

ORDINANCE #346

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF MONTEZUMA, GEORGIA TO AMEND THE CODE OF ORDINANCES FOR THE CITY OF MONTEZUMA APPENDIX A – PERSONNEL POLICIES BY ADDING A NEW SECTION TO ESTABLISH A CODE OF ETHICS FOR EXECUTIVE BRANCH OFFICERS AND EMPLOYEES TO BE KNOWN AS CHAPTER 3. STANDARDS OF CONDUCT FOR EMPLOYEES, SECTION 205, CODE OF ETHICS & BY DELETING SECTIONS 3-200 (2) d & 3-200 (3) & 3-200 (4) IN THEIR ENTIRETY

WHEREAS: in order to maintain the public trust, it is essential that the government function in a manner consistent with the highest ethical standards; and

WHEREAS: in carrying out their official duties and obligations, all officers and employees of the City of Montezuma must work solely for the public good, striving vigilantly to avoid even the appearance that their actions are motivated by private or personal interest; and

WHEREAS: it is in the best interests of the City of Montezuma that consistent policies on ethics be applied to all executive officers and employees; and

WHEREAS: City of Montezuma employees should use their powers and resources to further the public interest and not for any financial or other personal benefit, other than salaried compensation and employer-provided benefits;

WHEREAS: City of Montezuma employees must safeguard their ability to make objective, fair, and impartial decisions and therefore should not accept benefits of any sort under circumstances in which it could be inferred by a reasonable observer that the benefit was intended to influence a pending or future decision or to reward a past decision; and

WHEREAS: City of Montezuma employees must avoid any conduct, whether in the context of business, financial, or social relationships, which might undermine the public trust, whether that conduct is unethical or lends itself to the appearance of ethical impropriety.

**NOW, THEREFORE, BY THE POWER VESTED IN THE MAYOR AND COUNCIL OF THE CITY OF MONTEZUMA, GEORGIA, IT IS HEREBY ORDAINED THAT THE CODE OF ORDINANCES APPENDIX A PERSONNEL, BE AMENDED BY ADDING THE FOLLOWING ETHICS POLICY & DELETING SECTIONS 3-200 (2) d & 3-200 (3) & 3- 200 (4) IN THEIR ENTIRETY & ALL SECTIONS IN CONFLICT WITH SAME.**

## **Section 1. Persons Subject to this Executive Order**

a. The following persons are subject to this Executive Order:

- i. All employees of the City of Montezuma
- ii. The heads of all agencies who are appointed by the City of Montezuma
- iii. Any other employees of officials, departments, boards, bureaus, agencies, commissions, councils, authorities, corporations, entities, or instrumentalities of any kind, and others as may be designated by the City of Montezuma, to the extent that such designation does not conflict with Georgia law.

b. As used in this Order the term:

(i) "Agency" means any department, board, bureau, agency, commission, council, authority, corporation, entity, or instrumentality of any kind, and others to the extent that such designation does not conflict with Georgia law.

(ii) "Agency head" means the executive head of an agency.

(iii) "Charitable organization" shall have the meaning defined in O.C.G.A. Section 45-20-51.

(iv) "Employee" shall mean any employee or elected official of the City of Montezuma and any employee of any agency as defined herein.

(v) "Family member" means a spouse, parent, grandparent, child, brother, sister, uncle, aunt, nephew, niece, first cousin, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepparent, stepchild, stepbrother, stepsister, half brother, or half sister.

(vi) "Gift" means anything of value exceeding (\$100), including, but not limited to, food, lodging, transportation, personal services, gratuities, subscriptions, memberships, trips, loans, extensions of credit, forgiveness of debts, or advances or deposits of money.

(vii) "Lobbyist" shall have the meaning defined in O.C.G.A. Section 21-5-70(6).

(viii) "Officer" means the Elected Officials and the heads of all agencies or departments who are appointed. For purposes of this Order, all "officers" are also "employees" as that term is defined herein.

(ix) "Person" means an individual, partnership, committee, association, corporation, labor organization, or any other organization or group of individuals.

(x) "Value" means the actual retail price or cost attributable to a gift, less applicable taxes and gratuities or a reasonable estimate based upon customary charges for like good or services in the locality. A series of tickets to sporting, entertainment, or similar events shall be valued as one gift. Entrance fees, admission fees, or other tickets shall be valued at the face value of the ticket or fee, excluding any portion attributable to a charitable contribution, of provided by a charitable organization.

## **Section 2. Ethics Officer**

- a. The City of Montezuma shall designate an Ethics Officer. The Ethics Officer shall take appropriate measures to ensure that the agency's employees become familiar with applicable ethics laws and policies, including the policies set forth in this Order.
- b. The City Clerk is hereby designated the Ethics Officer for the City of Montezuma.

## **Section 3. Conflicts of Interest**

1. An employee of the City of Montezuma shall make every effort to avoid even the appearance of a conflict of interest. An appearance of conflict exists when a reasonable person would conclude from the circumstances that the employee's ability to protect the public interest, or perform public duties, is compromised by personal interests. An appearance of conflict could exist even in the absence of a true conflict of interest.
2. An employee of the City of Montezuma shall recuse himself or herself from any proceeding in which the employee's impartiality might reasonably be questioned due to the employee's personal or financial relationship with a participant in the proceeding. A "participant" includes, but is not limited to, an owner, shareholder, partner, employee, resident, or agent of a business entity involved in the proceeding. If the employee is uncertain whether the relationship justifies recusal, then the employee shall disclose the relationship to the person presiding over the proceeding. The presiding officer shall determine the extent to which, if any, the employee will be permitted to participate. If the affected employee is the person presiding, then the vice chair or such other substitute presiding officer shall make the determination.

## **Section 4. Gifts**

- (i) Except as provided in paragraph (ii) below, no employee, nor any person on his or her behalf, shall accept, directly or indirectly, any gift from any person with whom the employee interacts on official business, including, without limitation, lobbyists and vendors. If a gift has been accepted, it must be either returned to the donor or transferred to a charitable organization.
- (ii) Where appropriate for purposes of tradition, ceremony, or inter-governmental relations, or when acting as a representative of the City of Montezuma an employee may accept a gift on behalf of the City of Montezuma. If the gift retains value after its acceptance, the employee must: (a) maintain custody of the gift no longer than reasonably necessary to arrange for the transfer of custody of the gift to the City of Montezuma, or a charitable

organization on behalf of such; (b) file a report with the designated Ethics Officer no later than 30 days after receipt of the gift containing a description of the gift, the approximate monetary value thereof, the name and address of the person making the gift, the date the gift was made, and the disposition of the gift.

### **Section 5. Honoraria**

No employee may accept any honoraria whatsoever.

### **Section 6. Expenses**

An employee on whose behalf actual and reasonable expenses for food, beverages, travel, lodging, and registration are paid to permit the employee's participation in a meeting related to official or professional duties of the employee shall file a report no later than 30 days after such expenses are paid. The report shall be filed with the designated Ethics Officer. The report must contain a description of each expense, the monetary value thereof, the name and address of the person paying such expense, and the purpose, date, and location of the meeting. Notwithstanding this provision, the preferred practice is for agencies and not third parties to pay such expenses.

### **Section 7. Nepotism**

An employee shall not advocate for or cause the advancement, appointment, employment, promotion, or transfer of a family member to an office or position with the City of Montezuma. No member of the employees immediate family may work in the supervisor's chain of command.

### **Section 8. Lobbying**

a. The use of lobbyists will not be required or preferred as a way to obtain access to employees. Employees will strongly encourage any lobbyist wishing to meet with the City of Montezuma official or staff regarding his or her client and/or principal to bring a principal of his or her client to such meeting.

b. Former employees should not use their former positions for financial or other personal gain or to influence legislation or procurement decisions. Employees shall decline to communicate on official government matters with any lobbyist who was an officer within the preceding one-year period.

c. No agency shall be permitted to contract with any person to provide lobbying, as that term is defined in O.C.G.A. § 21-5-70(5), services on behalf of that agency.

d. Employees who promote or oppose the passage of any legislation by the City of Montezuma, or any committee thereof, shall coordinate all such activities with the Office of the Chief Elected Official.

## **Section 9. Fair and Equal Access**

Employees are required to afford all constituents fair and equal opportunity to express their concerns and ideas regarding City of Montezuma programs and policies without regard to their political affiliation, sophistication, or affluence. Recommendations and decisions made by employees in the performance of their duties shall be made without bias.

## **Section 10. Employment/Board Service**

Employees may serve for compensation on any company of non-profit organizations so long as services to such organizations would not have the potential to create a conflict and do not impair the employee's ability to discharge his or her public duties fully, faithfully, and impartially.

## **Section 11. Political Activities**

- a. Employees wishing to take part in political activities are responsible for complying with applicable federal and state law.
- b. Employees are prohibited from soliciting or knowingly accepting any campaign contribution in a governmental building or office. "Accept" means to receive a contribution by personal hand-delivery from a contributor or his agent. This does not apply when a government-owned building or any portion thereof is rented for the specific purpose of holding a campaign fundraiser.
- c. Employees are permitted to express their opinions on political subjects and candidates and to take an active part in political campaigns outside of working hours, including the wearing of badges or buttons and displaying of bumper stickers and posters. However, no City of Montezuma employee shall publicly endorse or actively support or campaign for any candidate for any city office, or for any other candidate while on duty, wearing a city uniform or driving a city vehicle. Employees are encouraged to vote.
- d. No employee shall seek or hold a compensated elected public office in the City of Montezuma.

## **Section 12. Personal Use of Telephone and Internet Access**

- a. Personal long-distance calls shall not be charged to City of Montezuma telephones. Employees must use their personal long-distance credit card or other personal resource for this purpose. Employees may not use a City of Montezuma cellular telephone for personal calls.
- b. City of Montezuma provided internet access is intended for public business. Employee use of the internet may be recorded and monitored. No employee is permitted to use or access the internet for pornographic, obscene, or other improper purposes.

**Section 13. Miscellaneous**

There may be unique or compelling circumstances warranting exceptions to or waivers from these policies in certain individual cases. In those instances, prior written approval of the designated Ethics Officer is required.

**Section 14. Sanctions**

Each chief elected official shall make a copy of this Order available to all employees and shall institute procedures for its enforcement consistent with all applicable Georgia laws. Employees who violate this Order are subject to disciplinary action, including termination of employment, subject to review as provided for in the Code of Ordinances. The agency head of each agency shall be responsible to the chief elected official for the faithful enforcement of this Order, and shall report all alleged violations.

**Section 15.** All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

**ORDAINED** this 10th day of February, 2004.

By: \_\_\_\_\_  
Willie J. Larry – Mayor

Attest; \_\_\_\_\_  
Joyce H. Hardy – City Clerk