

# CITY OF ATLANTA CODE OF ETHICS

## DIVISION 2. STANDARDS OF CONDUCT\*

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### **Sec. 2-801. Definitions.**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Agency* means any board, bureau, body, commission, committee, department or office of the city, including any joint board to which the council or the mayor has appointment powers.

*Business* means any corporation, partnership, proprietorship, organization, self-employed individual and any other entity operated for economic gain, whether professional, industrial or commercial, and entities which for purposes of federal income taxation are treated as nonprofit organizations.

*Direct ownership, leasehold or option interest in real property* means the holding or possession of good legal or rightful title of property or the holding of real or beneficial use of the property by an official or employee, including any interest owned or held by the spouse of the official or employee if such interest is held jointly or as tenants in common.

*Confidential information* means information which has been obtained in the course of holding public office, employment, an independent contract or otherwise acting as an official or employee, and which information is not available to members of the public under state law or other law or regulation and which the official or employee is not authorized to disclose.

*Filing* means delivered to the municipal clerk by the end of the designated business day or, if the designated day is not a business day, the first business day thereafter or depositing in the United States mail, properly addressed, with adequate postage affixed, postmarked by the designated day; or any other method of delivery authorized by the board of ethics.

*Financial interest* means any interest which shall yield, directly or indirectly, a monetary or other material benefit to the official or employee, other than the duly authorized salary or compensation for the official's or employee's services to the city, or to any person employing or retaining the services of the official or employee or to the official's or employee's immediate family.

*Gratuity* means anything of value given by or received from a prohibited source; provided, however, that the term "gratuity" within the meaning of this division does not include any of the following:

- (1) Payment by the city of salaries, compensation, expenses, or employee benefits; or payment by an employer or business other than the city of salaries, compensation, expenses, or employee benefits or payment of fees for services rendered pursuant to a contract, when the payment is unrelated to the official's or employee's status with the city and is not made for the purpose of influencing, directly or indirectly, the vote, official action or decision of the official or employee; or
- (2) Campaign or political contributions made and reported in accordance with state law; or
- (3) Reasonable meals or refreshments furnished in connection with an official's or employee's appearance in an official capacity at a public, civic, charitable or non-profit ceremony, event, convention or conference whether the sponsor of the event does or does not do business with the city; or
- (4) Hospitality, or meals, extended for a social, charitable, non-profit, convention, conference, or business purpose unrelated to the official business of the city; or
- (5) Reimbursements from non-city sources of reasonable hosting expenses, including travel, meals, and lodging, provided to an official or employee in connection with speaking engagements, participation on professional or civic panels, teaching, or attendance at conferences in an official capacity; provided, however, that receipt of such reimbursements is subject to the reporting requirements governing disclosure of expense reimbursements found at section 2-815; or
- (6) An award, plaque, certificate, memento, novelty or similar item given in recognition of the recipient's civic, charitable, political, professional, or public service; or
- (7) Nominal gifts or other tokens of recognition presented by representatives of governmental bodies or political subdivisions who are acting in their official capacities; or
- (8) Anything of value when the thing of value is offered to the city, is accepted on behalf of the city, and is to remain the property of the city provided that the recipient complies with the provisions governing solicitation found at section 2-818; or
- (9) Commercially reasonable loans made in the ordinary course of the lender's business in accordance with prevailing rates and terms, and which do not discriminate against or in favor of an official or employee because of such individual's status; or
- (10) Anything of value received as a devise, bequest or inheritance; or

- (11) A gift received from the officials' or employees' immediate family or a relative within the third degree of consanguinity under the civil law computation method.

*Honorarium* means a payment of money or anything of value for any service, including but not limited to an appearance, speech or article, or a series of appearances, speeches, or articles, if the subject matter is related to the official's or employee's official duties or the payment is made because of the official's or employee's status with the city.

*Immediate family* shall include the spouse, domestic partner registered under section 94-133, mother, father, sister, brother, and natural or adopted children of an official or employee.

*Income* means any money or item of value in excess of \$5,000.00 received or to be received as a claim on any future services, including but not limited to fees, salaries or commissions.

*Official or employee* means any person elected or appointed to or employed or retained by the city or any agency, whether paid or unpaid and whether part time or full time. This definition includes retired employees or former city employees during the period of time in which they are later employed or retained by the city or any agency.

*Personal interest* means any interest arising from relationships with immediate family or from business, partnership or corporate associations, whether or not any financial interest is involved.

*Prohibited source* means any person, business or entity that an official or employee knows or should know:

- (1) Is seeking official action from the city; or
- (2) Is seeking to do or does business with the city; or
- (3) Represents a client who meets the definitions in subparagraphs (1) or (2) above; or
- (4) Has interests that may be substantially affected by performance or non-performance of the official's or employee's official duties; or
- (5) Is a registered lobbyist in accordance with state law.

*Public entity* means any office, agency, authority, department, commission, board, division, institution or other instrumentality of the state or any other state in the United States of America, local government, special purpose district, or the federal government of the United States of America.

(Code 1977, § 18-2001; Ord. No. 2002-27, § 1, 4-10-02; Ord. No. 2006-48, § 1, 7-25-06; Ord. No. 2016-39(16-O-1550), § 1, 11-16-16)

**Cross reference(s)**--Definitions generally, § 1-2.

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## **Sec. 2-802. Purpose.**

It is the purpose of this division to promote the objective of protecting the integrity of the government of the city by prohibiting any official or employee from engaging in any business, employment or transactions, from rendering services or from having contractual, financial, or personal interests, direct or indirect, which are in conflict with or which would create the justifiable impression in the public of conflict with the proper discharge of the official or employee's official duties or the best interest of the city or which would tend to impair independence or objectivity of

judgment or action in the performance of official duties. It is also the purpose of this division to require disclosure of the assets and income of elected officials and certain employees so that the public may review actual and potential conflicts of interest. Finally, it is the purpose of this division to provide for an orderly and fair process for raising and addressing ethical questions and for disciplining those officials and employees and other persons who violate these standards of conduct.

(Code 1977, § 18-2002; Ord. No. 2002-27, § 1, 4-10-02)

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### **Sec. 2-803. Reporting violations.**

Any person who witnesses or becomes aware of a violation of this division may complaint of that violation as follows:

- (1) By appearing before a judge of the municipal court, the city solicitor or the solicitor's assistant and swearing out a complaint for the violation. Upon signing the complaint, under oath, a warrant may be issued by the municipal court for the accused to appear and answer the charges; or
- (2) By communicating with the ethics officer. Where a complaint is communicated anonymously to the ethics officer, such complaint shall be made in good faith, and with veracity and sufficient specificity so as to provide the ethics officer with salient and investigable facts. The ethics officer may require the anonymous complaint to be made in a manner and form that is intended only to obtain relevant facts related to the alleged violation of this division, and that is not designed to reveal the identity of the complainant; or
- (3) By filing a sworn written complaint with the ethics officer or the board of ethics, as described in this division. All written complaints to be considered by the board of ethics and the ethics officer shall contain the following if applicable:
  - a. The name and address of the person or persons who file the complaint.
  - b. The sworn verification and signature of the complainant.
  - c. The name and address of the party or parties against whom the complaint is filed, and if such party is a candidate and the office being sought.
  - d. A clear and concise statement of acts upon which the complaint is based along with an allegation that such facts constitute one or more violations of law under the jurisdiction of the board of ethics.
  - e. A general reference to the statutory provision(s) of the Code within the jurisdiction of the board of ethics allegedly violated.
  - f. Any further information which might support the allegations in the complaint including, but not limited to, the following:
    1. The name and address of all other persons who have firsthand knowledge of the facts alleged in the complaint; and
    2. Any documentary evidence that supports the facts alleged in the complaint.
- (4) Preliminary action on complaint. Upon receipt of a complaint whether by the ethics officer or by the ethics board, the ethics officer or the secretary of the ethics board shall send a written

notice to the subject of the complaint by the next business day. Both this notice and any subsequent documents are subject to the Georgia Open Records Act.

- (5) Defective complaint. Upon receipt of a written, non-anonymous complaint which does not conform to the applicable requirements of paragraph (3) of this section, the ethics officer shall by letter acknowledge receipt of the complaint and advise complainant of the defect in the complaint and that the complaint will not be considered by the board of ethics unless the defect is corrected.

(Ord. No. 2002-27, § 1, 4-10-02; Ord. No. 2002-44, § 1, 5-28-02)

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#### **Sec. 2-804. Board of ethics.**

(a) There is hereby continued in existence a board of ethics to consist of seven members, all of whom shall be known for their personal integrity and all of whom shall be residents of and domiciled in the city. It is further urged that the members of the board of ethics shall reflect the diversity of the city with regard to race, color, creed, religion, gender, marital status, parental status, familial status, sexual orientation, national origin, gender identity, age and disability. The new board of ethics shall come into existence as set forth in delayed effect of 2002 amendment found at section 2-824 of this division.

(b) The members of the board of ethics shall be selected as follows:

- (1) One member shall be selected by the Atlanta Bar Association, chosen from the attorney members of the association;
- (2) One member shall be selected by the Gate City Bar Association, chosen from the attorney members of the association;
- (3) One member shall be selected by the Atlanta Business League, chosen from the organizations that are members of the league, which member shall not be an attorney;
- (4) One member shall be selected by the Metro Atlanta Chamber of Commerce from the organizations that are members of the chamber, which member shall not be an attorney;
- (5) One member shall be selected by the Atlanta-Fulton County League of Women Voters, which member shall not be an attorney.
- (6) One member shall be selected by the Atlanta Planning Advisory Board, which member shall not be an attorney nor an officer of a neighborhood planning unit.
- (7) One member shall be selected by the six major universities/colleges within the city (Georgia State University, Georgia Institute of Technology, Clark Atlanta University, Morehouse College, Morris Brown College, and Spelman College).

(c) The members shall each serve for terms of three years; provided, however, that the initial terms of the first Metro Atlanta Chamber of Commerce appointee, the first Atlanta Business League and the first University/College appointee shall be two years, and the initial term of the first Atlanta Planning Advisory Board appointee and Atlanta-Fulton County League of Women Voters appointee shall be one year. Members shall serve without compensation. The members shall elect a chair and develop their own organization internally.

(d) The position of a member of the board shall be deemed vacated:

- (1) Upon the expiration of his or her term;
- (2) Upon the death of a member or the disability or incapacity of a member for more than 90 days;
- (3) Upon the written resignation of the member, when accepted by the nominating party. A resignation tendered for more than 30 days shall be deemed accepted;
- (4) By the member ceasing to be a resident of the city; or
- (5) Upon removal of the member for good cause by a majority vote of the board of ethics;
- (6) New members shall be identified and their names submitted to the municipal clerk within 30 days of the date on which a vacancy in a board position occurs. The municipal clerk will sound their names at the next regularly scheduled council meeting. Nominees for the board of ethics and ethics officer shall be subject to an education and employment background check as well as a criminal history check. Nominees shall execute all releases necessary for the department of personnel and human resources and the department of police to accomplish the same. If the nominee is determined to have committed a felony, the nomination shall be withdrawn.

(e) Members shall be prohibited from engaging in city election political activities and from making campaign contributions to candidates in city elections during their terms as board members. Violations of this subsection may be punished by removal from board membership by a majority vote of the members.

(f) The board of ethics shall:

- (1) Elect a chair by majority vote of the serving members. Each chair will serve a one-year term and shall be eligible to serve as chair in successive years.
- (2) Elect a vice-chair to preside in the absence of the chair. The vice-chair will serve a one-year term and shall be eligible to serve as vice-chair in successive years.
- (3) Elect a secretary to provide administrative assistance to the board.
- (4) Hold regular monthly meetings at City Hall. Such meetings shall be televised. All meetings of the board shall be conducted as required by the Georgia Open Meetings Act.
- (5) Conduct its business only with a quorum. A majority opinion of the members sitting at any hearing shall govern as to decisions of the board. In no event shall a decision of the board be voted upon by fewer than four members.
- (6) Be free to contract for the services of a competent court reporter to take down statements, testimony and discussions at its meeting or to use in lieu thereof a competent person adept at shorthand reporting and/or mechanical transcribing devices, whichever method is from time to time desired by the board, such services to be paid for by the city.
- (7) Maintain all records in the office of the ethics officer as required by the Georgia Open Records Act.
- (8) Report, as appropriate, suspected ethical and criminal violations to state or federal law enforcement agencies.

(9) Notify the ethics officer of any report of an alleged violation of the code of ethics received by the board.

(10) Establish procedures to notify the subject of any report of an alleged violation of the code of ethics as required by the Georgia Open Records Act.

(g) The city shall pay all administrative costs, including those specifically stipulated in this section, pertaining to the operation of the board of ethics.

(h) The board shall have the authority to prescribe rules and regulations pursuant to this division to administer the financial disclosure process and to issue opinions under this division. The board shall prescribe appropriate financial disclosure forms, instructions and methods of disclosure as required to comply with the requirements of disclosure of income and financial interests found at section 2-814.

(i) Except as otherwise provided in this division, the meetings of the board will be governed by Robert's Rules of Order.

(j) The board shall render an advisory opinion based upon a real or hypothetical set of circumstances, when requested in writing by anyone who is an official or employee of the city or a member of a board, council, committee or commission who is personally involved in a matter requiring interpretation of the ethics code. Any person requesting an opinion in accordance with this section who has made a full and complete disclosure of all relevant facts shall be entitled to rely on the opinion or finding of the board of ethics as a guide to the conduct of such person in the person's relations to and with the city. Compliance with the opinion or finding of the board of ethics shall serve in mitigation in any proceedings against such person for violation of this division. Advisory opinions based upon current law shall be maintained as required by the Georgia Open Records Act.

(k) The board of ethics shall have the authority to investigate any alleged violation of the code of ethics as follows:

(1) Upon a sworn written complaint by any person in a form prescribed by the board;

(2) Upon the request of the ethics officer; or

(3) Upon the determination by a majority of the board that any matter should be investigated.

(Ord. No. 2002-27, § 1, 4-10-02; Ord. No. 2002-45, § 1, 5-28-02)

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#### **Sec. 2-805. Ethics officer.**

(a) There is hereby created as a full time salaried position an ethics officer for the city. The city ethics officer must be an active member of the Georgia Bar Association in good standing with five years experience in the practice of law. The ethics officer shall be appointed by a majority of the members of the board of ethics, subject to confirmation by a majority of the council and approval by the mayor, for a period not to exceed six years. Removal of the ethics officer before the expiration of the designated term shall be for cause by a majority vote of the members of the board of ethics.

(b) The ethics officer need not be a resident of the city at the time of his or her appointment, but he or she shall reside in the city within six months of such appointment and continue to reside therein throughout such appointment.

(c) The ethics officer shall not be involved in partisan or nonpartisan political activities or the political affairs of the city.

(d) The duties of the ethics officer shall include, but not be limited to, the following:

- (1) Educating and training all city officials and employees to have an awareness and understanding of the mandate for and enforcement of ethical conduct and advising of the provisions of the code of ethics of the city;
- (2) Maintaining the records of the board of ethics as required by the Georgia Open Records Act;
- (3) Meeting with the board of ethics;
- (4) Advising officials and employees regarding disclosure statements and reviewing same to ensure full and complete financial reporting;
- (5) Urging compliance with the code of ethics by calling to the attention of the board of ethics any failure to comply or any issues, including the furnishing of false or misleading information, that the ethics officer believes should be investigated by the board so that the board may take such action as it deems appropriate;
- (6) Monitoring, evaluating and acting upon information obtained from an "ethics hotline" which shall be a city telephone number for the receipt of information about ethical violations. Each complaint, as of the time it is reported, whether by telephone or otherwise, shall be deemed to be a separate pending investigation of a complaint against a public officer or employee as provided by the Georgia Open Records Act;
- (7) Notifying the subject of a report of any alleged violation of the ethics code, whether the report is anonymous, made by an identified individual or is written. Such notice shall be given in writing, by facsimile or hand delivery, to the subject of the complaint at the same time and in the same form that any disclosure of information is required by the Georgia Open Records Act;
- (8) Notifying the board of ethics of any report of an alleged violation of the ethics code received by the ethics officer.
- (9) Reporting, as appropriate, suspected ethical violations to the city board of ethics;
- (10) Reporting, as appropriate, suspected criminal violations to state or federal law enforcement agencies; and
- (11) Filing with the board, the mayor and the council each January a written report describing the activities of the ethics officer in carrying out the goals of his or her office and the code of ethics and reporting on the ethical health of the city.

(Ord. No. 2002-27, § 1, 4-10-02)

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#### **Sec. 2-806. Investigations and hearings.**

The board of ethics shall conduct investigations into alleged violations of the ethics code, hold hearings and issue decisions as prescribed below:

- (1) The proceedings of the board and records shall be open unless otherwise permitted by state law.

- (2) Upon request of the board of ethics, the city attorney, or any attorney representing the city attorney's office, or in the event of a conflict, any attorney who shall be selected by a majority of the board and who will provide pro bono services to the board, shall advise the board of ethics.
- (3) Preliminary investigation of complaint.
  - a. The ethics officer shall conduct a preliminary investigation of any complaint and provide a written report to the board of ethics discussing the ethics officer's findings and recommend to the board of ethics whether there is probable cause for belief that this division has been violated warranting a formal hearing.
  - b. If the board determines after the preliminary investigation of a complaint that there does not exist probable cause for belief that this division has been violated, the board shall so notify the complainant and the subject of the investigation. If the board determines after a preliminary investigation of the complaint that there does exist probable cause for belief that this division has been violated, the board shall give notice to the person involved to attend a hearing to determine whether there has been a violation of this division.
- (4) For use in proceedings under this division, the board shall have the power to issue subpoenas to compel any person to appear, give sworn testimony, or produce documentary or other evidence. Any person who fails to respond to such subpoenas may be subjected to the penalties set forth in section 2-807 of this division.
- (5) All hearings of the board pursuant to this section shall be as follows:
  - a. All testimony shall be under oath, which shall be administered by a member of the board. Any person who appears before the board shall have all of the due process rights, privileges and responsibilities of a witness appearing before the courts of this state. Any person whose name is mentioned during a proceeding of the board and who may be adversely affected thereby may appear personally before the board on such person's own behalf or may file a written sworn statement for incorporation into the record to be made part of all proceedings pursuant to this subsection.
  - b. The board's decision shall be governed by a preponderance of the evidence standard.
  - c. At the conclusion of proceedings concerning an alleged violation, the board shall immediately begin deliberations on the evidence and proceed to determine by a majority vote of members present whether there has been a violation of this division. The findings of the board concerning a violation and the record of the proceedings shall be made public by the board as soon as practicable after the determination has been made.

(Ord. No. 2002-27, § 1, 4-10-02; Ord. No. 2002-44, § 2, 5-28-02)

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#### **Sec. 2-807. Violations; appeals.**

(a) Any intentional violation of this division or the furnishing of false or misleading information to the board of ethics or the ethics officer, or the failure to follow an opinion rendered by the board or the failure to comply with a subpoena issued by the board pursuant to this division shall subject the violator to any one or more of the following:

- (1) Administrative sanction of not more than \$1,000.00 assessed by the board of ethics;

- (2) Public reprimand by the board of ethics; and
- (3) Prosecution by the city solicitor in municipal court and, upon conviction, to a fine of up to \$1,000.00 per violation and up to six months imprisonment, whether the official or employee is elected or appointed, paid or unpaid. Nothing in this section shall be interpreted to conflict with state law. An action for violation of this division or the furnishing of false or misleading information or the failure to comply with a subpoena issued by the board must be brought within two years after the violation is discovered.

(b) With regard to violations by employees, in addition to the remedies in paragraph (a) the board may recommend any one or more of the disciplinary actions set forth in section 114-502.

(c) With regard to violations by persons other than officials or employees, in addition to the remedies in paragraph (a) the board may recommend to the purchasing director any one or more of the following:

- (1) Suspension of a contractor; and
- (2) Disqualification or debarment from contracting or subcontracting with the city.

(d) The decision of the board after a hearing shall be final; provided, however, that such proceeding shall be subject to review by writ of certiorari to the superior court of the county. The board's designee shall be authorized to acknowledge service of any such writ and shall, within the time provided by law, certify and cause to be filed with the clerk of the superior court a record of the proceedings before the board, the decision of the board and the notice of the board's final actions.

(e) The value of any gratuity transferred or received in breach of the provisions of this division may be recovered from either the receiving official or employee or the person or entity providing the gratuity, for deposit in the City of Atlanta General Fund.

(f) All violations of this division shall be prosecuted in accordance with chapter 62, article II, division 2 of this Code.

(Ord. No. 2002-27, § 1, 4-10-02)

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#### **Sec. 2-808. Representing private interest before agencies.**

No official or employee shall appear on behalf of private interests before any agency, except as a matter of public record in a court of law as provided by section 2-809 of this division. Council members may appear on behalf of constituents or in the performance of public or civic obligations before any agency but only without compensation or remuneration of any kind. In no instance may council members appear before the zoning review board on behalf of constituents or in the performance of their public or civic obligations; they may, however, appear in their own behalf, in relation to their own property interests.

(Ord. No. 2002-27, § 1, 4-10-02)

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#### **Sec. 2-809. Representing private interest before courts.**

No official or employee shall represent any person or private interest in any action or proceeding in conflict with the interests of the city, in any litigation in which the city or any agency of the city is involved or is a party, or any action or proceeding in the municipal courts and traffic courts of the city involving any charges or violations in which the complainant is the city or any agency of the city or any official or employee thereof pertaining to the official's or employee's official duties. However, this section shall not restrict or prohibit any official or employee who is an attorney at law from appearing or participating as an attorney in the representation of a client in any action or proceeding in the municipal courts or the City Courts of Atlanta.

(Ord. No. 2002-27, § 1, 4-10-02; Ord. No. 2002-37, § 1, 5-28-02)

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#### **Sec. 2-810. Representation after separation from employment.**

(a) No person who has served as an official or employee shall, for a period of one year after separation from such service or employment, appear before any agency or receive compensation for any services rendered on behalf of any person, business or association in relation to any case, proceeding, or application with respect to which such former official or employee was directly concerned or in which such official or employee personally participated during the period of such official's or employee's service or employment or which was under such official's or employee's active consideration or with respect to which knowledge or information was made available to such official or employee during the period of such official's or employee's service or employment.

(b) There shall be a presumption, subject to case-by-case review by the Atlanta Board of Ethics or the ethics officer, that the appearance of a former official or employee of the city before any city agency on behalf of a public entity as defined in section 2- 801 is not a violation of this section.

(c) Nothing in this section shall be construed to preclude a former official or employee from being engaged directly by the city to provide services to or on behalf of the city during this one-year period.

(Ord. No. 2002-27, § 1, 4-10-02; Ord. No. 2016-37(16-O-1404), §§ 1, 2, 11-16-16)

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#### **Sec. 2-811. Use of property and services.**

No official or employee shall request, use or permit the use of any publicly owned or publicly supported property, vehicle, equipment, labor or service for the private advantage of such official or employee or any other person or private entity. However, no official or employee is prohibited from requesting, using or permitting the use of any city-owned or city-supported property, vehicle, equipment, material, labor or service which as a matter of city policy is made available to the public at large or which is provided as a matter of stated public policy for the use of officials and employees in the conduct of official city business.

(Ord. No. 2002-27, § 1, 4-10-02)

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#### **Sec. 2-812. Participation in contracts.**

No official or employee, including but not limited to those identified in section 2-813(b), shall participate directly or indirectly through decision making, approval, disapproval, recommendation,

the preparation of any part of specifications or requests for proposal, influencing the content of any specification or contract standard, rendering advice, investigating, auditing or reviewing of any proceeding or application, request for ruling or other determination, claim or other matter pertaining to any contract or subcontract and any solicitation or proposal therefore or seek to influence the votes or decisions of others with respect thereto when the official or employee knows or with reasonable investigation should know that there is a financial or personal interest possessed by:

- (1) The official or employee;
- (2) One or more members of the immediate family of the official or employee;
- (3) A business other than a public agency in which the official or employee, or a member of the official's or employee's immediate family, serves as an officer, director, stockholder, creditor, trustee, partner or employee; or
- (4) Any other person or business with whom the official or employee or a member of the official's or employee's immediate family is negotiating or seeking prospective employment or other business or professional relationship.

(Ord. No. 2002-27, § 1, 4-10-02)

**Cross reference(s)**--Ethics in public contracting, § 2-1481 et seq.

**State law reference(s)**--Voting upon questions by interested councilmembers, O.C.G.A. § 36-30-6; sale of city property to city officer or employee, O.C.G.A. § 16-10-6.

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#### **Sec. 2-813. Disclosure of interests.**

(a) Every official or employee listed in paragraph (b) of this section who knows or with reasonable investigation should know that the official or employee has a financial interest or personal interest, direct or indirect, in any proposed legislation or in any decision pending before that official or employee or the agency of which the official or employee is a member or employee shall not vote for or against, discuss, decide, in any way participate in considering the matter or seek to influence the votes or decisions of others on such matter.

(1) Prior to any determination of the matter, the official or employee shall verbally disclose at the meeting, if any, the nature of such interest, and shall have such disclosure placed on the official records of the agency.

(2) Should an official or employee be absent from that meeting or a portion of that meeting, the official or employee is required to verbally disclose the nature of the conflict at the next attended meeting and said disclosure shall be placed on the official records of the agency.

(3) Further, the official or employee must complete an online Disclosure of Conflicts of Interest form at the [Electronic Disclosure System] as maintained by the City of Atlanta Ethics Officer, immediately upon his or her recognition of said conflict.

(b) The officials and employees covered by this section shall be as follows:

- (1) Mayor;
- (2) President of council;
- (3) Members of council;
- (4) Municipal and traffic court judges;

- (5) Chief operating officer and deputy chief operating officers;
- (6) Chief of staff and deputy chiefs of staff;
- (7) All employees of the office of the mayor who report directly to the mayor;
- (8) Commissioners, deputy commissioners, department heads and their equivalents;
- (9) Bureau directors, assistant bureau directors and managers;
- (10) Division heads;
- (11) Executive directors of city boards, commissions, authorities or other similar bodies;
- (12) Zoning administrator and any assistant zoning administrators;
- (13) Inspectors of all departments and bureaus;
- (14) City attorney and deputy, assistant, and associate city attorneys;
- (15) Director of the office of contract compliance and employees of the office of contract compliance with discretionary or supervisory authority over certification, compliance, monitoring, or auditing;
- (16) Assistant directors, contracting officers, and buyers in the purchasing bureau;
- (17) Within the department of finance, assistant directors and all employees who have discretionary or supervisory authority over the investment of city funds or the auditing of city finances or city contracts;
- (18) City internal auditor and employees of the office of internal auditor with investigative and supervisory authority over audits, the audit process, and audit reports;
- (19) City ethics officer;
- (20) Hearing officers;
- (21) Members, whether paid or unpaid, of all city boards, committees, councils, commissions, authorities and other similar bodies created by state law, Charter ordinance or resolution;
- (22) Members appointed by the mayor and/or council or council president to other public boards, committees, councils, commissions and authorities of the city, county, or state; and
- (23) Officers of neighborhood planning units.

(Ord. No. 2002-27, § 1, 4-10-02)

**State law reference(s)**--Voting upon questions by interested councilmembers, O.C.G.A. § 36-30-6.

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**Sec. 2-814. - Disclosure of income and financial interests.**

- (a) The officials and employees listed in subsection (b) of this ordinance shall annually file with the ethics officer statements disclosing the following:
- (1) All positions of employment held by the official or employee in any business (as defined in section [2-801 \(b\)](#)) for all or any portion of the year, including a description of the type of business and the existence and nature of any business done by the employer entity with the city. Lawyers, accountants, consultants, public relations representatives, and other persons rendering services for financial consideration shall disclose the organization, if any, with which they are connected, the type of services offered by the organization, and any particular segment of such services in which the member specializes;
  - (2) Each and every source of income from any business received by such official or employee in excess of \$5,000.00 derived from any single source in the preceding calendar year. Nothing in this section shall be construed to require reporting of the identity of individual clients, customers or patrons; however, the president of council and members of council shall include the information required to be reported under paragraph (d) of this section;
  - (3) Any benefit, whatever its nature, of such official's or employee's immediate family derived from transactions with the city or an agency, by employment, contract, or otherwise, either directly or through a business in which such immediate family member has a majority or controlling interest;
  - (4) All direct ownership interests in real property held by the official or employee; and
  - (5) All persons listed in subparagraphs (b)(1) through (8) of this section shall also disclose the identity of all stocks, blind trusts, bonds, debentures, and other forms of debt obligations of any corporation or any business or entity collectively in excess of \$10,000.00 held by the official or employee at any time during the year except for mutual funds, personal checking accounts, time deposit accounts, other savings or retirement fund accounts held by any financial institution of the United States government, or any city approved or maintained deferred compensation or pension program.
- (b) The following officials and employees shall be required to file annual statements disclosing information set forth in subsection (a) of this ordinance:
- (1) Mayor;
  - (2) President of council;
  - (3) Members of council;
  - (4) Municipal court judges;
  - (5) Chief operating officer and deputy chief operating officers;
  - (6) Chief of staff and deputy chiefs of staff;
  - (7) All employees of the office of the mayor who report directly to the mayor;
  - (8) Commissioners, deputy commissioners, department heads and their equivalents;
  - (9) Bureau directors, assistant bureau directors, managers and their equivalents;
  - (10) Division heads and their equivalents;
  - (11) Executive directors of city boards, commissions, authorities or other similar bodies;
  - (12) Zoning administrator and any assistant zoning administrators;
  - (13) Inspectors of all departments and bureaus;

- (14) City attorney, deputy, chief counsel, assistant, associate city attorneys and their equivalents;
  - (15) Director of the office of contract compliance and employees of the office of contract compliance with discretionary or supervisory authority over certification, compliance, monitoring, or auditing;
  - (16) Department of procurement deputies, contract administrators, contracting officers, buyers and their equivalents;
  - (17) Within the department of finance, assistant directors and all employees who have discretionary or supervisory authority over the investment of city funds or the auditing of city finances or city contracts;
  - (18) City internal auditor and employees of the office of internal auditor with investigative and supervisory authority over audits, the audit process, and audit reports;
  - (19) City ethics officer, associate ethics officer and all employees of the ethics office;
  - (20) Administrative hearing officers and their equivalents;
  - (21) Members, whether paid or unpaid, of all city boards, committees, councils, commissions, authorities and other similar bodies created by state law, Charter, ordinance or resolution;
  - (22) Members appointed by the mayor and/or council or council president to other public boards, committees, councils, commissions, task forces, authorities of the city, county or state, or similar entities; and
  - (23) Officers of neighborhood planning units; and
  - (24) All positions for which the job descriptions or actual duties include negotiation, authorization, or approval of contracts, leases, franchises, revocable consents, concessions, variances, special permits, or licenses; the purchase, sale, rental, or lease of real property, personal property, or services, or a contract for any real or personal property or services; obtaining grants of money or loans; adoption or repeal of any rule or regulation having the force and effect of law; or positions for which the job description or actual job duties present a significant risk of a potential conflict of interest under division 2 of chapter 2 (Administration), article VII (Officers And Employees), of the Code of Ordinances, City of Atlanta, Georgia.
- (c) The municipal clerk shall maintain a list of all current members of all city boards, committees, authorities and commissions and all current members appointed by the mayor and council to other public boards, committees, councils, commissions, and authorities of the city, county, or state. The chief operating officer or his designee shall provide a complete list of all employees required to submit income disclosure forms as designated in subsection (b) of this ordinance, including the employee's name, title and department, to the municipal clerk and ethics officer no later than January 5 of each calendar year. The board of ethics shall prescribe the form and method of disclosure statement forms. The ethics officer shall have such forms made available to each official and employee required to file disclosure statements, by first class mail or by hand delivery, no later than February 15 of each year. The failure of the ethics officer to cause a disclosure form to be delivered to any official or employee required to file a disclosure statement shall not relieve such official or employee of the obligation to file a disclosure statement. The ethics officer shall maintain all completed disclosure forms as public documents available for public inspection immediately upon filing.
- (d) With respect to the president of council and members of council, if the official reports income from a business in accordance with paragraph (a)(2), said official shall be required to report the identity (name and address) of individual clients, customers, or patrons of the business when (i) the client, customer, or patron is a prohibited source; (ii) the official has actual knowledge that the client, customer, or patron is a prohibited source; and (iii) the official has actual knowledge that the prohibited source is a client, customer, or patron of the official's business.

- (e) Every official and employee required to file an annual disclosure statement shall do so on or before the close of business on April 1 of each year in which the official or employee holds a position with the city or an agency and for the year following that in which the official or employee leaves such position. Such official or employee shall sign such disclosure statement under penalty of perjury. The failure of any official or employee so required to file an annual disclosure statement by April 1 without reasonable cause shall render such person delinquent and result in an administration sanction of \$50.00 per day for each business day beyond April 1 of such delinquency, provided that the maximum penalty for the first offense shall be \$500.00.
- (f) The ethics officer shall prepare and forward to the board of ethics a report of all persons required to file under this section, those who have complied with the filing requirements, those who have filed a late or incomplete statement, and those who have failed to file a disclosure statement. The ethics officer shall be responsible for collecting all administrative sanctions levied by the board of ethics under this section for deposit to the City of Atlanta General Fund.
- (g) For the year 2002 only: A list of employees to be provided by the chief operating officer pursuant to paragraph (c) of this section shall be provided within five days after this ordinance is signed by the mayor. Because the board of ethics will not have had sufficient time to prescribe a new financial disclosure form as provided in section 2-804 of this division, copies of the current disclosure form must be distributed as required by paragraph (c) no later than ten days after receipt of the list of employees.
- (h) Every official and employee required to file an annual disclosure statement must do so within 35 days after this ordinance is signed by the mayor.

(Ord. No. 2002-27, § 1, 4-10-02; [Ord. No. 2013-54\(13-O-1294\), § 1, 10-30-13](#); Ord. No. [2016-25\(16-O-1405\)](#), §§ 1, 2, 8-24-16)

**State Law reference—** Acceptance by public officers of monetary fees or honoraria, O.C.G.A. § 21-5-11.

[\(top\)](#)

#### **Sec. 2-815. Disclosure of expense reimbursements.**

Within 30 days of receipt of reimbursements authorized to be received under section 2-801 ["gratuity" definition, subsection (5)], any official or employee must report such reimbursements on a form to be developed and provided by the ethics officer. The form shall be filed with the municipal clerk, with a copy sent by the official or employee to the ethics officer. The form shall include the following:

- (1) Name and position of employment with the city;
- (2) Name and address of all persons or entities providing reimbursement;
- (3) Date, location, and subject matter of conference, speaking engagement, or event for which the official or employee received reimbursement; and
- (4) Amount and category (e.g., travel costs, meals, lodging) of each component of the reimbursement.

(Ord. No. 2002-27, § 1, 4-10-02)

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### **Sec. 2-816. Passes, tickets and gratuities.**

(a) No contract or lease with the city may require passes, tickets or gratuities to be given to officials or employees or permit reduced fees to be paid by officials or employees. The contracting party shall not provide gratuities or prerequisites to any official or employee in connection with execution of or performance under the contract or lease.

(b) No official, employee or person appointed to any board, corporation, commission or authority, including the mayor, the president of council, members of council, and judges of the municipal and traffic courts, shall knowingly accept any ticket of admission or other evidence of right of entry to any entertainment event, such as, but not limited to, musical concerts and dramatic productions, or to any athletic events, as a gift or for a value less than the price printed on the ticket, which would not be offered or given to such official or employee if such person were not an official or employee. For purposes of determining whether such ticket would be offered or given by reason of the official's or employee's position with the city, it shall be presumed that the offer of such ticket or right of entry from a member of the official's or employee's immediate family or from a business other than a public agency in which the official or employee, or a member of the official's or employee's immediate family, serves as an officer, director, stockholder, creditor, trustee, partner, or employee, is not made by virtue of that official's or employee's position. For purposes of determining whether such ticket would be offered or given by reason of the official's or employee's position with the city, it shall be presumed that any offer of such ticket or right of entry made by any prohibited source, but not limited to the Atlanta Fulton County Recreation Authority and any professional sports team located in the metro Atlanta area, is given by reason of such official's or employee's position with the city. As used in this section, "entertainment event" shall not include breakfasts, lunches, or dinners.

(1) Any official or employee who is performing an official duty at an entertainment event shall be exempt from this section with regard to that particular entertainment event.

(Ord. No. 2002-27, § 1, 4-10-02)

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### **Sec. 2-817. Prohibition on giving or receiving gratuities.**

(a) No official or employee shall accept any gratuity as defined in section 2-801(g).

(b) No person, business, or other entity shall give or convey to any official or employee a gratuity as defined in section 2-801.

(Ord. No. 2002-27, § 1, 4-10-02)

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### **Sec. 2-818. Solicitation.**

No official or employee shall solicit or accept anything of value, in any form whatsoever, calculated to influence a vote, decision, or the exercise of official authority in any manner involving the city; provided, however, nothing in this section shall prohibit any official or employee from accepting a gift on behalf of the city which is properly reported to the board of ethics and the department of administrative services for addition to the inventory of property of the city.

(Ord. No. 2002-27, § 1, 4-10-02)

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**Sec. 2-819. Disclosure of confidential information.**

No official or employee shall disclose confidential information concerning the property, governing operations, policies or affairs of the city, except when required by state or federal law or by a court order or lawful subpoena, nor shall such official or employee use such confidential information acquired in an official capacity to advance the financial interest or personal interest of the official, employee or others in any instance where such would conflict with the best interest of the city. (Ord. No. 2002-27, § 1, 4-10-02)

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**Sec. 2-820. Incompatible interests.**

(a) No official or employee shall invest or hold any investment, directly or indirectly, in any financial, business, commercial or other private transaction, which creates a conflict with and adversely affects official duties of the official or employee to the detriment of the city.

(b) No official or employee shall engage in or accept private employment or render services for private interests when such employment or service is adverse to and incompatible with the proper discharge of official duties of the official or employee.

(c) No official or employee shall own stock in or be employed by or have any business, financial or professional connection with or ownership interest in any business, company or concern which does business with the city, unless such business with the city is conducted through sealed competitive bidding or requests for proposal where such bids are opened and the awards are made at meetings open to the public. Such involvement shall not be considered as doing business with the city so as to cause any conflict of interest; provided, however, that any such person shall remain subject to sections 2-812 and 2-813 governing participation in contracts and disclosure of interests. This section is not intended to apply to ownership of less than ten percent of any publicly traded stock.

(d) Commissioners, deputy commissioners, department heads, chief operating officer, deputy chief operating officers, chief of staff, deputy chiefs of staff, bureau directors, and employees of the office of the mayor who report directly to the mayor shall not engage in any private employment or render any services for private interests for remuneration, regardless of whether such employment or service is compatible with or adverse to the proper discharge of the official duties of such employee. However, the employees named in this paragraph may engage in private employment or render services for private interests only upon obtaining prior written approval from the board of ethics in accordance with this paragraph. The board of ethics shall review each request individually and provide written approval or disapproval of the notification within 30 days. All requests for approval of outside employment shall state the type and place of employment, the hours of work, and the employer's name and address. City employment shall remain the first priority of the employee, and if at any time the outside employment interferes with city job requirements or performance, the official or employee shall be required to modify the conditions of the outside employment or terminate either the outside employment or the city employment. This paragraph shall not apply to single speaking engagements or to participation in conferences or on professional panels; provided, however, that any expense reimbursements received for such engagements must be reported in accordance with section 2-815.

(e) The mayor shall not accept honoraria, earned income other than the salary of the mayor, or payments-in-kind in any amount as remuneration for services. This section does not apply to receipt of dividends, interest, passive investment income, or income from a blind trust.

(f) Officials and employees other than the mayor may not accept honoraria from a prohibited source.

(Ord. No. 2002-27, § 1, 4-10-02)

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**Sec. 2-821. Loans.**

(a) It shall be unlawful for any official or employee to lend money to any employee or to charge for obtaining credit for that employee, except that loans of \$2,000.00 or less may be made or credit may be obtained for employees in cases of emergency. When these loans are made in emergencies, if not made voluntarily without charge, they shall be made only at the legal rate of interest on judgments in the state. If this loan or accommodation is made, it shall be unlawful for the official whose duty it is to pay the employee to deduct the amount so lent from the pay of the employee. All such accommodations or advances made, together with the interest thereon, shall be reported by the person making them to the head of his or her department or, if made by the head of the department, shall be reported to the mayor. These reports shall be made monthly and filed with the mayor and the municipal clerk in the public record.

(b) The mayor shall see that this section is complied with and that no business or practice shall be carried on of making loans by officials or employees to other employees of the city but that only accommodation loans in emergencies and for legal interest on judgments in the state shall be made or allowed. In no event shall any charge for obtaining credit be made or allowed. Any officer or employee violating this section shall, on conviction, be punished as provided in section 1-8 of this Code and shall also be dismissed from the service of the city.

(Ord. No. 2002-27, § 1, 4-10-02)

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**Sec. 2-822. Persons handling city funds becoming surety, guarantor or endorser.**

No official or employee who handles or controls any funds of the city shall, during the official's or employee's term or continuance in office, become surety, guarantor or endorser of any bond, note or other obligation for any person employed by the city, excluding a member of the official's or employee's immediate family, an adult child or a parent.

(Ord. No. 2002-27, § 1, 4-10-02)

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**Sec. 2-823. Protection for reporting of violations.**

Officials and employees are encouraged to report suspected ethical violations to the ethics officer. No official or employee shall use or threaten to use any official authority or influence 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 employee shall use or threaten to use any official authority or influence to effect any action as a reprisal against an official or employee 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.

(Ord. No. 2002-27, § 1, 4-10-02)

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**Sec. 2-824. Effective date and interim provisions.**

The ethics board members serving on June 8, 2002 are authorized to remain office and to administer the ethics code until August 5, 2002, or such other time as the new ethics board is constituted.

(Ord. No. 2002-27, § 1, 4-10-02; Ord. No. 2002-52, § 1, 6-20-02)

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**Sec. 2-825. Mandatory ethics training.**

(a) All part-time, full-time, and contract employees of the offices of council members, council staff, municipal clerk, and council president shall receive a minimum of two hours of training within six months of the effective date of this ordinance and receive additional training at least once every three years after completing the initial training. This includes, but is not limited to, all employees reporting to the director of council staff and the municipal clerk, as well as city council assistants, senior council assistants, special council assistants, and contracted employees of the council member offices. Contract employees covered in this code section shall be persons that receive a 1099 FORM or 1099- MISC FORM from the Internal Revenue Service, pursuant to Section 530 of the Revenue Act of 1978 as extended by section 269(c) of P.L. 97-248, for services offered to a council member, the council President or any office of the council member or council president that amounts to \$600.00 or more per calendar year and work for the department of council for a period of 21 days per calendar year or more.

(b) The ethics officer, or a designee, and the office of ethics shall be responsible for offering the training at least once a month or more and providing for all the staffing, materials, and all other operations of the training.

(c) The department of human resources shall be responsible for maintaining and enforcing this code section and ensuring that all the eligible employees meet the minimum requirements set forth in this code section.

(Ord. No. 2014-36(14-O-1369), § 1, 7-30-14)

**Editor's note**--Ord. No. 2002-27, § 1, approved April 10, 2002, did not set out provisions for § 2-825. Formerly said section pertained to registration and disclosure of reports by lobbyists. See the Code Comparative Table.

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**Secs. 2-826—2-840. Reserved.**