

Sec. 2-106. - Code of ethics ordinance for City of Savannah elected officials.

2-106-1. *Declaration of Policy.* City of Savannah government elected officials are hereby required to demonstrate integrity, honesty, and impartiality in their conduct as elected officials. This Code of Ethics establishes the responsibilities and duties of elected officials in that:

1. Elected officials will be independent, impartial, and responsible to the people;
2. That governmental decisions and policy be made in proper channels of the governmental structure;
3. That public office not be used for personal gain;
4. That the public have confidence in the integrity of its government.

2-106-2 *Statement of Purpose.* This ordinance is intended to ensure that elected officials:

- \* Serve others, not themselves;
- \* Use resources with efficiency and economy;
- \* Treat all people fairly;
- \* Use the power of our position for the wellbeing of our constituents;
- \* Create an environment of honesty, openness, and integrity.

2-106-3 *Definitions.*

- \* *Elected Official* shall mean the Mayor and Aldermen of the City of Savannah.
- \* *Immediate Family* shall mean the spouse, mother, father, brother, sister, son, or daughter of any elected officials.
- \* *Board* shall mean the Board of Ethics as established by this Ordinance.
- \* *Censure* shall mean a public expression of severe criticism or reproach by the Mayor and Aldermen.
- \* *Interest* shall be:
  - \* *Remote interest* shall mean an interest of a person or entity, including an elected official, who would be affected in the same way as the general public. The interest of an elected official in the property tax rate, general city fees, city utility charges, or a comprehensive zoning ordinance or similar decisions is incidental to the extent that the elected official would be affected in common with the general public.
  - \* *Incidental interest* shall mean an interest in a person, entity or property which is not a substantial interest and which has insignificant value.
  - \* *Substantial interest* shall mean a known interest, either directly or through a member of the immediate family, in another person or entity.
- \* *Entity* shall mean a sole proprietorship, partnership, limited partnership, firm, corporation, professional corporation, holding company, joint stock company, receivership, trust or any other entity recognized by law through which business may be conducted.
- \* *Gratuity* shall mean any benefit or thing or act of value which is conveyed to or performed for the benefit of an elected official, including any advance, award, contract, contribution, deposit, employment, favor, forbearance, gift, gratuity, honorarium, loan, payment, service, subscription, or the promise that any of these things or acts of value will be conferred in the future, if such thing or

act of value is conferred or performed without the lawful exchange of consideration which is at least equal in value to the thing or act conferred or performed.

\* The definition of "gratuity" shall not include

- i. Nominal gifts or other tokens of recognition or appreciation presented to elected officials acting in their official capacity.
- ii. Reasonable meals or refreshments furnished in connection with an elected official's appearance in an official capacity at a public, civic, charitable or nonprofit ceremony or event whether the sponsor of the event does or does not do business with the City.
- iii. Reimbursements of reasonable expenses, including travel, meals, and lodging, provided to an elected official in connection with their duties as an elected official at speaking engagements, participation on professional or civic panels, teaching, or attendance at conferences in an official capacity.
- iv. Normal salary or employee benefits provided to elected officials.
- v. Commercially reasonable loans made in the ordinary course of the lender's business in accordance with prevailing rates and terms, and which do not discriminate against or in favor of an elected official because of such individual's status.

\* *Reprimand* shall mean an expression of disapproval, either public or private, by the Mayor and Aldermen.

2-106-4 *Applicability.* The provisions of this Code of Ethics Ordinance shall be applicable to the Mayor and Aldermen of the City of Savannah, as elected officials.

2-106-5 *Duties.* Any and all elected officials shall have a general duty to report any ethical violations of this Ordinance of which they have knowledge. Any person may report a violation of this Ordinance to the Clerk of Council whose specific official duties shall include the receipt of such reports. The Clerk shall then convey a complaint to the Mayor and Aldermen and to the Chairman, and members of the Board of Ethics.

2-106-6 *Conflicts of Interest and Prohibitions.* It shall be construed as a conflict of interest if an elected official of the City of Savannah commits the following:

\* Except as otherwise permitted under applicable federal, state and city laws and policies, including the City's procurement policies, no elected official shall have a personal interest in any official action. If a law or policy permits an elected official to have such an interest, in seeking the opportunity to further that interest, or in furthering the interest if the opportunity is obtained, the elected official who has the interest shall comply fully with all procedures required under the applicable laws or policies, and shall not, under any circumstances, gain or attempt to gain any advantage by virtue of being in a public position.

\* No elected official shall accept or receive, directly or indirectly, from any person, including one whose identity is unknown to the elected official, any personal benefit under circumstances in which it can reasonably be inferred that the benefit is intended to influence the elected official in the performance or nonperformance of any official duty or as a reward for any official action of the elected official.

\* No person, including any vendor, contractor, business, or board of the City, shall offer or give any personal benefit to any elected official or any partner-in-interest of the elected official.

\* No elected official nor partner in interest of that elected official shall solicit from any person, directly or indirectly, any personal benefit, regardless of value or the promise of receiving a personal benefit in the future, for the elected official.

\* No current or former elected official shall intentionally use or disclose information gained in the course of, or by reason of, his or her official position or activities in any way that could result in the

receipt of any personal benefit for the elected official, for a partner in interest of that elected official, or for any other person, if the information is not public information or if the elected official has not been authorized to communicate it to the public. This provision shall not:

- a) Prohibit the disclosure of any such information to incumbent elected officials to whose duties the information may be pertinent; or
- b) Prevent any elected official from reporting violations of this Ordinance or other illegal acts to the proper authorities; or
- c) Prohibit the disclosure of any such information the disclosure of which is required by law.

\* No elected official shall use or attempt to use their official positions improperly to unreasonably request, grant, or obtain in any manner any unlawful or unwarranted privileges, advantages, benefits or exemptions for themselves, or others, and no elected official shall use, or attempt to use, their positions to avoid the consequences of illegal acts for any person; nothing in this provision shall be construed to prohibit or discourage any elected official from performing any official duty or action zealously and enthusiastically.

\* No elected official shall use his/her position to request or require a City of Savannah employee to:

- a) Do clerical work on behalf of the elected official's immediate family, business, social, church or fraternal interest when such work is not furthering a City interest;
- b) Perform any work outside the employee's normal course of municipal employment;
- c) Purchase goods or services to be used for personal, business, or political purposes; and
- d) Work for the elected official personally [without paying the employee just compensation].

\* No elected official shall use government property of any kind for other than officially approved activities, nor shall he/she direct employees to use such property for any purposes other than those officially approved.

\* No elected official shall use his/her position in any way to coerce, or give the appearance of coercing, another person to provide any financial benefit to himself/herself or persons having an interest.

\* No elected official shall accept any employment, nor enter into any contract, nor perform any service for compensation that results in a financial conflict of interest or a conflict of loyalties which would affect the performance of the elected official's official duties.

Prohibition of this section shall not apply in the case of:

- a) An occasional non-pecuniary gift of insignificant value;
- b) An award publicly presented in recognition of public service;
- c) A commercially reasonable loan or other financial transaction made in the ordinary course of business by an institution or individual authorized by the laws of Georgia to engage in the making of such a loan or financial transaction;
- d) Campaign contributions made and reported in accordance with Georgia law.

Prohibition of this section shall not apply to an elected official who is a licensed professional and appears on behalf of any applicant in such professional capacity so long as disclosures are made prior to any action being taken, and the elected official is associated with the project at the time the initial application is filed.

\* The City shall not enter into any contract involving services or property with an elected official of the City of Savannah or with a business in which the elected official has an interest. This section shall not apply in the case of:

- a) The designation of a bank or trust company as a depository for City funds;
- b) The borrowing of funds from any bank or lending institution which offers the lowest available rate of interest in the community for such loan;
- c) Contracts entered into in accordance with the Official Code of Georgia Annotated, Section 16-10-6, and the Purchasing regulations of the City of Savannah.
- d) Contracts entered into with an elected official or with a business in which the elected official has an interest, provided that such contract is the result of a competitive bid, disclosure of the nature of the elected official'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 following disclosure.

2-106-8 *Restrictions on Contracts with Former Elected Officials of the City of Savannah.* The City shall not enter into any contract with any person or business represented by such person, who has been within the preceding twelve-month period an elected official of the City of Savannah, unless the contract is awarded by a competitive bid or a Request for Proposal process in accordance with City of Savannah purchasing regulations.

2-106-9 *Disclosure of Conflict of Interest or Potential Conflict of Interest.* An elected official of the City of Savannah who has an interest that he/she has reason to believe may be affected by his/her official actions or by the official acts or actions of the City of Savannah shall disclose the precise nature of such interest by written or verbal statement prior to the City of Savannah taking official action on a matter affecting such interest and abstain from discussion and voting. An elected official of the City of Savannah shall disclose the nature of any interest he/she has at the time such matter is presented to the Mayor and Aldermen 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 elected official shall refrain from all ex-parte communications with other Council members regarding the application in which he/she has an interest.

2-106-10 *Disqualification.* An elected official of the City of Savannah shall disqualify himself/herself from participating in any official act or action of the City which results in a pecuniary benefit to the elected official or a business or activity in which he/she has an interest, when such benefit is not available to the public at large.

2-106-11 *Board of Ethics.* A Board of Ethics will be established to hear and conduct review of complaints filed against elected officials of the City of Savannah, if such complaints involve impropriety of elected officials and violation of the provisions of this Ethics Ordinance, and if such violations affect the elected official's ability to carry out his/her official duties. The members shall be known for their personal integrity

\* *Board Membership:* Membership requirements are:

- a) The Mayor and Aldermen shall appoint a Board of Ethics consisting of three members. The Mayor shall appoint one (1) member; the Aldermen shall appoint one (1) member; and the Mayor and Aldermen shall together appoint one (1) member who shall be an attorney in good standing with the State Bar of Georgia.
- b) Board members shall be residents of the City, shall be fully reflective of City residents, and shall not hold an elected public office nor any other City office or employment.
- c) Board members shall serve for four-year terms.
- d) Board members shall serve without compensation.
- e) Board members shall select their own chairman from the three (3) appointed members.

- f) Board members shall be prohibited from engaging in city election, political activities and from making campaign contributions to candidates in city elections during their terms as board members.

\* *Duties of the Board:*

- a) Follow written rules governing its procedures that are established by the City Attorney.
- b) Administer oaths.
- c) Conduct hearings as needed to hear and decide specific cases in which a violation of this Ordinance is alleged.
- d) When it deems appropriate, request the City Attorney for assistance in the production of documents and witnesses to assist the Board in the conduct of any investigation.

2-106-12 *Complaints and Reporting Violations.*

\* Any person having a complaint against an elected official must file the complaint in writing to the Clerk of Council, who shall acknowledge receipt of the complaint and then forward the complaint simultaneously to the Chairman of the Board of Ethics, the Mayor and Aldermen, the person who is complained against, and the City Attorney. The written complaint shall contain the following information:

- a) The name and address of the person or persons who filed the complaint.
- b) The sworn verification and signature of the complainant.
- c) The name and address of the party or parties against whom the complaint is filed.
- d) A clear and concise statement of acts upon which the complaint is based along with an allegation that such facts constitute one or more violations of the provisions enumerated in the City of Savannah's Code of Ethics.
- e) Any further information which might support the allegations in the complaint including, but not limited to, the following:
  - i. The name and address of all other persons who have firsthand knowledge of the facts alleged in the complaint; and
  - ii. Any documentary evidence that supports the facts alleged in the complaint.

\* The Board shall review the complaint to determine whether the complaint is unjustified, frivolous, patently unfounded or fails to state facts sufficient to invoke the disciplinary action or is to be considered for further investigation. The Board shall be empowered to collect information concerning any complaint and to add the findings and results of its investigations to the file containing such complaint.

\* The Board shall be empowered to dismiss those complaints which are unjustified, frivolous, patently unfounded or which fail to state facts sufficient to invoke the disciplinary jurisdiction of the elected official; provided, however, that a rejection of such complaint by the Ethics Board shall not deprive the complaining party of any action he or she might otherwise have at law or in equity against the elected official.

\* At the conclusion of proceedings concerning an alleged violation, the Board shall determine by a majority vote of the members whether there has been a violation of this ordinance.

2-106-13 *Protection for Reporting Violations.*

\* No elected official shall use or threaten to use any official authority or influence to discourage, restrain or interfere with any other person for the purpose of preventing such person from acting in good faith to report or otherwise bring to the attention of the Board of Ethics information relating to an ethics violation or investigation. No elected official shall use or threaten to use any official authority or

influence to effect any action as a reprisal against anyone who reports, initiates a complaint, or otherwise brings to the attention of the Board of Ethics information relating to a board investigation or an ethics violation.

2-106-14 *Service of Complaint: Hearings and Disposition of Complaints.*

\* The Board of Ethics as appointed herein set forth shall cause the complaint to be served on the elected official of the City of Savannah charged as soon as practicable. Service may be personal service or by certified mail, return receipt requested.

\* Within 30 days of the receipt of the complaint the Board shall meet and conduct a hearing concerning the complaint in accordance with the procedures established by the City Attorney.

\* Within 60 days of the receipt of the complaint the Board shall submit its report and findings to the Mayor and Aldermen.

\* The Board's report and findings, upon being completed, shall be rendered immediately to the Mayor and Aldermen.

2-106-15 *Ex Parte Communications.* After a complaint has been filed and during the pendency of a complaint before the Board, no member of the Board may communicate directly or indirectly with any party or other person about any issue of fact or law regarding the complaint, except that

\* The members of the Board may obtain legal advice from the City Attorney;

\* The members of the Board may discuss the complaint at a lawfully conducted meeting.

2-106-16 *Penalties and Rights.*

\* Any elected official of the City who knowingly violates any provision of the Code of Ethics provided in this Ordinance shall be subject to public reprimand or censure by majority vote of the Mayor and Aldermen.

\* At any hearing held by the Board of Ethics, the elected official of the City who is the subject of inquiry shall have the right to written notice of the allegations at least 10 business days before a hearing, to be represented by an attorney, to hear and examine the evidence and witnesses, and to present evidence and witnesses in opposition or in extenuation.

\* Any final decision of the Mayor and Aldermen pursuant to this Code of Ethics shall be reviewable by the appropriate court in Chatham County.

2-106-17 *Liberal Construction of Ordinance.* The provisions of this Ordinance are to be construed liberally, to the end that the public interest be fully protected, and shall be construed in a manner consistent with all applicable federal and state laws and applicable provisions of the City Charter. In the event of a conflict between any provision of this Ordinance and any applicable federal, state or City Charter provision which does not expressly provide otherwise, the federal, state, or City Charter provision shall control. To the extent permitted by law, all ordinances, resolutions, or rules, and parts of ordinances, resolutions or rules inconsistent with this Ordinance are hereby repealed.

2-106-18 *Severability.* If any provision of this Ordinance is held by any court or by any federal or state agency of competent jurisdiction to be invalid as conflicting with any federal, state or city charter provision now or hereafter in effect, or is held by such court or agency to be modified in any way in order to conform to the requirements of any such provision, the conflicting provision of this Ordinance shall be considered a separate, distinct and independent part of this Ordinance, and such holding shall not affect the validity and enforceability of this Ordinance as a whole, or any part other than the part declared to be invalid.

2-106-19 *Effective Date.* This Ordinance shall be effective on the 28th day of April, 2005.

(Ord. of 4-28-2005)