• CHAPTER 12. - CODE OF ETHICS[8]

• Sec. 2-12001. - Purpose and intent.

The purpose of this Code of Ethics is to establish ethical standards of conduct for all covered officials of Spalding County by identifying acts or actions that are incompatible with the best interests of the community and the organization and by requiring disclosure by such covered officials of private financial, or other interests, in matters affecting the county.

Those covered officials are bound to observe in their official acts the highest standards of behavior and to faithfully discharge the duties and responsibilities of their office, regardless of personal considerations, recognizing that public interest must be their primary concern.

Covered officials shall not exceed their authority or breach the law or ask others to do so. They shall work in full cooperation with other public officials and unless prohibited from so doing by law or by the officially recognized confidentiality of their work.

(Ord. No. 2013-02, 3-4-13)

• Sec. 2-12002. - Definitions.

The following words, terms and phrases, when used in the Code of Ethics of Spalding County, shall have the meanings ascribed to them in this section:

1. **Code of Ethics** means the Code of Ethics of Spalding County.

2. **County** means Spalding County, Georgia.
Covered official means any member of the Board of Commissioners of Spalding County and any person who has been appointed to a position by the Board of Commissioners of Spalding County including, but not limited to, the county manager, the county clerk, and any member of the planning commission, the zoning board of appeals, or any other appointed board. The county attorney is subject to the ethical considerations and disciplinary rules enacted by the State Bar of Georgia, and is also considered a covered official insofar as the application of this chapter. However, enforcement shall be through the procedures as established by the State Bar of Georgia.

Gift means the transfer of anything of economic value, regardless of form, without adequate and lawful consideration. Gift also means a subscription, membership, loan, forgiveness of debt, advance or deposit of money or anything of value, conveyed or transferred.

Immediate family means parents, spouse, siblings, children, stepchildren, mothers-in-law, fathers-in-law, sisters-in-law, brothers-in-law, grandparents and aunts or uncles by blood or marriage.

Official acts means acts taken in the course of a member of the board of commissioners capacity as an elected member of the Board of Commissioners of Spalding County. Any act taken in performance of the duties of such a commissioner shall be deemed an official act.

Review board means the five (5) citizens of Spalding County who are chosen to conduct a public hearing based upon the complaint of unethical conduct by a commissioner. Their purpose is to make a factual determination whether or not a violation of the ethics ordinance has occurred. A quorum for the review board shall consist of three (3) members.

(Ord. No. 2013-02, 3-4-13)

• Sec. 2-12003. - Text of ethical considerations.

Notwithstanding any provisions of law to the contrary, each covered official of Spalding County shall:

Uphold the Constitution, laws and regulations of the United States, the State of Georgia, and all governments therein and never be a party to their evasion;
Never discriminate by the dispensing of special favors or privileges to anyone, whether or not for remuneration;

Not engage in any business with the government, or allow any member of his/her immediate family to engage in any business with the government, either directly or indirectly, which is inconsistent with the conscientious performance of his/her governmental duties;

Never use any information coming to him/her confidentially in the performance of governmental duties as a means for making private profit;

Expose corruption wherever discovered;

Never solicit, accept, or agree to accept gifts, loans, gratuities, discounts, favors, hospitality, or services from any person, association, or corporation for himself/herself, or any member of his/her immediate family, under circumstances from which it could reasonably be inferred that purpose of the donor is to influence the performance of the official's official duties. For gifts, loans, gratuities, discounts, favors, hospitality, or services solicited, accepted or agreed to accept under circumstances from which it cannot be reasonably inferred that a purpose of the donor was to influence the performance of the official's official duties, the following rules shall apply: A covered official shall publically disclose, prior to discussing or taking any official action or any matter involving the donor, any gift or campaign contribution (cash or in kind) received by him/her, or any member of his/her immediate family, greater than one hundred dollars ($100.00). (Receipt of gifts and campaign contributions valued at five hundred dollars ($500.00) or more by a covered official, or member of his/her immediate family, will prohibit the covered official from participating in or taking official action on any matter involving the donor);

Never accept any economic opportunity for himself/herself, or any member of his/her immediate family, under circumstances where he/she knows or should know that there is a substantial possibility that the opportunity is being afforded with intent to influence his/her conduct in the performance of his/her official duties. All business relationships, regardless of the dollar amount involved, between a covered official, or a member of his/her immediate family, with anyone having business with the county shall be publically disclosed prior to any discussion or official action being taken on the matter. Should the business relationship provide a covered official, or a member of his/her immediate family, with at least five hundred dollars ($500.00) on an annual basis, such covered official shall be prohibited from participating or taking official
action on any matter involving the person with whom such business relationship exists;

(8) Shall promptly pay when due all ad valorem taxes due to the City of Griffin, Spalding County and the Griffin Spalding County School System; and

(9) Shall promptly file any disclosure required by the State of Georgia for public officials as well as pay any fees or penalties which may be assessed by the State of Georgia within ninety (90) days of receiving official notice from the State of Georgia of such fees or penalties.

(10) Each covered official shall take an oath of office and shall covenant and agree to adhere to the provisions of this ethics ordinance.

(Ord. No. 2013-02, 3-4-13)

- Sec. 2-12004. - Procedure for alleged violations.

(a) Any alleged violations of this Code of Ethics must be submitted by a written, sworn complaint to the Clerk of the Board of Commissioners of Spalding County. Consistent with the open meetings laws, the board of commissioners shall review all complaints against covered officials, except those complaints filed against a member of the board of commissioners. Three (3) members of the board of commissioners must agree that a sufficient basis has been given to warrant a public hearing.

The board of commissioners shall conduct the public hearing to determine whether, based upon clear and convincing evidence, the covered official has violated the Code of Ethics. Covered officials are subject to the following penalties and actions for violations of this Code of Ethics:

(1) Written reprimand or public censure, which shall be printed in the Griffin Daily News and posted in the courthouse as well as the courthouse annex;

(2) In the event a covered official is not an elected official, then and in such event, such covered official may be removed from office for good cause shown. In the event the covered official desires to have a hearing on the matter, a hearing shall be afforded to
the covered official, if requested, within ten (10) days of the board of commissioners giving the covered official notice of its intent to remove him from his/her position;

(3)

In the event the covered official is a member of the board of commissioners, then he or she may be fined in an amount not to exceed one thousand dollars ($1,000.00) in addition to a written reprimand and/or public censure as provided in paragraph (1) above;

(b)

If a complaint is received by the clerk of the board of commissioners which alleges a prima facie violation of the Code of Ethics by a member of the board of commissioners, then and in such event, the remaining commissioners shall review the allegations, and in the event that three (3) commissioners agree that a prima facie violation of the ethics ordinance is presented, then an independent review board shall be convened. The review board will be comprised of citizens of Spalding County who have been nominated by a county commissioner to serve on the review board. The procedure for establishing a review board shall be as follows:

(1)

Each commissioner, at the beginning of his/her term, shall appoint three (3) citizens who are Spalding County residents and are registered to vote in Spalding County to be placed in a pool of citizens to serve as a review board.

(2)

In the event a review board needs to be convened, then and in such event, one (1) member of the review board shall be drawn from the three (3) citizens appointed by each commissioner. The first name chosen will be a member of the review board and a second citizen drawn from the remaining two (2) names shall serve as an alternate in the event that the first person chosen is unable or unwilling to serve. The county clerk shall draw such names and such drawing shall take place in open session. The five (5) people so chosen shall constitute the review board. Three (3) of those chosen shall constitute a quorum.

(3)

The citizens so appointed shall serve during the term of the commissioner who appointed them. At the expiration of his/her term or at such time as he is no longer a commissioner, they shall cease to serve as that commissioner's appointees. The appointing commissioner may discharge his/her appointees at any time and name other persons to serve in their place.

(c)

The review board will conduct a public hearing based upon the complaint. A majority vote of the review board members present shall determine whether or not a violation of the ethics ordinance has occurred. Upon reaching their decision, the review board shall submit to the county clerk their written findings whether or not a violation of this
ordinance has occurred. Upon the filing of said report, the review board shall have completed its duties under this ordinance and shall be discharged from service.

Any person who is aggrieved by the findings of the review panel shall have the right to seek a writ of certiorari to the Superior Court of Spalding County, Georgia.

In the event a violation of the ethics ordinance is determined by the review board to have occurred, then and in such event, a majority of the board of commissioners shall set a penalty as set out above.