

CITY OF FOREST PARK

WARD DISCRETIONARY FUNDS USAGE GUIDANCE

The following is a set of guidelines regarding the usage of the discretionary funds each Councilmember is entitled to spend in furtherance of their duties as a member of the City Council. The basic rules are fairly straightforward:

REGULAR WARD FUNDS

Types of Expenditures which are Proper:

The primary rule of thumb is to determine whether the expenditure is in furtherance of a council member's **official** duties. Examples of proper expenditures may include:

- Costs associated with keeping constituents informed of City business (newsletters are most common type of expense, but funds could be used to acquire official stationery and pay postage costs as well)
- Costs associated with member-sponsored City meetings/events such as town hall events, field hearings, or commemorative events so long as such events are open to all residents
- Costs (including travel costs and registration fees) associated with attendance for meetings where City business is discussed or issues affecting the City are discussed for which there is no existing reimbursement policy

The above listed items are not a comprehensive list but is set forth for illustrative purposes.

In addition, absent a policy to the contrary, a Council member may appropriately use their funds for any type of expenditure for which the City can lawfully incur. For instance, if there were a parcel of land in the City that the Council member was interested in having the City acquire, they could use their discretionary funds to order a title report, appraisal or survey on behalf of the City. Another example might be the payment of a stipend for a summer intern who is hired to assist the Councilmember with their official duties.

Types of Expenditures which are NOT Proper:

With respect to expenditures that may not be made, the primary rule of thumb is that the funds may not be used for the personal gain or benefit of the Councilmember.

- Funds may not be used any for personal expense or benefit whatsoever
- Funds may not be used for campaign expenses or events

- Funds may not be used in a manner that would constitute an illegal gratuity under the Georgia Constitution. The City must receive some benefit in return for the expenditure. Funds could not be used to buy toys for a holiday toy giveaway or food for a holiday food giveaway, for instance. Funds could not be used to sponsor a private group's event unless the City receives a benefit in return. Notwithstanding the provisions of Section 1.13(40) of the City's Charter is unconstitutional, charitable donations or similar contributions are not permitted.

To avoid any appearance of impropriety, the following rules should be adhered to:

1. Requests for cash advances of ward funds should be avoided. Check requests should be accompanied with receipts (for reimbursements) or a proper invoice (for advance payments).
2. Requests for purchases of gift cards or similar financial items should also be avoided.
3. For certain expenditures involving cooperative relationships with local governmental entities, a proper intergovernmental agreement should be utilized to memorialize the terms of the relationship. (For instance, the City could partner with a local school to provide educational/recreational services to Forest Park students utilizing ward funds provided a proper agreement is in place.)

CAPITAL WARD FUNDS

Types of Expenditures which are Proper:

The primary rule of thumb is to determine whether the expenditure is a capital expenditure. A definition of a capital expenditure is funds spent maintaining fixed assets, such as land, buildings, and equipment. In addition to the definition, examples of capital expenditures might include:

- Park equipment such as benches and playground equipment.
- Paying to repair roads and potholes.
- Vehicles.

The above listed items are not a comprehensive list but is set forth for illustrative purposes.

It is anticipated that all such expenditures are to be used for projects within a particular member's ward.

Global Considerations for All Types of Ward Fund Expenditures

Council members are reminded that ethics rules apply to both the “proper” expenditures category as well as the “improper” expenditures category. Additionally, all expenditures and any records related to them are public documents and subject to disclosure under the Open Records Act. In addition to those matters, Council members must follow the City’s procurement ordinance and policies for all expenditures. Council members should rely on the City staff to execute all aspects of the expenditures once an item is identified for purchase.

Should a Council member have any question about any specific proposed expenditure, they should contact the City Manager or the City Attorney before any expenditure is made.

~~DONATED FUNDS AND GOODS~~

~~Over the years, a number of businesses, individuals and civic groups have gifted funds and goods to the City in support of various programs and events. Section 1.13(12) of the Charter allows this. The City should no longer be responsible for accepting and disbursing funds from donors for such programs and events. Instead, prospective donors should pay directly and have the goods or services donated to the City for such events. For example:~~

- ~~• Rather than donating money for the City to buy toys, food or school supplies for programs, donors should buy the products themselves and then donate them to the City.~~
- ~~• Similarly, donors can directly pay for portions of the entertainment or food for events rather than cycling those funds through the City.~~

~~In doing so, this eliminates the potential for mistakes in the management of donated funds and reduces the potential for ethical problems associated with the solicitation of funds for City programs or events. Additionally, while elected officials may solicit donations for programs or events, City staff, including Council aides, should not in order to avoid any appearance of impropriety on their part.~~