

DIVISION 1. - GENERALLY

Sec. 2-73. - Definitions.

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

City councilmember or member of the governing authority means any person who is an elected official, including the mayor, of the city.

Employee means any person who is a full-time or part-time employee of the city.

Government, governing authority or city means the City of Dahlonega, Georgia, government.

Negligible value means something having a monetary value of not more than \$100.00.

(Ord. No. 2004-3, § 1, 7-12-2004)

Sec. 2-74. - Intent.

It is the intent of this article that city councilmembers and employees avoid any action whether or not specifically prohibited which might result in, or create the appearance of, the following:

- (1) Using public office for private gain;
- (2) Impeding government efficiency or economy; or
- (3) Affecting adversely the confidence of the public in the integrity of the government.

(Ord. No. 2004-3, § 2, 7-12-2004)

Sec. 2-75. - Acceptance of gifts.

- (a) City councilmembers shall not solicit or accept directly or indirectly anything of greater than negligible value from any person, corporation, or group which:
 - (1) Has, or is seeking to obtain contractual or other business or financial relationships with the city;
 - (2) In exchange for the thing of value, seeks to have a councilmember exercise a matter of discretion in his favor;
 - (3) In exchange for the thing of value, seeks to have interests which may be affected by the performance or nonperformance of the official duty of the councilmember.
- (b) This section shall not apply to campaign contributions which shall be reported in accordance with state laws, and for the purposes of this section, incidental acceptance of gifts without evidence of unethical intent in amounts not exceeding \$100.00 in value shall be deemed excluded from the

activity proscribed in this section.

(Ord. No. 2004-3, § 3, 7-12-2004)

Sec. 2-76. - Financial interests of councilmembers.

(a) City councilmembers may not:

- (1) Have direct or indirect financial interests that conflict substantially with their responsibilities and duties as government servants; or
- (2) Engage in, directly or indirectly, financial transactions as a result of, or primarily relying upon, information obtained from their office. Aside from these restrictions, city councilmembers are free to engage in lawful financial transactions to the same extent as private citizens.

(b) The term "interest" means any direct pecuniary benefit, which is not a remote interest held by or accruing to a member of the city council as a result of a contract or transaction that is or may be the subject of an official act or action by or with the city. A member of the city council shall be deemed to have an interest in transactions involving:

- (1) Any person in the member's immediate family;
- (2) Any person with whom a contractual relationship exists whereby the member may receive any payment or other benefits unless the member is receiving a benefit for goods or services in the normal course of business for which the member has paid a commercially reasonable rate;
- (3) Any business in which the member is a director, officer, employee, agent, or shareholder, except as otherwise provided herein; or
- (4) Any person of whom the member is a creditor, whether secured or unsecured.

(Ord. No. 2004-3, § 4, 7-12-2004)

Sec. 2-77. - Use of public property.

A city councilmember shall not use government property of any kind for other than officially approved activities, nor shall he direct employees to use such property for these purposes.

(Ord. No. 2004-3, § 5, 7-12-2004)

Sec. 2-78. - Use of confidential information.

A city councilmember shall not directly or indirectly make use of, or permit others to make use of, for the purpose of furthering a private interest, official information not made available to the general public.

(Ord. No. 2004-3, § 6, 7-12-2004)

Sec. 2-79. - Coercion by councilmembers.

A city councilmember shall not use his position in any way to coerce, or give the appearance of coercing, another person to provide any financial benefit to him or persons within his immediate family, or those with whom a councilmember has business or financial ties.

(Ord. No. 2004-3, § 7, 7-12-2004)

Sec. 2-80. - Voting in matters of personal interest.

A city councilmember shall not vote on an ordinance or amendment in a city council meeting that would directly affect his private business.

(Ord. No. 2004-3, § 8, 7-12-2004)

Sec. 2-81. - Disqualification.

A member of the city council shall disqualify himself from participating in any official act or action of the city which results in a pecuniary benefit to the member or a business or activity in which he has an interest, when such benefit is not available to the public at large.

(Ord. No. 2004-3, § 9, 7-12-2004)

Sec. 2-82. - Disclosure of conflicts of interest.

A city councilmember shall disclose the nature of any interest he has at the time such matter is presented to the mayor and council for discussion. Such written or verbal statements shall be recorded into the minutes of the meeting and thus become part of the public record. Following any disclosure made pursuant to this section, the member shall refrain from all ex parte communications with other members regarding the application in which he has an interest.

(Ord. No. 2004-3, § 10, 7-12-2004)

State Law reference— Conflicts of interest, O.C.G.A. § 45-10-20 et seq.

Sec. 2-83. - Prohibited contracts.

The city shall not enter into any contract involving services or property with a member of the city council or with a business in which a member of the city council has an interest. This section shall not apply in the case of:

(1) The designation of a bank or trust company as a depository for city funds;

(2)

The borrowing of funds from any bank or lending institution which offers the lowest available rate of interest in the community for such loan;

- (3) Contracts entered into in accordance with the O.C.G.A. § 16-10-6;
- (4) Contracts entered into under circumstances that constitute an emergency situation, provided that the mayor prepares a written record explaining the emergency;
- (5) Contracts entered into with a member of the city council, or with a business in which a member of the city council has an interest, provided that such contract is the result of a competitive bid, disclosure of the nature of such member's interest is made prior to the time any bid is submitted, and a waiver of the prohibition contemplated by this section is issued by the city manager or his designee following disclosure.

(Ord. No. 2004-3, § 11, 7-12-2004)

Sec. 2-84. - Unauthorized purchases.

A city councilmember shall not order any goods and services for the city without prior official authorization for such an expenditure.

(Ord. No. 2004-3, § 12, 7-12-2004)

Sec. 2-85. - Meetings of the council.

Meetings of the council shall be conducted in accordance with O.C.G.A. title 50, ch. 14 (O.C.G.A. § 50-14-1 et seq.).

(Ord. No. 2004-3, § 13, 7-12-2004)

Sec. 2-86. - City attorney used for private business.

A city councilmember shall not use the city attorney without paying just compensation.

(Ord. No. 2004-3, § 14, 7-12-2004)

Sec. 2-87. - Unauthorized use of public employees.

A city councilmember shall not use his superior position to request or require an employee to:

- (1) Do clerical work on behalf of his family, business, social, church or fraternal interests;
- (2) Purchase goods and services to be used for personal, business, or political purposes; and
- (3) Work for him personally without offering just compensation.

(Ord. No. 2004-3, § 15, 7-12-2004)

Sec. 2-88. - Travel expenses.

A city councilmember shall not draw per diem or expense monies from the city to attend a seminar, convention, or conference and then fail to attend the seminar, convention, or conference without refunding the pro rata unused per diem or expense monies to the city except for illness or other circumstances in which the demanding of a refund would be unjust.

(Ord. No. 2004-3, § 16, 7-12-2004)

Sec. 2-89. - Penalties.

The standards of ethics to be observed by city councilmembers are set forth in this article, and any violation thereof shall subject the offender to disciplinary action which may include a penalty in the nature of a warning imposed by the grievance committee council, and if determined by the city council to require a penalty greater than a warning, then penalties available shall be censure or public or private reprimand. Power to administer a greater punishment shall include power to administer the lesser.

(Ord. No. 2004-3, § 17, 7-12-2004)

Secs. 2-90—2-106. - Reserved.