

## **AN ORDINANCE**

### **City of Patterson**

## **A CODE OF ETHICS FOR CITY OFFICIALS**

### **PREAMBLE**

The public judges its government by the way public officials and employees conduct themselves in the positions to which they are elected or appointed.

All government, of right, originates with the people, is founded upon their will only, and is instituted solely for the good of the whole. Public officers are the trustees and servants of the people and are at all times amenable to them. **Ga. Const. Art. 1, Sec. 2, Paragraph 1.**

The people of this state have the inherent right of regulating their internal government. Government is instituted for the protection, security, and benefit of the people; and at all times they have the right to alter or reform the same whenever the public good may require it. **Ga. Const. Art. 1, Sec. 2, Paragraph 2.**

The people have a right to expect that every public official will conduct himself or herself in a manner that will tend to preserve public confidence in and respect for the government he or she represents.

Such confidence and respect can best be promoted if every public official, whether paid or unpaid, and whether elected or appointed, will uniformly: (a) treat all citizens with courtesy, impartiality, fairness, and equality under the law; and (b) avoid conflicts between their self-interest and the public interest.

## **PURPOSE**

### **ARTICLE I**

Declaration of Policy. It is the policy of the City of Patterson, that the proper operation of democratic government requires all public officials be independent, impartial and responsible to the people; that government decisions and policy be made through proper channels of the government structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, a Code of Ethics for all Patterson City officials and employees is adopted.

This code has the following purposes: (1) to encourage high ethical standards in official conduct by City of Patterson officials; (2) to establish guidelines for ethical standards of conduct for all such officials by setting forth those acts or actions that are incompatible with the best interest of the City of Patterson; (3) to require disclosure by such officials of private financial or other interest in manners affecting the City of Patterson; and (4) to serve as a basis for disciplining those who refuse to abide by its terms.

The provisions of this ordinance shall not apply to political contributions, loans, expenditures, reports or regulation of political campaigns or the conduct of candidates in such campaigns.

### **SCOPE OF PERSONS COVERED**

### **ARTICLE II**

Scope of Persons Covered. The provisions of this code of ethics shall be applicable to all City of Patterson officials and employees.

Definitions. As used in this ordinance, the following terms shall have the following meanings, unless the context clearly indicated that a different meaning intended.

**City Official or Official,** unless otherwise expressly defined, means the Mayor, members of the City Council, Municipal Court Judges (including substitute judges), City Clerk, and all other City Employees, whether such persons are salaried, hired or elected, and all other persons holding positions designated by the City Charter, as it may be amended from time to time. City official, unless otherwise expressly defined, includes individuals appointed by the Mayor and City Council to all city commissions, committees, boards, task forces, or other city bodies unless specifically exempted from this ordinance by the Patterson City Council.

**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.

**Decision** means any ordinance, resolution, contract, franchise, formal action or other matter voted on by the Patterson City Council, as well as the discussions or deliberations of the Council, which can or may lead to a vote or formal action by said Council.

**Discretionary authority** means the power to exercise any judgment in a discision or action.

**Immediate family** means spouse, mother, father, brother, sister, son or daughter of any City Official.

**Remote interest** means an interest of a person or entity, including a City Official, who would be affected in the same way as the general public.

The interest of a Council member in the property tax rate, general City fees, City utility charges, or a comprehensive zoning ordinance or similar decisions is incidental to the extent that the Council member would be affected in common with the general public.

**Incidental interest** means an interest in a person, entity or property which is not a substantial interest and which has insignificant value.

**Substantial interest** means a known interest, either directly or through a member of the immediate family, in another person or entity: (1) the interest is ownership of five percent or more of the voting stock, shares or equity of the entity; or (2) funds received by the person from the other person or entity either during the previous 12 months or the previous calendar year equaled or exceeded \$5,000 in salary, bonuses, commissions or professional fees or \$5,000 in payment for goods, products or nonprofessional services, or ten percent of the recipient's gross income during that period, whichever is less; (3) the person serves as a corporate officer or member of the board of directors or governing board of the for profit entity other than a corporate entity owned or created by the Patterson City Council; or (4) the person is a creditor, debtor, or guarantor of the other person or entity in an amount of \$5,000 or more.

Substantial interest in real property means an interest in real property which is an equitable or legal ownership with a market value of \$5,000 or more.

## **STANDARDS OF CONDUCT**

### **ARTICLE IV**

#### Standards of Conduct

- (a) No Patterson City Official or Employee shall use such position to secure special privileges or exemptions for such person or others, or to secure confidential information for any purpose other than official responsibilities.
- (b) No Patterson City Official or Employee, in any matter before the Council, in which the or she has a substantial interest, shall fail to disclose for the common good for the record such interest prior to any discussion or vote.
- © No Patterson City Official or Employee shall act as an agent or attorney for another in any matter before the City Council or any board or commission.
- (d) No Patterson City Official or Employee shall directly or indirectly receive, or agree to receive, any compensation, gift, reward, or gratuity in any matter or proceeding connected with, or related to, the duties of his or her office except as may be provided by law.
- (e) No Patterson City Official or Employee shall enter into any contract with the City except as specifically authorized by the state statutes. Any City Official or Employee who has a proprietary interest in an agency doing business with the City shall make known that interest in writing to the City Council and the City Clerk.

- (f) All public funds shall be used for the general welfare of the people and not for personal economic gain.
- (g) Public property shall be disposed of in accordance with Georgia law.
- (h) No Patterson City Official or Employee shall solicit or accept other employment to be performed or compensation to be received while still a City Official or Employee, if the employment or compensation could be reasonably be expected to impair the judgment or performance of his or her City duties.
- (i) If a Patterson City Official or Employee accepts or is soliciting a promise of future employment from any person or entity who has a substantial interest in a person, entity or property which could be affected by any decision upon which the official or employee might reasonably be expected to act, investigate, advise, or make a recommendation, the official or employee shall disclose the fact to City Council or his or her supervisor and shall take no further action on matters regarding the potential future employer.
- (j) No Patterson City Official or Employee shall use city facilities, personnel, equipment or supplies for private purposes, except to the extent such are lawfully available to the public.
- (k) No Patterson City Official or Employee shall grant or make available to any person any person any consideration, treatment, advantage or favor beyond that which it is the general practice to grant or make available to the public at large.

## **CONFLICT OF INTEREST**

### **ARTICLE V**

Prohibition of Conflict of Interest. A Patterson City Official or Employee may not participate in a vote or decision on a matter affecting a person, entity, or property in which the Official or Employee has a substantial interest, in addition, a City Official or Employee who serves as a corporate officer or member of the board of directors of a non profit entity may not participate in a vote or decision regarding funding by or through the city of the entity. Where the interest of the City Official or Employee on the subject matter of a vote or decision is remote or incidental, the City Official or Employee may participate in the vote or decision and need not disclose his or her interest.

### **EXEMPTIONS**

### **ARTICLE VI**

Exemptions. This code shall not be construed to require the filing of any information relating to any person's connection with, or interest in, any professional society or charitable, religious, social, fraternal, education, recreational, public service, civil or political organization, or any similar organization not conducted as a business enterprise or government agency, and which is not engaged in the ownership or conduct of a business enterprise or governmental agency.

### **MISCELLANEOUS**

### **ARTICLE VII**

Severability. The provisions of this ordinance are severable. If any provision of this ordinance or the supplication thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provisions or application.

**PENALTIES**

**ARTICLE VIII**

Penalty. Any persons violating any provisions of this ordinance are subject to:


- ) Written and oral reprimand by the Patterson City Council or Committee, which said violator is a member;
- ) A fine greater than \$100 but less than \$500 to be imposed by the Patterson City Council of which the violator is a member;
- ) Request for resignation by the Patterson City Council, which the violator is a member.

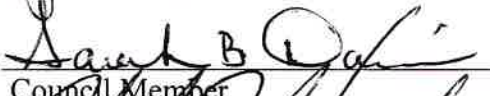
The Patterson City Council shall have authority to establish rules and regulations to impose said penalties.

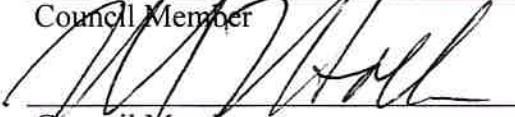
Passed and Adopted this 12<sup>th</sup> day of December in the year 2012

  
Mayor

  
Council Member

  
Council Member

  
Council Member

  
Council Member

Attest:

  
City Clerk

