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**Sec. 2-220. Purpose and scope.**

- (a) The purpose of this Code is to:
  - (1) Encourage high ethical standards in official conduct by city officials;
  - (2) Establish guidelines for ethical standards of conduct for all such officials by setting forth those acts or actions that are incompatible with the interests of the city;
  - (3) Require disclosure by such officials of private financial or other interests in matters affecting the city; and
  - (4) Serve as a basis for disciplining those who refuse to abide by its terms.
- (b) The provisions of this code of ethics shall be applicable to all elected or appointed city officials **as defined herein.**

Notwithstanding anything herein to the contrary, state law and the Charter of the city shall be controlling in the event of an actual conflict with the provisions of this code of ethics. This section shall be interpreted to supplement, and not replace, said provisions of state law and the Charter.

**Sec. 2-221. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. For the convenience of the reader, unless the context of the regulation specifically relates to only one set or subset of actors, the terms official, employee, appointee, and volunteer may be used synonymously with "official" and "employee" throughout this article. All terms not defined shall be defined as in the Webster's Dictionary 2004 edition.

*Agency* means the city council, and all other agencies, authorities, boards, commissions, committees, departments, and offices of the city, without exception.

*Business* means a corporation, a partnership, a limited liability company, a sole proprietor, or any other person or organization carrying on an enterprise for profit.

*Business relationship* means an agreement between parties designed to result in an enterprise for profit to those parties.

*City* means the City of Jonesboro, Georgia.

*City official* means official as defined herein. The term "City official" and "Official" shall be interchangeable.

*Confidential information* means any information that, by law or practice, is not available to the general public.

*Contract* means any lease, claim, account or demand against or agreement with any person, whether express or implied, executed or executory, verbal or in writing.

*Employee* means any person holding a classified position as defined in the city's personnel policy.

*Employment* means any rendering of services on request, whether paid or unpaid.

*Governing authority* means the Mayor and Council of the City of Jonesboro, Georgia.

*Immediate family* means the spouse, mother, father, grandparent, brother, sister, son, or daughter of any city official related by blood, adoption, or marriage. The relationship by marriage shall include in-laws.

*Interest* means any direct or indirect pecuniary or material benefit accruing to an official as a result of a contract or transaction, which is or may be the subject of an official act or action by or within the city. This does not, however, include those contracts or transactions which by their terms and by the substance of their provisions confer

40 the opportunity and right to realize the accrual of similar benefits to all other persons and/or property similarly  
41 situated. Examples of interest include, but are not limited to, situations involving:

42 (1) Any person in the immediate family of the official; and.

43 (2) Any person or business with whom a contractual relationship (either written or Implied) exists, whereby he  
44 may receive a payment or other benefit, including an agreement for employment; and

45 (3) Any business in which he is an officer, director, employee, prospective employee, or substantial shareholder  
46 (owning or controlling in excess of five percent of the total stock or total legal and beneficial ownership).

47 *Official or City Official* means:

48 (1) the Mayor and members of the City Council;

49 (2) appointed officials of the City, including but not limited to the City Manager, City Attorney, City Clerk,  
50 municipal court judges (including substitute judges), municipal solicitors (including alternates) and all other persons  
51 holding appointive positions, whether paid or unpaid, designated by state or local law, ordinance or resolution, as  
52 may be amended; and

53 (3) all individuals appointed by the Mayor and/or City Council to any authority, board, commission, committee,  
54 task force, or other body of the City, including members of the Board of Ethics and Downtown Development  
55 Authority.

56 The term "official" does not include employees of the City unless otherwise specifically stated hereinabove.

57 *Official act or action* means any executive, legislative, administrative, appointive, ministerial, or discretionary  
58 act, decision, recommendation, approval, disapproval, vote, or other exercise of governmental authority, whether  
59 formal or informal, taken or performed by a city official in the course of or by virtue of the powers of the office, or  
60 by any agency, board, authority, commission, or other body of the City.

61 *Paid* means the receipt of or right to receive a salary or commission, percentage, brokerage or contingent  
62 fee.

63 *Official city business* means work, action, attendance, or other legitimate participation in any event or  
64 activity sanctioned by the governing authority of the city.

65 *Paid* means the receipt of or right to receive a salary or commission, percentage, brokerage or contingent  
66 fee.

67 *Participate* means to take part in official acts, actions or proceedings personally as an official or employee  
68 through approval, disapproval, decision or the failure to act or perform a duty.

69 *Person* means any individual, business, labor organization, representative, fiduciary, trust, or association,  
70 whether paid or unpaid, including any official or employee.

71 *Property* means any property, whether real or personal, tangible or intangible, including currency and  
72 commercial paper.

73 *Public Censure* means a formal expression of severe criticism or reproach issued by the Mayor and Council,  
74 upon recommendation of the Board of Ethics, to an official found to have committed a serious or repeated  
75 violation of this Code of Ethics. A public censure shall be adopted by formal action of the Mayor and Council,  
76 publicly read into the record, and incorporated into the official minutes.

77 *Public Reprimand* means a formal written admonishment or disapproval issued by the Mayor and Council  
78 following a recommendation of the Board of Ethics to an official found to have violated this Code of Ethics. A  
79 public reprimand shall be adopted by formal action of the Mayor and Council, publicly read into the record, and  
80 incorporated into the official minutes.

81 *Remote or incidental interest* means an interest of a person or entity, including a city official, that would be  
82 affected in the same way as the general public and that does not uniquely or disproportionately affect the city  
83 official. For example, the interest of an official in the property tax rate, general city fees, city utility charges or a

84 comprehensive zoning ordinance or similar matters is deemed remote or incidental to the extent that the official  
85 would be affected in common with the general public.

86 *Substantial interest* means an interest, either directly or through a member of the immediate family, in  
87 another person or entity, where:

88 (1) the interest is ownership of five percent or more of the voting stock, shares or equity of the entity or  
89 ownership of \$5,000.00 or more of the equity or market value of the entity; or

90 (2) the funds received by the person from the other person or entity during the previous 12 months either  
91 equal or exceed (a) \$5,000.00 in salary, bonuses, commissions or professional fees, or \$5,000.00 in payment for  
92 goods, products or services, or (b) ten percent of the recipient's gross income during that period, whichever is less;

93 (3) the person serves as a corporate officer or member of the board of directors or other governing board of  
94 a for-profit entity other than a corporate entity owned or created by the city council; or

95 (4) the person is a creditor, debtor, or guarantor of the other person or entity in an amount of \$5,000.00 or  
96 more.

97 *Transaction* means the conduct of any activity that results in or may result in an official act or action of the  
98 city.

## 99 **Sec. 2-222. Conflict of interest and disclosure.**

100 (a) A city official may not participate in a vote or decision on a matter affecting an immediate family member or  
101 any person, entity, or property in which the official has a substantial interest.

102 (b) A city official who serves as a corporate officer or member of the board of directors of a nonprofit entity  
103 must disclose their interest in said entity to the mayor and council prior to participating in a vote or decision  
104 regarding funding of the entity by or through the city.

105 (c) Where the interest of a city official in the subject matter of a vote or decision is remote or incidental, the city  
106 official may participate in the vote or decision and need not disclose the interest.

107 (d) An official of the city shall disclose the nature of any interest or benefit he or she has prior to any discussion,  
108 deliberation, or vote on the matter, at the time such matter is presented to the Mayor and Council for  
109 discussion and/or action. Such disclosures shall be recorded in the minutes of the meeting and become part  
110 of the public record. The official shall not participate in any ex parte communications with other members  
111 regarding any such matter.

112 (e) No official of the city shall participate in any discussion, debate, deliberation or vote, or otherwise take part  
113 in the decision-making process on any agenda item, any official act or action in which he or she has a conflict  
114 of interest. Further, to avoid the appearance of impropriety, following any disclosure made pursuant to this  
115 code of ethics, the official shall leave the room in which the meeting is being held and not return to it until  
116 deliberation and action of the matter is complete.

117 (f) If a city official is negotiating or has an arrangement concerning prospective employment with any person or  
118 entity that has a substantial interest in a matter before the city, the official shall (i) disclose such fact and (ii)  
119 recuse themselves and (iii) not participate in any discussion, deliberation, or vote on the matter.

## 120 **Sec. 2-223. Prohibitions.**

121 No official of the city shall:

122 (1) By conduct give reasonable basis for the impression that any person can improperly influence him/her or  
123 unduly enjoy his/her favor in the performance of official acts.

- 124 (2) Directly or indirectly request, exact, receive, or agree to receive any gift, loan, favor, promise, or thing of  
125 value for himself/herself or another person if it could reasonably be perceived to influence the official in the  
126 discharge of official duties.
- 127 (3) The foregoing prohibitions shall not prohibit the acceptance of:
- 128 a. Items of nominal value not exceeding \$50.00 per occurrence and not exceeding \$150.00 in aggregate  
129 from any single source within a calendar year.
  - 130 b. Promotional or incidental items of minimal value, such as pens, mugs, or similar materials.
  - 131 c. Modest refreshments or meals provided in connection with official city business where attendance  
132 serves a legitimate public purpose.
  - 133 d. Awards or plaques publicly presented in recognition of public service.
  - 134 e. Commercially reasonable loans or financial transactions made in the ordinary course of business; and
  - 135 f. Campaign contributions made and reported in accordance with Georgia law.
  - 136 g. Notwithstanding any exception set forth above in (a) – (f), no gift, loan, favor, promise, or other thing  
137 of value shall be solicited or accepted if it could reasonably be perceived as intended to influence the  
138 official in the performance of official duties.
- 139
- 140 (4) Disclose or otherwise use confidential information acquired by virtue of his/her official position for  
141 his/her or another person's private gain.
  - 142 (5) Use his/her official position to attempt to secure privileges that are not available to the general public.
  - 143 (6) Engage in, accept employment with, or render services for any private business or professional activity  
144 when such employment or rendering of services is adverse to and incompatible with the proper  
145 discharge of official duties.
  - 146 (7) Engage in any activity or transaction that is prohibited by law now existing or hereafter enacted which  
147 is applicable to him/her by virtue of being an official or employee of the city.
  - 148 (8) Use his or her official position to direct, coerce, or influence any employee to:
    - 149 a. Perform clerical, administrative, or other services for the personal, business, social, political,  
150 religious, or fraternal benefit of the official or any other person, where such services do not further a  
151 legitimate City purpose;
    - 152 b. Perform duties outside the scope of the employee's municipal employment that do not further  
153 official city business;
    - 154 c. Purchase goods or services from, or otherwise provide a financial or material benefit to, the official  
155 for the official's personal, business, or political use;
    - 156 d. Work for the official personally without paying the employee reasonable and just compensation; and
    - 157 e. Retaliate, directly or indirectly, against any employee for refusing to comply with, reporting, or  
158 opposing conduct prohibited by this subsection, including but not limited to adverse employment  
159 action, threats, intimidation, harassment or any action that would reasonably discourage a similarly  
160 situated employee from engaging in such refusal or reporting.
  - 161 (9) Use government property of any kind for other than for officially approved activities, nor shall he/she  
162 direct employees to use such property for any purposes other than those officially approved.
  - 163 (10) Use his/her position in any way to coerce, or give the appearance of coercing, another person to  
164 provide any financial benefit to himself/herself or persons having an interest.

- 165 (11) Vote or otherwise participate in the negotiation of the making of any contract with any business or  
166 entity in which **the official or the official's immediate family member** has an interest.
- 167 (12) Draw a per diem or expense money from the City of Jonesboro to attend a convention, seminar or  
168 similar meeting and then fail to attend the seminar, conference or meeting.
- 169 (13) Make false or materially misleading statements or in any manner commit fraud or conceal wrongdoing  
170 **in connection with any official act** or in relation to official city business.
- 171 (14) **Use his or her official position for personal gain or to secure special privileges or exemptions for**  
172 **himself, herself, or others.**
- 173 (15) **Commit a Material Violation of standards of meeting decorum adopted by ordinance, as defined**  
174 **therein, as may be amended from time to time.**

175 **Sec. 2-224. Board of ethics.**

176 **A. Composition and Terms.**

177 The board of ethics of the city shall consist of three members, one appointed by the mayor, two appointed  
178 by the city council, which appointments shall be submitted by September 9, 2024. All members shall serve a two-  
179 year term; provided, however, that among the three members appointed immediately following adoption of the  
180 ordinance from which this article derives, one shall serve for one year, one shall serve for two years, and one shall  
181 serve for three years, so as to provide staggered two-year terms for all future board members. The initial  
182 appointees shall decide which initial term each initial appointee will serve. All members shall meet the following  
183 prerequisites and conditions for service on the board:

- 184 (1) All members of the board of ethics shall be residents of the city and **shall remain a resident to remain**  
185 **eligible** to serve on the board;
- 186 (2) No person shall serve as a member of the board of ethics if the person has, or has had within the  
187 preceding one-year period, any interest in any contract or contracting opportunity with the city or has  
188 been employed by the city;
- 189 (3) Members of the board of ethics with any permit or rezoning application pending before the city, or any  
190 pending or potential litigation against the city or any city official charged in the complaint, shall be  
191 disqualified from serving on the board of ethics for that complaint; an alternate member of the board  
192 of ethics shall be selected **as provided in subsection B below;**
- 193 (4) The members of the board of ethics shall serve without compensation. The city council shall provide  
194 adequate meeting space for the board of ethics and, subject to budgetary procedures and  
195 requirements of the city, such supplies and equipment as may be necessary for the board to perform  
196 its duties and responsibilities;
- 197 (5) No person shall serve on the board of ethics who has been convicted of a felony involving moral  
198 turpitude in this state or any other state, unless such person's civil rights have been restored and at  
199 least ten years have elapsed from the date of the completion of the sentence without a subsequent  
200 conviction of another felony involving moral turpitude;
- 201 (6) No person shall serve on the board of ethics who is less than 21 years of age, who holds a public  
202 elective **or appointive** office, who is physically or mentally unable to discharge the duties of a member  
203 of the board of ethics, or who is not qualified to be a registered voter in the City of Jonesboro;
- 204 (7) Upon appointment, members of the board of ethics shall sign an affidavit attesting to their  
205 qualification to serve as a member of the board of ethics;
- 206 (8) Members of the board of ethics may be removed by majority vote of the city governing authority for  
207 cause including, but not limited to, failure to maintain any requirement or condition for qualification to  
208 serve on the board of ethics.

209 **B. Vacancies; Disqualification; Temporary Service.**  
210

211 (1) A vacancy on the Board of Ethics shall occur upon death, resignation, removal, loss of qualification, or  
212 disqualification from service in a particular matter.  
213

214 (2) Any vacancy shall be filled for the unexpired term in the same manner as the original appointment.  
215

216 (3) A member who no longer meets the qualifications for service set forth in this section shall be deemed to  
217 have vacated the position as of the date such qualification is no longer satisfied.  
218

219 (4) Alternate Panel Established.

220 There is hereby established a panel of alternate members of the Board of Ethics. Alternate members shall be  
221 appointed in the same manner and shall meet all eligibility requirements applicable to regular members. The  
222 panel shall consist of not fewer than three alternate members.  
223

224 (5) Designation of Alternates; Neutral Selection.

225 In the event a regular member is disqualified, recused, absent, or otherwise unable to participate in a  
226 particular complaint or proceeding, one or more alternate members shall be designated to serve for that  
227 matter. Such designation shall be made by the City Clerk or designee on a predetermined rotating basis  
228 established in writing and applied uniformly to ensure fairness and avoid undue influence. No alternate  
229 member shall be selected by, or at the direction of, any member of the Board of Ethics or any party to the  
230 proceeding.  
231

232 (6) Quorum and Continuity.

233 A majority of the members serving on a matter, including designated alternate members, shall constitute a  
234 quorum. An alternate member designated pursuant to this subsection shall be counted for purposes of  
235 establishing a quorum and shall serve continuously for all proceedings related to the matter, including any  
236 continued or reconvened hearings, through final disposition.  
237

238 (7) Scope and Duration of Service.

239 An alternate member shall serve only for the duration of the matter for which the alternate is designated,  
240 unless continued service is necessary to complete the proceeding.  
241

242 (8) Authority of Alternate Members.

243 Any alternate member serving in place of a regular member shall take an oath and shall have all authority,  
244 powers, and duties of a regular member with respect to the matter for which such alternate is designated.  
245

246 **C. Training; City Attorney Advisory Role; Independent Counsel.**  
247

248 (1) The City Attorney shall provide initial and periodic training to members of the Board of Ethics regarding  
249 this Article, applicable law, and general procedural requirements.  
250

251 (2) The City Attorney shall serve in an advisory and procedural capacity to the Board of Ethics outside the  
252 context of any pending complaint and may provide general guidance upon request.  
253

254 (3) The City Attorney shall not serve as legal counsel to the Board of Ethics in connection with any filed  
255 complaint, investigation, hearing, or adjudicatory proceeding under this Article.  
256

257 (4) In any such matter, the Board of Ethics shall be represented by independent legal counsel, which shall be  
258 provided for by the City in accordance with applicable procurement and budgetary procedures.

259 **Sec. 2-225. Complaints.**

- 260 (a) Any person having a complaint against any official or employee of the City of Jonesboro for alleged ethics  
261 violations shall file a written, verified complaint under oath setting forth the particular facts and circumstances  
262 which constitute the alleged violation. Oral complaints shall be prohibited. All written complaints against city  
263 officials shall be filed with the Board of Ethics through the City Clerk acting in an administrative capacity only.  
264 The City Clerk's role shall be strictly administrative and limited to the receipt and documentation of the date  
265 of submission of a verified complaint filed under oath. The city clerk shall be authorized to reject any complaint  
266 not verified under oath and shall notify the complainant in writing of the basis for such rejection. Upon receipt  
267 of a complaint in proper form, the city clerk or the clerk's designee (in the event the city clerk is not available  
268 or otherwise the subject of the complaint), shall immediately forward a copy of the complaint to the city official  
269 or officials charged in the complaint. Service may be by personal service, by certified mail, return receipt  
270 requested or by statutory overnight delivery. A hearing shall be held within 60 calendar days after filing of a  
271 complaint in proper form. In addition, the city clerk shall forward the complaint to the Board of Ethics within  
272 three (3) business days and shall contemporaneously provide a copy of the complaint to Mayor and Council  
273 for informational purposes only.
- 274 (b) Upon receipt of a complaint in proper form, the board of ethics shall have the power to:
- 275 (1) Conduct a preliminary review to determine whether the complaint alleges facts which, if true, would  
276 constitute a violation of this Article and warrant further review, investigation, or hearing.
- 277 (2) Be authorized to summarily dismiss any complaint that is unfounded, frivolous, filed primarily for  
278 harassment or political advantage, or fails to allege facts with reasonable particularity which, if true,  
279 would constitute a violation of this Article.
- 280 (3) If the complaint is not dismissed, a hearing shall be held by the board of ethics within 60 calendar days  
281 after the board's receipt of the complaint from the city clerk. The board of ethics shall conduct hearings  
282 in accordance with the procedures and regulations it establishes, but in all circumstances, at least one  
283 hearing shall include the taking of testimony of the complainant and the cross-examination of available  
284 or properly subpoenaed witnesses. At any hearing held by the board of ethics, the city official who is the  
285 subject of inquiry shall have the right to written notice of the hearing and the allegations at least seven  
286 calendar days before the first hearing, to be represented by counsel, to hear and examine the evidence  
287 and witnesses and to oppose or try to mitigate the allegations. The city official subject to the inquiry shall  
288 also have the right but not the obligation of submitting evidence and calling witnesses.
- 289 (4) Collect evidence and information concerning any complaint and to add to the findings and results of its  
290 investigations to the file containing such complaint.
- 291 (5) Conduct probable cause investigations, take evidence, and hold hearings.
- 292 (6) Subpoena witnesses and information regarding matters before the board.
- 293 (c) Upon conclusion of any hearing or proceeding disposing of the complaint, the board of ethics shall:
- 294 (1) Report its written findings and recommendations for disciplinary actions to the mayor and council  
295 within seven calendar days after completion of the final hearing. Findings of the Board of Ethics shall  
296 be supported by a preponderance of the evidence contained in the record.
- 297 (2) The findings shall include a summary of the board's actions and investigation into the matter, signed by  
298 the members of the board as representing its official action and shall be delivered to all parties of  
299 interest within ten business days of reaching the decision/recommendation.
- 300 (3) The mayor and council shall take action upon the recommendation of the Board of Ethics within 45-  
301 days following receipt of the recommendation.
- 302 (4) In the event the Mayor and Council choose to reject, modify, or deviate from the findings or  
303 recommendations of the Board of Ethics, such action shall be supported by specific written findings of  
304 fact and conclusions, which shall be stated on the record and included in the official minutes. Any such

305 decision shall be based solely on the evidentiary record established before the Board of Ethics. The  
306 Board of Ethics' findings of fact shall be presumed correct and shall not be overturned by the Mayor  
307 and Council unless clearly unsupported by the evidence in the record. Any such determination must be  
308 supported by written findings stated on the record.

309 (d) No action may be taken on any complaint that is filed later than 12 months after a violation of this chapter is  
310 alleged to have occurred, and a complaint alleging a violation must be filed within six months from the date  
311 the complainant(s) knew or should have known of the action alleged to be a violation.

312 (e) To discourage the filing of ethics complaints solely for political purposes, complaints will not be accepted  
313 against a person seeking election as a city official, whether currently serving as a city official or not, from the  
314 date qualifying opens for the elected office at issue through the date the election results for that office are  
315 certified. The time limitations for filing complaints shall be tolled during this period. Properly filed complaints  
316 may be brought within 30 days after the election results have been certified and will be accepted for filing  
317 and processed in accordance with this ordinance.

318 (f) The mayor and council shall provide meeting space for the board of ethics. Subject to budgetary requirements  
319 of the city, the city shall provide the board with supplies and equipment as may be reasonably necessary for it  
320 to perform its duties and responsibilities.

321 (g) All final findings and recommendations of the Board of Ethics shall be made part of the public record, subject  
322 to applicable confidentiality laws.

323 **Sec. 2-226. Appeals.**

324 (a) A complainant or respondent adversely affected by a final decision or resulting penalty action under this  
325 section may seek judicial review of such final decision or resulting city council penalty action as provided  
326 herein.

327 (b) A petition for judicial review of a final decision may be commenced in the Superior Court of Clayton County  
328 within 30 days after a final decision is rendered. The 30-day right to appeal shall be a subject matter  
329 jurisdiction limitation, time to appeal, and failure of any affected party to file an application for writ of  
330 certiorari within that time shall deprive the superior court of jurisdiction to hear any appeal.

331 (c) The filing of an appeal by way of petition for judicial review shall act as a supersedeas writ and stay any  
332 penalty or action imposed by the city council until further order of the Superior Court of Clayton County.

333 **Sec. 2-227. Penalties.**

334 Any official found to have violated any provisions of this article may be subject to disciplinary actions by the  
335 mayor and council. These disciplinary actions may include, but shall not be limited to, public reprimand, public  
336 censure, request for resignation, the withholding of any pay/stipend of an official for service to the City of  
337 Jonesboro, or removal from office as provided in section 5.16 of the city Charter.

338 **Secs. 2-228—2-250. Reserved.**