AN ORDINANCE BY THE CITY COUNCIL OF

THE CITY OF EUHARLEE, GEORGIA

WHEREAS, the City Council of the City of Euharlee has determined it to be in the best interest of citizens of Euharlee to establish permissible and impermissible activities of elected officials and provide due process for violations; and

WHEREAS, the City Council subscribes to ethic principles indicating their desire to be a Certified City of ethics to promote good will with its citizens.

NOW, THEREFORE, be it ordained and established by the City Council of the City of Euharlee and by authority of said body, hereby establishes as follows:

Section 1:

The codifiers of the City Code, in their discretion, may determine what section and chapter of the City Code this Ordinance shall be placed. Therefore, this Ordinance is generally amendatory of the Code of Ordinances of the City of Euharlee, with the actual amendment codification to be made by the codifiers of the Municipal Code.

Code of Ethics for City Officials and Employees

Article A.

General Provisions

Section 1. Definitions.

(a) *Employee* shall be any person who is a full time or part-time employee of the City of Euharlee. (b) *City Official* shall be any person who is an elected official of the City of Euharlee. (c) *Government or City* shall be construed to mean the City of Euharlee, Georgia Government. (d) *Immediate Family* shall mean the employee or City official, spouse and children of said parties. (e) Thing of value shall not include gifts, food or beverage which the value thereof does not exceed $50.00 per meal or event.

Section 2. Acceptance of Gifts.

With exception of campaign contributions which shall be reported in accordance with Georgia Laws, no city official shall solicit or accept directly or indirectly anything of 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 Euharlee; (2) in exchange for the thing of value seeks to have a city official 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 non-performance of the official duty of the city official, accomplished, defeated, deferred or otherwise acted upon.

Section 3. Intent.

It is the intent of this section that City officials avoid any action whether or not specifically prohibited by Section 2 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; or
(4) purposefully or intentionally violating laws involving moral turpitude as defined by Georgia law.

Section 4. Financial interests of members.

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

Section 5. Use of Public Property.

A city official shall not use city government property of any kind for other than officially approved activities, nor direct employees to use such property for the personal purposes of such official.

Section 6. Use of Confidential Information.

A city official 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 City Official.

A city official 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 an official has business or financial ties.

Section 8. Voting in matters of personal interest.

A city official shall not vote on an ordinance or amendment in a meeting that would directly affect his or her private business, business interests, property; nor such interests of his immediate family.

Section 9. Unauthorized Purchases.

A city official shall not order any goods and services for the City of Euharlee, nor obligate city funds for any payment, without prior official authorization for such an expenditure.

Section 10. 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 11. City Attorneys used for Private Business.

A city official shall not use the attorney or attorneys who are under retainer by the City of Euharlee for personal or private business without paying just compensation.

Section 12. Unauthorized use of Public Employees.

A city official 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;
(3) work for him personally without offering just compensation; and/or
(4) perform work allegedly for the benefit of the City without prior official authorization.

Section 13. Travel Expenses.

A city official shall not draw per diem or expense monies from the City of Euharlee 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.

Section 14. Penalties.

The code of ethics to be observed by city officials and employees are set forth herein, and any violation thereof, shall subject the offender to disciplinary action which may include censure and either public or private reprimand. Power to administer a greater punishment shall include power to administer the lesser.

ARTICLE B.

Administration

Section 1. Hearing Examiner

(a) A Hearing Examiner shall be selected by the Mayor and the City Council. The Hearing Examiner shall be an attorney in good standing, be licensed to practice law in Georgia, and have practiced law for at least three (3) years. The City Council shall advertise for candidates for the position in the same manner the Council uses in seeking applicants for other City positions.

(b) The Hearing Examiner shall be paid his/her customary hourly rate for those hours spent in performing the work required to review, investigate, and resolve a complaint and to testify in any hearing arising out of a disputed complaint.

(c) The Hearing Examiner shall be empowered to create or adopt forms for formal complaints, subpoenas, notices, applications for reinstatement and any other written instruments necessary or desirable to a just and thorough determination.

(d) The Hearing Examiner currently appoint and selected by the Mayor and Council shall serve as the Hearing Examiner therefor until a successor is appointed.

Section 2. Receipt of Complaints; Initial Review of Complaints

(a) All complaints shall be filed with the Hearing Examiner. The Hearing Examiner may require that oral complaints and complaints illegibly or informally drawn, be reduced to a memorandum of complaint in such form as may be prescribed by the Hearing Examiner. A copy of any filed complaint shall be forwarded to the party against whom the complaint is filed.

(b) Upon receipt of a complaint in proper form, the Hearing Examiner shall review the complaint to determine whether the complaint is unjustified, frivolous, patently unfounded or fails to state facts sufficient to invoke additional review.

(c) If the Hearing Examiner determines that the complaint is unjustified, frivolous or patently unfounded, the Hearing Examiner shall so inform the party filing the complaint, the City Council, and the party against whom the complaint was filed.

(d) If the Hearing Examiner determines that the party filing the complaint has failed to provide information sufficient to invoke the disciplinary jurisdiction of the City Council, the Hearing Examiner shall so inform the party filing the complaint and request additional, relevant information. In the event no additional, relevant information is offered, the Hearing Examiner shall inform the party filing the complaint, the City Council, and the party against whom the complaint was filed that there is insufficient information to invoke the disciplinary jurisdiction of the City Council.

(e) The rejection of the complaint by the Hearing Examiner shall not deprive the party filing the complaint of any action otherwise available at law or in equity against the respondent government official or employee.

Section 3. When a possible violation of the City's Code of Ethics may exist

(a) When, after initial review, the Hearing Examiner determines that a violation of the City's Code of Ethics may have occurred, the Hearing Examiner shall appoint a committee of up to three (3) members who are adult residents of the City in good standing, and who have no familial or business connection with the party against whom the complaint is filed. The committee members shall serve for the time necessary to make a determination of the validity of the complaint and, if the complaint is found to be valid, to make written findings and to transmit the same to the City Council. Committee members shall receive no pay for their service, but may be reimbursed for any expenses legitimately incurred while they are serving as committee members.

(b) The committee shall assist the Hearing Examiner in determining whether the complaint involves a violation of the City's Code of Ethics. To do so, committee members shall review the complaint and the contents of any file created by the Hearing Examiner; shall be empowered to subpoena parties and collect evidence and information concerning the complaint; and to add its findings and the results of its investigation to the file.

(c) In the event the committee determines by a majority vote that the complaint is unjustified, frivolous, or patently unfounded, it shall dismiss the complaint and inform the

party filing the complaint, the City Council, and the party against whom the complaint was filed.

(d) The rejection of the complaint by the committee shall not deprive the party filing the complaint of any action otherwise available at law or in equity against the respondent government official or employee.

(e) In the event the committee determines that a violation of the City's Code of Ethics has occurred or may have occurred, the Hearing Examiner shall so inform the party against whom the complaint has been filed, the City Council, and the party filing the complaint.

(f) No sooner than 21 days after informing all concerned parties, the committee shall hold a hearing with the Hearing Examiner as Chair, take evidence, and subpoena all parties who may reasonably be expected to have knowledge of the facts alleged in the complaint. The party against whom the complaint was filed shall be able to present witnesses and evidence at such hearing.

(g) Upon completion of the hearing and the presentation of all witnesses and information relevant to the complaint, the committee shall determine whether there was a violation of the City's Code of Ethics.

(h) In the event the committee determines there was no violation, the complaint shall be dismissed and the committee shall so inform the party filing the complaint, the City Council, and the party against whom the complaint was filed.

(i) In the event the committee determines there was a violation warranting disciplinary action, it shall make written findings and recommendations which shall be transmitted to the City Council, and the party against whom the complaint was filed and the party filing the complaint.

(j) The City Council shall make the final determination of whether or not a violation warranting disciplinary action occurred, giving due regard to the findings of the Hearing Examiner and the committee. In the event the City Council elects to have a hearing, it shall take notice of the findings of the Hearing Examiner and the committee and

shall take testimony and evidence from the Hearing Examiner and the committee members as well as from the party against whom the complaint was filed.

Section 4. Additional regulations - This chapter shall be cumulative to any other ordinance, resolution or act now existing.

Section 5. Right to Appeal.

Any final decision by the City Council pursuant to the amended Code of Ethics for City of Euharlee's officials and employees shall be reviewable by the Superior Court of Bartow County. Review by the Superior Court shall be limited to an inquiry of whether there was any evidence before the City Council which supported its decision; provided, however, that no decision of the City Council refusing or failing to take action pursuant to the City's Code of Ethics as amended shall be reviewable by the Superior Court.

Section 6. Conflict of Interest.

In addition to the prohibition in Section 3 (a) above, the Hearing Examiner and committee members shall not knowingly engage in any business or transaction or have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his/her official duties or which would tend to impair his/her independence of judgment or action in the performance of his/her official duties.

ARTICLE C.

Conflict of Interest, Political Activities and Code of Ethics

Section 1. Acceptance of Gifts, gratuities, special privileges.

(a) Employees and city officials shall not 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 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) 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 or 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 engaagements, consulting, honorariums) when such activities are done on city time or when such services pertain to the purchase or sale of city property.

Section 2. 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 Euharlee.

Section 3. 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 4. Conflict of Interest.

(a) If an employee of the City is an officer, director, agent or member of, or owns any interest in an 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) Employee 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.

(d) This prohibition shall extend to employees, City officials and their immediate family.

Section 5. Political Activity.

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

(b) City employees shall not take part in any political management or political campaigns for elections of the City Council for the City of Euharlee 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.

ARTICLE D.

Outside Employment

Section 1. Limitations and Approval Requirement.

(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 the City Manager or his designee on request forms which indicate the name of the outside employer, the nature of the work, 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 the City Manager 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 whatever the City 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 (i.e., a police arrest), he may be eligible for partial city Worker's Compensation benefits.

(e) Failure to comply with the provisions of this section will result in disciplinary action.

ADOPTED AND APPROVED by the City Council of the City of Euharlee on this 3RD day of April, 2012, at a regular meeting thereof.

APPROVED:

By: Kathy S. Foulk
Kathy Foulk, Mayor

ATTEST:

Brenda B. King
City Clerk

[SEAL]

A RESOLUTION OF THE CITY OF EUHARLEE

WHEREAS, the Board of Directors of the Georgia Municipal Association has established a Certified City of ics program; and,

WHEREAS, the City of Euharlee wishes to be certified as a Certified City of Ethics under the GMA Program; and,

WHEREAS, as part of the certification process requires the Mayor and City Council to subscribe to the ethics principles approved by the GMA Board,

NOW, THEREFORE BE IT RESOLVED by the governing authority of the City of Euharlee, Georgia that as a group and as individuals, the governing authority subscribes to the following ethics principles and pledges 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
- Create An Environment of Honest, Openness, and Integrity

RESOLVED THIS 6th day of March, 2012

Kathy S. Foulk, Mayor

Sammy L. Carden, Council Member

Craig B. Guyton, Council Member

Joseph C. Turner, Council Member

Steve D. Worthington, Council Member

ATTEST:

Brenda B. King

Brenda B. King, City Clerk