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Ethical Guidelines for Neighborhood Planning Unit Officers

The City of Atlanta's Code of Ethics seeks to ensure that governmental decisions are made in the public's best interest by prohibiting city officials from participating in matters that affect their personal or financial interests. By following the standards established in sections 2-801 to 2-824 of the code, officers in the city's neighborhood planning units help the City of Atlanta gain the full trust of its citizens as a government that conducts itself in an open, honest, and fair manner.

Key Ethics Principles Every NPU Officer Needs to Know

- An NPU officer should strive to serve the best interests of the City
- The city's ethics law is aimed at the perception, as well as the reality, that a city official's personal and financial interests may influence a decision
- Having a conflict of interest does not mean that you have done something wrong; it simply means that you have a financial or personal interest that disqualifies you
- Violating the Code of Ethics may lead to monetary fines, public reprimands, and criminal penalties

Persons Affected by the Ethics Code

The Code of Ethics applies to NPU officers. The bylaws of each NPU establish the officers of that NPU, and they are the officials subject to the ethics code, with one exception. In order to establish a uniform, city-wide rule on financial disclosure, the Board of Ethics has interpreted "officers of neighborhood planning units," for purposes of filing an annual financial disclosure statement, as the chair, president, or presiding officer and the first vice chair, vice president, or alternate presiding officer.

Example: Officer A is elected as vice chair of her NPU, after serving as secretary the previous year. She is subject to the Code of Ethics both years and is required to file an annual financial disclosure statement in the year she serves as vice chair.

Conflicts of Interest. A conflict of interest occurs when a city official has a financial or personal interest in a decision pending before the individual or the NPU.

Example: An NPU secretary is a real estate agent who has been retained as a sales agent by a property owner. The property owner appears at an NPU meeting to seek support for a rezoning. The NPU secretary has a financial interest in the zoning matter based on her sales contract with the property owner.

Remedies for Conflicts.

- 1. Disqualification.** When a conflict of interest is based on a direct financial interest, the NPU officer is disqualified from participating in the matter. The officer must:
 - a. refrain from discussing, deliberating, voting, or participating in the matter
 - b. disclose the financial interest orally at the meeting where the matter is discussed
 - c. have the disclosure made a part of the NPU's minutes and
 - d. complete the online Disclosure of Conflicts of Interest Report.

Example: The NPU secretary retained as the property owner's agent should announce at the meeting that she is disqualified from participating based on her contract with the zoning applicant, note her recusal in the NPU's minutes, and file an online conflicts disclosure report.

- 2. Disclosure.** Most NPU officers have at least an indirect financial interest in matters pending before their NPU concerning applications for liquor licenses, rezoning, and special use exceptions because any decision may affect property values in the neighborhood. If NPU officers were disqualified from voting on matters based on this type of financial interest, it could discourage members from serving as officers. If both officers and members were disqualified from participating, it could result in disenfranchising a majority of the members present at a meeting.

Example: An NPU vice chair owns property in a block where a developer has filed an application for a proposed subdivision. Although the vice chair has an indirect financial interest, this interest is too general, remote, and widespread to create a conflict that disqualifies him from voting on the subdivision proposal.

One remedy for indirect financial interests, such as the vice chair's interest in the subdivision rezoning request, is to require public disclosure of any financial or personal interest by any person participating or voting at the meeting. This rule puts every participant on notice about the personal interests of the speaker without disenfranchising officers or members whose property may be affected.

Example: NPU-W requires speakers to verbally disclose any personal or financial interest at the meeting and bans individuals from speaking if they fail to disclose their interests.

- 3. NPU Policies.** Because the Code of Ethics establishes minimum standards, NPUs may choose to establish a higher standard for dealing with conflicts of interest, such as disqualifying from voting any NPU member with a financial interest or requiring verbal disclosure of personal interests by any speaker or voter.

Example: NPU-B has adopted a bylaws provision on conflicts of interest that requires abstentions by every board member with a financial interest.

Annual Financial Disclosure. The purpose of financial disclosure is to alert city officials about personal interests that could potentially affect their public decisions and enable the public to review those financial interests for actual and potential conflicts of interest. NPU chairs and vice

chairs are required to file an annual financial disclosure statement every year that they serve and the year after they leave public service. They must disclose their employment, sources of income, assets of real property, and any employment of immediate family members with the City.

Example: Officer A is elected NPU chair and serves one term. She must file a financial disclosure statement in the year she serves and in the year after she leaves city service.

Ban on Gratuities. NPU officers may not accept anything of value from a prohibited source.

Prohibited sources. A prohibited source is a person or entity that seeks official action from the City, seeks to do or is doing business with the City, represents a client seeking official action or business, is a registered lobbyist under state law, or has interests that may be substantially affected by the NPU officer's performance of his or her official duties.

Example: A neighborhood civic association is a prohibited source because it seeks official action from the City.

Example: A applicant for a liquor license who appears before the NPU is a prohibited source because the applicant has interests that may be substantially affected by the NPU decision on the applicant's request for a license.

Exceptions to Gift Ban. NPU officers may not accept any gift from a prohibited source unless the gift falls within an exception. The main exceptions are:

- awards, plaques, certificates, mementos, novelties, or similar items given in recognition of public service
- reasonable meals and refreshments furnished at a public event in which the officer appears in an official capacity
- travel and registration fees related to attending a conference in an official capacity
- gifts accepted on behalf of the City

Use of City Property. NPU officers may not use city property, equipment, labor, or services for their own personal use or for the private advantage of any other person, unless the general public may use the property in the same way.

Example: An NPU officer 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 on behalf of a civic organization or church group.

Example: NPU mailing lists may not be used for political campaigns or other purposes unrelated to official city business, and candidates may not appear at an NPU meeting and seek political support.

Solicitations. An NPU officer may not request or accept anything of value that is intended to influence a decision or the performance of official duties. Gifts given to the NPU or other city agency as a result of a solicitation must be publicly disclosed on an online Gift to the City Report. Solicitations on behalf of the NPU should comply with the following guidelines:

- The officer must solicit in an official capacity
- The solicitation must be made for a city purpose, project, or program

- The fund-raising campaign should make a broad public appeal for support
- The solicitation should not target prohibited sources
- The officer should not solicit from persons or businesses with matters pending before the NPU
- The gift must be given to the City of Atlanta or one of its agencies
- The gift must be publicly disclosed on an online gift report form
- The gift cannot be calculated to influence any vote, decision, or official action

Example: The NPU is sponsoring a Senior Citizens' Day. NPU officers may solicit donations from area businesses, including prohibited sources, to give away as door prizes to persons attending the event, but must file a Gift to the City Report disclosing the gifts.

Contract Decisions. An NPU officer may not participate directly or indirectly in any contract or subcontract in which the official, an immediate family member, an employer, or a prospective employer has a financial or personal interest.

Doing Business with the City. NPU officers may not do business with their NPU either personally or through an entity in which they own stock, are employed, or have an ownership interest unless the business.

Representing Private Interests. NPU officers may not appear on behalf of private interests before any city agency, except as a matter of public record in a court of law, and may not represent private interests before the courts in actions in conflict with the city's interests or involving the City as a party.

Example: An NPU chair may not be paid to represent a developer before the Zoning Review Board or in a lawsuit that the developer files against the City of Atlanta.

Post-Service Restrictions. After leaving city service, an NPU officer may not appear before any city agency on behalf of private interests for one year. In addition, NPU officers may not receive compensation for services in connection with any matter in which they were directly concerned, personally participated, actively considered, or acquired knowledge while serving as an NPU officer and must file a financial disclosure statement in the year after they leave city service.

Example: An NPU officer may not, for a year after leaving the position, appear before the Department of Planning and Community Development to expedite building permits on behalf of paying clients.

City Employees Serving as NPU Officers. City employees may serve as NPU officers and delegates to the Atlanta Planning Advisory Board and may appear before their NPU in a personal capacity as a homeowner, city resident, or neighborhood representative.

Disclaimer: This guide provides a summary of key provisions in the Code of Ethics that apply to NPU officers. It is not a comprehensive description of all the ethical standards, which are found in sections 2-801 to 2-824 of the Code of Ordinances, and 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.