

Fulton County Code of Ethics¹ - As Amended Through January __, 2018**Sec. 2-66. Declaration of policy and aspirational objectives.**

- (a) It is essential to the proper government and administration of Fulton County that members of the board of commissioners, as well as all other officers and employees of the county, are in fact and in appearance, independent and impartial in the performance of their official duties; that public service not be used for private gain; and that there be public confidence in the integrity of the county. Because the attainment of one or more of these ends is impaired whenever there exists in fact, or appears to exist, a conflict between the private interests and public responsibilities of county officers and employees, the public interest requires that the county protect against such conflicts of interest by establishing appropriate ethical standards of conduct. It is also essential to the efficient operation of the county that those persons best qualified be encouraged to serve in positions of public trust. Accordingly, the standards hereinafter set forth must be so interpreted and understood as not to unreasonably frustrate or impede the desire or inclination to seek and serve in public office by those persons best qualified to serve. To that end, no officer or employee of the county, except as otherwise provided by law, should be denied the opportunity available to all other citizens to acquire and maintain private, economic, and other interests, except where a conflict of interest situation would necessarily result. The policy and purpose of this code of ethics, therefore, is to make clear those standards of

¹ Re-enacted in its entirety 2/4/04, Agenda Item No. 03-153.

ethical conduct that shall be applicable to the persons hereinabove named in the discharge of their official duties; to implement the objective of protecting the integrity of the county's government; and to prescribe only such essential restrictions against conflicts of interest as will not impose unnecessary barriers against public service.

- (b) Officers and employees should aspire to avoid even the appearance of a conflict of interest by avoiding conduct or circumstances that would provide a reasonable basis for the impression that the officer's or employee's ability to protect the public interest or impartially perform an official act is compromised by his or her financial or personal interests in the matter or transaction. The appearance of a conflict of interest can exist even in the absence of an actual conflict of interest.
- (c) Officers and employees should aspire to avoid even the appearance of impropriety by avoiding conduct or circumstances that would provide a reasonable basis for the impression that a person can improperly influence or unduly enjoy the officer's or employee's favor in the performance of his or her official acts or actions. The appearance of impropriety can exist even in the absence of actual impropriety.

Sec. 2-67. Definitions.

- (a) *Business* means any corporation, partnership, proprietorship, organization, self-employed individual, and any other entity operated for economic gain, whether professional, industrial, or commercial, and other entities, which for purposes of federal income taxation are operated as non-profit organizations.

- (b) *Confidential information* means information which has been obtained in the course of performing official duties as an officer or employee and has not been disclosed in a public proceeding or publication.
- (c) *Contract* means any written or otherwise established agreement, lease, claim, account, or demand against any person, to which the county is an actual or otherwise interested party.
- (d) *Financial interest* means any interest which shall, directly or indirectly, yield a monetary or other material benefit to the officer or employee, or to any person employing or retaining the services of the officer or employee, or to any member of the immediate family of the officer or employee.
- (e) *Gifts and favors* means anything of value given by or received from a prohibited source.

Exemption: Notwithstanding anything contained in this chapter, *Gifts and favors* shall not mean and include, and shall not be intended to prohibit, the donation, sale, lease, conveyance, or transfer of residential real property between and among any banking institution, charitable organization, or nonprofit business or entity and Fulton County police officers, firefighters or emergency medical technicians ("First Responders") participating in the Fulton County Homes for First Responders Program, a public-private initiative, pursuant to which such real property is donated, sold, leased, conveyed or transferred to and occupied by Fulton County First Responders. (*Amended 1/9/13, item no. 12-1150*)

- (f) *Immediate family* means the spouse of an officer or employee, an individual in a certified committed relationship or legally recognized domestic partnership with

an officer or employee, as well as the parents, children, brothers, and sisters of an officer or employee.

- (g) *Intent* means the state of mind in which a person seeks to accomplish a given result through a deliberate course of action. Intent is the design, resolve, or determination with which a person acts, and which can seldom be proved by direct evidence, but must usually be proved by circumstances from which intent may be inferred.
- (h) *Intent to influence* means to deliberately and willfully act in a manner chosen and designed to exert power over others, or to modify or affect the actions of others, even if in a gentle, subtle, or gradual fashion.
- (i) *Interest* means any financial interest or personal interest or any other direct or indirect pecuniary or material benefit held by or accruing to an officer 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. Unless otherwise provided, the term "interest" does not include remote interests, such as those shared with a substantial segment of the county's population.
- (j) *Lobbyist* means (i) any natural person who, for compensation, either individually or as an employee of another person, undertakes to promote or oppose the passage, approval, or defeat of an ordinance or resolution by the board of commissioners; and (ii) any natural person who makes a total expenditure of more than \$250.00 in a calendar year to promote or oppose the passage, approval, or defeat of an ordinance or resolution by the board of commissioners,

but not including the person's own travel, food, and lodging expenses, or expenses for informational materials.

- (k) *Matter or transaction* means the subject of any official act by an officer or employee or any governing body of the county or any county agency.
- (l) *Officer or employee* means any elected officer of the county, any person appointed to a county board, commission, or agency by the board of commissioners, any person employed by the county, including contractual employees, and any person retained by the county or any agency of the county in a consulting capacity, who is exclusively obligated to the county for a period of ninety (90) or more days. This definition does not include members of advisory boards having no decision-making authority; provided, however, that county employees serving on the Advisory Committee of the Atlanta-Fulton County Water Resources Commission continue to be included within this definition while serving on that Advisory Committee. This definition includes retired former employees and other former employees of the county during any period in which they are later employed or retained by the county or any county agency.

(Amended 8/17/05, item no. 05-0975)

- (m) *Official act* means any executive, legislative, administrative, appointive, ministerial, or discretionary act taken by the board of commissioners or the county manager, as well as any such act taken by any other officer or employee in the performance of his or her official duties.
- (n) *Paid* means the receipt of, or right to receive, a salary or a commission, percentage, brokerage, or contingent fee for services.

- (o) *Participate* means to take part in any official act, actions, or proceedings personally, and to take part in such acts, actions, or proceedings as an officer or employee for the purpose of performing a duty, granting or denying approvals, rendering decisions, or failing to so act or perform such a duty.
- (p) *Participation in contracting* means, with respect to current officers and employees as well as former officers and employees during the time periods set forth in Section 2-77(b), to take part in or to attempt to or actually influence any official act, actions, or proceedings involving county contracts, including preparing, making recommendations for, influencing the content of, rendering advice regarding, or interpreting the meaning of county regulations and policies relevant to any part of contracts, purchasing specifications, or solicitations for bids or proposals. (Amended 10/18/06, item no. 06-1102)
- (q) *Person* means any individual, business, representative, fiduciary, trust, or association.
- (r) *Personal interest* means any interest arising from relationships between the officer or employee and members of his or her immediate family or from associations with any business, whether or not a financial interest is involved. For the purposes of this code of ethics, and without being limited thereto, an officer or employee shall be deemed to have an interest in matters and transactions involving:
 - (1) any person in his or her immediate family;

- (2) any person with whom a contractual relationship (either written or implied) exists, whereby he or she may receive any payment or other benefit, including any agreement for employment; and
 - (3) any business in which he or she is a director, officer, employee, prospective employee, or substantial shareholder.
- (s) *Prohibited source* means any person, business, or entity that the involved officer or employee knows or should know:
 - (1) is seeking official action from the county;
 - (2) is seeking to do or is doing business with the county;
 - (3) represents a person who is seeking official action from the county or who is seeking to do or is doing business with the county;
 - (4) has interests that may be affected by the performance or non-performance of official duties by the officer or employee; or
 - (5) is a registered lobbyist in accordance with state law.
- (t) *Reprimand* means an action taken by the board of ethics, which constitutes and transmits a public disapproval of the conduct of an officer or employee.

Sec. 2-68. Conflicts of interest generally / Impartiality.

- (a) No officer or employee shall perform, or fail to perform, any official act or influence others to perform, or fail to perform, any official act, on a matter in which the officer or employee knows, or reasonably should know, they have a interest that may be affected.
- (b) No officer or employee shall state or specifically imply that any person can improperly influence him or her in the performance of any official acts or actions

or that the officer or employee is able to improperly influence the official acts or actions of other county officers or employees.

- (c) No officer or employee shall, by virtue of his or her position with the county, except as necessary in the performance of his or her official duties, directly or indirectly influence or attempt to influence the decision of any other officer or employee who must act to further any county procurement, policy, contract, matter, or transaction.

Sec. 2-69. Gifts and favors / Honoraria.

- (a) No officer or employee shall directly or indirectly solicit, request, exact, receive, or agree to receive a gift, loan, favor, promise, or thing of value, in any form whatsoever, for himself, herself, or another person, from any prohibited source.
- (b) No officer or employee shall directly or indirectly solicit, request, exact, receive or agree to receive an honorarium, which, for purposes of this section, means a payment of money or anything of value for any service, including, but not limited to, appearances, speeches, or articles, if the subject matter of the appearance, speech, or article relates to the official duties of the officer or employee and such payment or other thing of value is given to the officer or employee because of his or her status with the county.
- (c) This section shall not apply in the case of:
 - (1) a nonpecuniary gift, ticket, or other thing of value, the value of which is \$100.00 or less;
 - (2) an award publicly presented in recognition of public service;

- (3) a commercially reasonable loan made in the ordinary course of business by an institution authorized by law to engage in the making of such a loan;
- (4) a ticket or pass of admission, or a discount on such ticket or pass of admission to a price below its face value, given to an officer or employee by a member of his or her immediate family, or given by a business, other than a public agency, in which the officer or employee or a member of his or her immediate family serves as an officer, director, stockholder, creditor, trustee, partner, or employee; and
- (5) a ticket or pass of admission to any recreational, entertainment, or sporting event, or a discount on such ticket or pass of admission to a price below its face value, if the officer or employee at issue is performing an official duty at the event. For purposes of this subsection, an official duty shall include any appearance, meeting, discussion, greeting, or introduction, the substantial purpose of which is related to the performance of an official act.

Sec. 2-70. Campaign contributions.

This code of ethics shall not apply to campaign contributions made or received in compliance with the laws of the State of Georgia.

Sec. 2-71. Confidential information.

- (a) No officer or employee shall disclose, except as required by law, or otherwise use confidential information acquired by virtue of his or her position with the county to advance his or her interests or the interests of any other person, where such disclosure or use would conflict with the best interests of the county.

- (b) Without limiting the scope of subsection (a), no officer or employee shall disclose any information acquired during any session of the board of commissioners that is closed to the public pursuant to the provisions of the Georgia Open Meetings Act, unless such disclosure is specifically authorized by vote of the board of commissioners. *(Added 10/7/09, item no. 09-1043)*

Sec. 2-72. Representation.

- (a) Except in the regular discharge of their official duties, no officer or employee shall appear on his or her own behalf, or represent, or appear on behalf of any person, whether paid or unpaid, before any court or before any individual, legislative, administrative, or quasijudicial board, body, agency, commission, or committee appointed by the county manager, board of commissioners, or other county official, concerning any contract, matter, or transaction which is or may be the subject of an official act by the county, its officers, or its employees, or otherwise use or attempt to use his or her official position to secure unwarranted privileges or exemptions for himself, herself, or other persons; provided, however, that this subsection shall not prohibit an officer or employee from appearing on his or her own behalf, concerning any contract, matter, or transaction, unless such officer or employee knows or reasonably should know that the contract, matter, or transaction is under his or her official responsibility as an officer or employee.
- (b) No officer or employee shall represent any person, business, or entity whose interests are in conflict with the interests of the county in any action, proceeding, or litigation in which the county or agency of the county is a party or complainant.

Sec. 2-73. Nepotism.

- (a) No officer or employee shall advocate for or cause, directly or indirectly, the hiring, advancement, promotion, or transfer of a member of his or her immediate family to any office or position with the county or a county agency.
- (b) No officer or employee having authority to appoint or recommend for appointment members of any county board, commission, or authority shall appoint or recommend for appointment a member of his or her immediate family.

Sec. 2-74. Abstention and disclosure of interest.

An officer or employee who has an interest in a contract, matter, or transaction that he or she has reason to believe will be affected by his or her official acts or actions, or by the official acts or actions of the county, shall abstain from participating in such official acts or actions and shall not vote for or against, discuss, decide, or otherwise participate in the county's consideration of the contract, matter, or transaction, or otherwise attempt to or actually influence the vote, discussion, or decision of the county regarding the contract, matter, or transaction. In addition, the officer or employee shall disclose publicly the nature of such interest prior to any determination of the contract, matter, or transaction.

Sec. 2-75. Incompatible interests and employment.

- (a) No officer or employee shall invest or hold any investment, directly or indirectly, in any financial, business, commercial, or other private contract, matter, or transaction, which creates a conflict with and adversely affects the performance of official duties by the officer or employee to the detriment of the county.

- (b) No officer or employee shall own stock in any business doing business with the county. This section is not intended to apply where the officer or employee owns less than ten percent (10%) of any company or publicly traded stock.
- (c) No officer or employee shall solicit, request, or accept employment by, or agree to otherwise provide services to, any person or business when such employment or the providing of such services is adverse to or incompatible with the proper discharge of official duties by the officer or employee.
- (d) An officer or employee may serve as an unpaid director of, or volunteer for, a not-for-profit or charitable business or organization that receives or solicits grant funding from the county or a county agency, as long as that officer or employee is not involved in the grant selection process. *(Added 3/16/04, item no. 05-0294)*

Sec. 2-76. Contracts involving officers and employees.

- (a) The county shall not enter into any contract involving services or property with an officer or employee, or with a person or business in which an officer or employee has an interest. This section shall not apply in the case of:
 - (1) contracts for goods or services with an officer or employee, or member of the immediate family of an officer or employee, or a business that employs an officer or employee, or member of the immediate family of an officer or employee, where (i) the contract is competitively procured; and (ii) the officer or employee does not participate in any aspect of the procurement or performance of the contract; *(Amended 8/4/04, item no. 04-0796)*
 - (2) the designation of a bank or trust company as a depository for county funds;

- (3) the borrowing of funds from any bank or lending institution which offers the lowest available rate of interest for such loan;
 - (4) contracts for goods or services entered into with a business which is the only available source of such goods or services; and
 - (5) contracts entered into under circumstances which constitute an emergency situation, provided that a record explaining the emergency is prepared by the county manager and submitted to the board of ethics at its next regular meeting.
- (b) No officer or employee shall participate in any contract involving the county if he or she knows or should have known that an interest in the contract is possessed by such officer or employee, one or more members of his or her immediate family, or any business, other than a public agency, in which he or she or a member of his or her immediate family serves as an officer, director, stockholder, creditor, trustee, partner, or employee.

Sec. 2-77. Unemployed officers and employees.

- (a) No officer or employee shall, after the termination of his or her employment with the county, participate in any contract with the county, in a managerial, entrepreneurial, or consulting capacity. For the purposes of this section, "consulting" shall include, but not be limited to, advising any person doing business with the county or seeking to do business with the county (whether as a prime contractor or subcontractor) regarding the meaning and application of county rules and regulations, the administration of which were a part of the official responsibility of the officer or employee before termination of his or her

employment. In addition, no officer or employee shall, after termination of his or her employment with the county, knowingly make, with the intent to influence, any communication to or appearance before any department, board, or other authority of the county in connection with a particular matter:

- (1) in which the county has a direct and substantial interest; and
- (2) in which such person knows or reasonably should know was under his or her official responsibility as such officer or employee before the termination of his or her employment with the county. *(Amended 10/18/06, item no. 06-1102)*

- (b) The restrictions set forth in this section shall be in effect for a period of one year after the termination of the officer's or employee's employment with the county; provided, however, with respect to former members of the board of commissioners, the restrictions shall be in effect for a period of two years after leaving office; provided, further, that in the case of any former member of the board of commissioners who is convicted of a felony criminal offense in connection with the solicitation or award of a county contract, the restrictions shall be in effect for a period of seven years, beginning at the time of the conviction, except that in cases where a period of imprisonment is ordered, the seven years shall begin at the completion of the period of imprisonment.

Sec. 2-78. Compliance with applicable laws.

No officer or employee shall engage in any activity or transaction that is prohibited by any law, now existing or hereafter enacted, which is applicable to him or her by virtue of his or her office or position. When any provision of this code of ethics shall conflict with

the laws of Georgia or the United States, such laws shall apply. If any section of this code of ethics shall be declared by any court to be invalid, the remaining sections shall remain applicable.

Sec. 2-79. Disclosure of income and financial interests. *(Amended 8/4/04, item no. 04-0796)*

- (a) On or before April 15 of each calendar year, each of the following individuals shall file an income and financial disclosure report with the clerk to the commission, which report shall cover the preceding calendar year:
 - (1) all elected officials of Fulton County, as well as judges of the juvenile and magistrate courts;
 - (2) county manager;
 - (3) deputy county managers;
 - (4) all department heads, including the county attorney and the clerk to the commission, as well as all division heads reporting to the county manager, and the deputy director of zoning;
 - (5) members of the board of tax assessors and all property appraisers;
 - (6) members of the community zoning board;
 - (7) members of the board of zoning appeals; and
 - (8) members of the board of ethics.
- (b) Each such report shall identify the source of each of the following, received or accrued during the preceding calendar year, by each person required to file such report and such person's spouse, if any:
 - (1) any income for services rendered of \$1,000.00 or more;

- (2) any honorarium from a single source in the aggregate amount of \$500.00 or more, except as otherwise reported under applicable state law;
 - (3) any gift(s) or favor(s) from a single prohibited source in the aggregate value or amount of \$100.00 or more; and
 - (4) any dividend income of \$1,000.00 or more.
- (c) Each such report shall also contain:
- (1) the name, address, and general description of any professional organization in which the person reporting is an officer, director, partner, proprietor, or employee, or serves in any advisory capacity, from which income of \$1,000.00 or more was received;
 - (2) the name and address of every business in which the person reporting owns 10% or more of such business's then outstanding stock;
 - (3) the address and tax parcel ID number of all real property in which the person reporting has an ownership interest valued at 5% or more of the property's then assessed value; and
 - (4) the source, date, and amount of any reimbursement of expenses to the person reporting in the amount of \$1,000.00 or more.

Sec. 2-80. Board of ethics / Creation / Duties.

- (a) *Creation.* There is hereby created a body to be known as the Fulton County board of ethics.
- (b) *Membership.* The board of ethics shall consist of the following seven (7) members, who shall have been residents of Fulton County for not less than three

years preceding their selection. The members for positions (1) through (6) shall be subject to final appointment by the Board of Commissioners:

- (1) One member to be nominated by the president of the Atlanta Bar Association from among the Association's membership;
- (2) One member to be nominated by the president of the Gate City Bar Association from among the Association's membership;
- (3) One member to be nominated by the president of the North Fulton Chamber of Commerce from among the Chamber's membership;
- (4) One member to be nominated by the president of the Atlanta Business League from the membership of the Atlanta Business League;
- (5) One member to be nominated by the president of the Atlanta Airport Chamber of Commerce from among the Chamber's membership;
- (6) One member to be nominated by the personnel board of the county from its membership; and
- (7) One member to be nominated and appointed by the board of commissioners.

In the event an organization with nominating power under subparagraphs (1) through (6), above, fails to submit a nomination following resignation or expiration of the term of its respective nominee, the Clerk to the Commission shall send notice to the organization requesting the name of a nominee. If no such nominee is provided within thirty (30) days of the notice, the board of commissioners may proceed to nominate and appoint a new member of its own choosing to the relevant position on the board of ethics.

- (c) *Chair.* At the first meeting of the board of ethics in each calendar year, the board shall select, from among its members, a chair who shall serve as chair for the remainder of the calendar year and until a successor is chosen pursuant to this subsection.
- (d) *Compensation, organization, and meetings.* Members of the board of ethics shall be paid a per diem in the amount of \$150.00. The board of ethics shall meet no less than is required to conduct the business of the board, which in no event shall be less than once each calendar quarter. All meetings of the board of ethics shall be held at the Fulton County Government Center.
- (e) *Term of office.* The members first selected pursuant to subsections (b)(1) and (2), above, shall serve an initial term of one year from the date of their selection. The terms of office of the members first selected pursuant to subsections (b)(3) and (4), above, shall expire one year after the expiration of the terms of office of the persons selected pursuant to subsections (b)(1) and (b)(2), above. The terms of office of the members first selected pursuant to subsections (b)(5), (b)(6) and (b)(7), above, shall expire two years after the expiration of the terms of office of the persons selected pursuant to subsections (b)(1) and (b)(2), above. Each member selected after the initial terms of office have expired shall serve a term of three years or until his or her successor is appointed. A member shall cease to serve upon the termination of his or her membership in the organization from which he or she was selected.

- (f) *Background Checks.* Members shall be subject to investigation sufficient to confirm their educational and employment histories and any history of criminal convictions.
- (g) *Vacancies.* Any vacancy on the board of ethics occurring before the end of the term of the departing member shall be filled in the same manner as the original selection for the remainder of the regular term.
- (h) *Political Activities.* Members of the board of ethics, during their term of office, are prohibited from making contributions to the political campaigns of any candidate for a county office.
- (i) *Duties.* The duties of the board of ethics shall be:
 - (1) to establish procedures, rules, and regulations for its internal organization and the conduct of its affairs, consistent with the provisions of this code of ethics;
 - (2) to render advisory opinions, not more than sixty (60) days after receiving a request to do so, with respect to the interpretation and application of this code of ethics, to any officer or employee who requests such an advisory opinion as to whether a particular course of conduct would constitute a violation of the standards imposed herein, which requests shall be in writing. In any subsequent complaint concerning the same officer or employee and same conduct which is the subject of an advisory opinion rendered by the board of ethics, the board of ethics shall be bound to follow the advisory opinion, unless it is established that material facts were omitted or misstated in the request for same;

- (3) to conduct its proceedings in meetings open to the public;
 - (4) to prescribe forms necessary to carry out any function prescribed by this code of ethics;
 - (5) to make available to the public information disclosed pursuant to this code of ethics;
 - (6) to receive, hear, investigate, and make findings concerning complaints of violations of this code of ethics, and to hold hearings in connection therewith as the board or ethics may deem necessary; and
 - (7) to recommend to the board of commissioners revisions of this code of ethics.
- (j) Neither the board of commissioners nor any officer or employee shall engage in any conduct designed to interfere with or improperly influence the members of the board of ethics in the performance of their duties under this code of ethics.

Sec. 2-81. Hearings and procedures.

- (a) Any person may initiate a complaint of a violation of this code of ethics by submitting to the secretary to the board of ethics, a written, sworn complaint under penalty of perjury, upon a form prescribed by the board of ethics.
- (b) The board of ethics may also initiate an investigation on its own initiative.
- (c) Within five (5) business days following the filing of a complaint, the subject of the complaint shall be notified of the existence and nature of the complaint.
- (d) The board of ethics shall, within sixty (60) days following the filing of a complaint or initiation of an investigation on its own initiative, conduct a preliminary hearing

to determine whether specific, substantial evidence exists to support a reasonable belief that there has been a violation of this code of ethics.

- (e) If the board of ethics determines by majority vote at the preliminary hearing that specific, substantial evidence exists to support a reasonable belief that there has been a violation of this code as to any claim in a complaint or subject matter of an investigation it has initiated, the involved parties shall be so advised in writing and the board of ethics shall schedule a formal hearing to further consider those claims or subjects for which such a determination has been made. The board of ethics shall notify all involved parties in writing of the time and place of the formal hearing, which hearing shall not be held sooner than ten (10) days following notice of same.
- (f) If at least one-half of the voting members of the board of ethics conclude at the preliminary hearing that specific, substantial evidence does not exist to support a reasonable belief that there has been a violation of this code as to any claim in a complaint or subject matter of an investigation it has initiated, those claims shall be dismissed or the investigation terminated and the parties will be so advised in writing.
- (g) Formal hearings shall be public, and all parties shall have the opportunity to be heard, to summon witnesses, and to present evidence. Persons alleged to have violated this code of ethics shall have the right to be represented by counsel at their own expense.
- (h) The board of ethics shall have the power to compel the attendance of witnesses and the production of records by subpoena, and to take testimony under oath.

Fulton County shall bear the costs of issuing subpoenas and, if desired by the board of ethics, the cost of having a court reporter present to record hearings. Any matters related to enforcing or quashing subpoenas may be submitted to the superior court of Fulton County.

- (i) At the conclusion of the formal hearing, the board of ethics shall deliberate upon its findings in public and shall determine its findings by majority vote. Findings that a violation of this code of ethics has occurred must be based upon a clear and convincing evidence standard. The board of ethics' decision shall subsequently be reduced to writing and provided to the parties, which decision shall be final; provided, however, that the decision shall be subject to review by writ of certiorari to the superior court of Fulton County.

Sec. 2-82. Violations.

- (a) Any intentional violation of this code of ethics, the furnishing of false or misleading information to the board of ethics, the failure to follow an opinion or decision issued by the board of ethics, or the failure to comply with a subpoena issued by the board of ethics, as determined by the board of ethics after notice and the right to be heard in accordance with the hearing requirements of this code of ethics, shall subject the violator to:
 - (1) an administrative sanction not to exceed \$1,000.00, which sanction shall be deposited into the general fund of Fulton County; and/or
 - (2) a public reprimand.
- (b) In addition to those sanctions provided for at subsection (a), with regard to a violation of this code of ethics committed by an employee of Fulton County, the

board of ethics may recommend to the board of commissioners or the appropriate appointing authority disciplinary action in accordance with the personnel rules and regulations of Fulton County.

- (c) In addition to those sanctions provided for at subsection (a), with regard to a violation of this code of ethics committed by any person, business, or other entity, the board of ethics may recommend to the Department of Purchasing and Contract Compliance that debarment proceedings be commenced in accordance with applicable ordinances of Fulton County.

Sec. 2-83. Secretary to the board of ethics / Legal counsel.

- (a) The board of ethics shall select a secretary, whose duties shall include the receiving of complaints and requests for advisory opinions, and the maintaining of all records and minutes of the meetings and proceedings of the board of ethics. No longer than five (5) business days following each meeting of the board of ethics, the secretary shall provide the clerk to the commission with a copy of all such records and minutes. The secretary shall be under contract with Fulton County to provide such services to the board of ethics and shall be compensated from funds approved by the board of commissioners.
- (b) The board of ethics shall be represented by independent legal counsel, selected by the board of ethics from those attorneys admitted to practice law in the State of Georgia. Said legal counsel shall be under contract with Fulton County to provide such services to the board of ethics and shall be compensated from funds approved by the board of commissioners.

Sec. 2-84. Lobbyist registration.

- (a) Every lobbyist, as defined in section 2-67, and who is required by the laws of the State of Georgia to be registered with the State Ethics Commission, shall also register with Fulton County. Registration with Fulton County shall be complete upon the filing of a copy of such person's registration filed with the State Ethics Commission, including each renewal of and supplement to same, with the Fulton County board of ethics. Each such registration, as well as each renewal of and supplement to such registration filed with the State Ethics Commissions, shall be filed with the board of ethics not more than three (3) business days following the applicable deadline for filing same with the State Ethics Commission.
- (b) The registration required by this code section shall not apply to:
 - (1) Any person who expresses personal views, on that individual's own behalf, to the board of commissioners or any member thereof;
 - (2) Any officer or employee of Fulton County, or any officer or employee of any other governmental agency or non-profit entity which is funded or partially funded by Fulton County, who appears before or provides information to the board of commissioners or a member thereof at the request of the board or a member thereof;
 - (3) Any licensed attorney appearing before the board of commissioners on behalf of a client in any adversarial proceeding before the board, as well as any witness appearing in such a proceeding for the purpose of giving testimony;
 - (4) Any elected official performing the official duties of their office; and

- (5) Any person employed or appointed by a registered lobbyist, but who is not a lobbyist as defined at section 2-67.

Sec. 2-85. Lobbyist disclosure reports.

Every lobbyist, as defined in section 2-67, and who is required by the laws of the State of Georgia to file disclosure reports with the State Ethics Commission, shall also file such disclosure reports with Fulton County. This requirement shall be complete upon the filing of a copy of each such disclosure report filed with the State Ethics Commission with the Fulton County board of ethics. Each such disclosure report shall be filed with the board of ethics not more than three (3) business days following the applicable deadline for filing same with the State Ethics Commission.

Sec. 2-86. Denial, suspension, or revocation of registration / Reinstatement / Administrative sanction. *(Added 7/20/05, item no. 05-0867)*

- (a) In addition to other penalties provided in this code of ethics, the board of ethics may by order deny, suspend, or revoke, for a period not to exceed one year, the registration of a lobbyist if it finds that the lobbyist has violated or failed to comply with the registration and disclosure requirements of section 2-84 or section 2-85.
- (b) Following any period of suspension or revocation ordered pursuant to section 2-86(a), a lobbyist may apply to the board of ethics for reinstatement of registration. Such reinstatement shall be conducted in the same manner as required for an initial registration under section 2-84 and shall be conditioned upon payment of any outstanding penalty or fees.
- (c) Any person failing to comply with or violating any of the provisions of section 2-84 or section 2-85 shall be subject to an administrative sanction by the board of ethics not to exceed \$1,000.00 per violation.

DIVISION 2. - CODE OF ETHICS^[2]

Footnotes:

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Cross reference— Ordinances pertaining to general provisions and county governing authority, ch. 1; resolutions pertaining to officers and employees, § 102-81 et seq.

State Law reference— Ethics in Government Act, O.C.G.A. § 21-5-1 et seq.; code of ethics and conflicts of interest, O.C.G.A. § 45-10-1 et seq.

Sec. 2-66. - Declaration of policy.

It is essential to the proper government and administration of Fulton County that members of the board of commissioners, as well as all other officers and employees of the county, are in fact and in appearance, independent and impartial in the performance of their official duties; that public service not be used for private gain; and that there be public confidence in the integrity of the county. Because the attainment of one or more of these ends is impaired whenever there exists in fact, or appears to exist, a conflict between the private interests and public responsibilities of county officers and employees, the public interest requires that the county protect against such conflicts of interest by establishing appropriate ethical standards of conduct. It is also essential to the efficient operation of the county that those persons best qualified be encouraged to serve in positions of public trust. Accordingly, the standards hereinafter set forth must be so interpreted and understood as not to unreasonably frustrate or impede the desire or inclination to seek and serve in public office by those persons best qualified to serve. To that end, no officer or employee of the county, except as otherwise provided by law, should be denied the opportunity available to all other citizens to acquire and maintain private, economic and other interests, except where a conflict of interest situation would necessarily result. The policy and purpose of this code of ethics, therefore, is to make clear those standards of ethical conduct that shall be applicable to the persons hereinabove named in the discharge of their official duties; to implement the objective of protecting the integrity of the county's government; and to prescribe only such essential restrictions against conflicts of interest as will not impose unnecessary barriers against public service.

(Code 1983, § 23-9-1; Res. No. 03-1531, 2-4-04)

Sec. 2-67. - Definitions.

Business means any corporation, partnership, proprietorship, organization, self-employed individual and any other entity operated for economic gain, whether professional, industrial, or commercial, and other entities, which for purposes of federal income taxation are operated as non-profit organizations.

Confidential information means information which has been obtained in the course of performing official duties as an officer or employee.

Contract means any written or otherwise established agreement, lease, claim, account, or demand against any person, to which the county is an actual or otherwise interested party.

Gifts and favors means anything of value given by or received from a prohibited source. *Prohibited source* means any person, business, or entity that the involved officer or employee knows or should know:

- (a) Is seeking official action from the county; or
- (b) Is seeking to do or is doing business with the county; or

- (c) Represents a person who is seeking official action from the county or who is seeking to do or is doing business with the county; or
- (d) Has interests that may be affected by the performance or non-performance of official duties by the officer or employee; or
- (e) Is a registered lobbyist in accordance with state law.

Exemption: Notwithstanding anything contained in this chapter, "gifts and favors" shall not mean and include, and shall not be intended to prohibit, the donation, sale, lease, conveyance or transfer of residential real property between and among any banking institution, charitable organization, or nonprofit business or entity and Fulton County police officers, firefighters or emergency medical technicians ("First Responders") participating in the Fulton County Homes for First Responders Program, a public-private initiative, pursuant to which such real property is donated, sold, leased, conveyed or transferred to and occupied by Fulton County First Responders.

Immediate family means an officer or employee and the spouse of an officer or employee, as well as the parents, children, brothers, and sisters of an officer or employee.

Intent means the state of mind in which a person seeks to accomplish a given result through a deliberate course of action. Intent is the design, resolve, or determination with which a person acts, and which can seldom be proved by direct evidence, but must usually be proved by circumstances from which intent may be inferred.

Intent to influence means to deliberately and willfully act in a manner chosen and designed to exert power over others, or to modify or affect the actions of others, even if in a gentle, subtle, or gradual fashion.

Interest means any financial interest or personal interest or any other direct or indirect pecuniary or material benefit held by or accruing to an officer 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. Unless otherwise provided, the term "interest" does not include any remote interest. For purposes of this code of ethics, the term *financial interest* means any interest which shall, directly or indirectly, yield a monetary or other material benefit to the officer or employee, or to any person employing or retaining the services of the officer or employee, or to the immediate family of the officer or employee; and, the term *personal interest* means any interest arising from relationships between the officer or employee and members of his or her immediate family or from associations with any business, whether or not a financial interest is involved. For the purposes of this code of ethics, and without being limited thereto, an officer or employee shall be deemed to have an interest in matters and transactions involving:

- (a) Any person in his or her immediate family;
- (b) Any person with whom a contractual relationship (either written or implied) exists, whereby he or she may receive any payment or other benefit, including any agreement for employment; and
- (c) Any business in which he or she is a director, officer, employee, prospective employee, or substantial shareholder.

Matter or transaction means the subject of any official act or action by an officer or employee or any governing body of the county or any county agency.

Officer or employee means any elected officer of the county, any person appointed to a county board, commission, or agency by the board of commissioners, any person employed by the county, including contractual employees, and any person retained by the county or any agency of the county in a consulting capacity, who is exclusively obligated to the county for a period of 90 or more days. This definition does not include members of advisory boards having no decision-making authority; provided, however, that county employees serving on the Advisory Committee of the Atlanta/Fulton County Water Resources Commission continue to be included within this definition while serving on that advisory committee. This definition includes retired former employees and other former employees of the county during any period in which they are later employed or retained by the county or any county agency.

Official act or action means any executive, legislative, administrative, appointive, ministerial, or discretionary act taken by the board of commissioners or the county manager, as well as any such act taken by any other officer or employee in the performance of his or her official duties.

Paid means the receipt of, or right to receive, a salary or a commission, percentage, brokerage, or contingent fee for services.

Participate means to take part in any official act, actions, or proceedings personally, and to take part in such acts, actions, or proceedings as an officer or employee for the purpose of performing a duty, granting or denying approvals, rendering decisions, or failing to so act or perform such a duty.

Participation in contracting means, with respect to current officers and employees as well as former officers and employees during the time periods set forth in section 2-77(b), to take part in any official act, actions, or proceedings personally, which acts, actions, or proceedings involve county contracts, and to take part in such acts, actions, or proceedings as an officer or employee for the purpose of performing a duty, or otherwise to grant or deny approvals, make recommendations, prepare any part of purchasing specifications or solicitations for bids or proposals, to influence the content of such documents, to render advice regarding such documents or contracts or the interpretation or meaning of county regulations and policies relevant to such documents or contracts, to investigate, audit, review, or make any ruling or determination regarding any proceedings or applications relating to such documents or contracts or related sub-contracts, or to attempt to or actually influence the official acts, actions, proceedings, or decisions of others.

Person means any individual, business, representative, fiduciary, trust, or association.

Reprimand means an action taken by the board of ethics, which constitutes and transmits a public disapproval of the conduct of an officer or employee.

(Code 1983, § 23-9-2; Ord. No. 99-0456, §§ 1, 2, 3-17-99; Ord. No. 03-1405, § 1, 11-19-03; Res. No. 03-1531, 2-4-04; Res. No. 05-0975, 8-17-05; Res. No. 06-1102, 10-18-06; Ord. No. 12-1150, 1-19-13; 15-0667, Exh. C(Ord.), 8-5-15)

Cross reference— Definitions generally, § 1-2.

Sec. 2-68. - Conflicts of interest generally—Impartiality.

- (a) Officers and employees shall avoid even the appearance of a conflict of interest. An appearance of a conflict of interest exists when a reasonable person would conclude from the surrounding circumstances that the ability of the officer or employee to protect the public interest or impartially perform a public duty is compromised by financial or personal interests in the matter or transaction. The appearance of a conflict of interest can exist even in the absence of an actual conflict of interest, which exists whenever the officer or employee knows or should know that he or she has an interest that may be affected by his or her official acts or actions.
- (b) No officer or employee shall by his or her conduct give reasonable basis for the impression that any person can improperly influence him or her, or unduly enjoy his or her favor, in the performance of any official acts or actions.
- (c) No officer or employee shall, by virtue of his or her position with the county, except as necessary in the performance of his or her official duties, directly or indirectly influence or attempt to influence the decision of any other officer or employee who must act to further any county procurement, policy, contract, matter, or transaction.

(Code 1983, § 23-9-3; 99-0456, § 3, 3-17-99; Res. No. 03-1531, 2-4-04)

Sec. 2-69. - Gifts and favors—Honoraria.

- (a) No officer or employee shall directly or indirectly solicit, request, exact, receive, or agree to receive a gift, loan, favor, promise, or thing of value, in any form whatsoever, for himself or herself or another person, from any prohibited source, including, without limitation, any person or business which the officer or employee knows or should know is doing business with the county or attempting to do business with the county, or the agent or representative of such a person or business.
- (b) No officer or employee shall directly or indirectly solicit, request, exact, receive or agree to receive an honorarium, which, for purposes of this section, means a payment of money or anything of value for any service, including, but not limited to, appearances, speeches, or articles, if the subject matter of the appearance, speech, or article relates to the official duties of the officer or employee and such payment or other thing of value is given to the officer or employee because of his or her status with the county.
- (c) This section shall not apply in the case of:
 - (1) Any nonpecuniary gift, ticket, or other thing of value, the value of which is \$100.00 or less;
 - (2) An award publicly presented in recognition of public service;
 - (3) A commercially reasonable loan made in the ordinary course of business by an institution authorized by law to engage in the making of such a loan;
 - (4) A ticket or pass of admission or other evidence of a right of free entry, or for an amount less than the amount printed on the ticket, given to an officer or employee by a member of his or her immediate family, or given by a business, other than a public agency, in which the officer or employee or a member of his or her immediate family serves as an officer, director, stockholder, creditor, trustee, partner, or employee; and
 - (5) Any ticket or other pass of admission to any recreational, musical, theatrical, or sporting event for less than the face value of such ticket or pass of admission, for an entertainment or athletic event at which the officer or employee is performing an *official duty*, which means, for purposes of this subsection, any appearance, meeting, discussion, greeting, or introduction, the substantial purpose of which is related to the performance of an official act or action.
- (d) Under no circumstances shall any ticket or other pass of admission to any recreational, musical, theatrical, or sporting event for less than the face value of such ticket or pass of admission, which has been received by an officer or employee pursuant to paragraphs (c)(1) or (c)(5) of this section, be transferred by such officer or employee to another for money or consideration of any kind.

(Code 1983, § 23-9-4; Res. No. 97-0865, 7-2-97; 98-0137, § 1, 12-17-97; 98-0548, § 1, 4-15-98; Res. No. 03-1531, 2-4-04)

Sec. 2-70. - Campaign contributions.

This code of ethics shall not apply to campaign contributions made pursuant to the laws of the State of Georgia.

(Code 1983, § 23-9-5; Res. No. 03-1531, 2-4-04)

Sec. 2-71. - Confidential information.

- (a) No officer or employee shall disclose, except as required by law, or otherwise use confidential information acquired by virtue of his or her position with the county for his, her, or another person's private gain, or in order to advance his or her financial or personal interests or the financial or personal interests of any person or business, where such use would conflict with the best interests of the county.

- (b) Without limiting the scope of subsection (a), no officer or employee shall disclose any information acquired during any session of the board of commissioners that is closed to the public pursuant to the provisions of the Georgia Open Meetings Act, unless such disclosure is specifically authorized by vote of the board of commissioners.

(Code 1983, § 23-9-6; Res. No. 03-1531, 2-4-04; Ord. No. 09-1043, 10-7-09)

Sec. 2-72. - Representation.

- (a) No officer or employee shall appear on his or her own behalf, or represent, or appear on behalf of any person, whether paid or unpaid, before any court or before any individual, legislative, administrative, or quasijudicial board, body, agency, commission, or committee appointed by the county manager, board of commissioners, or other county official, concerning any contract, matter or transaction which is or may be the subject of an official act or action of the county, except in the regular discharge of their official duties, or otherwise use or attempt to use his or her official position to secure unwarranted privileges or exemptions for himself, herself, or other persons; provided, however, that this subsection shall not prohibit an officer or employee from appearing on his or her own behalf, concerning any contract, matter or transaction, unless such officer or employee knows or reasonably should know that the contract, matter or transaction is under his or her official responsibility as such officer or employee.
- (b) No officer or employee shall represent any person or business, whose interests are in conflict with the interests of the county, in any proceeding or litigation in which the county or any agency of the county is a party, or in any action, proceeding, or litigation in which the complainant is the county or any agency of the county.

(Code 1983, § 23-9-7; Res. No. 03-1531, 2-4-04)

Sec. 2-73. - Incompatible employment—Nepotism.

- (a) No officer or employee shall solicit, request, or accept employment with, or render services to, any person, business, or professional association when doing so is adverse to and incompatible with the proper discharge of his or her official duties.
- (b) No officer or employee shall advocate for or cause, directly or indirectly, the hiring, advancement, promotion, or transfer of a member of his or her family to any office or position with the county or a county agency.
- (c) No officer or employee having authority to appoint or recommend for appointment members of any county board, commission, or authority shall appoint or recommend for appointment a member of his or her family.

(Code 1983, § 23-9-8; Res. No. 03-1531, 2-4-04)

Sec. 2-74. - Abstention and disclosure of interest.

An officer or employee who has an interest in a contract, matter, or transaction that he or she has reason to believe will be affected by his or her official acts or actions, or by the official acts or actions of the county, shall abstain from participating in such official acts or actions and shall not vote for or against, discuss, decide, or otherwise participate in the county's consideration of the contract, matter, or transaction, or otherwise attempt to or actually influence the vote, discussion, or decision of the county regarding the contract, matter, or transaction. In addition, the officer or employee shall disclose publicly the nature of such interest prior to any determination of the contract, matter, or transaction.

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(Code 1983, § 23-9-9; 98-0297, § 1, 2-18-98; Res. No. 00-1163, 9-6-00; Res. No. 03-1531, 2-4-04)

Sec. 2-75. - Incompatible interests.

- (a) No officer or employee shall invest or hold any investment, directly or indirectly, in any financial, business, commercial, or other private contract, matter, or transaction, which creates a conflict with and adversely affects the performance of official duties by the officer or employee to the detriment of the county.
- (b) No officer or employee shall solicit, request, or accept employment by, or agree to otherwise provide services to, any person or business when such employment or the providing of such services is adverse to and incompatible with the proper discharge of official duties by the officer or employee.
- (c) No officer or employee shall own stock in any business doing business with the county. This section is not intended to apply where the officer or employee owns less than ten percent of any company or publicly traded stock.
- (d) An employee may serve as a director of any not-for-profit or charitable business or organization that receives or solicits any grant funding from the county or a county agency, as long as that employee is not involved in the grant selection process.

(Code 1983, § 23-9-10; Res. No. 03-1531, 2-4-04; Res. No. 05-0294, § 1, 3-16-05)

Sec. 2-76. - Contracts involving officers or employees.

- (a) The county shall not enter into any contract involving services or property with an officer or employee, or with a person or business in which an officer or employee has an interest. This section shall not apply in the case of:
 - (1) Contracts for goods or services with an officer or employee, or member of the immediate family of an officer or employee, or a business that employs an officer or employee, or member of the immediate family of an officer or employee, where (i) the contract is competitively procured and (ii) the officer or employee does not participate in any aspect of the procurement or performance of the contract;
 - (2) The designation of a bank or trust company as a depository for county funds;
 - (3) The borrowing of funds from any bank or lending institution which offers the lowest available rate of interest for such loan;
 - (4) Contracts for services entered into with a business which is the only available source for such goods or services; and
 - (5) Contracts entered into under circumstances which constitute an emergency situation, provided that a record explaining the emergency is prepared by the county manager and submitted to the board of ethics at its next regular meeting.
- (b) No officer or employee shall participate in any contract involving the county if he or she knows or should have known that an interest in the contract is possessed by such officer or employee, one or more members of his or her immediate family, or any business, other than a public agency, in which he or she or a member of his or her immediate family serves as an officer, director, stockholder, creditor, trustee, partner, or employee.

(Code 1983, § 23-9-11; Res. No. 03-1531, 2-4-04; Ord. No. 04-0796, 8-4-04)

Sec. 2-77. - Unemployed officers and employees.

- (a) No officer or employee shall, after the termination of his or her employment with the county, participate in any contract with the county, in a managerial, entrepreneurial, or consulting capacity. For the purposes of this section, "consulting" shall include, but not be limited to, advising any person doing business with the county or seeking to do business with the county (whether as a prime contractor or subcontractor) regarding the meaning and application of county rules and regulations, the administration of which were a part of the official responsibility of the officer or employee before termination of his or her employment. In addition, no officer or employee shall, after termination of his or her employment with the county, knowingly make, with the intent to influence, any communication to or appearance before any department, board, or other authority of the county in connection with a particular matter:
 - (1) In which the county has a direct and substantial interest; and
 - (2) In which such person knows or reasonably should know was under his or her official responsibility as such officer or employee before the termination of his or her employment with the county.
- (b) The restrictions set forth in this section shall be in effect for a period of one year after the termination of the officer's or employee's employment with the county; provided, however, with respect to former members of the board of commissioners, the restrictions shall be in effect for a period of two years after leaving office; provided, further, that in the case of any former member of the board of commissioners who is convicted of a felony criminal offense in connection with the solicitation or award of a county contract, the restrictions shall be in effect for a period of seven years, beginning at the time of the conviction, except that in cases where a period of imprisonment is ordered, the seven years shall begin at the completion of the period of imprisonment.

(90-F-44, § 23-9-11A, 5-16-90; 00-0568, 4-19-00; Res. No. 03-1531, 2-4-04; Res. No. 06-1102, 10-18-06)

Sec. 2-78. - Compliance with applicable laws.

No officer or employee shall engage in any activity or transaction that is prohibited by any law, now existing or hereafter enacted, which is applicable to him or her by virtue of his or her office. When any provision of this code of ethics shall conflict with the laws of Georgia or the United States, such laws shall apply. If any section of this code of ethics shall be declared by any court to be invalid, the remaining sections shall remain applicable.

(Code 1983, § 23-9-12; Res. No. 03-1531, 2-4-04)

Sec. 2-79. - Disclosure of income and financial interests.

- (a) On or before April 15 of each calendar year, each of the following individuals shall file an income and financial disclosure report with the clerk to the commission, which report shall cover the preceding calendar year:
 - (1) All elected officials of Fulton County, as well judges of the juvenile and magistrate courts;
 - (2) County manager;
 - (3) Deputy county managers;
 - (4) All department heads, including the county attorney and the clerk to the commission, as well as all division heads reporting to the county manager, and the deputy director of zoning;
 - (5) Members of the board of tax assessors and all property appraisers;
 - (6) Members of the community zoning board;
 - (7) Members of the board of zoning appeals; and

- (8) Members of the board of ethics.
- (b) Each such report shall identify the source of each of the following, received or accrued during the preceding calendar year, by each person required to file such report and such person's spouse, if any:
 - (1) Any income for services rendered of \$1,000.00 or more;
 - (2) Any honorarium from a single source in the aggregate amount of \$500.00 or more, except as otherwise reported under applicable state law;
 - (3) Any gift or favor from a single prohibited source in the aggregate amount of \$100.00 or more; and
 - (4) Any dividend income of \$1,000.00 or more.
- (c) Each such report shall also contain:
 - (1) The name, address and general description of any professional organization in which the person reporting is an officer, director, partner, proprietor, or employee, or serves in any advisory capacity, from which income of \$1,000.00 or more was received;
 - (2) The name and address of every business in which the person reporting owns ten percent or more of such business's then outstanding stock;
 - (3) The address and tax parcel ID number of all real property in which the person reporting has an ownership interest valued at five percent or more of the property's then assessed value; and
 - (4) The source, date and amount of any reimbursement of expenses to the person reporting in the amount of \$1,000.00 or more.

(Code 1983, § 29-9-14; 94-RC-0921, 9-21-94; Res. No. 03-1531, 2-4-04; Ord. No. 04-0796, 8-4-04)

Sec. 2-80. - Board of ethics; creation; duties.

- (a) *Creation.* There is hereby created a body to be known as the Fulton County board of ethics.
- (b) *Membership.* The board of ethics shall consist of the following seven members, who shall have been residents of Fulton County for not less than three years preceding their selection. The members for positions (1) through (6) shall be subject to final appointment by the board of commissioners:
 - (1) One member to be nominated by the president of the Atlanta Bar Association from among the Association's membership;
 - (2) One member to be nominated by the president of the Gate City Bar Association from among the Association's membership;
 - (3) One member to be nominated by the president of the North Fulton Chamber of Commerce from among the Chamber's membership;
 - (4) One member to be nominated by the president of the Atlanta Business League from among the membership of the Atlanta Business League;
 - (5) One member to be nominated by the president of the Atlanta Airport Chamber of Commerce from among the Chamber's membership;
 - (6) One member to be nominated by the personnel board of the county from its membership; and
 - (7) One member to be nominated and appointed by the board of commissioners.

In the event an organization with nominating power under subsections (1) through (6) above, fails to submit a nomination following resignation or expiration of the term of its respective nominee, the clerk to

the commission shall send notice to the organization requesting the name of a nominee. If no such nominee is provided within 30 days of the notice, the board of commissioners may proceed to nominate and appoint a new member of its own choosing to the relevant position on the board of ethics.

- (c) *Chair* . At the first meeting of the board of ethics in each calendar year, the board shall select, from among its members, a chair who shall serve as chair for the remainder of the calendar year and until a successor is chosen pursuant to this subsection.
- (d) *Compensation, organization, and meetings* . Members of the board of ethics shall be paid a per diem in the amount of \$150.00. The board of ethics shall meet no less than is required to conduct the business of the board, which in no event shall be less than once each calendar quarter. All meetings of the board of ethics shall be held at the Fulton County Government Center.
- (e) *Term of office*. The members first selected pursuant to subsections (b)(1) and (2), above, shall serve an initial term of one year from the date of their selection. The terms of office of the members first selected pursuant to subsections (b)(3) and (4), above, shall expire one year after the expiration of the terms of office of the persons selected pursuant to subsections (b)(1) and (b)(2), above. The terms of office of the members first selected pursuant to subsections (b)(5), (b)(6) and (b)(7), above, shall expire two years after the expiration of the terms of office of the persons selected pursuant to subsections (b)(1) and (b)(2), above. Each member selected after the initial terms of office have expired shall serve a term of three years or until his or her successor is appointed. A member shall cease to serve upon the termination of his or her membership in the organization from which he or she was selected.
- (f) *Background checks* . Members shall be subject to investigation sufficient to confirm their educational and employment histories and any history of criminal convictions.
- (g) *Vacancies*. Any vacancy on the board of ethics occurring before the end of the term of the departing member shall be filled in the same manner as the original selection for the remainder of the regular term.
- (h) *Political activities* . Members of the board of ethics, during their term of office, are prohibited from making contributions to the political campaigns of any candidate for a county office.
- (i) *Duties*. The duties of the board of ethics shall be:
 - (1) To establish procedures, rules, and regulations for its internal organization and the conduct of its affairs, consistent with the provisions of this code of ethics;
 - (2) To render advisory opinions, not more than 30 days after receiving a request to do so, with respect to the interpretation and application of this code of ethics, to any officer or employee who requests such an advisory opinion as to whether a particular course of conduct would constitute a violation of the standards imposed herein, which requests shall be in writing. In any subsequent complaint concerning the same officer or employee and same conduct which is the subject of an advisory opinion rendered by the board of ethics, the board of ethics shall be bound to follow the advisory opinion, unless it is established that material facts were omitted or misstated in the request for same;
 - (3) To conduct its proceedings in meetings open to the public;
 - (4) To prescribe forms necessary to carry out any function prescribed by this code of ethics;
 - (5) To make available to the public information disclosed pursuant to this code of ethics;
 - (6) To receive, hear, investigate, and make findings concerning complaints of violations of this code of ethics, and to hold hearings in connection therewith as the board or ethics may deem necessary; and
 - (7) to recommend to the board of commissioners revisions of this code of ethics.
- (j) Neither the board of commissioners nor any officer or employee shall engage in any conduct designed to interfere with or improperly influence the members of the board of ethics in the performance of their duties under this code of ethics.

(Code 1983, § 23-9-13; 92-RM-579, §§ 1, 2, 5, 12-16-92; Res. No. 03-1531, 2-4-04; Ord. No. 11-0029, 1-5-11)

Sec. 2-81. - Hearings and procedures.

- (a) Any person may initiate a complaint of a violation of this code of ethics by submitting to the secretary to the board of ethics, a written, sworn complaint under penalty of perjury, upon a form prescribed by the board of ethics.
- (b) The board of ethics may also initiate an investigation on its own initiative if it deems such action necessary.
- (c) Within five days following the filing of a complaint, the subject of the complaint shall be notified of the existence and nature of the complaint.
- (d) The board of ethics shall, within 30 days following the filing of a complaint or initiation of an investigation on its own initiative, conduct a hearing to determine whether probable cause exists to believe there has been a violation of this code of ethics. If the board of ethics determines by majority vote that probable cause does not exist, the complaint shall be dismissed or the investigation terminated and the parties will be so advised in writing. If the board of ethics determines that probable cause does exist, the involved parties shall be so advised in writing.
- (e) When probable cause is found to exist, the board of ethics shall schedule a formal hearing to consider the complaint. The board of ethics shall notify all involved parties in writing of the time and place of the hearing, which hearing shall not be held sooner than ten days following notice of same.
- (f) Hearings shall be public, and all parties shall have the opportunity to be heard, to summon witnesses, and to present evidence. Persons alleged to have violated this code of ethics shall have the right to be represented by counsel at their own expense.
- (g) The board of ethics shall have the power to compel the attendance of witnesses and the production of records by subpoena, and to take testimony under oath. Fulton County shall bear the costs of issuing subpoenas and, if desired by the board of ethics, the cost of having a court reporter present to record hearings. Any matters related to enforcing or quashing subpoenas may be submitted to the Superior Court of Fulton County.
- (h) At the conclusion of the hearing, the board of ethics shall deliberate upon its findings in public and shall determine its findings by majority vote. Findings that a violation of this code of ethics has occurred must be based upon a preponderance of the evidence. The board of ethics' decision shall be reduced to writing and provided to the parties, which decision shall be final; provided, however, that the decision shall be subject to review by writ of certiorari to the Superior Court of Fulton County.

(92-RM-579, § 3, 12-16-92; Ord. No. 03-1531, 2-4-04)

Sec. 2-82. - Violations.

- (a) Any intentional violation of this code of ethics, the furnishing of false or misleading information to the board of ethics, the failure to follow an opinion or decision issued by the board of ethics, or the failure to comply with a subpoena issued by the board of ethics, as determined by the board of ethics after notice and the right to be heard in accordance with the hearing requirements of this code of ethics, shall subject the violator to:
 - (1) An administrative sanction not to exceed \$1,000.00, which sanction shall be deposited into the general fund of Fulton County; and/or
 - (2) A public reprimand.
- (b) In addition to those sanctions provided for at subsection (a), with regard to a violation of this code of ethics committed by an employee of Fulton County, the board of ethics may recommend to the board

of commissioners or the appropriate appointing authority disciplinary action in accordance with the personnel rules and regulations of Fulton County.

- (c) In addition to those sanctions provided for at subsection (a), with regard to a violation of this code of ethics committed by any person, business, or other entity, the board of ethics may recommend to the purchasing agent that debarment proceedings be commenced in accordance with applicable ordinances of Fulton County.

(92-RM-579, § 4, 12-16-92; Res. No. 03-1531, 2-4-04)

Sec. 2-83. - Secretary to the board of ethics; legal counsel.

- (a) The board of ethics shall select a secretary, whose duties shall include the receiving and filing of complaints and requests for advisory opinions, and the maintaining of all records and minutes of the meetings and proceedings of the board of ethics. Not longer than five business days following each meeting of the board of ethics, the secretary shall provide the clerk to the commission with a copy of all such records and minutes. The secretary shall be under contract with Fulton County to provide such services to the board of ethics and shall be compensated from funds approved by the board of commissioners.
- (b) The board of ethics shall be represented by independent legal counsel, selected by the board of ethics from those attorneys admitted to practice law in the State of Georgia. Said legal counsel shall be under contract with Fulton County to provide such services to the board of ethics and shall be compensated from funds approved by the board of commissioners.

(Res. No. 03-1531, 2-4-04)

Sec. 2-84. - Lobbyist registration.

- (a) Every lobbyist, as defined in section 2-67, and who is required by the laws of the State of Georgia to be registered with the state ethics commission, shall also register with Fulton County. Registration with Fulton County shall be complete upon the filing of a copy of such person's registration filed with the state ethics commission, including each renewal of and supplement to same, with the Fulton County Board of Ethics. Each such registration, as well as each renewal of and supplement to such registration filed with the state ethics commission, shall be filed with the board of ethics not more than three business days following the applicable deadline for filing same with the state ethics commission.
- (b) The registration required by this Code section shall not apply to:
 - (1) Any person who expresses personal views, on that individual's own behalf, to the board of commissioners are [or] any member thereof;
 - (2) Any officer or employee of Fulton County, or any officer or employee of any other governmental agency or non-profit entity which is funded or partially funded by Fulton County, who appears before or provides information to the board of commissioners or a member thereof at the request of the board or a member thereof;
 - (3) Any licensed attorney appearing before the board of commissioners on behalf of a client in any adversarial proceeding before the board, as well as any witness appearing in such a proceeding for the purpose of giving testimony;
 - (4) Any elected official performing the official duties of their office; and
 - (5) Any person employed or appointed by a registered lobbyist, but who is not a lobbyist as defined at section 2-67.

(Ord. No. 03-1405, § 2, 11-19-03; Res. No. 03-1531, 2-4-04)

Sec. 2-85. - Lobbyist disclosure reports.

Every lobbyist, as defined in section 2-67, and who is required by the laws of the State of Georgia to file disclosure reports with the state ethics commission, shall also file such disclosure reports with Fulton County. This requirement shall be complete upon the filing of a copy of each such disclosure report filed with the state ethics commission with the Fulton County Board of Ethics. Each such disclosure report shall be filed with the board of ethics not more than three business days following the applicable deadline for filing same with the state ethics commission.

(Ord. No. 03-1405, § 2, 11-19-03; Res. No. 03-1531, 2-4-04)

Sec. 2-86. - Denial, suspension, or revocation of registration; reinstatement; administrative sanction.

- (a) In addition to other penalties provided in this code of ethics, the board of ethics may by order deny, suspend, or revoke for a period not to exceed one year the registration of a lobbyist if it finds that the lobbyist:
 - (1) Has filed an application for registration with the board of ethics which was incomplete in a material respect or contained a statement that was, in light of the circumstances under which it was made, false or misleading with respect to a material fact;
 - (2) Has willfully violated or willfully failed to comply with section 2-84 and section 2-85;
 - (3) Has failed to comply with the reporting requirements of section 2-85; or
 - (4) Has engaged in lobbying practices in violation of section 2-84 and section 2-85.
- (b) Application may be made to the board of ethics for reinstatement. Such reinstatement shall be conducted in the same manner as required for an initial registration under section 2-84 and shall be conditioned upon payment of any outstanding penalty or fees.
- (c) Any person failing to comply with or violating any of the provisions of section 2-84 and section 2-85 shall be subject to an administrative sanction by the board of ethics not to exceed \$1,000.00 per violation.

(Res. No. 05-0867, 7-20-05)

Secs. 2-87—2-100. - Reserved.