

DIVISION 2. - CODE OF ETHICS

FOOTNOTE(S):

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State Law reference— Code of ethics for government services, O.C.G.A. § 45-10-1; code of ethics for members of boards, commissions and authorities, O.C.G.A. § 45-10-3; Public Employee Hazardous Chemical Protection and Right to Know Act of 1988, O.C.G.A. § 45-22-1 et seq.; municipal or county governments not to require residence as condition of employment, O.C.G.A. § 45-2-5; Drug-Free Public Work Force Act of 1990, O.C.G.A. § 45-23-1 et seq.; random drug testing of state employees in high-risk jobs, O.C.G.A. § 45-20-90 et seq.; Fair Employment Practices Act of 1978, O.C.G.A. § 45-19-20 et seq.; personal liability of councilmembers and other municipal officers, O.C.G.A. § 36-33-4; power to define, regulate and alter the powers, duties, qualifications, compensation and tenure of municipal officers, agents and employees, O.C.G.A. § 36-34-2(2). ([Back](#))

Sec. 2-76. - Adoption.

There is established for and within the city a code of ethics for officers and employees which shall read as set out in this division. Any person in the service and employ of the city should:

- (1) Put loyalty to the highest moral principles and to the country above loyalty to persons, party or government departments.
- (2) Uphold the constitution, laws and regulations of the United States and the state and the ordinances of the city and never be a party to their evasion.
- (3) Give a full day's labor for a full day's pay and give to the performance of his duties his earnest effort and best thought.
- (4) Seek to find and employ more efficient and economical ways of getting tasks accomplished.
- (5) Never discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not, and never accept for himself or his family, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of his governmental duties.
- (6) Make no private promises of any kind binding upon the duties of office, since a government employee has no private word which can be binding on public duty.
- (7) Engage in no business with the government, either directly or indirectly, which is inconsistent with the conscientious performance of his governmental duties.
- (8) Never use any information coming to him confidentially in the performance of governmental duties as a means for making private profit.
- (9) Expose corruption wherever discovered.
- (10) Uphold these principles, ever conscious that public office is a public trust.

(Code 1968, § 2-5(a))

Sec. 2-77. - Restrictions on political activities by officers and employees.

(a) An officer or employee of the city shall not:

- (1) Hold any elective or appointed public office, regardless of whether remuneration is attached, which conflicts (or gives the appearance of a conflict) with his efficiency or the integrity of the city.

- (2) Engage in the performance of duties of any elective or appointed public office during assigned duty hours of city employment, except with the express prior approval of the board of commissioners.
 - (3) Direct, manage, control or participate in a political campaign during assigned duty hours of city employment.
 - (4) Seek, use or attempt to use any political endorsement to secure for himself or any other person an appointment, promotion, increase in pay or any other advantage in employment with city.
 - (5) Use or promise to use, directly or indirectly, any official authority or influence, whether possessed or anticipated, to influence the political action of any other person or to affect the results of a nomination, campaign or election to any public office.
 - (6) Directly or indirectly coerce, command or advise any employee of the city to pay, lend or otherwise contribute anything of value to any person, party, committee, organization or agency for political purposes.
 - (7) Engage in any political activity in violation of federal or state law.
 - (8) Endorse or oppose a candidate for public office in any election or a candidate for political party office in a political advertisement, broadcast, campaign literature or similar material.
- (b) An officer or employee, acting in his capacity as a private citizen, may:
- (1) Register and vote in any election.
 - (2) Promote and encourage other persons to exercise their right to vote.
 - (3) Express a personal opinion privately and publicly on political candidates and issues.
 - (4) Participate in nonpartisan activities of a civic, community, social, professional, employee or similar organization.
 - (5) Display bumper stickers, badges or political posters so long as such display is not under color of office or position.
 - (6) Be a member of a political party or other political organization and participate in its activities to the extent permitted by federal and state law.
 - (7) Attend partisan and nonpartisan political meetings and rallies as a spectator.
 - (8) Sign a petition for specific legislative action or to place a candidate's name on an election ballot.
 - (9) Be active in connection with a question which is not specifically identified with a political party.
 - (10) Serve as a nonpartisan worker at the polls in an election.
 - (11) Write a personal letter to a newspaper or other publication expressing a personal view on public issues or a preference for a specific political candidate.
 - (12) Participate fully in public affairs in any manner which does not materially compromise his efficiency or integrity as an employee, or the neutrality, efficiency or integrity of the city.
- (c) This division shall not apply to any elected member of the board of commissioners of the city.
- (Code 1968, § 2-5(b))

Sec. 2-78. - Conflicts of interest by officers and employees.

- (a) No officer or employee of the city shall contract to buy from or sell to the city any real or personal property, goods or services, or a combination thereof, when such purchase or sale would benefit or be likely to benefit such officer or employee, except after competitive bid thereon.
- (b) No officer or employee of the city shall act as a dealer, agent or broker or in any other manner in connection with the sale of goods or services, or both, to the city, unless such person operates a

regularly established business enterprise which, when selling such goods or services, or both, to the city, meets all legal requirements relative to the submission of competitive bids.

- (c) No officer or employee in the discharge of his public function shall act upon any measure relating to a specific transaction which directly and immediately affects his pecuniary interest.
- (d) In any matters where a public officer or employee deems himself to have a pecuniary interest in the specific transaction, he shall make such public disclosure as may be appropriate and recuse himself from presiding over, deliberating or voting upon the matter.
- (e) This division, any disclosures made under this division or recusals required by this division, shall be supplemented to all statutory disclosure and/or disqualification requirements under federal or state law.

(Code 1968, § 2-5(c))

Sec. 2-79. - Penalties for violating provisions of this division.

- (a) Any officer or employee who willfully violates any part of section 2-78 shall be tried in the municipal court of the city, and, upon conviction, shall be punished as provided in section 1-12
- (b) In addition thereto, upon conviction for an intentional violation of section 2-78, the officer or employee shall be immediately terminated from office or employment with the city and forever barred from future employment therewith.
- (c) Any officer or employee who violates any part of section 2-76, 2-77 or 2-78, but who commits such violation without willful intent, shall be notified in writing of the alleged violation and disciplined according to the severity of the violation, including termination from office of employment. Any employee so aggrieved shall have the opportunity for hearing in accordance with the personnel grievance procedure of the city.

(Code 1968, § 2-5(d))

Sec. 2-80. - Leave of absence for officers and employees campaigning for public office or engaged in political activities.

- (a) Officers and employees of the city are not required to take a leave of absence without pay upon qualifying for elective public office; provided, however, that all officers and employees are subject to the restrictions on political activity set forth in section 2-77
- (b) The city has no policy on political leaves of absence for its officers and employees. Personnel are expected to fulfill their assigned job descriptions by devoting to the city their full attention and energies. Any officer or employee requesting a leave of absence without pay shall be afforded the same consideration afforded employees seeking leave for other purposes.

(Code 1968, § 2-5(e))

Secs. 2-81—2-95. - Reserved.