

City of Temple Code of Ethics

ARTICLE A

General Provisions

Section 1-6001 Definitions.

- (a) *Employee* shall be any person who is a fulltime or part-time employee of the City of Temple.
- (b) *City council member* shall be any person who is an elected city official, including the mayor, of the City of Temple.
- (c) *Government or city* shall be construed to mean the City of Temple, Georgia government.

Section 1-6002 Acceptance of gifts.

City council members shall not 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 temple;
- (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.
- (4) This section shall not apply to campaign contributions which shall be reported in accordance with Georgia Laws.

Section 1-6003 Intent.

It is the intent of this section that city council members avoid any action whether or not specifically prohibited by 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.

Section 1-6004 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.

Section 1-6005 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 1-6006 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 1-6007 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 1-6008 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 1-6009 Unauthorized purchases.

A city council member shall not order any goods and services for the City of Temple without prior official authorization for such an expenditure.

Section 1-6010 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 1-6011 City attorneys used for private business.

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

Section 1-6012 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 1-6013 Travel expenses.

A city council member shall not draw per diem or expense monies from the City of Temple 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 1-6014 Penalties.

The code 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 censure and either public or private reprimand. Power to administer a greater punishment shall include power to administer the lesser.

ARTICLE B

Administration

Section 1-6021 Ethics committee.

The ethics committee shall consist of three (3) persons, one appointed by the mayor, one appointed by the council, and the third appointed by the two above named subject to approval by a majority of the city council. The third member of the ethics committee shall be a member in good standing of the State Bar of Georgia All members shall be residents of the City of Temple and shall serve a four (4) year term.

Section 1-6022 Receipt of complaints.

(a) All complaints against city council members shall be filed with the ethics committee. The ethics committee 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 Temple City Council.

(b) Upon receipt of a complaint in proper form, the ethics committee shall review it to determine whether the complaint is unjustified, frivolous, patently unfounded or fails to state facts sufficient to invoke the disciplinary jurisdiction of the Temple City Council. The ethics committee shall be empowered to collect evidence and information concerning any complaint and to add the findings and results of its investigations to the file containing such complaint.

(c) The ethics committee shall cause the complaint to be served on the person charged as soon as practicable but no later than 30 days before the hearing. Service may be by personal service or certified mail, return receipt requested. A hearing shall be held within 30 days of the filing of the complaint. The ethics committee shall conduct the hearing in accordance with its adopted procedures but in all circumstances the hearing shall include the right to be represented by legal counsel and the right to examine and present testimony and evidence.

(d) Upon completion of its investigation of a complaint, the ethics committee shall be empowered to dismiss those complaints which are unjustified, frivolous, patently unfounded or which fail to state facts sufficient to invoke the disciplinary jurisdiction of the Temple City Council; provided, however, that a rejection of such complaint by the ethics committee shall not deprive the complaining party of any action he might otherwise have at law or in equity against the respondent government servant.

(e) The ethics committee shall be empowered to conduct probable cause investigations, to take evidence and hold hearings where provided for in the rules.

(f) The ethics committee shall be empowered to adopt forms for formal complaints, subpoenas, notices, applications for reinstatement and any other written instruments necessary or desirable under these rules.

Section 1-6032 Additional regulations.

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

Section 1-6033 Right to Appeal.

Any final decision by the city council pursuant to this code of ethics for city council members shall be reviewable by the Superior Court of Carroll 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. Provided., however, no action of the city council refusing or failing to take action pursuant to this code of ethics shall be reviewable by the superior court.

Section 1.9 Conflict of interest.

No elected official, appointed officer, or employee of the city or any agency or political entity to which this charter applies shall 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 official duties or which would tend to impair his independence of judgment or action in the performance of his official duties. (Ga. L. 1977, p.3541, Sec. 1.9)

ARTICLE E

Conflict of Interest, Political Activities and Code of Ethics

Section 4.1061 Acceptance of gifts, gratuities, special privileges.

- (a) Employees 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 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 4-1062 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 Temple.

Section 4-1063 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 4-1064 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 4-1065 Political activity.

- (a) No person employed by the city shall either publicly or otherwise hold himself out as a candidate in any City of Temple 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 Temple 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.

Sections 4.1066 through 4.1070 reserved.

ARTICLE F

Outside Employment

Section 4-1071 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 their department head 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 their department head or his designee for any change in a previously approved outside employment request.

(c) Any employee accepting or engaging in out side 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 department head or his designed 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.

Sections 4.1072 through 4.1080 reserved.