

Ethical Standards for City Board Members

The City of Atlanta's Code of Ethics seeks to promote public trust and protect the integrity of City government by setting a standard of conduct for City officials, employees and anyone doing business with the City. The code is designed to ensure that decisions made by our government are made in the best interest of the citizens it serves. A government that conducts itself openly, honestly and fairly is rewarded with the full trust of its citizens.

Board Members Covered Under the Code of Ethics

As citizens, you make a tremendous contribution to your community when you choose to serve on one of the City's many boards or commissions. Your participation ensures that fellow citizens have a voice in their government's decision-making process. Whether elected or appointed, volunteer or paid, service on a city agency, board, commission, committee or other body is governed by the ethics code. By adhering to the provisions of the code, you help instill public confidence in your government.

Conflicts of Interest

It is a conflict of interest to have a personal or financial interest in a matter that comes before you, or to engage in any outside activity that conflicts with your official duties.

Participation in Contracts. When you serve on a City board, you cannot participate in a decision that involves a matter in which you, an immediate family, business, or prospective employer has a financial or personal interest. See § 2-812.

Example: A developer brings a project before the Atlanta Development Authority for approval. The wife of one of the authority board members works for the developer. As a result, the board member is disqualified from participating in any discussion or decision about the project.

Doing Business with the City. You are not allowed to conduct business transactions with the board on which you serve. You may, on the other hand, work under contract with another city agency, but only when the subject matter is unrelated to your board's jurisdiction. See § 2-820 (c).

Example: An attorney whose law firm represents the City is appointed to the Atlanta-Fulton County Recreation Authority Board. Both the attorney and her law firm may continue to perform legal work for the City during her term of office so long as none of the work is related to the recreation authority.

Private Employment and Services. You are not allowed to render services for private interests when the service conflicts with your official duties. See § 2-820 (b).

Example: A real estate broker with bar and restaurant clients is a member of the License Review Board. The broker may not engage in real estate sales and leases involving bars and restaurants that seek liquor licenses within the City.

Investments. You cannot hold an interest in a private transaction that could interfere with your official duties to the detriment to the City. See § 2-820 (a).

Example: An Audit Committee member is hired as a partner with the accounting company that is performing the city's external audit. Although the committee member would not be involved in the external audit or the committee's discussion of the audit, the board member should resign from the Audit Committee.

Gratuities

Don't accept gifts or anything of value from a prohibited source (see explanation below). A gift may include food, flowers, tickets, travel, or discounts.

Prohibited Sources. A prohibited source is any person or entity that:

- 1) seeks official action from the City
- 2) seeks or does business with the City,
- 3) represents a client seeking official action or business,
- 4) is a registered lobbyist under state law, or
- 5) has interests that may be substantially affected by the performance of the board member's official duties.

See § 2-801.

Example: A neighborhood association that hosts an annual tour of homes wants to give complimentary tickets to members of the Urban Design Commission. The commission must purchase tickets for its members to attend the event because the association is a prohibited source. It seeks official action from the City and has interests that may be substantially affected by the commission members' official duties.

Gifts. Following are the exceptions to the prohibition on gifts for board members:

- awards, plaques, certificates, mementos, novelties, or similar items given in recognition of public service
- nominal gifts from representatives of other governments
- gifts from family members
- gifts accepted on behalf of the City.

See §§ 2-801, 2-817, 2-818.

Example: The board members of Keep Atlanta Beautiful participate in a Christmas tree recycling project sponsored by a local utility company. They may accept t-shirts as a memento of their community service work, but must decline the utility's gift of two tickets to a professional basketball game.

Meals. You can accept reasonable meals and refreshments furnished in connection with official appearances at either a public, civic, charitable, or non-profit ceremony, event, convention, or conference. See § 2-801.

Example: A national organization of pension funds is holding its annual conference in Atlanta. The members of the General Employees Pension Fund Board of Trustees may attend a public reception hosted by investment advisers.

Travel. You may accept reasonable hosting expenses for travel, meals, and lodging when teaching, making a speaking engagement, participating on a professional or civic panel, or attending a conference in an official capacity. See §§ 2-801 & 2-815.

Example: A member of the Commission on Women is invited to participate on a panel at an international women's conference. She may accept an offer to pay her conference fee and travel expenses, but must disclose the gift on an online Travel Disclosure Report in the Electronic Filing System.

Other Provisions

Use of Public Property. You may not use City property for your personal use or for any other person, unless the general public may use the property in the same way. City property may only be used for official city business. See § 2-811.

Example: An Atlanta Planning Advisory Board member may reserve a city facility for an NPU meeting on the same terms as other city agencies, but must pay the normal fee charged the general public when reserving the facility.

Confidential Information. You cannot disclose confidential information regarding City affairs, or use the information acquired in an official capacity for personal or financial interests. See § 2-819.

Example: An attorney in the Law Department briefs members of the Civil Service Board in executive session on the status of an employee lawsuit filed against the City. The board members may not disclose the information provided during that session.

Representation. You cannot make an appearance on behalf of private interests before your own board or its oversight department, nor can you represent private interests in court in actions in which the City is a party. See §§ 2-808, 2-809.

Example: An architect serving on the Tree Conservation Commission may not represent a homeowner in an appeal before the Zoning Review Board, although other members of his firm may represent the homeowner before the zoning board.

Solicitations. Do not solicit anything that might influence your decision or the exercise of your official authority. See §2-818.

Candidacy for City Office. Should you file as a candidate for the office of Mayor, City Council president, or City Council member, you must resign from your board position. See § 114-2.

Restrictions on Activities after Leaving City Service. You must wait one year after leaving office before appearing before the board on which you served or its oversight department. You must also wait a year before receiving compensation for services you might render in matters in which you were directly involved while serving on the board. See § 2-810.

Example: A former hearing officer for the Vehicles for Hire Hearing Panel signs a contract with a private company to provide new taxi driver training. She must wait a year from the date she resigned as a hearing officer before she can teach the training classes.

Disclosure of Interests

Contract Decisions. As a board member, you cannot participate in any contract in which you, an immediate family member, an employer, or a prospective employer has a financial or personal interest. See § 2-813.

Example: A member of the Board of Zoning Adjustment is a real estate broker whose client opposes a property owner's application for a variance. When the board considers the variance application, the broker must publicly disclose his financial interest in the matter and is then disqualified from participating or voting on the application.

Disclosure of Conflicts. When you are aware that you have a financial or personal interest in a matter pending before your board, you must do the following: 1) publicly state the financial or personal interest at the meeting where the matter is to be determined, 2) have the disclosure made a part of the board's minutes or other official record, and 3) complete the online Disclosure of Conflicts of Interest Report.

Disclosure of Financial Interests. You are required to file a financial disclosure statement every year you serve and for the year after you leave city service. The statement requires disclosure of employment, sources of business income, contracts with the City, City employment of immediate family members, and ownership of real property. It does not require disclosure of specific amounts of income. Failure to file can result in monetary fines, public reprimands, and removal from office. See § 2-814.

Example: An individual appointed to the Citizen Review Board works for a law firm that conducts real estate closings on behalf of the City's housing bureau. The board member must disclose the firm's contract with the City on his financial disclosure statement.

Other Disclosure Forms. You must disclose travel reimbursements received from a prohibited source and gifts accepted on behalf of the City. See §§ 2-815, 2-818.

This list is a summary of key provisions in the Code of Ethics, sections 2-801 to 2-824 of the Code of Ordinances. It is not intended as a guide in any specific situation. For questions about how these rules apply to you in a particular situation, contact the Ethics Office at ethicsofficer@atlantaga.gov or 404.330.6286.

10/10/2007; revised 9/24/2010