

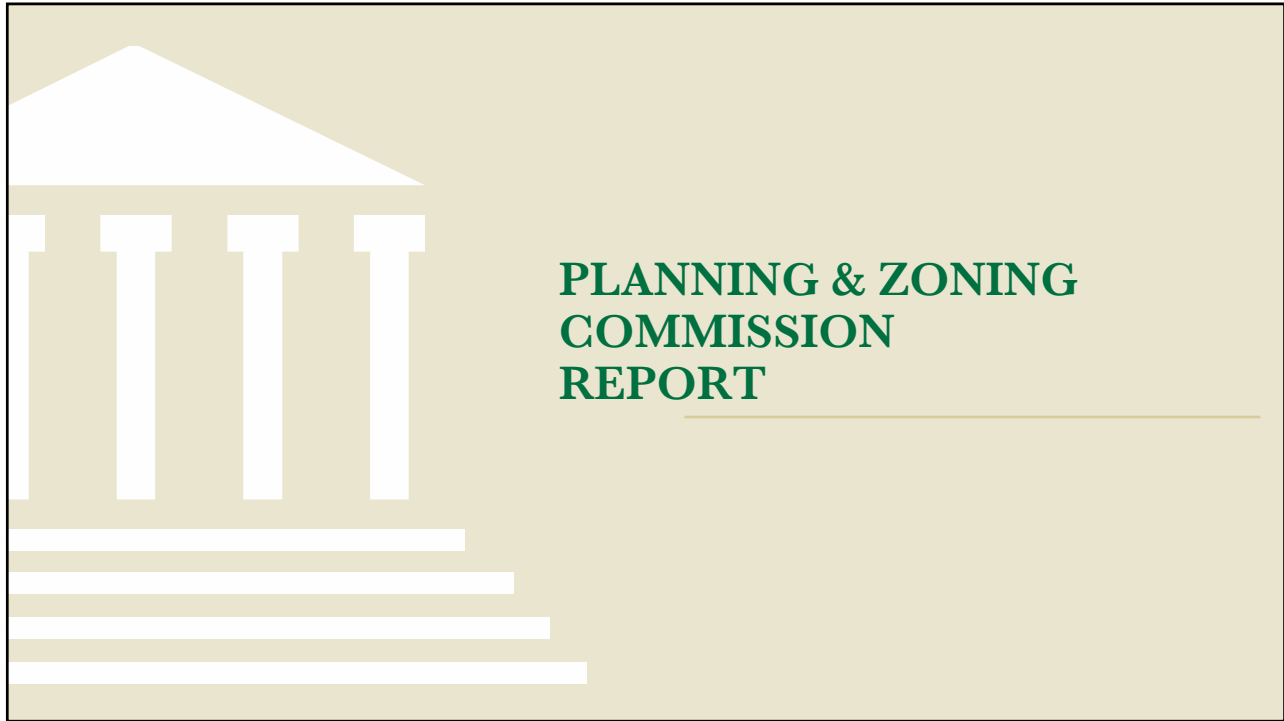


CITY of POOLER
— GEORGIA —

CITY COUNCIL WORKSHOP – AGENDA

March 16, 2026 at 5:00 p.m. | Pooler City Hall, 100 US Highway 80, Pooler, GA 31322

- I. CALL TO ORDER
- II. ROLL CALL
- III. TOPICS OF DISCUSSION
 - A. Planning & Zoning Commission Report
 - B. Council Meeting Agenda Review
 - C. Ordinance O2026-01.A – Code of Ethics
 - D. Open Dialogue (Council only)
- IV. ADJOURNMENT



1

Zoning Map Amendment

Project #: A26-0001

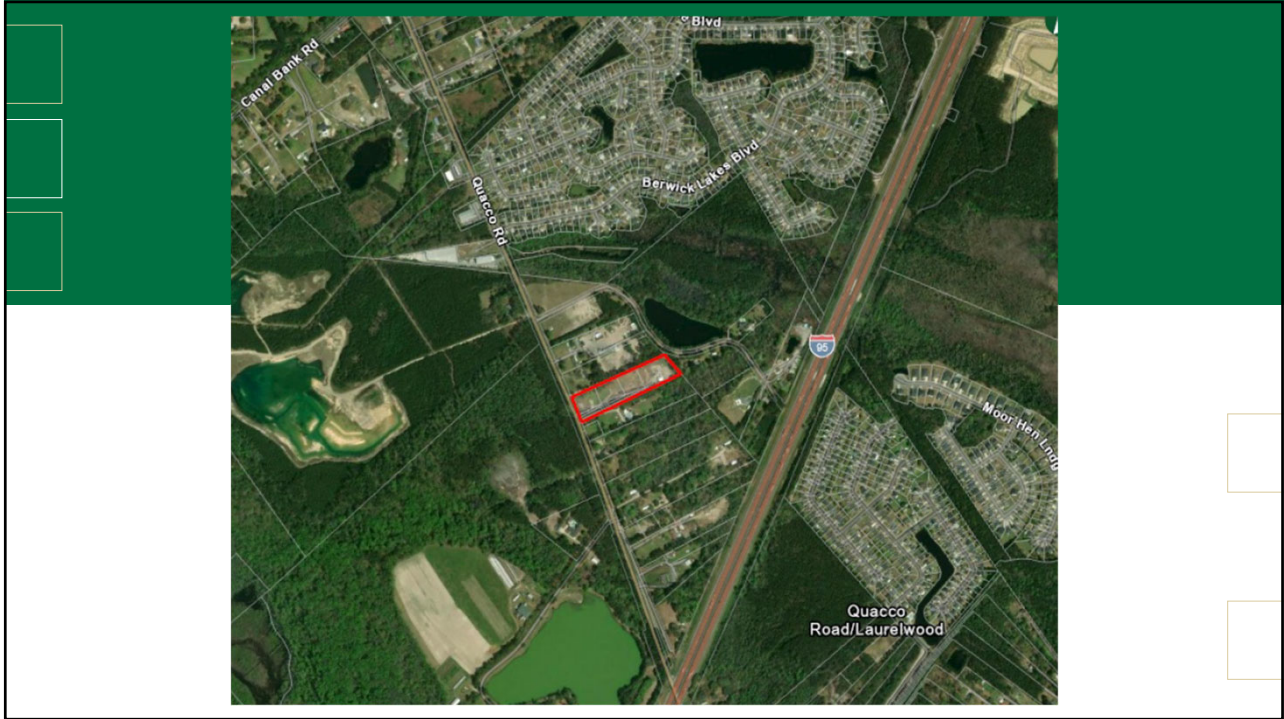
Address: 1322 Quacco Road

Current Zoning: C-2 (Heavy Commercial) with conditions

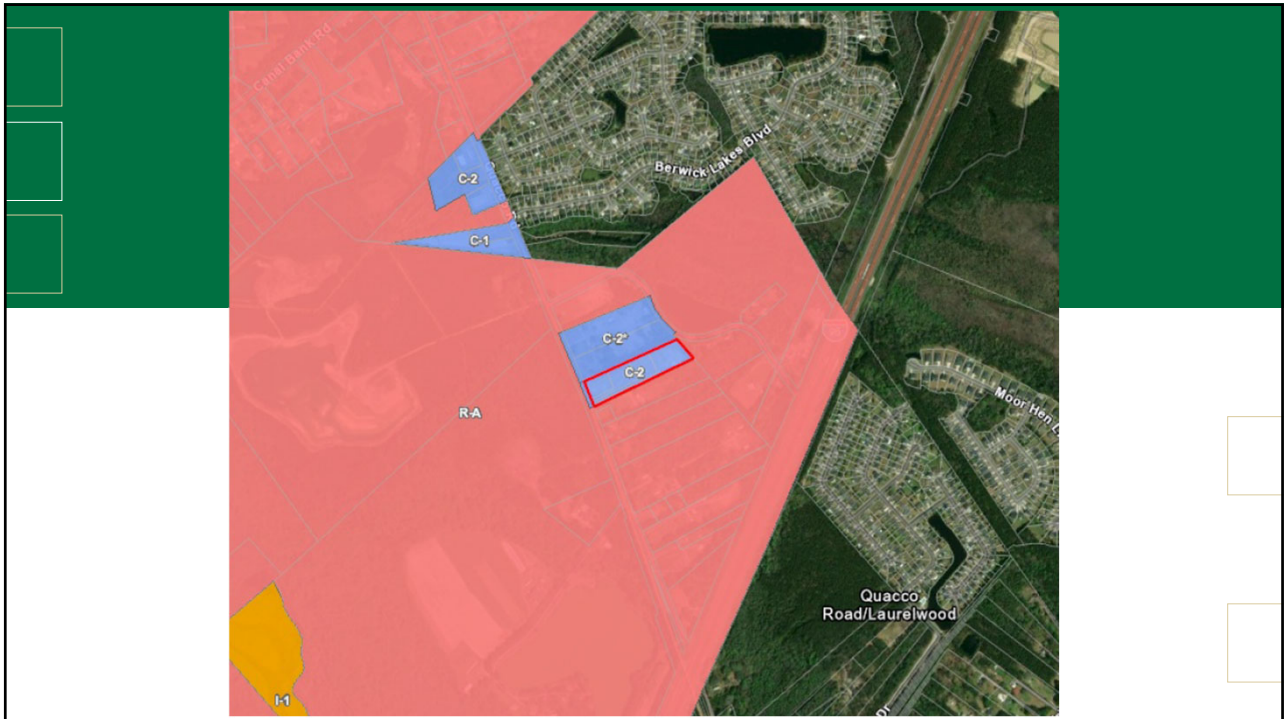
Proposed Zoning: C-2 (Heavy Commercial) without conditions

Reason: To allow for all permitted uses in the C-2 zoning district

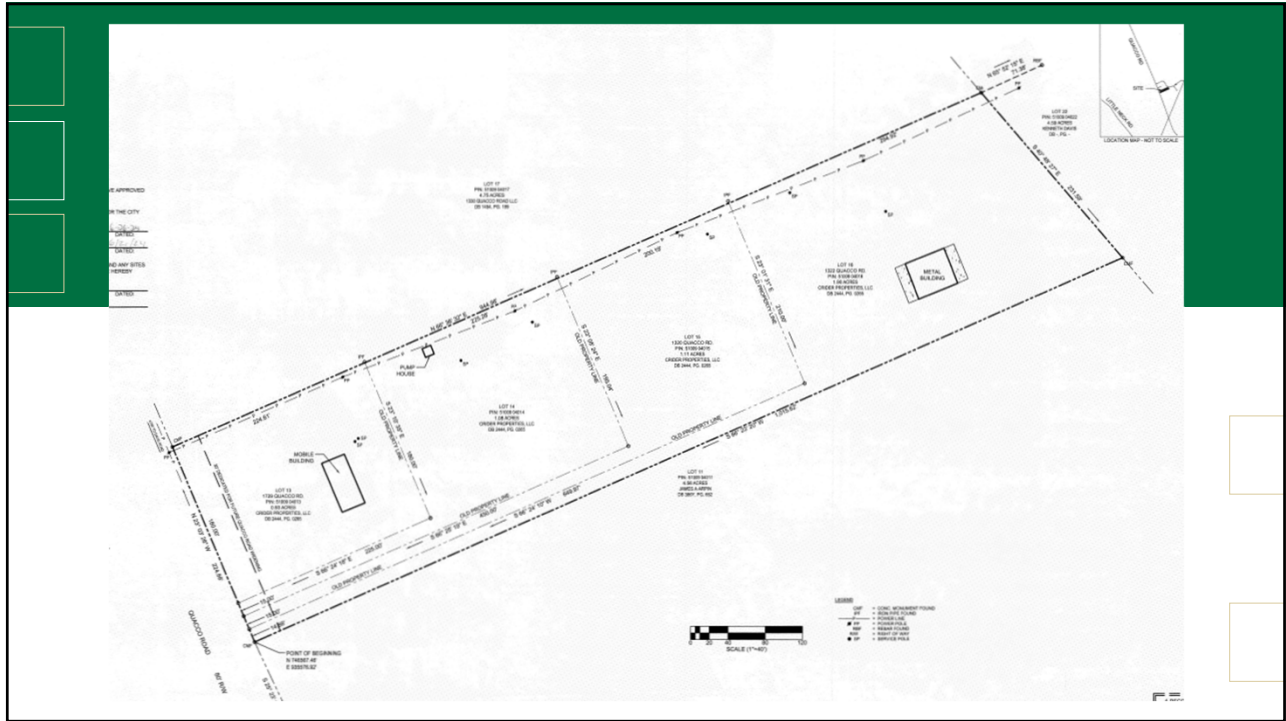
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Recommendation

- **Staff Recommendation:** Approval with conditions
- **P & Z Recommendation:** Approval with conditions

That the uses be limited to a Building Construction Contractor's Office, Other Specialty Contractor's Office, and a Landscaping Business

7

Conditional Use Request

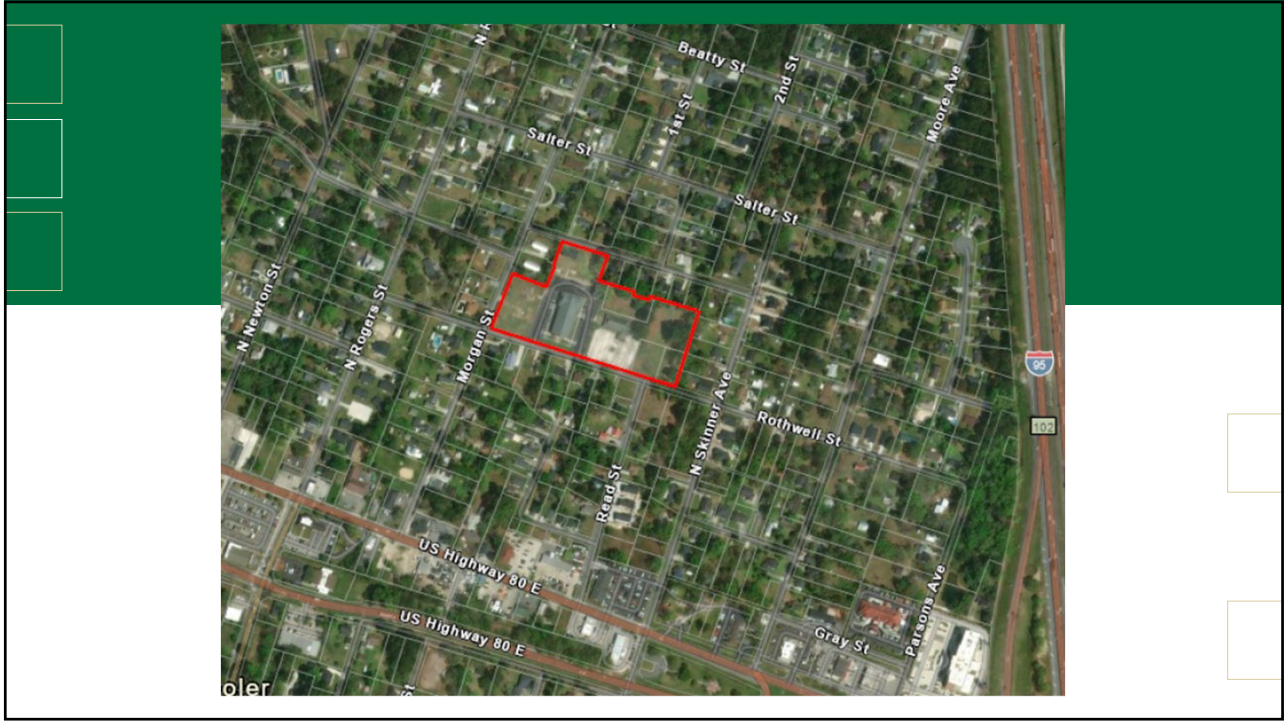
Project #: A26-0023

Address: 216 E. Rothwell St – Rothwell Baptist Church

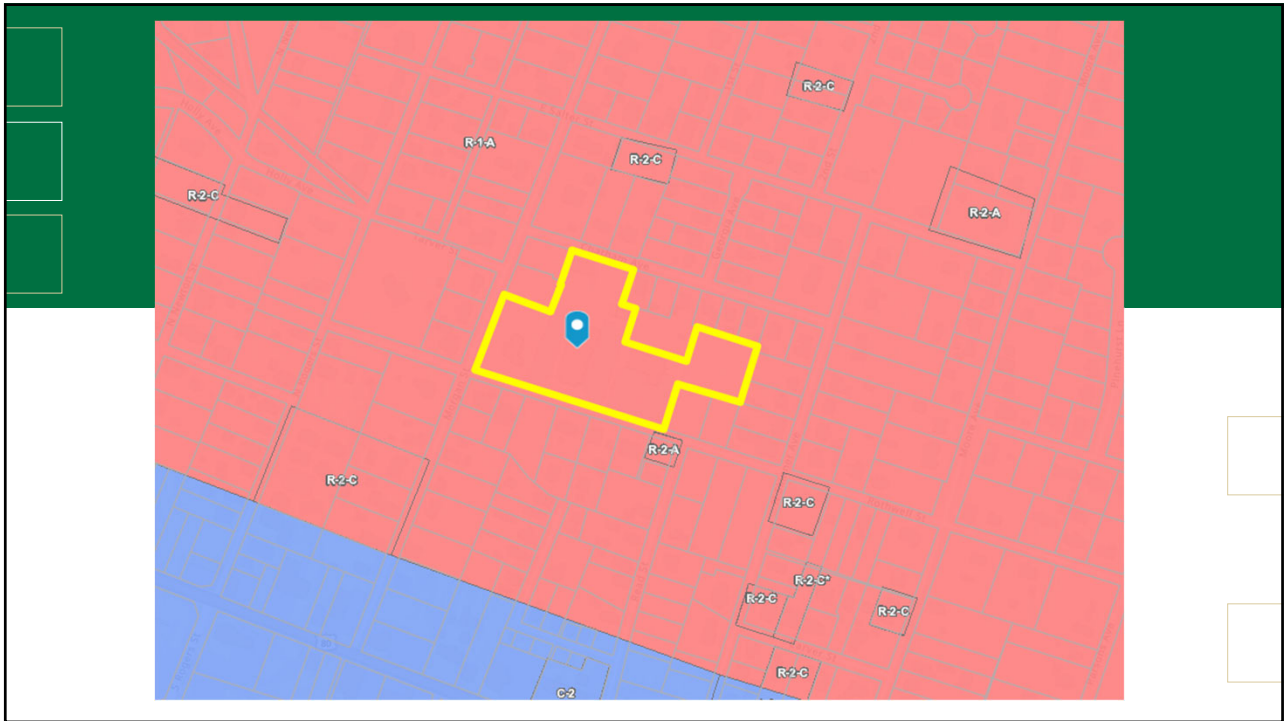
Zoning: R-1A (One Family Residential)

Proposed Use: "School"

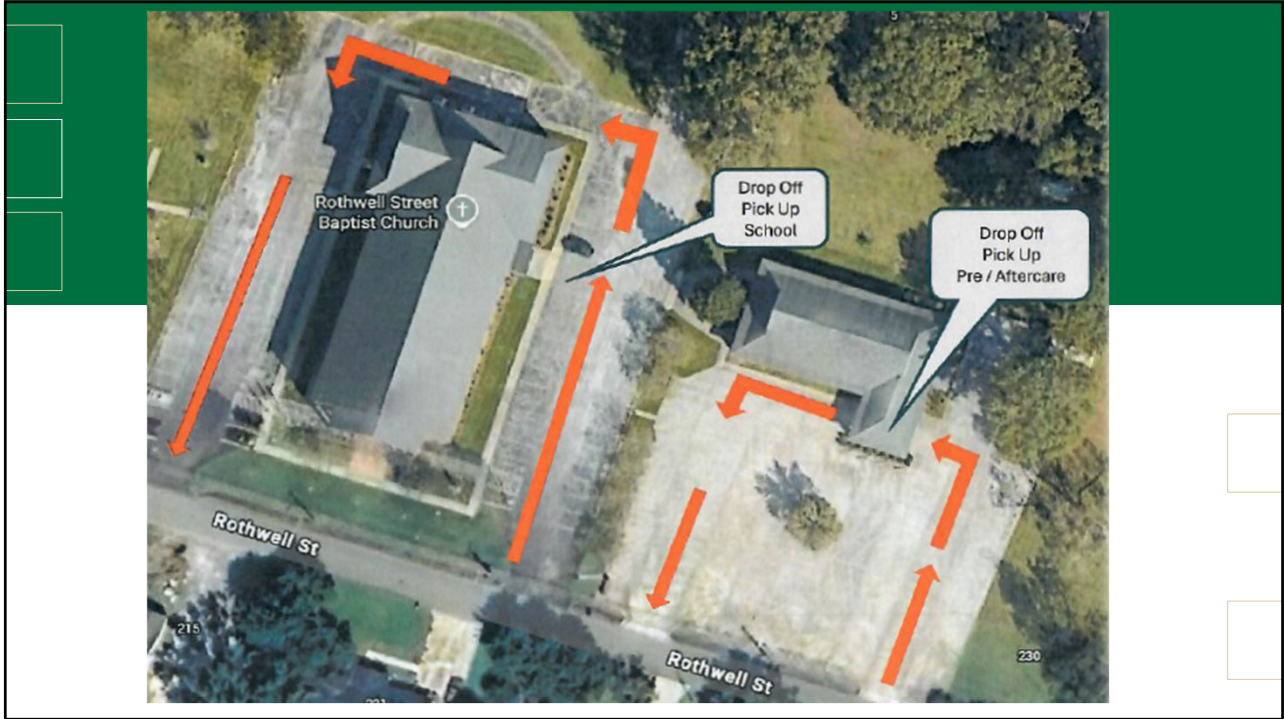
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Recommendation

- **Staff Recommendation:** Approval
- **P & Z Recommendation:** Approval

13

Variance

Project #: A26-0030

Address: 840 Towne Center Blvd

Current Zoning: PUD – Godley Station

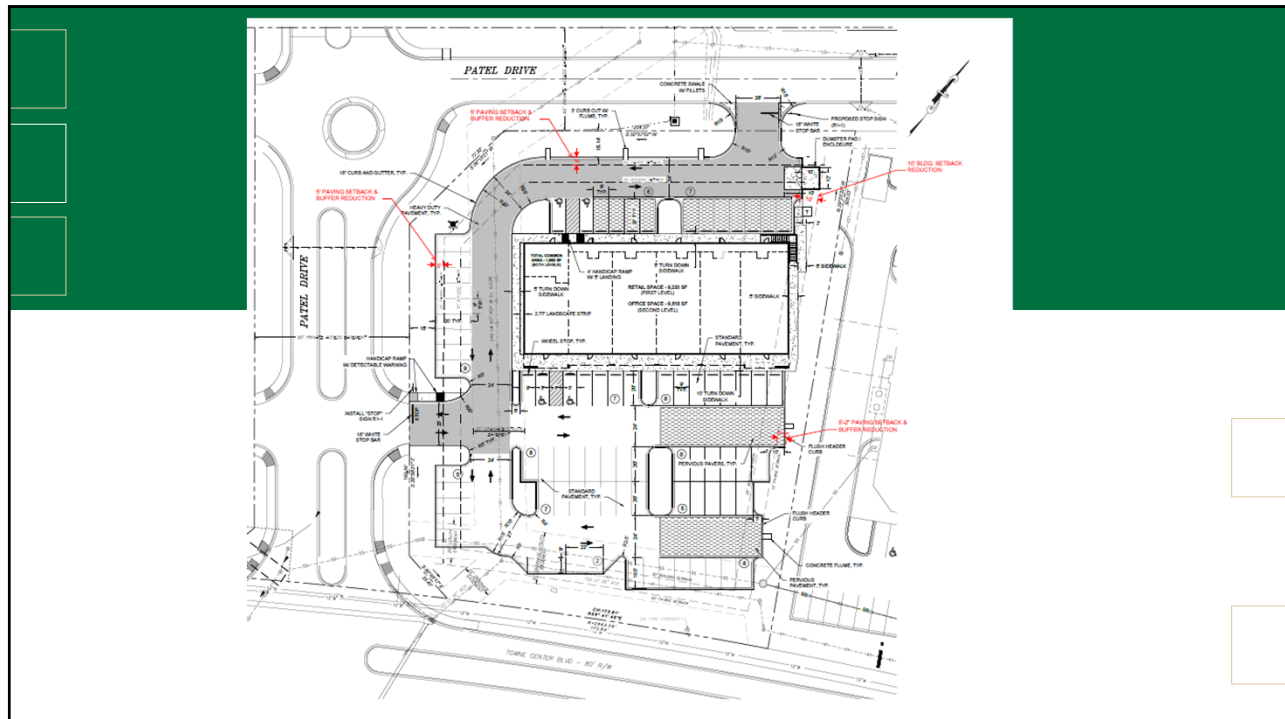
Proposed Request: Variance to allow a 10' reduction in the required 25' building setback, a 5'-2" reduction in the required 15' paving setback and buffer on the eastern side, a 5' reduction in the required 15' paving setback and buffer on the southwestern side, and a 5' reduction in the required 15' paving setback and buffer on the northwestern side

Reason: To construct a retail building

14



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16

Recommendation

- **Staff Recommendation:** Denial
- **P & Z Recommendation:** Table the item until the April 13 P & Z meeting

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Zoning Map Amendment

Project #: A26-0036

Address: 1400 Canal Bank Ct

Current Zoning: R-A (Residential Agricultural)

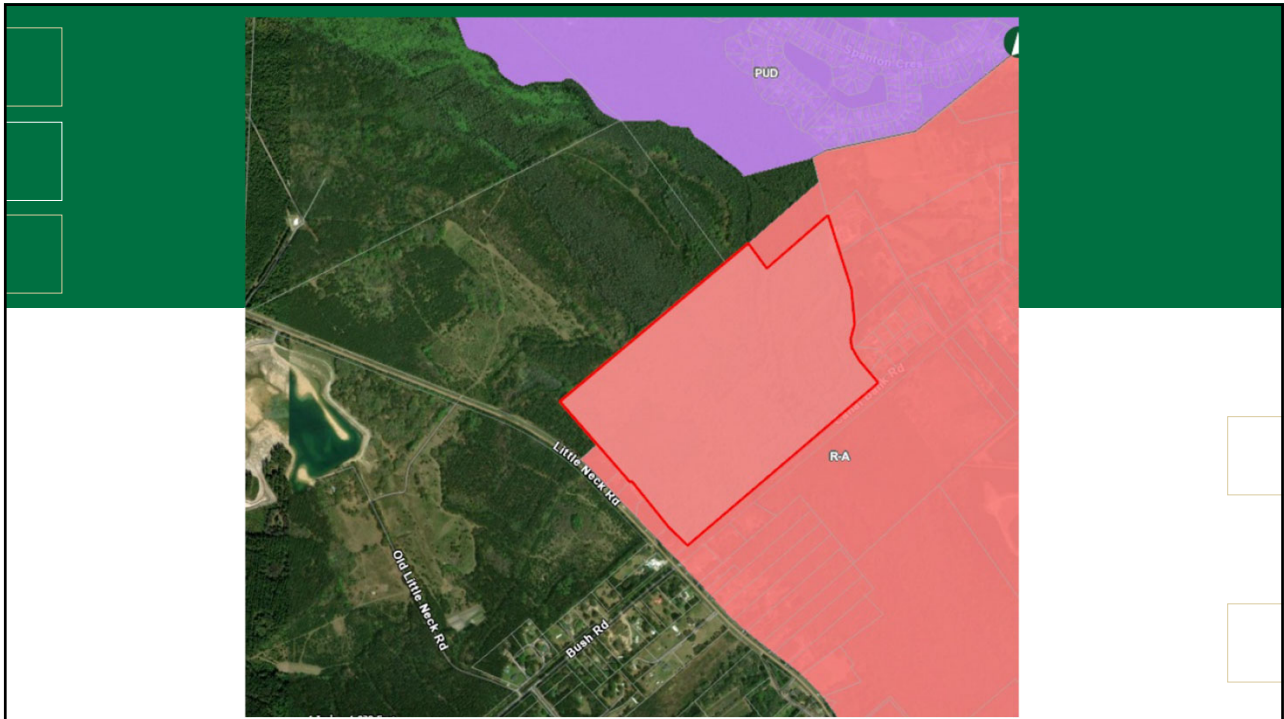
Proposed Zoning: R-3A (Multi-family Residential)

Reason: To construct a 303 multi-family development consisting of townhomes, single family detached and cluster style homes

18



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Recommendation

- **Staff Recommendation:** Approval
- **P & Z Recommendation:** Approval

23

Site Plan Approval

Project #: A25-0149

Address: 200 Suri Ave

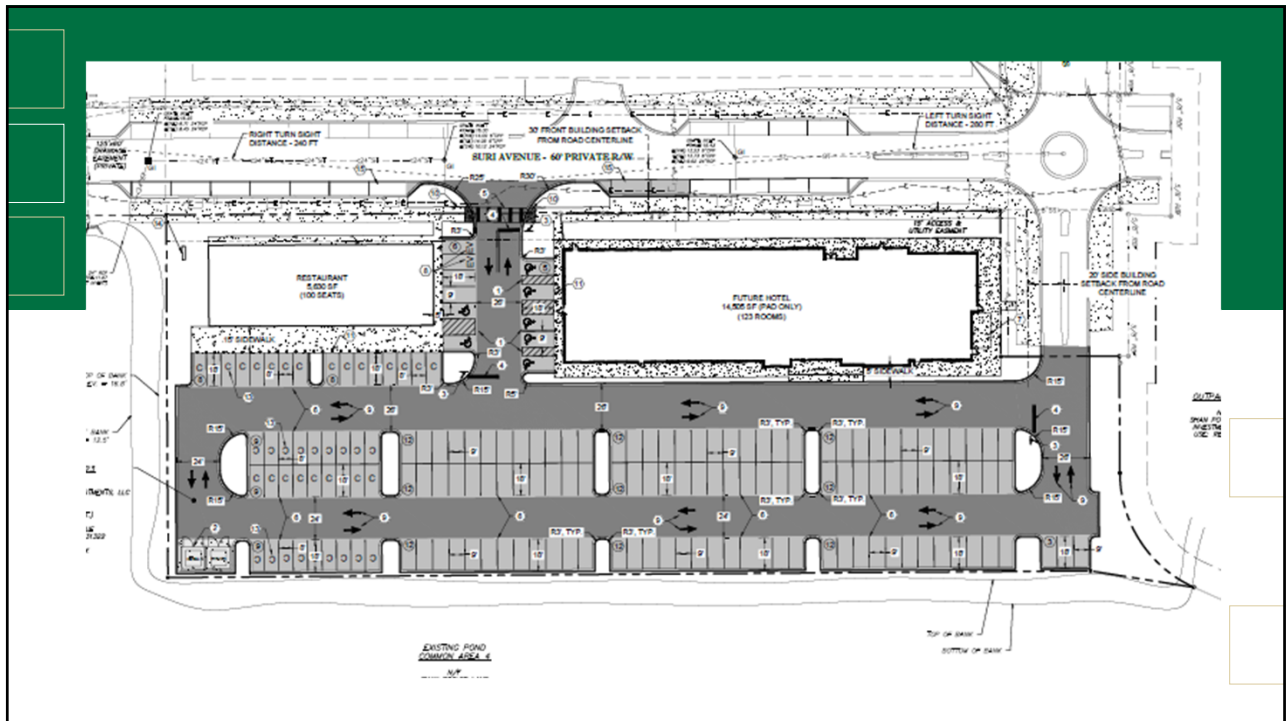
Zoning: PUD (Savannah Quarters- Phase 7), Mosaic Town Center

Proposed Use: 123-room Hotel and Restaurant

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26

Recommendation

- **Staff Recommendation:** Approval
- **P & Z Recommendation:** Approval

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Site Plan Approval

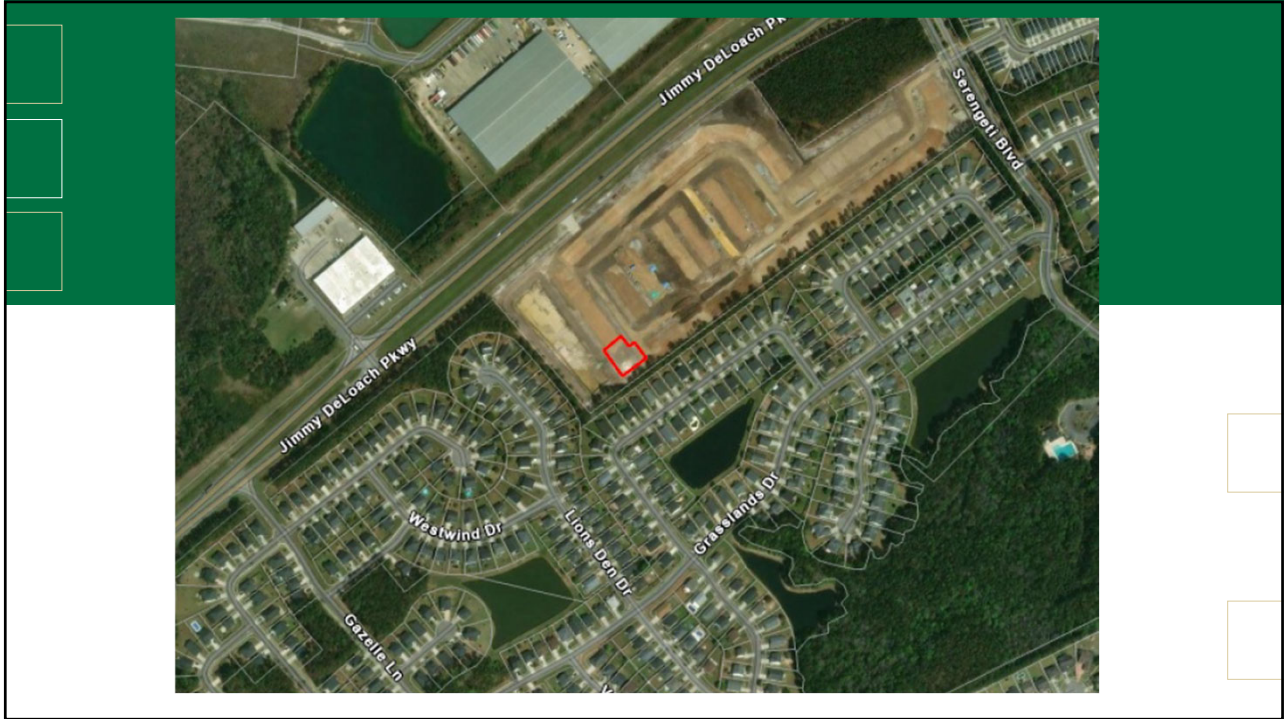
Project #: A25-0180

Address: 161 Jetty Circle – Outpost Bay Subdivision

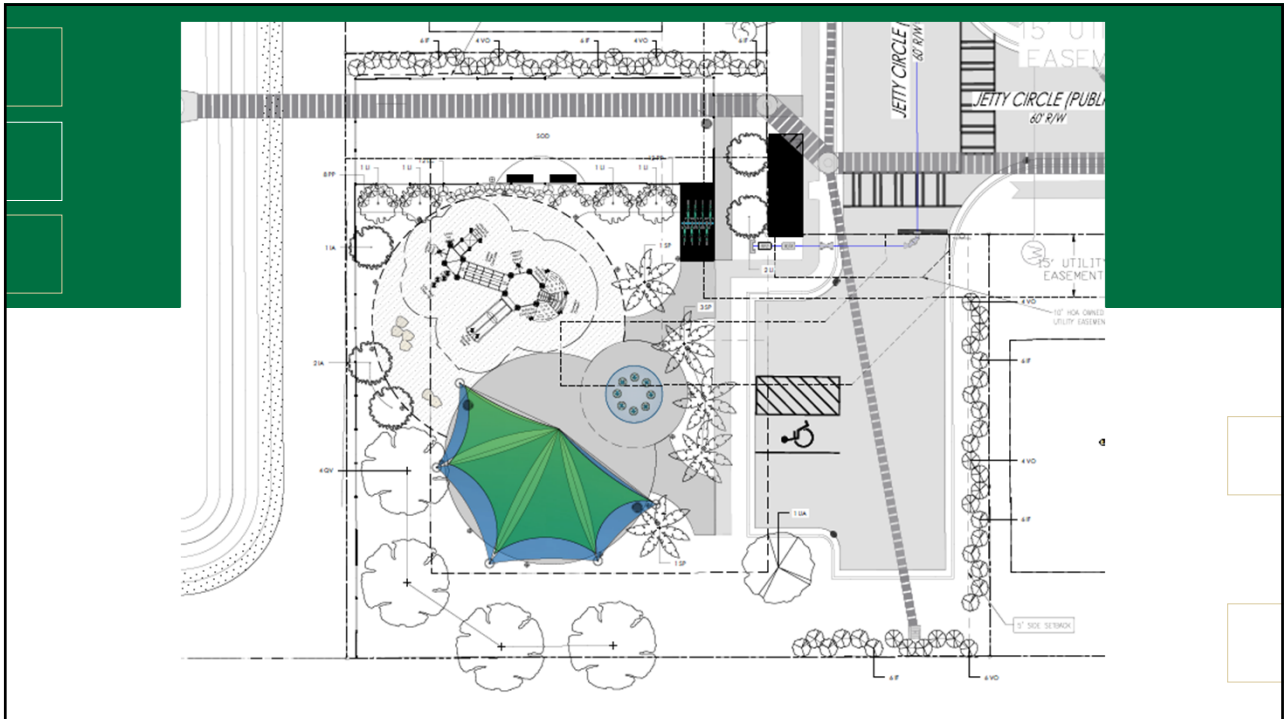
Zoning: PUD- Wynn Capallo

Proposed Use: Amenity Center

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Recommendation

- **Staff Recommendation:** Approval with conditions
- **P & Z Recommendation:** Approval with conditions:

The existing shade structure (constructed without prior approval) shall be relocated and reconstructed in full conformance with the approved site plan drawings prior to the issuance of the 21st Certificate of Occupancy for the residential homes. The final installed location, orientation, dimensions, materials, and details shall match those depicted on the approved plans.



CITY of POOLER

— GEORGIA —

CITY COUNCIL REGULAR MEETING – AGENDA

March 16, 2026, at 6:00 p.m. | 100 US Highway 80 SW, Pooler, GA 31322


- I. CALL TO ORDER
- II. ROLL CALL
- III. INVOCATION
- IV. PLEDGE OF ALLEGIANCE
- V. ANNOUNCEMENTS & PROCLAMATIONS
 - A. Proclamation for Government Finance Professionals Week
- VI. CONSENT AGENDA
 - A. City Council Meeting Minutes of March 2, 2026
 - B. City Council Executive Session Minutes of March 2, 2026
 - C. Release of Maintenance Bond for Westbrook Phase 5 Reunion Remainder in the amount of \$88,884.40
 - D. Release of Maintenance Bond for Harmony Phase 7 in the amount of \$482,574.70
 - E. Department Reports (Public Works, Finance, Fire-Rescue, Police, Recreation, Planning & Development)
- VII. SPECIAL EVENTS
 - A. Special Event Permit Application (No Alcohol) for America’s Best Easter Egg Hunt on March 28, 2026, at 900 South Rogers Street
 - B. Special Event Permit Application (No Alcohol) for Cruisin’ for Kicks Car Show on April 25, 2026, at 200 Tanger Outlets Boulevard
 - C. Special Event Permit Application (No Alcohol) for Hot Tub and Swim Spa Blowout Sale from April 30 – May 13, 2026, at 200 Tanger Outlets Boulevard
 - D. Special Event Permit Application (No Alcohol) for Cinco de Mayo on May 5, 2026, at 930 Morgan’s Corner, Unit D
 - E. Special Event Permit Application (No Alcohol) for Foodees Fest from May 29- May 31, 2026, at 200 Tanger Outlets Boulevard
 - F. Temporary/Special Event Permit Application (Dispensing Alcohol) for One Year Anniversary on March 21, 2026, at 102 Towne Center Drive, Suite 300
 - G. Temporary/Special Event Permit Application (Dispensing Alcohol) for Shopping and Botox on March 30, 2026, at 405 Highway 80 West, #102
- VIII. ORDINANCES & POLICIES
 - A. Ordinance O2025-05.A – Special Events (Second Reading)
 - B. Ordinance O2025-12.C – Fire Hydrants (Second Reading)


- C. Ordinance O2026-01.B – Speed Zone Revisions (Second Reading)
- IX. NEW BUSINESS
 - A. Comprehensive Plan Capital Improvement Element Public Hearing #1
 - B. Award Contract for the Pooler Parkway/ Pine Barren Road Intersection Improvement Project Construction Engineering Inspection
 - C. Award Contract for Traffic Engineering and Roadway Design Services for Quacco Road Improvements, Phase II
- X. PUBLIC COMMENT

Each commenter will be allotted three minutes.
- XI. EXECUTIVE SESSION
- XII. ADJOURNMENT

A Kind Reminder Regarding the Rules of Council & Public Participation Policy

- A. Recordkeeping: Members of the public must fill out the provided form in order to speak on an agenda item or to address the body in the open comment portion of the agenda. Members of the public who approach the podium must state their name and address for the record and must address Mayor and Council only; they are not permitted to address the audience.
- B. Politeness: Members of the public must address the council and the Mayor with respect and courtesy.
- C. Time Limit: Each speaker is allotted three minutes to present their comments or concerns.
- D. Relevance: Comments must be directly related to city functions, matters within the council's jurisdiction, or to the agenda item being discussed.
- E. No Interruptions: Members of the public should refrain from interrupting council members or other speakers.
- F. No Personal Attacks: No personal attacks or offensive language in public comments will be tolerated.
- G. No Applause or Booming: Maintain a respectful atmosphere by refraining from disruptive expressions of support or opposition.
- H. Written Comments: Submitting written comments in advance is encouraged for more comprehensive consideration.
- I. Public Hearing vs. Public Comment: A public hearing is mandated by State law and must accompany certain types of business. Public comment is voluntary but is afforded when it is possible.
- J. Council Response: The council are unlikely to respond immediately to public comments, but staff may address concerns at a later time.
- K. Agenda Item Comments: The Mayor may allow for public comment on an agenda item, but may decide to move the meeting along by forgoing some public comments if they are repetitive in nature.
- L. Sign-Up Procedure: Members of the public wishing to speak on an agenda item may do so by completing a Request to Speak form at the start of the meeting. The Mayor may also, through the show of hands, ask the general audience to provide support/opposition to an agenda item. Members of the public wishing to speak to an item not on the agenda are encouraged to first seek a meeting with the City Manager but may be given an opportunity to speak if they have completed the form before the start of the meeting.
- M. Recording: The public can record or stream any activity in the public spaces of city hall.
- N. Limited Repetition: The Mayor will encourage speakers to avoid repeating points already made by previous speakers.
- O. Mayor's Discretion: The Mayor shall have the discretion to enforce these rules and maintain order during public participation.
- P. Disruptive Behavior: Disruptive behavior during public comments or the meeting may result in removal from the premises.



 **CITY of POOLER**
— GEORGIA —

City Manager, Heath
Lloyd

1

City of Pooler Ethics Ordinance History

- City adopted a Code of Ethics in 2001, but it was rescinded in 2004.

2

City of Pooler Ethics Ordinance History

Page 3 of 5
5-7-01

4. Second Reading on ordinance regarding Code of Ethics for City Officials

Councilwoman Tyler presented this ordinance regarding a code of ethics for city officials. After much discussion over the provision for penalties, particularly the fine to be imposed by the Aldermanic Board, Councilwoman Tyler made a motion to approve this ordinance on Second Reading. Motion was seconded by Councilman Cowart. Councilman Bryan, Councilman Seay and Councilman Wall voted in opposition of the motion, creating a tie vote. Mayor Carter broke the tie, voting in favor of the motion. Motion passed.

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City of Pooler Ethics Ordinance History

12. Revision and/or repeal of City of Pooler's Code of Ethics

Councilman Seay stated that since the election there are now three (3) employees of International Paper on City Council and a matter arose wherein an item could not be voted on recently due to these councilmembers as well as Mayor Carter having to abstain due to a conflict of interest. Therefore, the personnel committee was instructed to resolve this issue by reviewing the city's newly adopted "Code of Ethics". Councilman Seay pointed out the fact that elected officials are sworn by oath to be ethical, that the city's charter has a provision on prohibitions and that the State of Georgia has a code of ethics that applies to city officials. Further, that after consulting with the city attorney, the personnel committee has determined that there was no other alternative but to rescind the city's "Code of Ethics". Councilman Seay then made a motion, seconded by Councilman Wall, to rescind the City of Pooler's "Code of Ethics". Discussion followed wherein Councilman Cowart stated that a modification to the Code could have fixed this problem, which Councilwoman Benton questioned whether or not this was possible. Mr. Scheer replied that anytime you try to make something more restrictive than State law, you set yourself up for a conflict. Councilman Cowart reminded Council that the "Code of Ethics" was a Georgia Municipal Association program offered for cities to become "certified cities of excellence". Mayor Carter called for the vote on the motion. Motion passed with Councilman Cowart opposing.

4

City of Pooler Ethics Ordinance Timeline

- Thursday, January 8, 2026
 - GMA Ethics Ordinance and corresponding resolution provided to Council
- Friday, February 13, 2026
 - Draft Ordinance provided to Council - based on the GMA model

5

Section 3.1 – Purpose

- Purpose:
 - Encourage high ethical standards in official conduct by city officials;
 - Establish guidelines for ethical standards of conduct for all such officials by setting forth those acts or actions that are incompatible with the interest of the city;
 - Build public trust and confidence in city officials;
 - Provide clear guidance to officials when dealing with ethical issues; and
 - Serve as a basis for disciplining those who refuse to abide by the terms of this ordinance

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Section 3.2 – Scope

- Applies to elected and appointed city officials
- Includes Mayor, Council, City Manager, and key appointed officers
- Applies to members of boards, authorities, commissions, and committees
- Supplements state law and the city charter (state law and city charter controls in case of conflict)

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Section 3.3 – Key Definitions

Defines important ethics terms including:

- City Official
- Gift and De Minimis Gift
- Prohibited Source
- Immediate Family
- Substantial Interest
- Remote and Incidental Interests
- Provides objective financial thresholds for determining conflicts

8

Section 3.4 – Ethical Prohibitions

- Prohibits use of position for personal gain
- Requires disclosure and recusal for substantial interests
- Restricts gifts from prohibited sources
- Prohibits misuse of city resources or confidential information
- Prohibits coercion, improper influence, and ex parte communications with the court
- Requires responsible use of public funds and property

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Section 3.5 – Conflict of Interest

- Officials must disclose substantial financial or personal interests
- Officials must recuse themselves from discussions or votes when conflicts exist
- Special rules regarding nonprofit affiliations and city contracts
- Establishes safeguards to prevent politically motivated ethics complaints
- Defines procedures during election periods

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Sections 3.6–3.10 – Ethics Board, Complaints & Enforcement

- Municipal Court Judge serves as the Board of Ethics
- Complaints must be sworn and supported by specific facts
- Court reviews complaints for sufficiency and probable cause
- Hearings allow evidence, testimony, and legal representation
- Findings submitted to Mayor and Council for action
- Penalties may include reprimand, removal, termination, or other appropriate action
- Decisions may be appealed to Superior Court

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Questions

12



CITY of POOLER
— GEORGIA —

STATE OF GEORGIA }
 }
COUNTY OF CHATHAM }

ORDINANCE R2026-01.A
Code of Ethics

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF POOLER, GEORGIA, TO PROVIDE A NEW CODE SECTION CHAPTER 3, ETHICS AND BOARD OF ETHICS; TO PROVIDE FOR PENALTIES; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the duly elected governing authority of the City of Pooler, Georgia, is authorized by O.C.G.A. § 36-35-3 to adopt ordinances relating to its property, affairs and local government; and

WHEREAS, the duly elected governing authority of the City of Pooler, Georgia, is the Mayor and Council thereof; and

WHEREAS, the governing authority deems it essential to the proper operation of democratic government that the public officials be, and give the appearance of being, independent, impartial, and responsible to the people; that governmental decisions and policies be made in the proper channels of the governmental structure; and that public office not be used for personal gain; and

WHEREAS, such measures are necessary to provide the public with confidence in the integrity of its government.

WHEREAS, it is the policy of the city that its officials, employees, appointees, and volunteers conducting official city business:

- Serve others and not themselves;
- Be independent, impartial, and responsible;
- Use resources with efficiency and economy;
- Treat all people fairly;
- Use the power of their position for the wellbeing of their constituents; and
- Create an environment of honesty, openness and integrity.

NOW THEREFORE, BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF POOLER, GEORGIA, THAT THE CODE OF ORDINANCES OF THE CITY OF POOLER, GEORGIA, ARE HEREBY AMENDED AS FOLLOWS:

Section I.

That the Code of Ordinances of the City of Pooler, Georgia, is hereby amended by adding Chapter 3. Ethics and Board of Ethics, which shall read as follows:

Sec. 3.1 PURPOSE

The purpose of this code of ethics is to:

- (a) Encourage high ethical standards in official conduct by city officials;
- (b) Establish guidelines for ethical standards of conduct for all such officials by setting forth those acts or actions that are incompatible with the interests of the city;
- (c) Build public trust and confidence in city officials;
- (d) Provide clear guidance to officials when dealing with ethical issues; and
- (e) Serve as a basis for disciplining those who fail to abide by the terms of this ordinance.

Sec. 3.2 SCOPE

The provisions of this code of ethics shall be applicable to all elected and appointed city officials. Notwithstanding anything herein to the contrary, state law and the charter of the city shall control in the event of an actual conflict with the provisions of this code of ethics. This ordinance shall be interpreted to supplement, and not replace, said provisions of state law and the charter.

Sec. 3.3 DEFINITIONS

Solely for the purpose of this code of ethics:

- (a) *City Official* or *Official*, unless otherwise expressly defined, does not include city employees, but does mean the mayor, members of council, city manager, city clerk, chief finance officer, city attorney, and all other persons holding positions designated by the city charter, as amended. The term "city official" also includes all individuals, including city employees, appointed by the mayor and/or city council, as appropriate, to city authorities, commissions, committees, boards, task forces, or other bodies which can or may vote, or take formal action, or make official recommendations to the mayor and/or council.
- (b) *Decision* means any ordinance, resolution, contract, franchise, formal action, or other matter voted on by the mayor, council, other city board or commission, as well as the discussions or deliberations of the council, board, or commission which can or may lead to a vote or formal action by that body.
- (c) *Employee* means any person who is a full-time or part-time employee of the city.
- (d) *Gift* means any money, property, loan, advance, service, travel,

lodging, food, entertainment, gratuity, subscription, membership, forgiveness of debt, promise, or anything else of monetary value given to, received by, or accepted by a city official or immediate family member without receipt of equal or greater consideration.

- (e) *De Minimis Gift* means a non-monetary gift of nominal value not reasonably expected to influence official action.
- (f) *Prohibited Source* means any person or entity that: (a) does business with the city or has a matter pending before the city; (b) is seeking to do business with the city; (c) is registered to lobby the city or has an interest that could be substantially affected by the performance of the official's duties; or (d) is otherwise economically or legally interested in a city decision.
- (g) *Immediate Family* means a city official's spouse or domestic partner, parent, grandparent, sibling, child, aunt, uncle, niece, or nephew related by blood, adoption, or marriage. The relationship by marriage shall include in-laws. The term "immediate family" shall also include any person who resides in the same household as the city official, any person who receives, directly or indirectly, more than half of their support from a city official, and any person claimed by a city official or the official's spouse as a dependent under the United States Internal Revenue Code.
- (h) *Qualified Ethics Complaint* is a complaint that meets the following criteria: (1) it is filed in proper form, signed under oath, and legibly drawn, with allowances for alternative formats such as audio or video recordings or oral submissions for those who need different communication methods; (2) it clearly addresses alleged conduct by a city official that falls within the scope of this ordinance; (3) it states specific facts that, if proven, may constitute a violation of the ethical standards outlined herein; and (4) it is filed by an individual with standing, including residents, business owners, property owners, or senior officers of nonprofit organizations operating within city limits.
- (i) *Board of Ethics* means the body authorized by this ordinance to receive, hear, evaluate, and make determinations regarding qualified ethics complaints in the City of Pooler. Unless otherwise provided by ordinance, amendment, or resolution, the board of ethics shall consist of the chief judge of the municipal court of the city, acting in a quasi-judicial capacity and vested with all powers and duties assigned to the board under this ordinance. References in this ordinance to the "board of ethics" shall be deemed to include the municipal court judge when serving in this capacity. The designation of the municipal court judge as the board of ethics shall not be construed to expand or diminish the jurisdiction of the municipal court, but solely to assign adjudicatory responsibility under this ordinance.
- (j) *Incidental Interest* means a de minimis interest that is trivial in value and not reasonably likely to influence the official's judgment.

- (k) *Remote Interest* means an attenuated interest where any benefit to the official is no greater than that realized by a broad class of persons, or the general public, or arises solely from ownership of $\leq 1\%$ of a publicly traded company through diversified holdings (e.g., mutual/index funds) with no control over specific investments. For example, the interest of an official in the property tax rate, general city fees, city utility charges, or a comprehensive zoning ordinance or similar matters is deemed remote to the extent that the official would be affected in common with the general public.
- (l) *Substantial Interest* means a financial or fiduciary interest of a city official or the official's immediate family that is direct and particularized to the person, and that meets any one of the following tests:
 - i. Ownership test. Beneficial ownership of five percent (5%) or more of the voting stock, shares, membership interests, or other equity of an entity, or beneficial ownership with a market value of at least five thousand dollars (\$5,000).
 - ii. Compensation test. Aggregate payments received from a person or entity within the preceding twelve (12) months equal to or exceeding five thousand dollars (\$5,000) or ten percent (10%) of the recipient's gross income for that period, whichever is less. Payments include salary, wages, bonuses, commissions, consulting or professional fees, and payments for goods or services.
 - iii. Position test. Service as an officer, director, general partner, manager, trustee, or member of a governing board of any entity, including a nonprofit corporation, foundation, or charitable trust, when the entity is a party, applicant, contractor, grantee, or otherwise has a direct and reasonably foreseeable financial or leg interest in the matter.
 - iv. Credit relationship test. Status as a creditor, debtor, or guarantor of a person or entity with an outstanding principal amount of five thousand dollars (\$5,000) or more, other than ordinary consumer credit on standard terms from a regulated financial institution.

Sec. 3.4 PROHIBITIONS

- (a) Use of Position and Privilege. No city official shall use such position to secure special privileges or exemptions for themselves or others, or to secure confidential information for any purpose other than official duties on behalf of the city.
- (b) Substantial Interest. No city official, in any matter before council or other city body, relating to a person or entity in which the official has a substantial interest, shall fail to disclose for the record such interest prior to any discussion or vote or fail to recuse himself/herself from

such discussion or vote as applicable. The official is not required to disclose the amount, valuation, or other terms of interest. The city clerk shall note the disclosure and recusal in the minutes. An official who is uncertain may request a written advisory opinion; good-faith reliance on that opinion is a defense under this ordinance.

- (c) Representing Other Interests. No city official shall act as an agent or attorney for another in any matter before the mayor or council or other city body.
- (d) Gifts and Gratuities. No city official shall directly or indirectly solicit, accept, or agree to accept any gift in connection with the performance of the official's duties if the gift is intended to influence the official's actions or could reasonably create the appearance of impropriety, except as may be provided by law.
 - i. Prohibited-source rule (no de minimis). Gifts from a prohibited source are prohibited irrespective of value, except where the gift is a de minimis gift as defined above and where acceptance would not create an appearance of impropriety or a conflict under this ordinance. For avoidance of doubt, hospitality, meals, tickets, or travel provided by a prohibited source are generally disallowed.
- (e) Contracts with the City. No city official shall enter into any contract with, or have any interest in, either directly or indirectly, the city except as authorized by state law.
 - i. This prohibition shall not be applicable to the professional activities of the city attorney in their work as an independent contractor and legal advisor on behalf of the city.
 - ii. This prohibition shall not be applicable to an otherwise valid employment contract between the city and a city official who is not elected (such as, by way of example, a city manager, city administrator, or chief of police).
 - iii. Any official who has a proprietary interest in an agency doing business with the city shall make that interest known in writing the mayor and council, and the city clerk.
 - iv. Disclosure and recusal. A city official who has, or whose immediate family has, a substantial interest in a prospective or existing city contractor shall disclose on the record that a substantial interest exists and identify the person or entity before any city action on the matter, and shall recuse from deliberation, discussion, vote, and any attempt to influence the outcome. The amount or terms of the interest need not be disclosed.
- (f) Funds for General Welfare. All public funds shall be used for the general welfare of the people and not for personal economic gain.

- (g) Property Disposal. Public property shall be disposed of in accordance with state law.
- (h) Employment Impairing Judgment. No city official shall solicit or accept other employment to be performed, or compensation to be received, while still a city official if the employment or compensation could reasonably be expected to impair such official's judgment or performance of city duties.
- (i) Employment of Substantial Interest. If a city official accepts or is soliciting a promise of future employment from any person or entity who has a substantial interest in a person, entity, or property which would be affected by any decision upon which the official might reasonably be expected to act, investigate, advise, or make a recommendation, the official shall disclose the fact to the mayor and council and shall recuse himself/herself and take no further action on matters regarding the potential future employer.
- (j) Use of City Resources for Private Purpose. No city official shall use city facilities, personnel, equipment, or supplies for private purposes, except to the extent such are lawfully available to the public.
- (k) Treatment and Favors. No city official shall grant or make available to any person any consideration, treatment, advantage, or favor beyond that which it is the general practice to grant or make available to the public at large.
- (l) Insider Knowledge. A city official shall not directly or indirectly make use of, or permit others to make use of, official information not made available to the general public for the purpose of furthering a private interest.
- (m) Coercion. A city official shall not use their position in any way to coerce, or give the appearance of coercing, another person to provide any financial benefit to such official or persons within the official's immediate family, or those with whom the official has business or financial ties amounting to a substantial interest.
- (n) Orders and Obligations. A city official shall not order any goods and services for the city without prior official authorization for such an expenditure. No city official shall attempt to obligate the city nor give the impression of obligating the city without proper prior authorization.
- (o) Travel. No city official shall draw travel funds or per diem from the city for attendance at meetings, seminars, training, or other educational events and fail to attend such events without promptly reimbursing the city therefore.
- (p) Case Influence. No city official shall attempt to unduly influence the outcome of a case before the Municipal Court of the City of Pooler, Georgia, shall any city official engage in ex parte communication with a municipal court judge of the City of Pooler on any matter pending before the municipal court of the City of Pooler.

- (q) Executive Sessions - Confidentiality & Disclosure Exception. Executive sessions are confidential. The substance of an executive session may not be shared or disclosed unless disclosure is required by law.
- (r) Conduct. No official shall knowingly engage in conduct that disrupts, obstructs, or materially impairs the lawful operations of council, boards, authorities, commissions, or any of its duly authorized proceedings.

Sec. 3.5 CONFLICT OF INTEREST

- (a) Substantial Financial or Personal Interest. A city official may not participate in a vote or decision on a matter affecting an immediate family member or any person, entity, or property in which the official has a substantial interest.
- (b) Disclosure of Affiliation. A city official who serves as a corporate officer or member of the board of directors of a nonprofit entity must disclose their affiliation in said entity to the mayor and council prior to participating in a vote or decision regarding funding of the entity by or through the city.
- (c) Remote or Incidental Interest. Where the interest of a city official in the subject matter of a vote or decision is remote or incidental, the city official may participate in the vote or decision and need not disclose the interest.
- (d) Prohibited Misuse. The city discourages and will summarily dispose of complaints that attempt to use the ethics process to pursue political grievances or to penalize lawful campaign activity. To discourage the filing of ethics complaints solely for political purposes, ethics complaints against a person seeking election as a city official, whether currently serving as a city official or not, which are filed between the date of qualifying for municipal office and the date of certification of the election results will be held and will not be processed until the election results for that office have been certified.
- (e) Intake Sufficiency. A complaint shall be dismissed at intake unless it is:
 - i. is sworn under the oath required by §3.7(d);
 - ii. alleges specific, material facts that, if true, would constitute a violation of this Code within the board's jurisdiction; and
 - iii. identifies the section(s) of this Code allegedly violated.

- (f) Filing Windows During Elections. To prevent the misuse of the ethics complaint process for political purposes, the following rules apply:
- i. Election period procedures. These procedures apply when the respondent is a candidate on the ballot for a city municipal election.
 - ii. Election period. The election period runs from the close of the municipal qualifying week through the fifth (5th) business day after certification of results for that election. For purposes of this section, "qualifying week" means the officially designated timeframe during which candidates may legally declare to run for the office, as set by the municipal election superintendent.
 - iii. Intake and screening. The filing officer shall accept, timestamp, and docket complaints during the election period, and apply the standard sufficiency and probable-cause screens. Preservation notices and non-hearing investigative steps may proceed. Filing dates are preserved.
 - iv. Hearings scheduled after certification. Absent exigent circumstances, evidentiary hearings, and final determinations are scheduled after certification. This does not affect any limitations under this ordinance.
 - v. Notice of procedures. At the close of qualifying week, the city clerk shall post a public notice on the city's website and at city hall describing these election-period procedures and advising that hearings ordinarily occur after certification. The notice shall not characterize filings as suspended or refused.
 - vi. Non-interference with other authorities. Nothing in this section restricts or duplicates the authority of the State Ethics Commission over campaign-finance matters or the authority responsible for election administration.
- (g) No Claim Based Solely on Lawful Campaign Contributions. A complaint predicated solely on the fact that an elected official accepted a lawful campaign contribution within the limits of the Georgia Government Transparency and Campaign Finance Act fails to state a claim and shall be dismissed. Where the donor has business pending, the disclosure and participation standards in § 3.5(b) apply; those provisions govern transparency and any recusal analysis.
- (h) Probable-Cause Screening. If the intake criteria are met, the board of ethics shall determine whether the complaint establishes probable cause to believe a violation occurred. Absent probable cause, the complaint shall be dismissed with a brief written explanation.
- (i) Bad-Faith or Knowingly False Complaints. Knowingly false statements made under oath may be referred for investigation and prosecution under O.C.G.A. § 16-10-71 (false swearing) or O.C.G.A. § 16-10-20 (false statements). This ordinance does not limit the board of ethics's

ability to dismiss repetitive complaints arising from the same facts.

- (j) Good-Faith Protection. Nothing in this section shall deter or sanction good-faith complaints supported by specific, material facts, nor shall it restrict protected speech.

Sec. 3.6 BOARD OF ETHICS

- (a) The City of Pooler Municipal Court shall hear and render decisions on all proper verified complaints filed under this ordinance.

Sec. 3.7 RECEIPT OF COMPLAINTS

- (a) All complaints against city officials shall be filed with the municipal court clerk. Upon receipt of a complaint in proper form, the municipal court clerk shall forward a copy of the complaint to the city official(s) charged in the complaint within no more than seven (7) calendar days.
- (b) All complaints shall be submitted and signed under oath, shall be legibly drawn and shall clearly address matters within the scope of this ordinance.
- (c) Upon receipt of a complaint in proper form, the municipal court shall review it to determine whether the complaint is unjustified, frivolous, patently unfounded or fails to state facts sufficient to invoke the disciplinary jurisdiction of mayor and council. The municipal court is empowered to dismiss in writing complaints that it determines are unjustified, frivolous, patently unfounded or fail to state facts sufficient to invoke the disciplinary jurisdiction of the mayor and council; provided, however, that a rejection of such complaint by the municipal court shall not deprive the complaining party of any action such party might otherwise have at law or in equity against the city official. For complaints that are not dismissed, the municipal court is empowered to collect evidence and information concerning any complaint and add the findings and results of its investigations to the file containing such complaint.
- (d) Upon completion of its investigation of a complaint, the municipal court is empowered to dismiss in writing those complaints which it determines are unjustified, frivolous, patently unfounded or which fail to state facts sufficient to invoke the disciplinary jurisdiction of the municipal court ; provided, however, that a rejection of such complaint by the board of ethics shall not deprive the complaining party of any action such party might otherwise have at law or in equity against the city official.
- (e) The municipal court is empowered to conduct investigations, to take evidence, and to hold hearings to address the subject matter of a complaint.
- (f) The municipal court is empowered to adopt forms for formal

complaints, notices, and any other necessary or desirable documents within its jurisdiction where the mayor and council have not prescribed such forms.

- (g) Findings of the municipal court shall be submitted to the mayor and council for action.

Sec. 3.8 SERVICE OF COMPLAINT

- (a) The municipal court clerk, as appointed herein set forth, shall cause the complaint to be served on the city official charged as soon as practicable but in no event later than seven (7) calendar days after receipt of a proper, verified complaint. Service may be by personal service, by certified mail, return receipt requested or by statutory overnight delivery. A hearing shall be held within sixty (60) calendar days after the filing of the complaint. The municipal court shall conduct hearings in accordance with the procedures and regulations it establishes but, in all circumstances, at least one hearing shall include the taking of testimony and the cross-examination of available witnesses. The decision of the municipal court shall be rendered to mayor and council within seven (7) calendar days after completion of the final hearing. At any hearing held by the municipal court, the city official who is the subject of inquiry shall have the right to written notice of the hearing and the allegations at least seven (7) calendar days before the first hearing, to be represented by counsel, to hear and examine the evidence and witnesses and, to oppose or try to mitigate the allegations. The city official subject to the inquiry shall have also have the right but not the obligation of submitting evidence and calling witnesses. Failure to comply with any of the deadlines in this section of the ordinance shall not invalidate any otherwise valid complaint or in any way affect the power or jurisdiction of the municipal court or the mayor and council to act upon any complaint.

Sec. 3.9 RIGHT TO APPEAL

- (a) Judicial Review. Any city official or complainant adversely affected by the findings or recommendations of the municipal court may obtain judicial review of such decision as provided in this section.
- (b) Jurisdiction of Review. A party aggrieved by a final decision of the municipal court may seek review by filing a petition for review in the Superior Court of Chatham County pursuant to the Superior and State Court Appellate Practice Act, O.C.G.A. §§ 5-3-1 et seq. Filing a petition for review acts as supersedeas; no supersedeas bond is required unless otherwise provided by law.

Sec. 3.10 PENALTY

Any person violating any provision of this article is subject to:

- (a) Public reprimand or censure by the mayor and council; or

- (b) Request for resignation by the mayor and council; or
- (c) Termination of contract; or
- (d) Termination of employment; or
- (e) Removal from appointment; or
- (f) Revocation of committee membership; or
- (g) Other penalties that the mayor and council deem appropriate within their jurisdiction and authority.

Section II.

The sections, subsections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any section, subsection, paragraph, sentence, clause or phrase shall be declared illegal by the valid judgment or decree of any court of competent jurisdiction, such illegality shall not affect any of the remaining section, subsections, paragraphs, sentences, clauses and phrases of this ordinance.

Section III.

All ordinances and parts of ordinances in conflict herewith are expressly repealed.

Section IV.

If any section, clause, or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, the said holding shall in no way affect the validity of the remaining portions of this ordinance.

Section V.

The effective date of this ordinance shall be _____.

FIRST READING: _____

SECOND READING: _____

ADOPTION: _____

CITY OF POOLER, GEORGIA

Karen L. Williams, Mayor

ATTEST:

Kiley Fusco, City Clerk

This sample ethics ordinance is provided only for general informational purposes and to assist Georgia cities in identifying issues to address in a local ethics ordinance. The ordinance is not and should not be treated as legal advice. You should consult with your legal counsel before drafting or adopting any ordinance and before taking any action based on this sample.

SAMPLE ETHICS ORDINANCE

City of _____

State of Georgia

ORDINANCE No. _____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF _____POOLER, GEORGIA, TO PROVIDE A NEW CODE SECTION: CHAPTER 3, ETHICS AND BOARD OF ETHICS; TO PROVIDE FOR PENALTIES; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the duly elected governing authority of the City of _____Pooler, Georgia is authorized by O.C.G.A. § 36-35-3 to adopt ordinances relating to its property, affairs and local government; and

WHEREAS, the duly elected governing authority of the City of _____Pooler, Georgia is the Mayor and Council thereof; and

WHEREAS, the governing authority deems it essential to the proper operation of democratic government that the public officials be, and give the appearance of being, independent, impartial, and responsible to the people; that governmental decisions and policies be made in the proper channels of the governmental structure; and that public office not be used for personal gain; and

WHEREAS such measures are necessary to provide the public with confidence in the integrity of its government.

~~NOW THEREFORE~~WHEREAS it is the policy of the city that its officials, employees, appointees, and volunteers conducting official city business:

- Serve others and not themselves;
- Be independent, impartial and responsible; Use resources with efficiency and economy; Treat all people fairly;
- Use the power of their position for the well being of their constituents; and

Create an environment of honesty, openness and integrity. NOW

THEREFORE BE IT AND IT IS HEREBY ORDAINED BY THE
MAYOR AND CITY COUNCIL OF THE CITY OF POOLER,
GEORGIA, THAT THE CODE OF ORDINANCES OF THE CITY OF
POOLER, GEORGIA, ARE HEREBY AMENDED AS FOLLOWS:

Section 1.

That the Code of Ordinances of the City of _____ Pooler, Georgia is hereby amended by adding ~~sections to be numbered _____ Chapter 3, Code of Ethics~~ Ethics and Board of Ethics, which ~~said sections shall~~ read as follows:

“Sec. _____3.1 PURPOSE

The purpose of this code of ethics is to:

- (a) Encourage high ethical standards in official conduct by city officials;
- (b) Establish guidelines for ethical standards of conduct for all such officials by setting forth those acts or actions that are incompatible with the interest of the city;
- ~~(b)~~(c) Build public trust and confidence in city officials;
- (d) _____
- ~~(e)~~ Provide clear guidance to officials when dealing with ethical issues; and Require disclosure by such officials of private financial or other interest in matters affecting the city; and
- ~~(d)~~(e) Serve as a basis for disciplining those who refuse to abide by the terms of this ordinanceits terms.

Sec. _____3.2 SCOPE

The provisions of this code of ethics shall be applicable to all elected or appointed city officials.

Notwithstanding anything herein to the contrary, state law and the charter of the city shall be controlling in the event of an actual conflict with the provisions of this code of ethics. This ordinance shall be interpreted to supplement, and not replace, said provisions of state law and the charter.

Sec. _____3.3 DEFINITIONS

Solely for the purpose of this code of ethics:

- (a) *City official or official*, unless otherwise expressly defined does not include city employees but does mean the mayor, members of the city council, municipal court judges (including substitute judges), city manager, city clerk, chief finance officer, city attorney, and all other persons holding positions

designated by the city charter, as amended. The term “city official” also includes all individuals, including city employees, appointed by the mayor and/or city council as appropriate to city authorities, commissions, committees, boards, task forces, or other bodies which can or may vote or take formal action or make official recommendations to the mayor and/or city council.

- (b) *Decision* means any ordinance, resolution, contract, franchise, formal action or other matter voted on by the city council or other city board or commission, as well as the discussions or deliberations of the council, board, or commission which can or may lead to a vote or formal action by that body.
- ~~(c)~~ *Employee* means any person who is a full-time or part-time employee of the city.
- ~~(d)~~ *Gift* means any money, property, loan, advance, service, travel, lodging, food, entertainment, gratuity, subscription, membership, forgiveness of debt, promise, or anything else of monetary value given to, received by, or accepted by a city official or immediate family member without receipt of equal or greater consideration.
- ~~(e)~~ *De Minimis Gift* means a non-monetary gift of nominal value not reasonably expected to influence official action.
- ~~(e)(f)~~ *Prohibited Source* means any person or entity that: (a) does business with the city or has a matter pending before the city; (b) is seeking to do business with the city; (c) is registered to lobby the city or has an interest that could be substantially affected by the performance of the official's duties; or (d) is otherwise economically or legally interested in a city decision.
- ~~(g)~~ *Immediate family* means a city official's spouse or domestic partner, parent, grandparent, sibling, child, aunt, uncle, niece, or nephew related by blood, adoption, or marriage. The relationship by marriage shall include in-laws. The term "immediate family" shall also include any person who resides in the same household as the city official, any person who receives, directly or indirectly, more than half of their support from a city official, and any person claimed by a city official or the official's spouse as a dependent under the United States Internal Revenue Code. ~~the spouse, mother, father, grandparent, brother, sister, son or daughter of any city official related by blood, adoption or marriage. The relationship by marriage shall include in-laws.~~
- ~~(h)~~ *Qualified Ethics Complaint* is a complaint that meets the following criteria: (1) it is filed in proper form, signed under oath, and legibly drawn, with allowances for alternative formats such as audio or video recordings or oral submissions for those who need different communication methods; (2) it clearly addresses alleged conduct by a city official that falls within the scope of this ordinance; (3) it states specific facts that, if proven, may constitute a violation of the ethical standards outlined herein; and (4) it is filed by an individual with standing, including residents, business owners, property owners, or senior officers of nonprofit organizations operating within city limits.
- ~~(d)(i)~~ *Board of Ethics* means the body authorized by this ordinance to receive, hear, evaluate, and make determinations regarding qualified ethics complaints in the City of Pooler. Unless otherwise provided by ordinance,

amendment, or resolution, the board of ethics shall consist of the chief judge of the municipal court of the city, acting in a quasi-judicial capacity and vested with all powers and duties assigned to the board under this ordinance. References in this ordinance to the “board of ethics” shall be deemed to include the municipal court judge when serving in this capacity. The designation of the municipal court judge as the board of ethics shall not be construed to expand or diminish the jurisdiction of the municipal court, but solely to assign adjudicatory responsibility under this ordinance.

~~(e)(j)~~ Incidental interest means a de minimis interest that is trivial in value and not reasonably likely to influence the official’s judgment, an interest in a person, entity or property which is not a substantial interest as defined herein and which has insignificant value.

~~(f)(k)~~ Remote interest means an attenuated interest where any benefit to the official is no greater than that realized by a broad class of persons, or the general public, or arises solely from ownership of ≤ 1% of a publicly traded company through diversified holdings (e.g., mutual/index funds) with no control over specific investments. For example, the interest of an official in the property tax rate, general city fees, city utility charges, or a comprehensive zoning ordinance or similar matters is deemed remote to the extent that the official would be affected in common with the general public. interest of a person or entity, including a city official, which would be affected in the same way as the general public. For example, the interest of an official in the property tax rate, general city fees, city utility charges or a comprehensive zoning ordinance or similar matters is deemed remote to the extent that the official would be affected in common with the general public.

~~(g)(l)~~ Substantial interest means a financial or fiduciary interest of a city official or the official’s immediate family that is direct and particularized to the person, and that meets any one of the following tests: n interest, either directly or through a member of the immediate family, in another person or entity, where:

~~(1)~~ (i) Ownership test. Beneficial ownership of five percent (5%) or more of the voting stock, shares, membership interests, or other equity of an entity, or beneficial ownership with a market value of at least five thousand dollars (\$5,000). the interest is ownership of five percent or more of the voting stock, shares or equity of the entity or ownership of \$5,000.00 or more of the equity or market value of the entity;
or

~~(2)~~ (ii) Compensation test. Aggregate payments received from a person or entity within the preceding twelve (12) months equal to or exceeding five thousand dollars (\$5,000) or ten percent (10%) of the recipient’s gross income for that period, whichever is less. Payments include salary, wages, bonuses, commissions, consulting or professional fees, and payments for goods or services. the funds received by the person from

~~the other person or entity during the previous 12 months either equal or exceed~~

~~(a) \$5,000.00 in salary, bonuses, commissions or professional fees, or \$5,000.00 in payment for goods, products or services, or (b) ten percent of the recipient's gross income during that period, whichever is less;~~

~~(3) (i) Position test. Service as an officer, director, general partner, manager, trustee, or member of a governing board of any entity, including a nonprofit corporation, foundation, or charitable trust, when the entity is a party, applicant, contractor, grantee, or otherwise has a direct and reasonably foreseeable financial or leg interest in the matter. the person serves as a corporate officer or member of the board of directors or other governing board of a for-profit entity other than a corporate entity owned or created by the city council; or~~

~~(4) (iv) Credit relationship test. Status as a creditor, debtor, or guarantor of a person or entity with an outstanding principal amount of five thousand dollars (\$5,000) or more, other than ordinary consumer credit on standard terms from a regulated financial institution. the person is a creditor, debtor, or guarantor of the other person or entity in an amount of \$5,000.00 or more.~~

Sec. 3.4 PROHIBITIONS

- (a) Use of Position and Privilege. No city official shall use such position to secure special privileges or exemptions for himself or herself or others, or to secure confidential information for any purpose other than official duties on behalf of the city.
- (b) Substantial Interest. No city official, in any matter before the council or other city body, relating to a person or entity in which the official has a substantial interest, shall fail to disclose for the record such interest prior to any discussion or vote or fail to recuse himself/herself from such discussion or vote as applicable. The official is not required to disclose the amount, valuation, or other terms of interest. The city clerk shall note the disclosure and recusal in the minutes. An official who is uncertain may request a written advisory opinion; good-faith reliance on that opinion is a defense under this ordinance.
- ~~(b)~~
- (c) Representing Other Interests. No city official shall act as an agent or attorney for another in any matter before the city council or other city body.
- (d) Gifts and Gratuities. No city official shall directly or indirectly receive, or agree to receive, any gift in connection with the performance of the official's duties if the gift is intended to influence the official's actions or could reasonably create the appearance of impropriety, any compensation, gift, reward, or gratuity in any matter or proceeding connected with, or related to, the duties of his office except as may be provided by law.
- (i) Prohibited-source rule (no de minimis). Gifts from a prohibited source are prohibited irrespective of value, except where the gift is a de minimis gift as defined above and where acceptance would not create an appearance of impropriety or a conflict under this ordinance. For avoidance of doubt, hospitality, meals, tickets, or travel provided by a prohibited source are generally disallowed.
- (e) Contracts with the City. No city official shall enter into any contract with, or have any interest in, either directly or indirectly, the city except as authorized by state law.
- (i) This prohibition shall not be applicable to the professional activities of the city attorney in his or her work as an independent contractor and legal advisor on behalf of the city.
- (ii) This prohibition shall not be applicable to an otherwise valid employment contract between the city and a city official who is not elected (such as, by way of example, a city manager, city administrator or chief of police).
- (iii) Any official who has a proprietary interest in an agency doing business with the city shall make that interest known in writing to the mayor and city council, and the city clerk.

~~(iii)~~(iv) Disclosure and recusal. A city official who has, or whose immediate family has, a substantial interest in a prospective or existing city contractor shall disclose on the record that a substantial interest exists and identify the person or entity before any city action on the matter, and shall recuse from deliberation, discussion, vote, and any attempt to influence the outcome. The amount or terms of the interest need not be disclosed.

- (f) Funds for General Welfare. All public funds shall be used for the general welfare of the people and not for personal economic gain.
- (g) Property Disposal. Public property shall be disposed of in accordance with state law.
- (h) Employment Impairing Judgment. No city official shall solicit or accept other employment to be performed, or compensation to be received, while still a city official if the employment or compensation could reasonably be expected to impair such official's judgment or performance of city duties.

- (i) Employment of Substantial Interest. If a city official accepts or is soliciting a promise of future employment from any person or entity who has a substantial interest in a person, entity or property which would be affected by any decision upon which the official might reasonably be expected to act, investigate, advise, or make a recommendation, the official shall disclose the fact to the city council and shall recuse himself/herself and take no further action on matters regarding the potential future employer.
- (j) Use of City Resources for Private Purpose. No city official shall use city facilities, personnel, equipment or supplies for private purposes, except to the extent such are lawfully available to the public.
- (k) Treatment and Favors. No city official shall grant or make available to any person any consideration, treatment, advantage or favor beyond that which it is the general practice to grant or make available to the public at large.
- (l) Insider Knowledge. A city official shall not directly or indirectly make use of, or permit others to make use of, official information not made available to the general public for the purpose of furthering a private interest.
- (m) Coercion. A city official shall not use his or her position in any way to coerce, or give the appearance of coercing, another person to provide any financial benefit to such official or persons within the official's immediate family, or those with whom the official has business or financial ties amounting to a substantial interest.
- (n) Orders and Obligations. A city official shall not order any goods and services for the city without prior official authorization for such an expenditure. No city official shall attempt to obligate the city nor give the impression of obligating the city without proper prior authorization.
- (o) Travel. No city official shall draw travel funds or per diem from the city for attendance at meetings, seminars, training or other educational events and fail to attend such events without promptly reimbursing the city therefore.
- (p) Case Influence. No city official shall attempt to unduly influence the outcome of a case before the Municipal Court of the City of Pooler nor shall any city official engage in ex parte communication with a municipal court judge of the City of Pooler on any matter pending before the Municipal Court of the City of Pooler.

Sec. 3.5 CONFLICT OF INTEREST

- (a) Substantial Financial or Personal Interest. A city official may not participate in a vote or decision on a matter affecting an immediate family member or any person, entity, or property in which the official has a substantial interest.
- (b) Disclosure of Affiliation. A city official who serves as a corporate officer or member of the board of directors of a nonprofit entity must disclose their interest in said entity to the mayor and council prior to participating in a vote or decision regarding funding of the entity by or through the city.
- (c) Remote or Incidental Interest. Where the interest of a city official in the subject matter of a vote or decision is remote or incidental, the city official may participate in the vote or decision and need not disclose the interest.
- (d) Prohibited Misuse. The city discourages and will summarily dispose of complaints that attempt to use the ethics process to pursue political grievances or to penalize lawful campaign activity. To discourage the filing of ethics complaints solely for political purposes, ethics complaints against a person seeking election as a city official, whether currently serving as a city official or not, which are filed between the date of qualifying for municipal office and the date of certification of the election results will be held and will not be processed until the election results for that office have been certified.
- (e) Intake Sufficiency. A complaint shall be dismissed at intake unless it is:
 - i. is sworn under the oath required by §3.7(d);
 - ii. alleges specific, material facts that, if true, would constitute a violation of this Code within the board of ethic’s jurisdiction; and identifies the section(s) of this Code allegedly violated.
- (f) Filing Windows During Elections. To prevent the misuse of the ethics complaint process for political purposes, the following rules apply:
 - i. Election period procedures. These procedures apply when the respondent is a candidate on the ballot for a city municipal election.
 - ii. Election period. The election period runs from the close of the municipal qualifying week through the fifth (5th) business day after certification of results for that election. For purposes of this section, “qualifying week” means the officially designated timeframe during which candidates may legally declare to run for the office, as set by the municipal election superintendent.
 - iii. Intake and screening. The filing officer shall accept, timestamp, and docket complaints during the election period, and apply the standard sufficiency and probable-cause screens. Preservation notices and non-

hearing investigative steps may proceed. Filing dates are preserved.

- iv. Hearings scheduled after certification. Absent exigent circumstances, evidentiary hearings, and final determinations are scheduled after certification. This does not affect any limitations under this ordinance.
 - v. Notice of procedures. At the close of qualifying week, the city clerk shall post a public notice on the city's website and at city hall describing these election-period procedures and advising that hearings ordinarily occur after certification. The notice shall not characterize filings as suspended or refused.
 - vi. Non-interference with other authorities. Nothing in this section restricts or duplicates the authority of the State Ethics Commission over campaign-finance matters or the authority responsible for election administration.
- (g) No Claim Based Solely on Lawful Campaign Contributions. A complaint predicated solely on the fact that an elected official accepted a lawful campaign contribution within the limits of the Georgia Government Transparency and Campaign Finance Act fails to state a claim and shall be dismissed. Where the donor has business pending, the disclosure and participation standards in § 3.5(b) apply; those provisions govern transparency and any recusal analysis.
- (h) Probable-Cause Screening. If the intake criteria are met, the board of ethics shall determine whether the complaint establishes probable cause to believe a violation occurred. Absent probable cause, the complaint shall be dismissed with a brief written explanation.
- (i) Bad-Faith or Knowingly False Complaints. Knowingly false statements made under oath may be referred for investigation and prosecution under O.C.G.A. § 16-10-71 (false swearing) or O.C.G.A. § 16-10-20 (false statements). This ordinance does not limit the board of ethics's ability to dismiss repetitive complaints arising from the same facts.
- (e)(j) Good-Faith Protection. Nothing in this section shall deter or sanction good-faith complaints supported by specific, material facts, nor shall it restrict protected speech.

Sec. 3.6 BOARD OF ETHICS

Select Alternative A, B, C or D or draft another suitable alternative. If Alternative D is chosen, subsections (b) through (f) may be omitted. Alternative D can also be used in conjunction with one of the other alternatives to hear complaints against any member of the Board of Ethics or when the Board of Ethics cannot convene because appointed members of the Board of Ethics have conflicts of interest in hearing the matter.

Alternative A

- ~~(a) — The Board of Ethics of the City shall consist of three (3) residents of the City, one appointed by the mayor, one appointed by the city council, and the third appointed by the mayor and approved by a majority of the city council.~~

Alternative B

- ~~(a) — The Board of Ethics shall consist of three (3) residents of the City, one appointed by the mayor, one appointed by the council, and the third appointed by the two named Board members and approved by a majority of the city council. The third member of the Board of Ethics shall be a member in good standing of the State Bar of Georgia.~~

Alternative C

- ~~(a) — The Board of Ethics of the City shall be composed of three (3) residents of the City to be appointed as follows: the mayor and councilmembers shall each designate one (1) qualified citizen to provide a pool of _____ number of individuals who have consented to serve as a member of such Board of Ethics and who will be available for a period of two (2) years to be called upon to serve in the event a Board of Ethics is appointed. The City Clerk~~

~~shall maintain a listing of these qualified citizens. Upon receipt of a properly verified complaint and timely forwarding of that complaint to the city official charged in the complaint, the Mayor and Council, at the next regularly scheduled public meeting or at a specially called public meeting, shall draw names randomly from the listing of qualified citizens until three (3) members of the Board of Ethics have been appointed. Such Board will elect one of its members to serve as chair.~~

Alternative D

- (a) The Municipal Court of the City of _____ Pooler shall hear and render decisions on all proper verified complaints filed under this ordinance.
-

- ~~(b) All members of the Board of Ethics shall be residents of the city for at least one (1) year immediately preceding the date of taking office and shall remain a resident while serving on the Board.~~
- ~~(c) All members of the Board of Ethics shall serve a _____ year term.~~
- ~~(d) No person shall serve as a member of the Board of Ethics if the person has, or has had within the preceding one (1) year period, any interest in any contract or contracting opportunity with the city or has been employed by the City.~~
- ~~(e) Members of the Board of Ethics with any permit or rezoning application pending before the city, or any pending or potential litigation against the city or any city official charged in the complaint shall be disqualified from serving on the Board of Ethics for that complaint. An alternate member of the Board of Ethics shall be selected in the same manner as the disqualified individual.~~
- ~~(f) The members of the Board of Ethics shall serve without compensation. The city council shall provide meeting space for the Board of Ethics and, subject to budgetary procedures and requirements of the City, such supplies and equipment as may be reasonably necessary for the Board to perform its duties and responsibilities.~~
- ~~(g) No person shall serve on the Board of Ethics who has been convicted of a felony involving moral turpitude in this state or any other state, unless such person's civil rights have been restored and at least ten years have elapsed from the date of the completion of the sentence without a subsequent conviction of another felony involving moral turpitude.~~
- ~~(h) No person shall serve on the Board of Ethics who is less than 21 years of age, who holds a public elective office, who is physically or mentally~~

unable to discharge the duties of a member of the Board of Ethics, or who is not qualified to be a registered voter in the City of _____.

- (i) ~~Upon appointment, members of the Board of Ethics shall sign an affidavit attesting to their qualification to serve as a member of the Board of Ethics.~~
- (j) ~~Members of the Board of Ethics may be removed by majority vote of the city governing authority.~~

OR

- (j) ~~Members of the Board of Ethics may be removed by majority vote of the city governing authority for cause including, but not limited to, failure to maintain any requirement for qualification to serve on the Board of Ethics.~~

Sec. 3.7 RECEIPT OF COMPLAINTS

Select Alternative A, B, C or D or draft another suitable alternative. If Alternative D is chosen, conform the language in the following sections by substituting “municipal court” for “board.”

Alternatives A & B

- (a) ~~All complaints against city officials shall be filed with the Board of Ethics, who may require that oral complaints, and complaints illegibly or informally drawn, be reduced to a memorandum of complaint in such form as may be prescribed by the city council or the Board of Ethics. Upon receipt of a complaint in proper form, the chair of the Board of Ethics shall forward a copy of the complaint to the city official or officials charged in the complaint within no more than seven (7) calendar days.~~

Alternative C

- (a) ~~All complaints against city officials shall be filed with the city clerk, who will give it to the Mayor and Council. The Mayor and Council may require that oral complaints, and complaints illegibly or informally drawn, be reduced to a memorandum of complaint in such form as may be prescribed by the city council. Upon receipt of a complaint in proper form, the city clerk or the clerk’s designee shall forward a copy of the complaint to the city official or officials charged in the complaint within no more than seven (7) calendar days.~~

Alternative D

- (a) All complaints against city officials shall be filed with the clerk of the Municipal Court of the City of _____ **Pooler**. Upon receipt of a complaint in proper form, the municipal court clerk shall forward a copy of the

complaint to the city official or officials charged in the complaint within no more than seven (7) calendar days.

- (b) All complaints shall be submitted and signed under oath, shall be legibly drawn and shall clearly address matters within the scope of this ordinance.
- (c) Upon receipt of a complaint in proper form, the ~~Board~~ municipal court shall review it to determine whether the complaint is unjustified, frivolous, patently unfounded or fails to state facts sufficient to invoke the disciplinary jurisdiction of the mayor and cCity cCouncil. The ~~Board of Ethies~~ municipal court is empowered to dismiss in writing complaints that it determines are unjustified, frivolous, patently unfounded or fail to state facts sufficient to invoke the disciplinary jurisdiction of the mayor and Ccity cCouncil; provided, however, that a rejection of such complaint by the municipal court ~~Board of Ethies~~ shall not deprive the complaining party of any action such party might otherwise have at law or in equity against the city official. For complaints that are not dismissed, the ~~Board of Ethies~~ municipal court is empowered to collect evidence and information concerning any complaint and add the findings and results of its investigations to the file containing such complaint.
- (d) Upon completion of its investigation of a complaint, the ~~Board of Ethies~~ municipal court is empowered to dismiss in writing those complaints which it determines are unjustified, frivolous, patently unfounded or which fail to state facts sufficient to invoke the disciplinary jurisdiction of the ~~City Council~~ mayor and city council; provided, however, that a rejection of such complaint by the ~~Board of Ethies~~ municipal court shall not deprive the complaining party of any action such party might otherwise have at law or in equity against the city official.
- (e) The ~~Board of Ethies~~ municipal court is empowered to conduct investigations, to take evidence, and to hold hearings to address the subject matter of a complaint.
- (f) The ~~Board of Ethies~~ municipal court is empowered to adopt forms for formal complaints, notices, and any other necessary or desirable documents within its jurisdiction where the city council has not prescribed such forms.
- (g) Findings of the ~~Board of Ethies~~ municipal court shall be submitted to the mayor and cCity cCouncil for action.

~~Some elected officials raised concerns about potential misuse of the ethics complaint process for political purposes. The governing authority may elect to remain silent on this issue and allow local ethics complaints to be filed and processed at any time or the governing authority may consider Alternative A or B below or draft another suitable alternative.~~

Alternative A

- (h) ~~To discourage the filing of ethics complaints solely for political purposes, complaints will not be accepted against a person seeking election as a city official, whether currently serving as a city official or not, from the date qualifying opens for the elected office at issue through the date the election results for that office are certified. The time for filing complaints will not run during this period. Properly filed complaints will be accepted and processed after the election results have been certified.~~

Alternative B

- (h) ~~To discourage the filing of ethics complaints solely for political purposes, ethics complaints against a person seeking election as a city official, whether currently serving as a city official or not, which are filed between the date of qualifying for municipal office and the date of certification of the election results will be held and will not be processed until the election results for that office have been certified.~~

Sec. ____ SERVICE OF COMPLAINT

The ~~city~~municipal court clerk or ~~Board of Ethics~~municipal court as appointed herein set forth shall cause the complaint to be served on the city official charged as soon as practicable but in no event later than seven (7) calendar days after receipt of a proper, verified complaint. Service may be by personal service, by certified mail, return receipt requested or by statutory overnight delivery. A hearing shall be held within sixty (60) calendar days after filing of the complaint. The municipal court shall conduct hearings in accordance with the procedures and regulations it establishes but, in all circumstances, at least one hearing shall include the taking of testimony and the cross-examination of available witnesses. The decision of the ~~Board of Ethics~~ municipal court shall be rendered to mMayor and cCouncil within seven

(7) calendar days after completion of the final hearing. At any hearing held by the ~~Board of Ethics~~municipal court, the city official who is the subject of inquiry shall have the right to written notice of the hearing and the allegations at least seven (7) calendar days before the first hearing, to be represented by counsel, to hear and examine the evidence and witnesses and, to oppose or try to mitigate the allegations. The city official subject to the inquiry shall have also have the right but not the obligation of submitting evidence and calling witnesses. Failure to comply with any of ~~time the~~ deadlines in this section of the ordinance shall not invalidate any otherwise valid complaint or in any way affect the power or jurisdiction of the ~~Board of Ethics~~ municipal court or the mayor and city council to act upon any complaint.

Sec. 3.9 RIGHT TO APPEAL

- (a) Judicial Review. Any city official or complainant adversely affected by the findings or recommendations of the municipal court may obtain judicial review of such decision as provided in this Section.
- ~~(b) —~~ Jurisdiction of Review. A party aggrieved by a final decision of the municipal court may seek review by filing a petition for review in the Superior Court of Chatham County pursuant to the Superior and State Court Appellate Practice Act, O.C.G.A. §§ 5-3-1 et seq. Filing a petition for review acts as supersedeas; no supersedeas bond is required unless otherwise provided by law. ~~An action for judicial review may be commenced by filing an application for a writ of certiorari in the Superior Court of X County within thirty (30) days after the decision of the Board of Ethics. The filing of such application shall act as supersedeas.~~

Sec. ~~3.10~~ 3.10 PENALTY

Any person violating any provision of this article is subject to:

- (a) Public reprimand or censure by the city council; or
- ~~(b) Request for resignation by the city council;~~ or
- ~~(c) Termination of contract; or~~
- ~~(d) Termination of employment; or~~
- ~~(e) Removal from appointment; or~~
- ~~(f) Revocation of committee membership; or~~
- ~~(b) —~~ (g) Other penalties that the mayor and council deem appropriate within their jurisdiction and authority.

Section 2.

The sections, subsections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any section, subsection, paragraph, sentence, clause or phrase shall be declared illegal by the valid judgment or decree of any court of competent jurisdiction, such illegality shall not affect any of the remaining section, subsections, paragraphs, sentences, clauses and phrases of this ordinance.

Section 3.

All ordinances and parts of ordinances in conflict herewith are expressly repealed. Section

4.

The adoption date of this ordinance is _____ and the effective date of this ordinance shall be _____.

ORDAINED this ____ day of _____, _____.

City of _____

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney.

This sample ethics ordinance is provided only for general informational purposes and to assist Georgia cities in identifying issues to address in a local ethics ordinance. The ordinance is not and should not be treated as legal advice. You should consult with your legal counsel before drafting or adopting any ordinance and before taking any action based on this sample.

SAMPLE ETHICS ORDINANCE

City of _____

State of Georgia

ORDINANCE No. _____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF _____, GEORGIA TO PROVIDE A NEW CODE SECTION _____, ETHICS; TO PROVIDE FOR PENALTIES; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the duly elected governing authority of the City of _____, Georgia is authorized by O.C.G.A. § 36-35-3 to adopt ordinances relating to its property, affairs and local government; and

WHEREAS, the duly elected governing authority of the City of _____, Georgia is the Mayor and Council thereof; and

WHEREAS, the governing authority deems it essential to the proper operation of democratic government that the public officials be, and give the appearance of being, independent, impartial, and responsible to the people; that governmental decisions and policies be made in the proper channels of the governmental structure; and that public office not be used for personal gain; and

WHEREAS such measures are necessary to provide the public with confidence in the integrity of its government.

NOW THEREFORE it is the policy of the city that its officials, employees, appointees, and volunteers conducting official city business:

- Serve others and not themselves;
- Be independent, impartial and responsible;
- Use resources with efficiency and economy;
- Treat all people fairly;
- Use the power of their position for the well being of their constituents; and

Create an environment of honesty, openness and integrity.

NOW THEREFORE BE IT AND IT IS HEREBY ORDAINED:

Section 1.

That the Code of Ordinances of the City of _____, Georgia is hereby amended by adding sections to be numbered _____, Code of Ethics, which said sections read as follows:

“Sec. _____ PURPOSE

The purpose of this code of ethics is to:

- (a) Encourage high ethical standards in official conduct by city officials;
- (b) Establish guidelines for ethical standards of conduct for all such officials by setting forth those acts or actions that are incompatible with the interest of the city;
- (c) Require disclosure by such officials of private financial or other interest in matters affecting the city; and
- (d) Serve as a basis for disciplining those who refuse to abide by its terms.

Sec. _____ SCOPE

The provisions of this code of ethics shall be applicable to all elected or appointed city officials.

Notwithstanding anything herein to the contrary, state law and the charter of the city shall be controlling in the event of an actual conflict with the provisions of this code of ethics. This ordinance shall be interpreted to supplement, and not replace, said provisions of state law and the charter.

Sec. _____ DEFINITIONS

Solely for the purpose of this code of ethics:

- (a) *City official or official*, unless otherwise expressly defined does not include city employees but does mean the mayor, members of the city council, municipal court judges (including substitute judges), city manager, city clerk, city attorney, and all other persons holding positions designated by the city charter, as amended. The term “city official” also includes all individuals, including city employees, appointed by the mayor and/or city council as appropriate to city authorities, commissions, committees, boards, task forces, or other bodies which can or may vote or take formal action or make official recommendations to the mayor and/or city council.

- (b) *Decision* means any ordinance, resolution, contract, franchise, formal action or other matter voted on by the city council or other city board or commission, as well as the discussions or deliberations of the council, board, or commission which can or may lead to a vote or formal action by that body.
- (c) *Employee* means any person who is a full-time or part-time employee of the city.
- (d) *Immediate family* means the spouse, mother, father, grandparent, brother, sister, son or daughter of any city official related by blood, adoption or marriage. The relationship by marriage shall include in-laws.
- (e) *Incidental interest* means an interest in a person, entity or property which is not a substantial interest as defined herein and which has insignificant value.
- (f) *Remote interest* means an interest of a person or entity, including a city official, which would be affected in the same way as the general public. For example, the interest of an official in the property tax rate, general city fees, city utility charges or a comprehensive zoning ordinance or similar matters is deemed remote to the extent that the official would be affected in common with the general public.
- (g) *Substantial interest* means an interest, either directly or through a member of the immediate family, in another person or entity, where:
 - (1) the interest is ownership of five percent or more of the voting stock, shares or equity of the entity or ownership of \$5,000.00 or more of the equity or market value of the entity; or
 - (2) the funds received by the person from the other person or entity during the previous 12 months either equal or exceed (a) \$5,000.00 in salary, bonuses, commissions or professional fees, or \$5,000.00 in payment for goods, products or services, or (b) ten percent of the recipient's gross income during that period, whichever is less;
 - (3) the person serves as a corporate officer or member of the board of directors or other governing board of a for-profit entity other than a corporate entity owned or created by the city council; or
 - (4) the person is a creditor, debtor, or guarantor of the other person or entity in an amount of \$5,000.00 or more.

Sec. ____ **PROHIBITIONS**

- (a) No city official shall use such position to secure special privileges or exemptions for himself or herself or others, or to secure confidential information for any purpose other than official duties on behalf of the city.
- (b) No city official, in any matter before the council or other city body, relating to a person or entity in which the official has a substantial interest, shall fail to disclose for the record such interest prior to any discussion or vote or fail to recuse himself/herself from such discussion or vote as applicable.
- (c) No city official shall act as an agent or attorney for another in any matter before the city council or other city body.
- (d) No city official shall directly or indirectly receive, or agree to receive, any compensation, gift, reward, or gratuity in any matter or proceeding connected with, or related to, the duties of his office except as may be provided by law.
- (e) No city official shall enter into any contract with, or have any interest in, either directly or indirectly, the city except as authorized by state law.
 - (i) This prohibition shall not be applicable to the professional activities of the city attorney in his or her work as an independent contractor and legal advisor on behalf of the city.
 - (ii) This prohibition shall not be applicable to an otherwise valid employment contract between the city and a city official who is not elected (such as, by way of example, a city manager, city administrator or chief of police).
 - (iii) Any official who has a proprietary interest in an agency doing business with the city shall make that interest known in writing to the city council and the city clerk.
- (f) All public funds shall be used for the general welfare of the people and not for personal economic gain.
- (g) Public property shall be disposed of in accordance with state law.
- (h) No city official shall solicit or accept other employment to be performed, or compensation to be received, while still a city official if the employment or compensation could reasonably be expected to impair such official's judgment or performance of city duties.

- (i) If a city official accepts or is soliciting a promise of future employment from any person or entity who has a substantial interest in a person, entity or property which would be affected by any decision upon which the official might reasonably be expected to act, investigate, advise, or make a recommendation, the official shall disclose the fact to the city council and shall recuse himself/herself and take no further action on matters regarding the potential future employer.
- (j) No city official shall use city facilities, personnel, equipment or supplies for private purposes, except to the extent such are lawfully available to the public.
- (k) No city official shall grant or make available to any person any consideration, treatment, advantage or favor beyond that which it is the general practice to grant or make available to the public at large.
- (l) A city official shall not directly or indirectly make use of, or permit others to make use of, official information not made available to the general public for the purpose of furthering a private interest.
- (m) A city official shall not use his or her position in any way to coerce, or give the appearance of coercing, another person to provide any financial benefit to such official or persons within the official's immediate family, or those with whom the official has business or financial ties amounting to a substantial interest.
- (n) A city official shall not order any goods and services for the city without prior official authorization for such an expenditure. No city official shall attempt to obligate the city nor give the impression of obligating the city without proper prior authorization.
- (o) No city official shall draw travel funds or per diem from the city for attendance at meetings, seminars, training or other educational events and fail to attend such events without promptly reimbursing the city therefore.
- (p) No city official shall attempt to unduly influence the outcome of a case before the Municipal Court of the City of _____ nor shall any city official engage in ex parte communication with a municipal court judge of the City of _____ on any matter pending before the Municipal Court of the City of _____.

Sec. ____ CONFLICT OF INTEREST

- (a) A city official may not participate in a vote or decision on a matter affecting an immediate family member or any person, entity, or property in which the official has a substantial interest.
- (b) A city official who serves as a corporate officer or member of the board of directors of a nonprofit entity must disclose their interest in said entity to the mayor and council prior to participating in a vote or decision regarding funding of the entity by or through the city.
- (c) Where the interest of a city official in the subject matter of a vote or decision is remote or incidental, the city official may participate in the vote or decision and need not disclose the interest.

Sec. ____ **BOARD OF ETHICS**

Select Alternative A, B, C or D or draft another suitable alternative. If Alternative D is chosen, subsections (b) through (f) may be omitted. Alternative D can also be used in conjunction with one of the other alternatives to hear complaints against any member of the Board of Ethics or when the Board of Ethics cannot convene because appointed members of the Board of Ethics have conflicts of interest in hearing the matter.

Alternative A

- (a) The Board of Ethics of the City shall consist of three (3) residents of the City, one appointed by the mayor, one appointed by the city council, and the third appointed by the mayor and approved by a majority of the city council.

Alternative B

- (a) The Board of Ethics shall consist of three (3) residents of the City, one appointed by the mayor, one appointed by the council, and the third appointed by the two named Board members and approved by a majority of the city council. The third member of the Board of Ethics shall be a member in good standing of the State Bar of Georgia.

Alternative C

- (a) The Board of Ethics of the City shall be composed of three (3) residents of the City to be appointed as follows: the mayor and councilmembers shall each designate one (1) qualified citizen to provide a pool of ____ number of individuals who have consented to serve as a member of such Board of Ethics and who will be available for a period of two (2) years to be called upon to serve in the event a Board of Ethics is appointed. The City Clerk

shall maintain a listing of these qualified citizens. Upon receipt of a properly verified complaint and timely forwarding of that complaint to the city official charged in the complaint, the Mayor and Council, at the next regularly scheduled public meeting or at a specially called public meeting, shall draw names randomly from the listing of qualified citizens until three (3) members of the Board of Ethics have been appointed. Such Board will elect one of its members to serve as chair.

Alternative D

- (a) The Municipal Court of the City of _____ shall hear and render decisions on all proper verified complaints filed under this ordinance.

- (b) All members of the Board of Ethics shall be residents of the city for at least one (1) year immediately preceding the date of taking office and shall remain a resident while serving on the Board.
- (c) All members of the Board of Ethics shall serve a ____-year term.
- (d) No person shall serve as a member of the Board of Ethics if the person has, or has had within the preceding one (1) year period, any interest in any contract or contracting opportunity with the city or has been employed by the City.
- (e) Members of the Board of Ethics with any permit or rezoning application pending before the city, or any pending or potential litigation against the city or any city official charged in the complaint shall be disqualified from serving on the Board of Ethics for that complaint. An alternate member of the Board of Ethics shall be selected in the same manner as the disqualified individual.
- (f) The members of the Board of Ethics shall serve without compensation. The city council shall provide meeting space for the Board of Ethics and, subject to budgetary procedures and requirements of the City, such supplies and equipment as may be reasonably necessary for the Board to perform its duties and responsibilities.
- (g) No person shall serve on the Board of Ethics who has been convicted of a felony involving moral turpitude in this state or any other state, unless such person's civil rights have been restored and at least ten years have elapsed from the date of the completion of the sentence without a subsequent conviction of another felony involving moral turpitude.
- (h) No person shall serve on the Board of Ethics who is less than 21 years of age, who holds a public elective office, who is physically or mentally

unable to discharge the duties of a member of the Board of Ethics, or who is not qualified to be a registered voter in the City of _____.

- (i) Upon appointment, members of the Board of Ethics shall sign an affidavit attesting to their qualification to serve as a member of the Board of Ethics.
- (j) Members of the Board of Ethics may be removed by majority vote of the city governing authority.

OR

- (j) Members of the Board of Ethics may be removed by majority vote of the city governing authority for cause including, but not limited to, failure to maintain any requirement for qualification to serve on the Board of Ethics.

Sec. ____ RECEIPT OF COMPLAINTS

Select Alternative A, B, C or D or draft another suitable alternative. If Alternative D is chosen, conform the language in the following sections by substituting “municipal court” for “board.”

Alternatives A & B

- (a) All complaints against city officials shall be filed with the Board of Ethics, who may require that oral complaints, and complaints illegibly or informally drawn, be reduced to a memorandum of complaint in such form as may be prescribed by the city council or the Board of Ethics. Upon receipt of a complaint in proper form, the chair of the Board of Ethics shall forward a copy of the complaint to the city official or officials charged in the complaint within no more than seven (7) calendar days.

Alternative C

- (a) All complaints against city officials shall be filed with the city clerk, who will give it to the Mayor and Council. The Mayor and Council may require that oral complaints, and complaints illegibly or informally drawn, be reduced to a memorandum of complaint in such form as may be prescribed by the city council. Upon receipt of a complaint in proper form, the city clerk or the clerk’s designee shall forward a copy of the complaint to the city official or officials charged in the complaint within no more than seven (7) calendar days.

Alternative D

- (a) All complaints against city officials shall be filed with the clerk of the Municipal Court of the City of _____. Upon receipt of a complaint in proper form, the municipal court clerk shall forward a copy of the

complaint to the city official or officials charged in the complaint within no more than seven (7) calendar days.

- (b) All complaints shall be submitted and signed under oath, shall be legibly drawn and shall clearly address matters within the scope of this ordinance.
- (c) Upon receipt of a complaint in proper form, the Board shall review it to determine whether the complaint is unjustified, frivolous, patently unfounded or fails to state facts sufficient to invoke the disciplinary jurisdiction of the City Council. The Board of Ethics is empowered to dismiss in writing complaints that it determines are unjustified, frivolous, patently unfounded or fail to state facts sufficient to invoke the disciplinary jurisdiction of the City Council; provided, however, that a rejection of such complaint by the Board of Ethics shall not deprive the complaining party of any action such party might otherwise have at law or in equity against the city official. For complaints that are not dismissed, the Board of Ethics is empowered to collect evidence and information concerning any complaint and add the findings and results of its investigations to the file containing such complaint.
- (d) Upon completion of its investigation of a complaint, the Board of Ethics is empowered to dismiss in writing those complaints which it determines are unjustified, frivolous, patently unfounded or which fail to state facts sufficient to invoke the disciplinary jurisdiction of the City Council; provided, however, that a rejection of such complaint by the Board of Ethics shall not deprive the complaining party of any action such party might otherwise have at law or in equity against the city official.
- (e) The Board of Ethics is empowered to conduct investigations, to take evidence, and to hold hearings to address the subject matter of a complaint.
- (f) The Board of Ethics is empowered to adopt forms for formal complaints, notices, and any other necessary or desirable documents within its jurisdiction where the city council has not prescribed such forms.
- (g) Findings of the Board of Ethics shall be submitted to the City Council for action.

Some elected officials raised concerns about potential misuse of the ethics complaint process for political purposes. The governing authority may elect to remain silent on this issue and allow local ethics complaints to be filed and processed at any time or the governing authority may consider Alternative A or B below or draft another suitable alternative.

Alternative A

- (h) To discourage the filing of ethics complaints solely for political purposes, complaints will not be accepted against a person seeking election as a city official, whether currently serving as a city official or not, from the date qualifying opens for the elected office at issue through the date the election results for that office are certified. The time for filing complaints will not run during this period. Properly filed complaints will be accepted and processed after the election results have been certified.

Alternative B

- (h) To discourage the filing of ethics complaints solely for political purposes, ethics complaints against a person seeking election as a city official, whether currently serving as a city official or not, which are filed between the date of qualifying for municipal office and the date of certification of the election results will be held and will not be processed until the election results for that office have been certified.

Sec. ____ SERVICE OF COMPLAINT

The city clerk or Board of Ethics as appointed herein set forth shall cause the complaint to be served on the city official charged as soon as practicable but in no event later than seven (7) calendar days after receipt of a proper, verified complaint. Service may be by personal service, by certified mail, return receipt requested or by statutory overnight delivery. A hearing shall be held within sixty (60) calendar days after filing of the complaint. The Board of Ethics shall conduct hearings in accordance with the procedures and regulations it establishes but, in all circumstances, at least one hearing shall include the taking of testimony and the cross-examination of available witnesses. The decision of the Board of Ethics shall be rendered to Mayor and Council within seven (7) calendar days after completion of the final hearing. At any hearing held by the Board of Ethics, the city official who is the subject of inquiry shall have the right to written notice of the hearing and the allegations at least seven (7) calendar days before the first hearing, to be represented by counsel, to hear and examine the evidence and witnesses and, to oppose or try to mitigate the allegations. The city official subject to the inquiry shall have also have the right but not the obligation of submitting evidence and calling witnesses. Failure to comply with any of time deadlines in this section of the ordinance shall not invalidate any otherwise valid complaint or in any way affect the power or jurisdiction of the Board of Ethics or the city council to act upon any complaint.

Sec. ____ RIGHT TO APPEAL

- (a) Any city official or complainant adversely affected by the findings or recommendations of the Board of Ethics may obtain judicial review of such decision as provided in this Section.
- (b) An action for judicial review may be commenced by filing an application for a writ of certiorari in the Superior Court of X County within thirty (30) days after the decision of the Board of Ethics. The filing of such application shall act as supersedeas.

Sec. ____ PENALTY

Any person violating any provision of this article is subject to:

- (a) Public reprimand or censure by the city council; or
- (b) Request for resignation by the city council.”

Section 2.

The sections, subsections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any section, subsection, paragraph, sentence, clause or phrase shall be declared illegal by the valid judgment or decree of any court of competent jurisdiction, such illegality shall not affect any of the remaining section, subsections, paragraphs, sentences, clauses and phrases of this ordinance.

Section 3.

All ordinances and parts of ordinances in conflict herewith are expressly repealed.

Section 4.

The adoption date of this ordinance is _____ and the effective date of this ordinance shall be _____.

ORDAINED this ____ day of _____, _____.

City of _____

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney.