

ORDINANCE

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF BIBB COUNTY, GEORGIA, TO AMEND CHAPTER 2 OF THE CODE OF BIBB COUNTY, GEORGIA, ENTITLED "ADMINISTRATION"; TO PROVIDE AN EFFECTIVE DATE; TO REPEAL CONFLICTING ORDINANCES AND FOR OTHER PURPOSES

BE IT ORDAINED by the Board of Commissioners of Bibb County, Georgia, and it is hereby ordained by authority of the same as follows:

Section 1: Chapter 2 of the Code of Bibb County, Georgia, is hereby amended as follows:

By adding thereto a new Article VIII entitled "Code of Ethics" to read as follows:

ARTICLE VIII CODE OF ETHICS

2-376 Definitions.

As used in this Ordinance, the term:

"Board of Commissioners" or "County Commission" means the Board of Commissioners of Bibb County.

"Business Entity" means corporation, partnership, limited partnership, firm, enterprise, franchise, association or trust.

"County" means Bibb County, a political subdivision of the State of Georgia.

"County Employee" means an employee of Bibb County who is expected in the course of performing his assigned duties to exercise management responsibilities or to supervise other employees in the performance of their assigned duties and tasks.

"Confidential Information" is any information which is available to any County official or employee because of the County official's or employee's status with the County and is not a matter of public knowledge or available to the public upon request.

"County official" means an official appointed by the Board of Commissioners, whether paid or otherwise, to serve on an advisory committee, board, authority or other agency and the individual members of the Board of Commissioners.

"Financial interest" means all direct ownership interest of the total assets or capital stock of a business entity where such ownership interest is ten (10%) percent or more; or any relationship from which or a result of which a County official or employee has received, or is presently or in the future entitled to receive more than \$500.00 per year, or its equivalent; or holding a position in the business such as an officer, director, trustee, partner, employee or the like, or holding any portion of management.

"Gift" means the transfer of anything of economic value, regardless of form, without adequate and lawful consideration. Such term does not include the solicitation, acceptance, receipt or regulation of political campaign contributions. A gift shall be further defined as a subscription, membership, loan, forgiveness of debt, advance or deposit of money or anything of value, conveyed or transferred.

"Kickback" shall mean any payment or offer of employment made by or on behalf of a contractor under a contractor to the County, an inducement for the award of a contract or purchase of or for securing, any other objective sought by persons contracting, or seeking to contract with the County; or attempting to influence an official decision, action or rule or regulation of the County.

"Member of the Family" means the spouse, mother, father, brother, sister, son or daughter related by blood or marriage to a County official or employee.

"Nominal value" means actual worth or cost, whichever is greater, which does not exceed \$100.00 individually or cumulatively.

"Property interest" means the direct or indirect ownership of property, whether personal or real, and includes any percentage of ownership less than total ownership.

"Offer of Employment" means an offer of employment where it relates to or arises in connection with a particular matter, program requirement, contract, subcontract or solicitation or proposal therefor.

"Official action" means any action of the Board of Commissioners which is required to be voted on by the Board of Commissioners at a regular or special called meeting of the full board.

2-377 Statement of Policy.

- (a) In furtherance of its responsibility to protect the integrity of government and administration of the County and recognizing that its system of

representative government is dependent upon the people maintaining the highest trust in their public officials, the Board of Commissioners finds and declares that the people have a right to be assured that the impartiality and independent judgment of public officials will be maintained. Public interest requires that the County protect against improper influence or the appearance of improper influence by establishing appropriate ethical standards with respect to the conduct of public officials.

- (b) It is essential to the efficient operation of government that those persons best qualified be encouraged to serve in positions of public trust. It is the intention of the Board of Commissioners that this division be construed to accomplish this purpose and interpreted and understood as not unreasonably to frustrate or impede the desire or inclination to seek and serve in public office by those persons best qualified to serve. To that end public officials should not, except as otherwise provided by law, be denied the opportunity available to all other citizens to acquire and maintain private, economic and other interests, except where a conflict of interest would necessarily result.
- (c) The policy and purpose of this ethics code, therefore, is to make clear those standards of ethical conduct that shall be applicable to public officials in the discharge of their official duties; to implement the objective of protecting the integrity of the County's government and to prescribe only such essential restrictions against conflict of interest as will not impose unnecessary barriers against public service.
- (d) The County attorney shall make a good-faith effort to review this ethics code with each officer within 30 days following such officer's swearing-in.

2-378 Standard of Conduct.

County officials and employees are expected to discharge their duties impartially and to conduct their affairs and duties so as to foster public confidence in the integrity of County government. To achieve these purposes, it is essential that all County officials and employees observe the ethical standards of the County. County officials or County employees shall not attempt to realize personal financial gain through County service or employment by conduct inconsistent with the proper discharge of their duties. Any such conduct is a breach of public trust and in violation of the ethical standard contained in this Ordinance.

2-379 Conflict of Interest.

Engagement in any business or transaction with the County or having a financial interest or private interest, direct or indirect, in any County contract or proposed contract, constitutes a conflict of interest adverse to the proper discharge of the duties of a County official or employee and the best interest of the County. It shall be unethical for any County official or employee to participate directly or indirectly in a procurement or real estate transaction in which the official or employee has an adverse financial interest. It shall be unethical for any County official to take any official action or attempt to influence any official action with regard to any matter in which he knows or should know that he has a direct or indirect financial interest in the subject matter or in the outcome of such official action.

It shall not be deemed a conflict of interest or unethical for County officials to serve on a community service board or a non-profit board to which County officials are appointed so long as such service does not conflict with the interests of Bibb County.

2-380 Adverse Interest.

- (a) Circumstances such as, but not limited to the following are deemed in conflict with and "adverse" to the proper discharge of official duties of County officials and employees:
- 1) Using public office for private gain;
 - 2) Giving undue preferential treatment to any business entity or person;
 - 3) Knowingly impeding government efficiency or economy;
 - 4) Receiving gifts, other than campaign contributions, complimentary services, free vacations or travel having more than a nominal value and which are calculated to influence the decision of the officers or employees as to any business dealing with the County;
 - 5) Attempting to influence the actions or conduct of a County official or employee in behalf of a business entity in which the County official, employee or family member has a financial interest or property interest.
 - 6) The participation, directly or indirectly by any County official or employee in any decision of the Board of Commission relating to any matter in which he or she has a substantial interest or

involvement which reasonably may be expected to result in a direct financial benefit to the County official or employee, or a business entity in which he or a member of his family has a financial interest.

- 7) Direct or indirect participation in a procurement or real estate transaction through decision, approval, disapproval, recommendation, preparation of any part of a bid specification or purchase request, including the content of any specification or procurement standard or rendering advice in which he or she has a substantial interest or involvement which reasonably may be expected to result in a direct financial benefit to the County official or employee or a business entity in which he or a member of his family has a financial interest;
- 8) Obligating the County without proper authority.

(b) Unless impartiality and independence of judgment of the official would be compromised, this section shall not apply to the following:

- 1) Meals and beverages given in the normal course of entertaining.
- 2) An occasional, nonpecuniary gift from a single source of \$100.00 or less.
- 3) Ceremonial gifts or awards.
- 4) Gifts of advertising value only.
- 5) Awards presented in recognition of public service.
- 6) Reasonable expenses of food, travel, lodging and scheduled entertainment of the official for a meeting which is given in return for participation in a panel or speaking engagement at the meeting.
- 7) Courtesy tickets or free admission extended to an elected official for an event as a courtesy or for ceremonial purposes.
- 8) Gifts from relatives or members of his household.
- 9) Honorariums or awards for professional achievement.
- 10) Courtesy tickets or free admission to an elected official to educational seminars, educational or informational conventions or other similar events.

2-381 Kickbacks.

No kickbacks shall be made to or accepted by any County official or employee. It is a breach of the ethical standards:

- (a) For any person to offer, give or agree to give a County official, employee or former employee a kickback or an offer of employment; and
- (b) For any County official, employee or former employee to solicit, demand or accept a gratuity, kickback or an offer of employment.

2-382 Contemporaneous Employment.

No County official or employee involved in the procurement process shall be employed by any person contracting with or using the Department with which the employee is employed. For the purpose of the prohibition against contemporaneous employment, "contracting" means performing a County contract or actively seeking award of a County contract.

2-383 Confidential Information.

No official, employee or former employee shall willfully or negligently use confidential information for their or another's actual or anticipated financial gain.

2-384 Disclosure.

Within ten (10) days after the County official or employee has actual or constructive notice of a benefit received or to be received from procurement, real estate transaction or official action, the official or employee must file a written disclosure statement with the Board of Commissioners or its designee.

- (a) If the alleged conflict involves procurement or a real estate transaction, the disclosure statement shall set forth:
 - 1) The name of the County official or employee, and the name of the family member, if applicable, and the name of the business entity involved;
 - 2) The name of the Department with which the business entity contracted or is seeking to contract;
 - 3) The estimated dollar amount and nature of the contract; and

- 4) The nature and extent of the benefit received or to be received.
- (b) If the alleged conflict involves an official action or a proposed official action, the disclosure statement shall set forth:
- 1) The name of the County official, or employee, and the name of the family members, if applicable;
 - 2) The name of any business entity which he or a member of his family has a financial interest;
 - 3) A description of how any financial or property interest will be effected or impacted by the official action; and
 - 4) The nature and extent of the benefit received or to be received.
- (c) Nothing in this Ordinance shall preclude any member of the public from making a complaint in writing to the Board of Commissioners alleging a conflict of interest by an employee or County official. Any such written complaint shall be handled by the Board of Commissioners in accordance with the procedure set forth in § 2-385 herein.

2-385 Determination of Conflict of Interest or Adverse Interest.

The Board of Commissioners shall determine in writing whether:

- (a) The County official or employee involved in the proposed transaction or his participation in the proposed official action is adverse to the interest of the County and thus a conflict of interest which is prohibited;
- (b) The County official or employee's financial interest is not adverse to the interest of the County, and thus not prohibited; or
- (c) The ethical conflict is insubstantial or remote, and, thus, the County official's or employee's involvement is not prohibited.

Within ten (10) days from receipt of the written disclosure statement from a County official or employee, the Board of Commissioners shall make a determination as to whether or not the official's or employee's financial interest is an adverse conflict of interest.

2-386 Penalties.

(a) Employees:

Employees are subject to one of the following penalties and action for breach of ethics:

- 1) Written warning or reprimand;
- 2) Suspension with or without pay;
- 3) Termination of employment;
- 4) Recovery of value transferred or received by the County; and
- 5) Cancellation of the contract or rejection of the bid or offer.

(b) County Officials:

County officials are subject to one of the following penalties and action for breach of ethics:

- 1) Written warning or reprimand;
- 2) Removal from office;
- 3) Cancellation of the contract or rejection of the bid or offer;
- 4) Recovery of value transferred or received; and
- 5) Debarment or suspension from award of County contract for a period of up to three (3) years.

Section 2: This ordinance as amended shall be effective immediately upon its passage.

Section 3: All ordinances or parts thereof in conflict herewith are hereby repealed.

PASSED AND ADOPTED this 3rd day of March, 2009.



**SAMUEL F. HART, SR., Chairman
Bibb County Board of Commissioners**

VV-09-2