

Jasper County Ethics Policy

Adopted – July 7, 2008

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Sec. 1. - Purpose.

The proper operation of democratic government requires that the public officials and employees be independent, impartial and responsible to the people; the government decisions and policy be made through proper channels of the governmental structure; public office not be used for personal gain; the public officials and employees be free from the appearance of impropriety; and that the public have confidence in the integrity of its government. In recognition of these goals, a code of ethics for all county officials and employees is adopted. The purpose of this policy is to establish ethical standards of conduct for all such officials and employees by setting forth those acts or actions that are incompatible with the best interests of the county and by directing disclosure by such officials and employees of private, financial or other interests in matters affecting the county.

Sec. 2. - 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:

Business entity means any business, proprietorship, firm, partnership or person, in either a representative or a fiduciary capacity, association, venture, trust or corporation.

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

County official or official means the county board of commissioners, county manager, county attorney and his assistants and any county employee who has been appointed to the position by either

the county manager or the board of commissioners acting independently or jointly and any member of any other county board of authority.

Employee means and includes all those persons employed on a regular or part time basis by the county, as well as those persons whose services are retained under the terms of a contractual agreement with the county.

Immediate family means an official or employee and the spouse of an official or employee, their parents, children, brothers and sisters related by blood or marriage.

Interest means direct or indirect pecuniary or material benefit accruing to a public officer, official 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 with the county, except for such contracts or transactions which, by their terms and by the substance of their provisions, confer the opportunity and right to realize the accrual of simple benefits to all persons and/or property similarly situated. For purposes of this policy, a county official or employee shall be deemed to have an interest in the affairs of:

- (1) His immediate family;
- (2) Any person or business entity with whom a contractual relationship exists with the county official or employee;
- (3) Any business entity in which the county official or employee is an officer, director or member having a financial interest in, or employed by it;
- (4) Any business entity as to which the stock, legal ownership or beneficial ownership of a county official or employee is in excess of five percent of the total stock or total legal and beneficial ownership, or which is controlled or owned directly or indirectly by the county official or employee.

Official act or action means any legislative, administrative, appointive or discretionary act of any official or employee of the county or any agency, board, committee, authority or commission thereof.

Reprimand means an oral or written disciplinary measure as defined on page 28 of the Jasper County Personnel Policy.

Sec. 3. - Standards.

- (a) Interest in contract or transaction. No county official or employee having the power or duty to perform an official act or action related to a contract or transaction which is or may be the subject of an official act or action of the county shall:
 - (1) Have or thereafter acquire an interest in such contract or transaction;

- (2) Have an interest in any business entity representing, advising or appearing on behalf of, whether paid or unpaid, any person involved in such contract or transactions;
 - (3) Have solicited or accepted present or future employment with a person or business entity involved in such contract or transaction; or
 - (4) Have solicited, accepted or granted a present or future gift, favor, service or thing of value from or to a person involved in such contract or transaction, except as provided herein.
- (b) Preacquisition of interest. No county official or employee shall acquire an interest in or be affected by a contract or transaction which is or may be the subject of an official act or action of the county at a time when the public employee believes or has reason to believe that such contract or transaction will be directly or indirectly affected by an official act or action of the county.
- (c) Disclosure of information. No county official or employee shall without proper legal authorization, disclose confidential information concerning the property, government or affairs of the county, or use such information to advance the financial or other private interest of himself or others.
- (d) Incapable service. No county official or employee shall engage in or accept private employment or render service for any private entity, unless approved in writing by such employee's or official's department head or superior. The standards used for approval or disapproval of employment shall be based on whether the outside employment will or can cause a conflict of interest with the employee's or official's employment with the county and whether it will cause interferences with the efficient performance of an employee's or official's duty with the county.
- (e) Appearance. No county official or employee shall appear on behalf of any private person other than himself, his spouse or minor children, before any county agency, authority or board. However, a member of the board of commissioners may appear before such groups 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.
- (f) Public property. No county official or employee shall request or permit the unauthorized use of county-owned vehicles, equipment, materials or property for personal convenience or profit.
- (g) Special treatment. No county official or employee shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen in the same or similar circumstances.
- (h) Later case interest. No county official or employee shall, after the termination of service or employment with the county, accept remuneration of any kind for any appearance before any

board, commission, committee, agency or authority of the county on behalf of any adverse party in relation to any case, proceeding or application in which he personally participated during the period of his service or employment, which was under his active consideration during the period of his service or employment, or as to which he could have acquired knowledge or information during the period of his service or employment.

- (i) Political recrimination. No county official or employee, whether elected or appointed, shall promise an appointment to ^{or} threaten the dismissal from any county position as a reward or punishment for any political activity.
- (j) Withholding of information. No county official or employee shall knowingly withhold any information that would impair the proper decision making of any of the county board, authorities, agency or commissions.
- (k) Payment of debts. All county officials and employees shall settle all accounts between them and the county, including the payment of taxes, in a timely fashion.
- (l) Organizational integrity. County commissioners, as policy makers, shall refrain from unduly interfering in the daily administrative affairs of department supervisors. Commissioners shall not, acting alone, make suggestions to the department supervisors or other employees, except the county manager, regarding the hiring, firing or disciplining of county employees, unless requested to do so by the department director.

Sec. 4. - Exceptions.

- (a) It shall not be deemed a violation of the standards of this policy if the interest of a county official or employee in a person or business entity is a contractual obligation of less than \$500.00 which has not been preceded by any other obligation, discharged or existing, between the parties and which is not the first in a series of two or more loans or debts which either of the parties is under any obligation to make or incur.
- (b) The following shall not be deemed a violation of the standards of this policy:
 - (1) Legitimate salary, benefits, fees, commissions or expenses associated with an official's or employee's non-public business;
 - (2) An award, plaque, certificate, memento or similar item given in recognition of the official's or employee's civic, charitable, political, professional or public service;
 - (3) Food, beverages and registration at group events to which all similarly situated employees or officials are invited;
 - (4) Actual and reasonable expenses for food, beverages, travel, lodging and registration for a meeting which are provided to an official or employee so that he may participate or speak at the meeting;

- (5) A commercially reasonable loan made in the ordinary course of business;
- (6) Any gift with a total value less than \$100.00 in any calendar year;
- (7) Promotional items generally distributed to public officials;
- (8) A gift from a member of the public official's immediate family; or
- (9) Food, beverage or expenses afforded public officials or employees and members of their immediate families, or others that are associated with normal and customary business or social functions or activities.

(c) It shall not be deemed a violation of the standards of this policy if a county official or employee, in his capacity as such official or employee, participates in the making of a contract even if such official or employee has a private pecuniary interest or performs in regard to that contract some function requiring the exercise of discretion on his part, if:

- (1) The contract is awarded through a process of public notice and competitive bidding; or
- (2) The board of commissioners at regular meeting, after determining that it is in the best interest of the county to do so, authorizes the participation.

Sec. 5. - Disclosure of interest in legislative action.

- (a) Any member of the board of commissioners who has financial or personal interest in any proposed legislation before the commission shall immediately disclose on the record the nature and extent of such interest.
- (b) Any other official or employee who has a financial or personal interest in any proposed legislative action of the board of commissioners and who participates in discussion with or gives an official opinion or recommendation to the commission, shall disclose on the record the nature and extent of such interest.

Sec. 6. - Abstentions.

A county official or employee who has an interest that he has reason to believe may be affected by an official act or action shall abstain from any participation in the same.

Sec. 7. - Ethics panel.

- (a) **Procedure.** Any person having a complaint against an officer, official or employee of the county of this division shall file in writing a verified complaint setting forth the particular facts and circumstances which constitute the alleged violation. The complaint shall be filed with the county manager. In the event the complaint regards the county manager, it shall be filed with the commission chairman. Upon receipt of a complaint, the county manager, or in the event the complaint regards the county manager, the commission chairman shall appoint three members of the commission, who, along with the county 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.

- (b) **Composition of the board of ethics.** The board of ethics shall be composed of the following:
- (1) The board of ethics of the county shall be composed of five residents of the county to be appointed as provided in subsections (b)(2) and (b)(3) of this section. Each member of the board of ethics shall have been a resident of the county for at least one year immediately preceding the date of taking office, and shall remain a resident of the county while serving as a member of the board of ethics if the person has, or has had within the preceding one year period, any interest in any contract, transaction or official action of the county. ?
 - (2) The board of commissioners shall each designate two 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 years to be called upon to serve in the event a board of ethics is appointed.
 - (3) The county clerk shall maintain a listing of these ten qualified citizens. Should the investigating committee determine a complaint warrants a hearing before the board of ethics, the board of commissioners, at the first public meeting after such determination, shall draw names randomly from the listing of qualified citizens until the specified five (7?) members have been appointed. The board of ethics 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 county shall provide meeting space for the board. Subject to budgetary procedures and requirements of the county, it shall provide the board of ethics with such supplies and equipment as may be reasonably necessary for it to perform its duties and responsibilities.
- (c) **Duties and powers.** The 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 60 days after the receipt of a complaint. Failure to hold a hearing within the specified time shall result in dismissal of the complaint as to the transaction and shall prevent refile if a complaint arises in the same incident for at least a period of six months;
 - (3) To prescribe forms, approved by the county attorney, for the disclosure required in this article and to make available to the public information disclosed as provided in this article;
 - (4) To receive and hear complaints of violations of the standards required by this article;

- (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 article;
 - (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. (TOOTHLESS TIGER)
- (d) Service of complaint; hearings and disposition of complaints. The board of ethics, as appointed herein set forth, shall cause the complaint to be served on the member of the governing authority charged as soon as practicable. Service may be by personal service or by certified mail, return receipt requested. A hearing shall be held within 60 days after filing of the complaint. The board of ethics shall conduct the hearing in accordance with the procedures and regulations it establishes but, in all circumstances, the hearing shall include the taking of testimony and the cross examination of witnesses. The decision of the board of ethics shall be rendered to the board of commissioners within five days after completion of the hearing.
- (e) Penalty and member rights.
- (1) Any member of the governing authority who knowingly violates any provision of this division shall be subject to public reprimand or censure by the governing authority of the county.
 - (2) At any hearing held by the board of ethics, the member of the governing authority who is the subject of inquiry shall have the right to written notice of the allegations at least ten 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.
- (f) Appeals.
- (1) Any member of the governing authority or the complainant adversely affected by these findings of the board of ethics may obtain judicial review of such decision as provided in this section.
 - (2) An action for judicial review may be commenced by filing an application for a writ of certiorari in the Superior Court of Jasper County within 30 days after the decision of the board. The filing of such application shall act as supersedes.
- (g) Enforcement. In the event that an ethics panel finds that a violation of the county code of ethics has occurred, the board of commissioners, at a public hearing within 30 days of the rendering of the panel's findings and recommendations, may by majority vote, decide that no action is to be taken, or may decide to take any action consistent with state law, including the censure, reprimand, discipline or termination of the official or employee. In the event that a member of the board of commissioners is a party under investigation, such commissioner shall not participate in any such decision.

Sec. 8. - Penalties.

- (a) Employees are subject to the following penalties and actions for a breach of this division:
- (1) Written warning or reprimand;
 - (2) Suspension without pay;
 - (3) Termination of employment;
 - (4) Recovery of value transferred or received by the county; and
 - (5) Cancellation of the contract or rejection of the bid or offer.
- (b) County officials are subject to the following penalties and action for breach of ethics:
- (1) Written warning or reprimand; *PENALTY
 - (2) Removal from office as provided by state law;
 - (3) Cancellation of the contract or rejection of the bid or offer;
 - (4) Recovery of the value transferred or received; and
 - (5) Debarment or suspension from award of county contract for a period of up to three years.

Sec. 9. - Distribution.

Each official and employee elected, appointed or engaged thereafter shall be furnished a copy of this division within his Jasper County Personnel Policies and Procedures before entering upon the duties of this office or employment.

Sec. 10. - Compliance with applicable laws.

No officer, official or employee shall engage in any activity or transaction that is prohibited by law, now existing or hereafter enacted, which is applicable to him by virtue of his office.

Sec. 11. - State code adopted by reference.

The code of ethics for government service established by O.C.G.A. §§ 45-10-1 and 45-10-3 are hereby adopted and incorporated by reference.

FOOTNOTE(S):
