

**Franklin County, Georgia**  
**Ethics Ordinance**

Approved: February 7, 2011  
Amended: April 4, 2011

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## PART 1. GENERALLY

### Sec. 1.1 – Purpose and Preamble

WHEREAS, the purpose of this ordinance is to establish ethical standards of conduct for all County Commissioners, officials and employees by setting forth those acts or actions that are incompatible with the best interests of the County and by directing disclosure by such County Commissioners, officials and employees of private financial or other interest in matters affecting the County; and

WHEREAS, the proper operation of democratic government requires that County Commissioners, officials and employees act in a manner that is impartial and responsive to the people; and

WHEREAS, it is important that government decisions and policy be made through the proper channels of the governmental structure and be transparent to the public; and

WHEREAS, public officials should not use their positions for personal gain and any actions should be free from the appearance of impropriety; and

WHEREAS, by enacting this ordinance it is the intent of the Board of Commissioners to strengthen the public's confidence in the integrity of County government.

NOW, THEREFORE, the Franklin County Board of Commissioners adopts this ordinance.

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### Sec. 1.2 – Definitions

- i. The following words, terms, and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
- ii. *Business entity* means any business of whatever nature regardless of how designated or formed, whether a sole proprietorship, partnership, joint venture, association, trust, corporation, limited liability company, or any other type of business enterprise, and whether a person acting on behalf of, or as a representative or agent of, the business entity;
- iii. *Confidential information* means any information that is exempt from disclosure under the open records and open meetings acts;
- iv. *County commissioner* means a member of the County governing authority;
- v. *County official* and *official* means any member of a board or authority appointed by the Board of Commissioners, the County administrator/manager and assistant administrator/manager, County Clerk or any other appointed officer or official of the County. For the purposes of this ordinance, the term shall not apply to any other County elected or state elected official unless that elected official or officials agree that he or she will be subject to coverage under this ordinance in writing. Such coverage may also apply to the employees of such other County or state elected officials when so agreed in writing.
- vi. *Employee* means all those persons employed on a regular or part-time basis by the County, as well as those persons whose services are retained under the terms of a contract with the County; provided, however, that employees under the direction of other elected officials are not subject to this ordinance unless designated in writing by the elected official; and the County manager will make the ultimate determination concerning action to be taken against employees under his/her direction.

- vii. *Family* means the spouse, parents, children, and siblings, related by blood, marriage, or adoption, of a County official or employee; *See also "interest"*
- viii. *Interest* means direct or indirect pecuniary or material benefit accruing to a County Commissioner, official or employee as a result of a contract or transaction which is or may be the subject of an official act or action by or with the County, except for such contracts or transactions which, by their terms and by the substance of their provisions, confer the opportunity and right to realize the accrual of similar benefits to all other persons and/or property similarly situated. The term "interest" shall not include any remote interest. For purposes of this ordinance, a County Commissioner, official or employee shall be deemed to have an interest in the affairs of: (1) His or her family; (2) Any business entity in which the County Commissioner, official or employee is a member, officer, director, employee, or prospective employee; and (3) Any business entity as to which the stock, legal ownership, or beneficial ownership of a County Commissioner, official or employee is in excess of five percent of the total stock or total legal and beneficial ownership, or which is controlled or owned directly or indirectly by the County Commissioner, official or employee; *See also "family"*
- ix. *Remote interest* means the interest of (1) a non-salaried director, officer, or employee of a nonprofit corporation; (2) A holder of less than 5 percent of the legal or beneficial ownership of the total shares of a business; (3) Any person in a representative capacity, such as a receiver, trustee, or administrator; or (4) any person who, by determination of the Board of Ethics, is deemed to have such an interest. *See also "interest"*

### **Sec. 1.3 – Interpretation; Severability**

- (a.) This ordinance shall be construed broadly to effectuate its purposes and policies and to supplement such existing laws as may relate to the conduct of a County Commissioner or official.
- (b.) The propriety of any official act taken by or transaction involving a County Commissioner, official or employee immediately prior to the time this ordinance shall take effect shall not be affected by the enactment of this ordinance.
- (c.) The provisions of this ordinance are severable, and if any of its provisions shall be held unconstitutional or invalid by a court of competent jurisdiction, the decision of the court shall not affect or impair any of the remaining provisions.

## **PART 2. ETHICAL STANDARDS**

### **Sec. 2.1 – General Ethical Standards**

All County Commissioners, officials and employees shall:

- (a.) Uphold the Constitution, laws, regulations and ordinances of the United States, the State of Georgia and Franklin County therein and never be a party to their evasion.
- (b.) Put loyalty to the highest moral principles and to County above loyalty to persons, party, or County government department.
- (c.) Give a full day's labor for a fully day's pay.
- (d.) Give to the performance of his or her duties his or her earnest effort and best thought.
- (e.) Use efficient and economical ways of getting tasks accomplished.
- (f.) Never discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not.
- (g.) Never accept or solicit, personally or for family, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of his governmental duties.
- (h.) Make no private promises of any kind binding upon the duties of office.

- (i.) Engage in no business with the government, either directly or indirectly, that is inconsistent with the conscientious performance of governmental duties.
- (j.) Report corruption wherever discovered.
- (k.) Uphold these principles, ever conscious that public office is a public trust.
- (l.) Never engage in other conduct which is unbecoming to a member or which constitutes a breach of public trust.
- (m.) Never take any official action in which he or she has a direct or indirect monetary interest.
- (n.) Take steps to avoid the appearance of a conflict of interest, which may exist in the absence of an actual conflict.

### **Sec. 2.2 – Compliance with Applicable Law**

No County Commissioner, official or employee shall engage in any activity or transaction that is prohibited by law, now existing or hereafter enacted, which is applicable to him or her by virtue of his or her office or employment.

### **Sec. 2.3 – Conflict of Interest Transactions**

- (a.) No County Commissioner, official or employee shall have an interest in any contract or transaction affected by official acts or actions of the County Commissioner, official or employee, except consistent with the disclosure and abstention provisions set forth in this ordinance.
- (b.) No County Commissioner, official or employee may purchase goods, property, or services of any kind for County purposes from any business entity in which such County official or employee is an employee, or in which he is interested, unless by sanction of the majority of the members of the County commission and unless the goods, property services are provided at the same quality and for a lower price than can be obtained elsewhere.

### **Sec. 2.4 – Impartiality**

- (a.) No County Commissioner, official or employee shall by his or her conduct give reasonable basis for the impression that any person can improperly influence him or her in the performance of any official acts or actions.
- (b.) No County Commissioner, official or employee shall, by virtue of his or her position within the County, except as necessary in the performance of his or her official duties, directly or indirectly influence or attempt to influence the decision of any other officer or employee who must act to further any County procurement, policy, contract, matter, or transaction.

### **Sec. 2.5 – Withholding of Information**

No County Commissioner, official or employee shall knowingly withhold any information that would impair the proper decision-making of any of the County's boards, agencies, authorities, or departments.

### **Sec. 2.6 – Disclosure of Information**

- (a.) No County Commissioner, official or employee shall without proper legal authorization disclose confidential information concerning the property, government, or affairs of the County, or use such information to advance the financial or other private interest of himself or herself or others.

- (b.) No County Commissioner, official or employee shall without proper legal authorization disclose confidential information discussed in a properly closed meeting or executive session.

**Sec. 2.7 – Incompatible Service**

No County Commissioner, official or employee shall engage in or accept private or public employment or render service for any private or public entity when such employment or service is incompatible with the proper discharge of his or her official duties.

**Sec. 2.8 – Nepotism**

- (a.) No County Commissioner, official or employee shall advocate for or cause, directly or indirectly, the hiring, advancement, promotion, or transfer of a member of his or her family to any office or position with the County or a County agency.
- (b.) No County Commissioner, official or employee having authority to appoint or recommend for appointment members of any County board, commission, or authority shall appoint or recommend for appointment a member of his or her family.

**Sec. 2.9 – Unauthorized Use of Public Property**

No County Commissioner, official or employee shall request or permit the unauthorized use of County owned vehicles and equipment, including but not limited to computers, printers, copiers and related office equipment, wireless hand held devices, telephones, materials, networks, intraoffice mail or property for personal convenience or profit. *De minimis personal use of such items.*

**Sec. 2.10 – Political Recrimination and Activity**

No County Commissioner, official or employee, whether elected or appointed, shall either cause the dismissal or threaten the dismissal from any County position as reward or punishment for any political activity. No County Commissioner, official or employee shall direct any person employed by the County to undertake political activity on behalf of any County Commissioner, official or employee, or any other individual, political party, group, or business organization during such time that the employee is required to conduct County business. This section does not prohibit incidental telephone calls made for the purpose of scheduling an official’s daily County business.

**Sec. 2.11 – Organizational Integrity**

County Commissioners, as policy-makers, shall refrain from unduly interfering in the daily administrative affairs of department supervisors. Commissioners shall not give directions or make suggestions to the department supervisors or other employees on an individual basis. All directions should be made as a board to the County manager or appropriate public official, who, in turn, shall communicate with the department head or employee.

**Sec. 2.12 – Appearance before County Entities**

No County official or employee shall appear on behalf of any private person, other than himself or herself, his or her spouse or minor children, before any County department, authority, or board. However, a member of the Board of Commissioners may appear before such groups on behalf of his or her constituents in the course of his or her duties as a representative of the electorate or in the performance of public or civic obligations.

### **Sec. 2.13 – Special Treatment**

No County Commissioner, official or employee shall grant or receive any special consideration, treatment or advantage for themselves or any other citizen beyond that which is generally available to other citizens in the same or similar circumstances.

### **Sec. 2.14 – Timely Payment of Taxes and Debts to the County**

All County Commissioners, officials and employees shall pay and settle, in a timely and prompt fashion, all accounts with the County, including the prompt payment of all taxes.

### **Sec. 2.15 – Solicitation or Acceptance of Gifts**

- (a.) County Commissioners, officials and employees shall not accept gifts, gratuities, or loans from organizations, businesses, or individuals with whom he or she has official relationships arising from the business of the County government. These limitations are not intended to prohibit the acceptance of articles of negligible value which are distributed generally, nor to prohibit employees from accepting social courtesies which promote good public relations, or to prohibit officials or employees from obtaining loans from regular lending institutions. It is particularly important that inspectors, contracting officers, and enforcement officers guard against relationships which might be construed as evidence of favoritism, coercion, unfair advantage, or collusion.
- (b.) There shall be no violation of this ordinance in the following circumstances:
- 1) Meals and beverages given in the usual course of entertaining associated with normal and customary business or social functions;
  - 2) Ceremonial gifts or awards;
  - 3) Gifts of advertising value only or promotional items generally distributed to County Commissioners and officials;
  - 4) Awards presented in recognition of public service;
  - 5) Reasonable expenses of food, travel, lodging, and scheduled entertainment for a meeting that is given in return for participation in a panel or speaking engagement at the meeting;
  - 6) Meals, beverages, lodging, travel and related expenses that is given in return for participating in an educational program;
  - 7) Courtesy tickets or free admission extended for an event as a courtesy or for ceremonial purposes, given on an occasional basis, and not to include season tickets of any nature;
  - 8) Gifts from families or members of the County Commissioner, official or employee's household;
  - 9) Honorariums or awards for professional achievement;
  - 10) Courtesy tickets or free admission to educational seminars, educational or informational conventions, or similar events.

### **Sec. 2.16 – Disclosure of Interest**

- (a.) Any member of the Board of Commissioners who has an interest in any proposed ordinance, resolution or other action before the Board of Commissioners shall immediately disclose publicly the nature and extent of such interest.
- (b.) Any other County Commissioner, official or employee who has an interest in any ordinance, resolution, or other action before the Board of Commissioners and who participates in discussion with or gives an official

opinion or recommendation to the Board of Commissioners in connection with such proposed legislation or action shall disclose publicly the nature and extent of such interest.

- (c.) Any County Commissioner or official shall also comply with the provisions of O.C.G.A. § 36-67A-1, who has an interest in any proposed ordinance, resolution or other zoning decision and shall immediately disclose publicly the nature and extent of such interest and otherwise comply with the Conflict of Interest in Zoning in O.C.G.A. § 36--67A-1.

**Sec. 2.17 – Abstention to Avoid Conflicts of Interest**

- (a.) Except as otherwise provided by law, no County Commissioner, official or employee shall participate in the discussion, debate, deliberation, vote, or otherwise take part in the decision-making process on any item before him or her in which the County Commissioner, official or employee has a conflict of interest as set forth in this ordinance.
- (b.) In the event of a conflict of interest, the County Commissioner, official or employee shall announce his or her intent to abstain prior to the beginning of the discussion, debate, deliberation, or vote on the item, and shall abstain from casting a vote. The vice-chair shall preside over any part of a meeting in which the chair has a conflict of interest. No commissioner or other official shall abstain from voting on any matter except for the purpose of avoiding a conflict of interest or as otherwise provided or required by law.

**Sec. 2.18 Misuse of the Power of Office**

A County Commissioner, official or employee shall not intentionally use the power of his or her office or official title or position for his or her own personal gain or that of another. The performance of usual and customary constituent services, without additional compensation, does not constitute the misuse of the power of office prohibited by this section.

**Sec. 2.19 – Coercion**

No County Commissioner, official or employee shall intimidate, threaten, coerce, take action against, , or attempt to intimidate, threaten, coerce, or take action against any employee, County Commissioner or official for the purpose of interfering with that person’s discretion in the regular discharge of his or her official duties.

**Sec. 2.20 – Improper Influence**

No County Commissioner, official or employee shall influence or attempt to influence any County Commissioner, official or employee to violate the standards of ethical conduct set forth in this Ethics Ordinance.

**PART 3: VIOLATIONS**

**Sec. 3.1 – County Employees**

Employees are subject to any one or combination of the following penalties and actions for a violation of this ordinance:

- a. Written warning or reprimand;
- b. Suspension without pay;
- c. Termination of employment;
- d. Required repayment to the County of any unjust enrichment;

- e. Referral to the proper criminal authorities if criminal prosecution is warranted.

### **Sec. 3.2 – County Officials**

County officials are subject to any one or combination of the following penalties and actions for a violation of this ordinance:

- a. Written warning, censure, or reprimand;
- b. Repayment to the County of any unjust enrichment;
- c. Requested resignation;
- d. Termination of County officials that are appointed or employed at the pleasure of the board of commissioners.
- e. Referral to the proper criminal authorities if criminal prosecution is warranted.

### **Sec. 3.3 – County Commissioners**

County Commissioners are subject to any one or combination of the following penalties and actions for a violation of this ordinance:

- a. Written warning, censure, or reprimand;
- b. Repayment to the County of any unjust enrichment;
- c. Requested resignation.
- d. Referral to the proper criminal authorities if criminal prosecution is warranted.

### **Sec. 3.4 – Protection for Reporting Violations**

No County employee, official or commissioner shall use or threaten to use their position or any power or authority related to that position to discourage, restrain, or interfere with any other person for the purpose of preventing such person from acting in good faith to report or otherwise bring to the attention of the Board of Ethics information relating to an ethics violation or investigation. No official or County Commissioner shall use or threaten to use any official authority or influence to effect any action as a reprisal against anyone who reports, initiates a complaint, or otherwise brings to the attention of the Board of Ethics information relating to a board investigation or an ethics violation.

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## **PART 4. BOARD OF ETHICS**

### **Sec. 4.1—Creation and Composition**

**There is hereby created a five (5) member County Board of Ethics, to be appointed as set forth in Section 4.2, below.**

### **Sec. 4.2—Appointment Procedures**

**The initial appointments of the members of the Board of Ethics shall be accomplished within forty-five (45) days of the effective date of this Ordinance. Two members of the board shall be appointed by the political party that received the highest number of votes within Franklin County for its candidate for Governor in the general election immediately preceding the appointment of such members. Two members of the Board of Ethics shall be appointed by the political party that received the second highest number of votes within Franklin County for its candidate for Governor in the general election immediately preceding the appointment of such members. Each of the members appointed by such political parties shall be nominated by the chairperson and ratified by the County executive committee of the respective political party at least 30 days before the beginning of the term of office or within 30 days after the creation of a vacancy in such office. In the event that a political party entitled to appoint a member of the Board of Ethics does not have a County executive committee, such appointment shall be made by the state executive committee of such political party. One member shall be appointed by the most senior judge of the Northern Judicial Circuit whose primary office is located in Franklin County or, if there is no such judge, then by the Chief Judge of the Northern Judicial Circuit. The judge appointing the fifth member of the Board of Ethics shall also appoint one of the members of the Board to serve as chairperson. In making the initial appointments to the Board, each political party shall designate one member to be appointed for an initial term of two (2) years, and one member to be appointed for an initial term of four (4) years, and until their successors are duly appointed and qualified. The term of each initial member shall commence on July 1, 2011. Each political party making an appointment under this section shall certify the name and residential address of each such appointee to the most senior judge of the Northern Judicial Circuit whose primary office is located in Franklin County or, if there is no such judge, then the Chief Judge of the Northern Judicial Circuit immediately upon making such appointment. After the initial terms expire, Section 4.4 shall govern the length of Ethics Board member terms.**

#### **Sec. 4.3 – Qualifications of Members of Board of Ethics**

A person is eligible to be appointed as a member of the Board of Ethics if the person:

- 1) Resides in the County and is a registered voter;
- 2) Is not an employee or official of the County or any municipality within the County and has not been an employee or official of the County during the three months immediately preceding his or her appointment, and is not the spouse, parent, child, or sibling of an employee, official, or County Commissioner of the County;
- 3) Is not the employee of any political party;
- 4) Does not hold any elected or appointed office and is not a candidate for office of the United States, this state, or the County, and has not held any elected or appointed office during the three months immediately preceding his or her appointment.

**If at any time during their service on the Ethics Board a member becomes ineligible to serve by failing to meet the qualifications, he or she shall be deemed removed as of the date such ineligibility is discovered, and the vacant seat shall be filled by the appropriate appointing entity as set forth in Section 4.2, above.**

#### **Sec. 4.4 – Terms and Vacancies**

Following the initial governed by Section 4.2 (a), members of the ethics board shall each serve a four year term without compensation and shall continue to serve until their successors are appointed and qualified, unless the member is removed pursuant to Section 4.5, at which time the removed member's seat shall be immediately vacant. If any vacancy occurs during a term, the remaining members shall at that time choose an alternate individual

mutually agreed upon to temporarily serve until the position is filled by appointment as provided in sections 4.1 and 4.2 to fulfill the remainder of the then existing term. Ethics board members may be reappointed to serve subsequent terms.

#### **Sec. 4.5 – Removal of Member**

In addition to removal for failing to meet qualifications for serving on the Board of Ethics pursuant to Sec. 4.3 of this ordinance, the Board of Commissioners may remove a member of the Board of Ethics on the grounds of neglect of duty or misconduct in office in violation of this ordinance or upon the recommendation of the majority of the members of the Board of Ethics. The named member shall not be allowed to vote on this issue.

#### **Sec. 4.6– Organization and Internal Operating Regulations**

- (a.) Members of the Board of Ethics shall not be compensated.
- (b.) There shall be no regularly scheduled meetings of the Board of Ethics except that there shall be at least one meeting per year. By majority vote, or by call of the chairperson, the Board of Ethics may call a special meeting, if necessary to carry out their duties pursuant to this ordinance.
- (c.) Meetings of the Board of Ethics shall be conducted in a public hearing room in the office of the Board of Commissioners or the courthouse, shall be duly publicized, and shall be otherwise conducted in accordance with open meeting requirements under state law. The time for all meetings shall be duly advertised and shall be established by majority vote of the ethics board.
- (d.) A majority of the members of the Board of Ethics shall constitute a quorum for voting and for conducting business. The chair shall be entitled to the same voting rights as the other members.
- (e.) Any voting on official action concerning complaints shall be in accordance with Section 4.8 of this ordinance.

#### **Sec. 4.7 – Duties and Powers**

The Board of Ethics shall have the following duties and powers:

- 1) Receive and hear complaints of violations of standards required by this ordinance.
- 2) Take such action as provided in this ordinance as deemed appropriate because of any violation of this ordinance as provided in Part 3 of this ordinance.
- 3) Perform any other function authorized by this ordinance.

#### **Sec. 4.8 - Voting**

Each member of the Board of Ethics, including the chairman, shall vote on every issue that comes before the Board of Ethics except for issues in which the member has cited a conflict of interest or in the event the member is the subject of a recommendation of removal from the board. The passage of any board action shall require the affirmative vote of a majority of the members of the board.

#### **Sec. 4.9 – Staffing and Expenses**

Subject to budgetary constraints and procedures, the Board of Ethics shall be provided sufficient meeting space and other reasonable supportive services by the County governing authority to carry out its duties required under this ordinance. The Board of Commissioners may designate an administration employee who shall serve as the filing clerk for the Board of Ethics and who shall be authorized to receive all filings before the Board of Ethics, to

publish notices of all meetings upon request of the Board of Ethics' chair, and to serve as the recording clerk for the Board of Ethics. The Board of Commissioners shall provide adequate funding for this purpose.

#### **Sec. 4.10 – Counsel**

The Board of Ethics may petition the Board of Commissioners for appointment of counsel on a case-by-case basis to assist it in carrying out its responsibilities or to act as a hearing official. Any such appointed counsel shall be approved by the Board of Commissioners and shall perform services at an approved hourly rate no greater than the hourly rate paid to the County attorney and shall serve at the pleasure of the Board of Ethics.

#### **Sec. 4.11 – Adherence to Ethics Ordinance**

The Board of Ethics shall be governed by and subject to this ordinance. If a member of the Board of Ethics has a conflict of interest or must disqualify himself or herself under this ethics code or by law, the remaining members shall at that time choose an alternate person mutually agreed upon to hear that matter.

#### **Sec. 4.12 – Limitation of Liability**

No member of the Board of Ethics, or any person acting on behalf of the Board of Ethics, shall be liable to any person for any damages arising out of the enforcement or operation of this ordinance, except in the case of willful or wanton conduct. This limitation of liability shall apply to the County, the members of the Board of Ethics, the employees of the Board of Ethics, and any person acting under the direction of the Board of Ethics.

#### **Sec. 4.13 – Complaints**

The Board of Ethics shall be responsible for hearing and deciding any complaints filed regarding alleged violations of this ordinance. The following procedures shall be followed when filing a complaint:

1. Any person may initiate a complaint of a violation of this Ethics Ordinance by submitting to the County Clerk, a written, verified and sworn complaint under penalty of perjury, upon a form prescribed by the Board of Ethics. A sign in form will also be signed by the County Clerk and the person initiating the complaint to create a record the transaction. The complaint must be supported by affidavits based on personal knowledge, shall set forth such facts as would be admissible in evidence, and shall show affirmatively the complainant or the affiant if different that the complainant is competent to testify to the matters stated therein. All documents referred to in a complaint or any affidavit should be attached to the complaint.
2. A complaint must be filed within six months of the date the alleged violation is said to have occurred, or in the case of concealment or nondisclosure within six months of the date the alleged violation should have been discovered after due diligence. A complaint filed more than six months after the alleged violation occurred or was discovered shall not be considered.
3. Upon receiving a complaint, the County Clerk, shall immediately deliver such complaint to the chair of the ethics board or his designee. A copy of such complaint shall immediately be delivered to the County Commissioner, official or employee against whom the complaint was filed. If the ethics board makes an initial determination that a complaint is technically deficient, the ethics board shall submit a list of deficiencies to the complainant and offer the complainant the opportunity to correct the deficiencies within ten days prior to the complaint being dismissed for technical deficiencies.
4. Upon receipt of a complaint alleging misconduct, the County Commissioner, official or employee against whom the complaint was filed may reply to the complaint within 30 days, unless such time for reply is extended by the ethics board upon good cause shown. The response must be supported by affidavits based on personal knowledge, must set forth such facts as would be admissible in evidence, and must show

affirmatively that the complainant is competent to testify to the matters stated therein. All documents referred to in a complaint or affidavit should be attached to the complaint.

5. The Board of Ethics shall, within 30 days of receipt of the response, conduct an investigatory review to determine whether or not the complaint provides material facts for which a remedy can be given .In addition to any notice required under the Georgia Open Meetings Act, the County Clerk or other designated employee, shall provide written notice to the party tendering the complaint, and the County Commissioner, official or employee that is the subject of the complaint, of the date, time, and location of the ethics board meeting where the investigatory review is to be conducted. The above notice notwithstanding, neither the complaining nor responding party shall be entitled to make a presentation or otherwise address the ethics board during the investigatory review meeting. If after reviewing the complaint the ethics board by majority vote determines that the complaint does not provides material facts for which a remedy can be given or determines that no violation occurred, it may dismiss the complaint without further proceedings. In the event a complaint is dismissed based upon the merits of the complaint, the complaint may not be re-filed.
6. If the ethics board determines that the complaint provides material facts for which a remedy can be given, the Board of Ethics shall schedule a formal hearing to consider the complaint. The Board of Ethics shall notify all involved parties in writing of the time and place of the hearing, which hearing shall not be held sooner than ten days following notice of same.
7. Hearings shall be public, and all parties shall have the opportunity to be heard, to summon witnesses, and to present evidence. Persons alleged to have violated this Ethics Ordinance shall have the right to be represented by counsel at their own expense.
8. At the conclusion of the hearing, the Board of Ethics shall deliberate upon its findings in public and shall determine its findings by majority vote. Findings that a violation of this Ethics Ordinance has occurred must be based upon clear and convincing evidence. The Board of Ethics' decision shall be reduced to writing and provided to the parties; the decision shall be final; provided, however, that the decision shall be subject to review by writ of certiorari to the Superior Court.

EFFECTIVE DATE:

This Ordinance shall become effective upon adoption.

First Reading: January 3, 2011

Second Reading: February 7, 2011

PASSED AND ADOPTED THIS 7TH DAY OF FEBRUARY, 2011.

FRANKLIN COUNTY BOARD OF COMMISSIONERS