation of the City;
- (3) high hazard or fatiguing work which might detract from or reduce City performance.

(b) Prior to beginning any regularly scheduled outside employment, employees will obtain specific written approval from their City Manager or his designee on request forms which indicate the name of the outside employer, the nature of the work, schedule of days and hours of work, address and telephone number where the employee can be reached. Such information will become a part of the employee's official personnel record. Employees are required to obtain approval from their or his designee for any change in a previously

approved outside employment request.


(c) Any employee accepting or engaging in outside employment under the terms of this rule shall make arrangements with the outside employer to be available to respond immediately to any emergency call of duty whenever the City Manager or his designee shall determine that the employee's services are necessary.

(d) Employees sustaining injuries while engaged in outside employment are normally ineligible to receive benefits under the City's Worker's Compensation program. If an employee sustains an injury while engaged in outside employment, but is performing duties, within the scope of his city responsibilities, he may be eligible for partial City Worker's Compensation benefits.

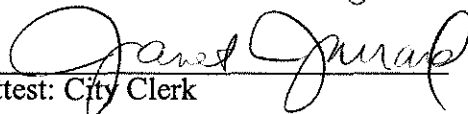
Section 28. Administration and Penalties.

Failure to comply with the provisions of this Section will result in disciplinary action consistent with the City of Dahlonga personnel policy.

It is so resolved this 12th day of July, 2004.



Mayor



Attest: City Clerk