



City of Atlanta Ethical Standards for Contractors, Vendors, Customers, and Other Prohibited Sources

The City of Atlanta's Code of Ethics seeks to promote the public trust and protect the integrity of city government by ensuring that city officials and employees act in the best interest of the City of Atlanta. City contractors, vendors, and customers can assist in building an ethical culture within city government by complying with these ethical standards in their dealings with city officials and employees.

Key Gift Rules that Apply to Prohibited Sources

The gift ban. The ethics law bans city contractors, vendors, customers, and other prohibited sources from giving personal gifts and other things of value to a city official or employee, and it prohibits city officials and employees from accepting anything of value, unless the gift falls within one of 11 exceptions. The Board of Ethics encourages everyone to consider whether a gift is solicited, given, or received with the intent to obtain special consideration, influence the recipient in performing an official duty, or reward official action by the solicitor or recipient. The best way to thank a city employee is to write a note, email, or letter of praise to the employee's supervisor.

Example: The cashier who assists a water customer with his accounts cannot accept a \$20 bill for lunch in appreciation for the employee's services.

Example: A group of employees who are meeting a salesperson for lunch cannot accept her offer to pay for their lunch nor can a potential vendor provide lunch at a "Lunch and Learn" session hosted to promote its latest product.

Example: An employee may not accept a city contractor's invitation to play in a charity golf tournament as the contractor's guest.

Prohibited sources. A prohibited source is a person, business, or entity that is seeking official action; doing business or seeking business with the City; represents a client who is doing business, seeking business, or seeking official action; is registered as a lobbyist with the State Government Transparency and Campaign Finance Commission; or has interests that may be substantially affected by the performance of an official's or employee's official duties.

Example: The Metro Atlanta Chamber of Commerce, Central Atlanta Progress, and Atlanta Housing Authority are all registered lobbyists and, therefore, prohibited sources.

Example: A neighborhood civic association that frequently opposes rezoning and an advocacy group that receives a grant under the Community Block Grant Program are prohibited sources.

Example: A homeowner whose dog is saved during a house fire is a prohibited source towards the firefighters who assist in putting out the fire.

Solicitations. City officials and employees may not solicit anything calculated to influence a vote, decision, or the exercise of official authority. When employees solicit gifts or donations, they must solicit in an official capacity for a city purpose, project, or program; they should make a broad public appeal for support; they should not make one-on-one solicitations from companies with whom their department does business; the gift must be given to the City; and the gift must be disclosed on the online Gift to the City Report. A broad public appeal includes a mass mailing, press conference, newsletter, press release, public notice, and media interview.

Example: An employee may not send emails and make follow-up telephone calls to the department's contractors and vendors to raise funds for an employee picnic during National Public Works Week.

Exceptions to the Gift Ban

The most frequently used exceptions to the gift ban permit reasonable meals at a public event, expenses related to conferences, awards given in recognition of public service, and gifts to the City. In addition, the City of Atlanta has a holiday gift rule for perishable items and an official duty exception to the ban on tickets.

Food at public events. City officials and employees may accept reasonable meals and refreshments furnished in connection with their appearance in an official capacity at a public, civic, charitable, or non-profit ceremony, event, convention, or conference.

Example: A pension board member may accept an invitation from the board's financial advisor to attend a customer appreciation event for its clients at the High Museum of Art.

Example: A Municipal Court judge may accept an invitation from a city contractor to attend a \$250 per plate fund-raising dinner for an affordable housing advocacy group.

Conferences and seminars. City officials and employees may accept reasonable hosting expenses from prohibited sources in connection with teaching, a speaking engagement, participation on a professional or civic panel, or attendance at a conference in an official capacity. Reasonable hosting expenses may include travel, meals, lodging, and registration fees as allowed under the city's travel policies and procedures. The official or employee must file a Travel Disclosure Report within 30 days of the event.

Example: An engineer may accept a city contractor's offer to pay his air fare to attend a professional conference to participate in a panel discussion on projects that have used the contractor's electronic switching equipment.

Example: An employee may accept a vendor's offer to pay her registration fee for a local conference on government call centers.

Example: Two employees may not accept an offer to fly them on a corporate jet to Las Vegas to attend a two-hour customer briefing by the company providing servers and related services to the City since the briefing is not a conference, convention, or seminar.

Awards given for public service. City officials and employees may receive awards, plaques, certificates, mementos, novelties, and other similar items when given in recognition of their civic, charitable, political, professional, or public service.

Example: A neighborhood association can name a parks employee an honorary member of the neighborhood for work she did in designing a new neighborhood park.

Gifts to the City. City officials and employees may accept gifts on behalf of a city agency when the gift is offered to and accepted on behalf of the City, and the gift is disclosed on a Gift to the City Report.

Example: The Department of Planning and Community Development may accept 300 computers from the Metro Atlanta Chamber to upgrade the building permit process under a resolution adopted by the Atlanta City Council.

Example: The Police Department may accept 500 circus tickets offered to the department, provided that it distributes the tickets fairly and without favoritism to staff.

Example: The Executive Offices may accept an offer from Central Atlanta Progress to pay for the travel of five officials and employees to examine streetcar systems in other cities when the travel is donated to the City, the City chooses who travels, the expenses are reasonable, the department files a Gift to the City Report, and the travelers file a Travel Disclosure Report.

Holiday gift rule. The holiday gift rule allows city officials and employees to accept a gift on behalf of the agency from a city contractor, vendor, or customer when the gift is perishable, of modest value, and shared with the public or others in the office.

Example: The accounting firm that performs the city's external audit sends a box of oranges to the Chief Financial Officer. She may accept the fruit provided that it is shared with other employees in the office.

Example: A city contractor sends a gift card to an employee. Since the gift is not perishable, the employee needs to return it to the contractor or donate the card to a charity without taking a tax deduction.

Official duty exception to the ticket ban. City officials and employees may accept tickets to concerts, plays, athletic, or other entertainment events as a gift only under limited conditions. To accept, they must be performing an official duty at the event.

Example: An elected official may not accept a gift of a ticket from a lobbyist to attend a professional basketball game at Phillips Arena.

Example: A department head may accept tickets from the Atlanta-Fulton County Recreation Authority to attend opening day of the baseball season when persons holding similar positions in other local governments will also attend as guests of the authority.

Example: A police officer who serves as the department's liaison with the public safety committees of neighborhood associations in his zone may accept a university president's invitation to attend a football game in the president's box with the coordinators of the neighborhood watch programs.

Other Things of Value that May Be Accepted. City officials and employees are also allowed to accept the following: (1) campaign contributions, (2) nominal gifts from representatives of other governments, and (3) gifts from family members.

Use of Public Property

City officials and employees may not use city property, vehicles, equipment, labor, or services for their own personal use or for the private advantage of any other person. City facilities and resources can only be used for a public purpose.

Example: The Mayor may not use the city's letterhead to raise funds on behalf of a non-profit organization seeking to establish a civil rights museum in downtown Atlanta; he can use his official title in signing a letter on the non-profit group's stationery.

Example: A membership warehouse club cannot use city facilities to host a complimentary reception for city employees to answer questions about the company's product and services.

Conflicts of Interest

A conflict of interest occurs when a city official or employee has a personal or financial interest or engages in an outside activity that is incompatible with the proper discharge of the individual's official duties or exercise of independent judgment or action.

Participation in contracts. City officials and employees may not participate in any decision related to a contract or other matter in which they know or should know that there is a financial or personal interest possessed by themselves, their immediate family, an employer, prospective employer, or a business in which they serve as an officer, director, stockholder, creditor, trustee, or partner.

Example: An employee who works in the airport's concessions office cannot develop or approve the specifications for the request for proposal for food and beverage concessions while he is discussing future employment with a concessionaire that plans to submit a bid.

Example: A member of a public authority board cannot participate in a decision about a proposed development when the board member's law partner presents the developer's proposal to the authority.

Outside employment. City officials and employees may not engage in private employment or render services for private interests when the employment is adverse to and incompatible with the proper discharge of their official duties.

Example: The city's fire marshal with oversight authority over fire safety inspectors and permits at public venues may not accept an extra job as an in-house fire marshal at one of those venues.

Example: A member of the Atlanta Workforce Development Agency Board may represent a company that is submitting a bid in response to a Department of Watershed Management request for proposal since his service as a board member is unrelated to the department or the bids it is seeking.

Doing business with the City. City officials and employees may not own stock, be employed by, or have a business connection or ownership interest in a company that does business with the City of Atlanta unless the business is conducted through a sealed competitive bid process.

This rule does not apply when an employee owns less than ten percent of any publicly traded stock.

Example: A firefighter cannot own or work for a company that seeks to provide a hazardous materials training program to his department when the training is awarded through an informal bid process.

Example: A member of the Public Art Advisory Committee cannot compete for a new art commission that will be funded through the city's public art program.

Representation. City officials and employees may not appear on behalf of private interests before any city agency and may not represent private interests in actions that conflict with the city's interests, in litigation where the City is involved, or in certain proceedings in city court or municipal court.

Example: A member of the City Council may not meet with a city employee to discuss a dispute between the Councilmember's client and a city contractor.

Example: A member of the Tree Conservation Commission cannot file an application on behalf of a client who is seeking a permit to remove a tree.

One-Year Cooling-Off Period

Post-employment. The City has a cooling-off period that limits the activities of former city officials and employees for one year. It prohibits employees from appearing before any city agency or receiving compensation for any services in connection with any matter in which they were directly concerned, personally participated, actively considered, or acquired knowledge while working for the City.

Example: A former budget analyst in the Department of Aviation may not represent his new employer at weekly construction meetings at the Atlanta Hartsfield-Jackson International Airport for one year after leaving his city job.

Example: A former planner may not represent subdivision developers in seeking city permits to develop their subdivisions for one year after leaving the City.

Related Ethics Issues under State Law

Campaign contributions. State law limits the contributions that can be made to local candidates. The State Government Transparency and Campaign Finance Commission publishes the campaign contributions permitted during each election cycle. For more information, visit the commission's website at <http://www.ethics.ga.gov/>.

Lobbyist registration. State law also requires local lobbyists to register with the State Government Transparency and Campaign Finance Commission. Contact the state commission for guidance on how to register. The City of Atlanta does not have a separate lobbyist registration requirement.

This publication is a summary of key provisions in the Code of Ethics, 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 a particular situation, contact the Ethics Office at ethicsofficer@atlantaga.gov or 404-330-6286.