

**ORDINANCE ORD-2022-2**

**AN ORDINANCE TO AMEND CHAPTER 2 ARTICLE 1 SECTION 2-2 CODE OF ETHICS.**

**WHEREAS**, the duly elected governing authority of the City of Lawrenceville, Georgia is authorized by O.C.G.A. § 36-35-3 to adopt ordinances relating to its property, affairs and local government; and,

**WHEREAS**, the duly elected governing authority of the City of Lawrenceville, Georgia is the Mayor and Council thereof; and

**WHEREAS**, the governing authority deems it essential to the proper operation of democratic government that the public officials be, and give the appearance of being, independent, impartial, and responsible to the people; that governmental decisions and policies be made in the proper channels of the governmental structure; and that public office not be used for personal gain; and

**WHEREAS**, such measures are necessary to provide the public with confidence in the integrity of its government; and

**WHEREAS**, it is the policy of the city that its elected officials, commission, board and authority appointees, and its appointed officials while conducting city business guide their ethics and conduct to achieve the following standards:

1. Serve others and not themselves;
2. Use resources with efficiency and economy;
3. Treat all people fairly;
4. Use the power of their position for the well-being of their constituents; and
5. Create an environment of honesty, openness and integrity.

**NOW THEREFORE BE IT AND IT IS HEREBY ORDAINED BY THE GOVERNING AUTHORITY THAT A NEW CODE OF ETHICS AND CONDUCT IS APPROVED AND ADOPTED TO HAVE THE FOLLOWING TERMS AND PROVISIONS:**

That the Code of Ordinances of the City of Lawrenceville, Georgia is hereby amended by deleting the existing Code of Ethics as contained in the General Code of the City of Lawrenceville Chapter 2 Article 1 Section 2-2 and in its place, adopts and ordains the following provision:

## **Sec. 2-2. Code of Ethics.**

### **(a) *Code of Ethics for City employees.***

- (1) *Prohibited conduct.*** Employees of the City shall treat all citizens with courtesy, impartiality, fairness, and equality under the law, and shall avoid both actual and potential conflicts between their private self-interest and the public interest. Prohibited conduct of each such employee shall include, but not be limited to, the following:
  - a. Requesting, using, or permitting the use of any publicly owned or publicly supported property, vehicle, equipment, labor, or service for the personal convenience or the private advantage of themselves or any other person, except as otherwise allowed by law;
  - b. Engaging in private employment with, or rendering services for, any private person who has business transactions with the City, unless they have notified their Department Director and the Human Resources Director in writing of the nature and extent of such employment or services;
  - c. Appearing on behalf of any private person, other than themselves, before any public body in the City;
  - d. Accepting gifts with a value of more than \$100.00, whether in the form of money, things, favors, loans, or promises, that would not be offered or given to them if they were not an employee; A gift of \$25.00 or less is exempt from reporting. A gift of \$25.01 to \$99.99 is only exempt if the gift is reported in writing to the City Clerk within 30 days of receipt. The Clerk shall disclose all such gifts in a consent agenda report published on a quarterly basis.
  - e. Disclosing any confidential information concerning any official or employee, or any other person, or any property or governmental affairs of the City, without prior formal authorization of the governing body;
  - f. Using or permitting the use of confidential information to advance the financial or personal interest of themselves or any other person; or
  - g. Appointing of any person related to them by blood or marriage to fill an office, position, employment, or duty, when the salary, wages, pay, or compensation is to be paid out of public funds.
- (2) *Hearings and determinations.*** A name clearing hearing shall be held as described in the City of Lawrenceville Personnel Policy.

### **(b) *Code of Ethics for City Officials.***

- (1) *Principal policies.*** The public trust requires public servants to fulfill their duties faithfully and honestly and to subordinate any personal interest, which conflicts with the public interest. A public servant is a trustee of the people and should strive to further the general welfare and not use public office or position to unethically improve their own private standing. The principal policies that form the foundation of this Code of Ethics are as follows:

- a. The trust of citizens in their government is cultivated when individual public servants act with integrity and when the public is aware that its servants act with integrity.
  - b. The constitutions, laws and regulations of the United States and the State of Georgia and ordinances of the City of Lawrenceville should be upheld as a minimum standard of conduct.
  - c. The most effective way to eradicate unethical practices is to consistently act with the highest moral principles and react appropriately to the ethical decisions of others.
  - d. City of Lawrenceville Officials should exercise sound judgment and apply ethical principles in making decisions that in any manner reflect upon their elected office.
  - e. All citizens should be treated with courtesy, impartiality and equality.
- (2) *Intent.* It is the intent of this Code of Ethics that City of Lawrenceville officials shall not knowingly engage in any activity that is incompatible with the proper discharge of their official duties or which would tend to impair their judgment or actions in the performance of their official duties. Furthermore, City of Lawrenceville Officials should avoid any action that might result in or create the appearance of:
- a. Using public office or position in an unethical manner for private gain;
  - b. Impeding City of Lawrenceville efficiency or economy; or
  - c. Affecting adversely the confidence of the public in the integrity of those who conduct the affairs and business of the City of Lawrenceville.
- (3) *Definitions.* As used in this section, the following words shall have the meaning ascribed to them below (unless otherwise required by context):
- a. *Benefit* means anything of monetary value that a reasonably prudent person would recognize as being likely to be intended to influence a City of Lawrenceville Official in the performance or non-performance of an official action.
  - b. *Confidential information* means information which has been obtained in the course of holding public office, employment, an independent contract or otherwise acting as a public servant, and which information is not available to members of the public under the Georgia Open Records Act or other law or regulation and which the public servant is not authorized to disclose, including:
    - 1. Any written information that could lawfully be exempted from disclosure pursuant to state law, unless the public servant disclosing it is authorized to do so by state law, or pursuant to some other pertinent law, policy or procedure;
    - 2. Any non-written information which, if it were written, could be excepted from disclosure under state law, unless the public servant disclosing it is

authorized to do so by the state law, or pursuant to some other pertinent law, policy or procedure; and

3. Information which was obtained in the course of or by means of a record or oral report of a lawful executive or closed session, whether or not the disclosure of the information would violate state law, unless the public servant disclosing it is authorized by state law to do so, or unless the public servant disclosing it has been properly authorized to disclose it pursuant to an applicable law, policy or procedure; however, when such information is also available through channels which are open to the public, this provision does not prohibit public servants from disclosing the availability of those channels.
- c. *Entity* means a sole proprietorship, partnership, limited partnership, firm, corporation, professional corporation, holding company, joint stock company, receivership, trust or any other entity recognized by law through which business may be conducted.
  - d. *Immediate family* means the spouse, mother, father, grandparent, brother, sister, son or daughter of any City of Lawrenceville Official related by blood, adoption, or marriage. The relationship by marriage shall include in-laws.
  - e. *City of Lawrenceville Official* means the members of the City Council, Municipal Court Judges (including substitute judges), City Manager, Deputy City Manager, Assistant City Manager, Police Chief, Community Relations Director & Chief Communications Officer, City Clerk, Assistant City Clerk, City Attorney and all other persons holding positions designated by the City Charter. The term City Official also includes all individuals appointed by the City Council to all City authorities, boards, commissions, committees, task forces, or other bodies unless specifically exempted from this article by the City Council.
  - f. *Interest* means any personal pecuniary benefit accruing to a public servant or the public servant's partner in interest, whether in the public servant's own name or the name of any person or business from which the public servant is entitled to receive any personal benefit, as a result of a matter which is or which is expected to become the subject of an official action by or with the City.
  - g. *Incidental interest* means an interest in a person, entity or property which is not a substantial interest as defined herein and which has insignificant value.
  - h. *Partner in interest* means, when used in this article in connection with a public servant, as in the phrase "a public servant or a partner in interest," any and all of the following:
    1. A member of the public servant's immediate family;
    2. A business with which the public servant or a member of the public servant's immediate family is associated;
    3. Any other person with whom the public servant or a member of their immediate family is in business, or is negotiating or has an agreement

concerning future employment or the future conferring of any personal benefit, whether in the public servant's own name or the name of any business or person from whom the public servant is entitled, or expects to become entitled, to receive any personal benefit, as a result of a contract or transaction which is, or which is expected to become, the subject of an official action by or with the City. The term "partner in interest" does not imply or require any form of legal partnership or formal agreement; or

4. When used in the phrase "a public servant or partner in interest," the term "partner in interest" refers only to a partner in interest of the public servant to whom reference is being made, and not to any other person's partner in interest.
    - i. *Remote interest* means an interest of a person or entity, including a City Official, which would be affected in the same way as the general public. For example, the interest of an official in the property tax rate, general City fees, City utility charges, comprehensive zoning ordinance, or similar matters is deemed remote to the extent that the official would be affected in common with the general public.
    - j. *Substantial interest* means an interest, either directly or through a member of the immediate family, in another person or entity, where:
      1. The interest is as follows:
        - (a) Ownership of five percent or more of the voting stock, shares or equity of the entity; or
        - (b) Ownership of \$5,000.00 or more of the equity or market value of the entity.
      2. The funds received by the person from the other person or entity during the previous 12 months either equal or exceed:
        - (a) \$5,000.00 in salary, bonuses, commissions or professional fees, or \$5,000.00 in payment for goods, products or services, or ten percent of the recipient's gross income during that period, whichever is less;
        - (b) The person serves as a corporate officer or member of the board of directors or other governing board of a for-profit entity other than a corporate entity owned or created by the City Council; or which entity receives an amount of \$5,000.00 or more; or
        - (c) The person is a creditor, debtor, or guarantor of the other person or entity in an amount of \$5,000.00 or more.
- (4) *Prohibited conduct.* City of Lawrenceville Officials shall treat all citizens with courtesy, impartiality, fairness, and equality under the law, and shall avoid both actual and potential conflicts between their private self-interest and the public interest. Prohibited conduct of each City of Lawrenceville Official shall include the following:

- a. City of Lawrenceville Officials shall not have a substantial interest that conflicts with their responsibilities and duties as trustees of the public good; or
- b. City of Lawrenceville Officials shall not directly or indirectly engage in financial transactions as a result of, or primarily rely upon, confidential information obtained in the course of their office or received due to their position.
- c. *Acceptance of gifts.* City of Lawrenceville Officials shall not solicit or accept, directly or indirectly, any benefit or payment from any person, corporation or group that has, or is seeking to obtain, a contractual or other business or financial relationship with the City of Lawrenceville.
  1. The above prohibitions shall not apply in the case of:
    - (a) Occasional nonmonetary gift(s) of insignificance or trinkets or gifts, such as a calendar, memento or pen, received in the normal course of business with a value of/or less than \$100.00; A gift of \$25.00 or less is exempt from reporting. A gift of \$25.01 to \$99.99 is only exempt if the gift is reported in writing to the City Clerk within 30 days of receipt. The Clerk shall disclose all such gifts in a consent agenda report published on a quarterly basis.
    - (b) Award publicly presented in recognition of public service;
    - (c) Transaction authorized by and performed in accordance with O.C.G.A. § 16-10-6 as now or hereafter amended;
    - (d) A commercially reasonable loan or other financial transaction made in the ordinary course of business by an institution or individual authorized by the laws of Georgia to engage in the making of such loan or financial transaction;
    - (e) Campaign contributions made and reported in accordance with Georgia laws;
    - (f) Items listed under O.C.G.A. § 16-10-2 that are specifically itemized as "a thing of value shall not include" as now or hereafter amended;
    - (g) Promotional items generally distributed to the general public or to public officials; or
    - (h) Food, beverage, admission or expenses afforded City Officials, members of their immediate families, or others that are associated with normal and customary business or social functions, activities, or events.
- d. *Use of public property.* City of Lawrenceville Officials shall not use City of Lawrenceville property of any kind for other than officially approved activities, nor shall they direct a City of Lawrenceville employee to use such property for other than official purposes.

- e. *Use of confidential information.* City of Lawrenceville Officials shall not directly make use of, or permit others to make use of, for the purpose of furthering a private interest, City of Lawrenceville information not made available to the general public.
- f. *Coercion.* City of Lawrenceville Officials shall not use their position in any way to coerce, or give the appearance of coercing:
  - 1. Another person to provide any benefits to themselves or to their immediate family as defined herein;
  - 2. A City of Lawrenceville employee, an appointed official of the City of Lawrenceville, or a contract employee to provide any benefit to themselves or to their immediate family as defined herein; or
  - 3. Any judge in the outcome of matters before the court.
- g. *Purchases.* City of Lawrenceville Officials shall not order any goods or services for the City of Lawrenceville or on behalf of the City of Lawrenceville without proper authorization in compliance with the City of Lawrenceville Code.
- h. *Conflicts of interest.* City of Lawrenceville Officials shall not represent private interests, other than their own, in any action or proceeding against the City of Lawrenceville or any portion of its government; or vote or otherwise actively participate in the negotiation or the making of any contract between the City of Lawrenceville government and any business or entity in which they have a substantial interest. City of Lawrenceville Officials shall not enter into any contract with, or have any interest in, either directly or indirectly, the City except as authorized by state law.
  - 1. This prohibition shall not be applicable to the professional activities of the City Attorney in their work as an independent contractor and legal advisor on behalf of the City.
  - 2. This prohibition shall not be applicable to an otherwise valid employment contract between the City and a City Official who is not elected (such as, by way of example, a City Manager).
  - 3. Any official who has a proprietary interest in an entity doing business with the City shall make that interest known in writing to the City Council and the City Clerk.
- i. *City of Lawrenceville employees.* City of Lawrenceville Officials shall not use a City of Lawrenceville employee for personal or private business during regular business hours or during the employee's scheduled shift.
- j. *Travel expenses.* City of Lawrenceville Officials shall not draw per diem or expense money from City of Lawrenceville to attend a seminar, convention, conference or similar meeting and then fail to attend the seminar, conference, convention or similar meeting without promptly reimbursing the City thereafter.

- k. *Commitments.* City of Lawrenceville Officials shall not act or create the appearance of acting on behalf of the City of Lawrenceville by promising to authorize or prevent any future official action of any nature, without proper authorization.
- l. *False statements.* City of Lawrenceville Officials shall not make an intentionally false or materially misleading statement or in any manner commit fraud in relation to any City of Lawrenceville or public business.
- m. *Disclosure.* City of Lawrenceville Officials shall disclose the nature of any substantial interest they have in a matter at the time such matter is presented to the City Council for discussion and/or action. Such disclosure shall be recorded into the minutes of the meeting and become part of the public record.
- n. *Deliberation and vote prohibited.* City of Lawrenceville Officials shall not participate in a City of Lawrenceville Council appointed Board, Committee or Council meeting during the discussion, debate, deliberation or vote, or otherwise take part in the decision-making process on any agenda item, or any official act or action in which he or she has a substantial interest. Provided, however, that such officials shall not be precluded from addressing a Council appointed Board, Committee or the City Council during the discussion of any agenda item or any official act or action in the same manner as a member of the general public. Where the interest of a City Official in the subject matter of a vote or decision is remote or incidental, the City Official may participate in the vote or decision and need not disclose the interest.
- o. *Duty to leave meeting.* To avoid the appearance of impropriety, after any member of the City Council or Council appointed Board or Committee member is determined to have a substantial interest or a potential substantial interest in any matter, they shall leave their regular seat as a member of the City Council or Council appointed Board or Committee and not return to it until deliberation and action on the matter is completed. Provided, however, that such official shall not be precluded from addressing an appointed Council Board or Committee or the City Council during the discussion of any agenda item or any official act or action in the same manner as a member of the general public.
- p. *Ethics hearing officer.* The Chief Judge of Municipal Court, or, in their absence, their designee who shall be another municipal court judge, or if no municipal court judge is available, the City Attorney, is hereby designated as the Ethics Hearing Officer. The Ethics Hearing Officer shall serve without compensation and may be removed for cause by a majority vote of the City Council. If the hearing officer is removed for cause, the next most senior Municipal Court Judge or the City Attorney shall serve as hearing officer.
- q. *Receipt of complaints.* All complaints against a City of Lawrenceville Official shall be filed in writing with the City Clerk to be referred to the Ethics Hearing Officer in such form as may be prescribed by the Ethics Hearing Officer. All complaints shall be submitted and signed under oath, shall be legibly drawn, and shall clearly address matters within the scope of this ordinance. Upon receipt of a



complaint in proper form, the City Clerk will deliver a copy of the complaint to the Ethics Hearing Officer, who shall:

1. Review it to determine whether the complaint is unjustified, frivolous, patently unfounded or fails to state facts sufficient to invoke disciplinary action or is to be considered for further investigation.
  2. Be empowered to dismiss those complaints that are unjustified, frivolous, patently unfounded or that fail to state facts sufficient to constitute a violation of this article; provided, however, that a rejection of such complaint by the Ethics Hearing Officer shall not deprive the complaining party of any action he or she might otherwise have at law or in equity against the City of Lawrenceville Official.
  3. Notify the City of Lawrenceville Official charged in the complaint as soon as practicable but in no event later than seven calendar days after receipt of a verified complaint.
  4. Be empowered to collect evidence and information concerning any complaint and to add to the findings and results of its investigation to the file containing such complaint.
  5. Be empowered to conduct probable cause investigations, to take evidence and hold hearings. The Ethics Hearing Officer shall give the City of Lawrenceville Official notice and an opportunity for a hearing.
  6. Be empowered to recommend to the City Council that any City of Lawrenceville Official found to have violated any provision of this article receive a reprimand, censure or be requested to resign their office.
  7. Be empowered to refer a complaint to the appropriate law enforcement agent or agency for investigation and possible prosecution.
  8. Take action within 60 days of receipt of the complaint. The decision by the Ethics Hearing Officer shall be reduced to writing and served upon all parties of interest within five days of reaching a decision.
  9. The Ethics Hearing Officer shall appear in a public hearing before the City Council to present argument and evidence to justify the recommendation contained in paragraph (6) above and make a recommendation of the proper penalty to be imposed. The City Council shall have the final authority to act on or reject the recommendation within 30 days of the presentation by the Hearing Officer.
- r. *City Council action.* Within 30 days following the presentation of the findings of the Ethics Hearing Officer, the City Council shall have the final authority to act on or reject the recommendations of the Ethics Hearing Officer. If the subject of the complaint is a member of the City Council, he or she will not be allowed to vote pursuant to this section or participate in any discussion related thereto. Nor shall such position be counted for the purpose of establishing a quorum for this particular purpose.

- s. *Penalties.* Upon majority vote of the City Council, any violation of this Code of Ethics shall subject the offender to disciplinary action including reprimand, censure, or a request to the offending City of Lawrenceville Official that he or she resign their office.
- t. *Right to appeal.* Any City of Lawrenceville Official adversely affected by a disciplinary action taken by the City Council may appeal the decision to the Gwinnett County Superior Court in accordance with the laws of the State of Georgia. Provided, however, that no action of the Hearing Officer refusing or failing to take action pursuant to this Code of Ethics shall be reviewable by the Superior Court.
- u. *Election tolling.* To discourage the filing of ethics complaints solely for political purposes, complaints will not be accepted against a person seeking election as a City official, whether currently serving as a City official or not, from the date qualifying opens for the elected office at issue through the date the election results for that office are certified. The time for filing complaints will not run during this period. Properly filed complaints will be accepted and processed after the election results have been certified.

SO ORDAINED, this 28<sup>th</sup> day of February, 2022.

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David R. Still, Mayor

Attest:

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Karen Pierce, City Clerk