



THE CITY OF
EAST POINT *Georgia*

Ethics Handbook

Mayor

Earnestine Pittman

Council Members

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Table of Contents

Foreword	3
Statement of Purpose	4
The Ethics Board	
Board Selection	5
Board Duties	6
Board Power	6
Ethics Policy Highlights	
Conflicts of Interest and Personal Benefits	7
Public Contracts	8
Other Employment and Outside Activities	8
Other Abuses or Misuses of Position	9
Filing a Complaint	
Procedures for Hearing Complaints	11
Sample Complaint Form	13
Complaint Checklist	15

Foreword

An ethics task force was appointed by the Georgia Municipal Association (GMA) in 1998 to address concerns over a lack of confidence in public officials. This task force was made up of individuals from a variety of backgrounds. The GMA produced the document, the “*Model Code of Ethics for Georgia City Officials*”. It was published in September 1999. Then the GMA started the Certified Cities of Ethics program.

The City of East Point has been an active member in the Certified City of Ethics program for many years. The city has adopted an Ethics Policy and special procedures that offer guidance on ethical issues. There is also a method to settle complaints. Additionally, the City Council has worked to educate and raise awareness about ethics issues at the local level in hopes of stopping ethics violations from happening. In the event that a citizen or employee believes a violation has taken place, they can raise their concerns and participate in an ethics investigation process at the local level, where the voice and influence of the individual citizen is strongest.

The City of East Point has adopted five basic principles to govern the conduct of city officials and employees.

They are:

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

This handbook is but one of the vehicles that the City of East Point is using to continually strive to remain a City of Ethics.

Statement of Purpose

The purpose of the City of East Point Ethics Handbook is to provide education, guidance, and counseling regarding ethical behavior for the City Council, employees and citizens. The City of East Point is required to provide these services under its charter found in the Ethics Policy. These efforts are necessary to promote confidence in the integrity of the operations and programs conducted by the City of East Point.

The Ethics Board

Who serves on the Ethics Board?

The Ethics Board is made up of volunteer citizens appointed by each City Council member and the Mayor. Each City Council member and the Mayor appoint one person to serve on the Board. The appointees serve on the Board for the same term of the appointing Council member or Mayor who appointed them.

I. BOARD SELECTION (2-4018).

- a) There is created a Board of Ethics consisting of nine volunteer residences of the city.
- b) Board members cannot be on any other city boards, commissions, or in positions of authority.
- c) If someone who was a city official wants to be on the Board they have to wait a year before they are allowed.
- d) The mayor and each councilmember will appoint one member to the Board of Ethics. To qualify, a person has to have lived in the city for at least one year. They must continue to live in the city to serve on the Board.
- e) Board members' terms are the same as the person who appointed them.
- f) Someone on the Board will be chosen to be the Chairperson. A Vice-Chair will also be selected.
- g) The City Council gives the Board power by setting the policy and duties. The Council also provides staff support, for example, a clerk and legal counsel.

Current Board Members

Carson D. Cochran
Cynthia Roseberry
David Duley
C. Ann Douglas
Nathaniel Davis
Louise Trice
Michelle Thompson
Delores Harmon



II. Board Duties (2-4019)

1. The Ethics Board will hold regular and special meetings. Regular meetings are held on the 2nd and 4th Tuesday night of every month.
2. The Ethics Board will review all complaints submitted to the Board and conduct hearings as needed.
3. The Ethics Board must submit a report to the City Council every year. The report will have a summary of decisions and opinions. All the opinions of the board are filed with the City Clerk. The public can get copies of these. There may be a cost for copies. The report will also contain suggestions to make the Ethics Policy better. Making the Ethics policy better will improve the working environment of public servants.
4. The Ethics Board will review how they perform their duties. Everyone is invited to attend these meetings and make comments.
5. The public will have access to all the forms. There may be a cost to make copies in the City Clerk's office
6. The Board will ask the City Attorney to help get papers and/or witnesses when they need more information.
7. The Ethics Board will make an education plan. The plan will teach citizens and public servants about their rights, duties, and responsibilities.
8. The Ethics Board will publish an Ethics Handbook. The handbook will be given to all city offices and employees. The handbook will be available to all public servants and citizens.
9. The Board will have a workshop every year. The workshop will help new and old members of the Board be better at what they need to do.



III. Board Power (2-4019)



- 1) To make the Ethics Policy better, the Ethics Board can have hearings to get information from the public, employees, and other people. This information will be used to improve the city's ethic policies and practices. The Ethics Board can get information about complaints if they need to.
- 2) The Ethics Board can respond to requests for opinions about ethics issues. The opinions that are legal for the Board to give will be published for the public. The Ethics Board will also publish special reports and recommendations that will help make the Ethics Policy better.

Ethics Policy Highlights

NOTE: The following HIGHLIGHTS are a paraphrased summary of selected sections of the City of East Point Ethics Policy. They are for guidance purposes only. You will not find all the parts of the Ethics Policy in this Handbook. If you have any specific questions, or need more information please read the Ethics Policy. It is important for you to understand these rules of conduct. You should ask questions if you don't understand any of this handbook, or at any time you are faced with an ethical issue. When in doubt, ask!



These sections of the Ethics Policy tell about what a person can accept if they are a representative of the city. These include money, travel, contracts and even information. Before you accept anything as a city representative be sure to ask yourself, “Am I getting something that might influence how I perform my job”?

IV. CONFLICT OF INTEREST AND PERSONAL BENEFITS (2-4007)

- 1) A public servant (anyone who acts on behalf of the city):
 - a) May not have any benefit from the official business of the city. There are some cases where the law allows a limited benefit. These are outlined in the full Ethics Policy.
 - b) You are not allowed to accept a gift if it could influence the way you perform your job.
 - c) Don't ask for a benefit, regardless of its value;
 - d) If you know something about city business that you could use to make a profit, it is not ethical for you to use that information.
- 2) If you travel for your job it must be directly related to what you do
 - a) There is a limit to the amount that you can spend when you travel. You must stay within travel budgets or risk not being reimbursed. If you are not sure what your travel limits are, be sure to find out before you go.
 - b) If the city pays for you to attend training you have to attend. Remember it is work, not a vacation. You may choose to stay longer to sightsee, but you must pay for anything not related to your job yourself.
 - c) Vendors or others that want to do business with or have interests in the city are not allowed to give you gifts or money. There are some exceptions to this rule. These exceptions are in the Ethics Policy (2-4003). **Here are few important ones that stand out.**
 - i) Reported campaign contributions;
 - ii) Speaking engagements (not to exceed \$50.00);
 - iii) Gifts by other public servants in their official roles;
 - iv) Unsolicited benefits (up to \$300.00/yr) from anyone with no strings attached.

V. PUBLIC CONTRACTS (2-4011)

- 1) You must tell if you have any personal interest in a business that is being considered for a contract with the city before any of the following steps take place:
 - (1) Solicitation;
 - (2) Bidding;
 - (3) Negotiation;
 - (4) Approval.

**A good rule of thumb to follow is to “avoid the appearance of a conflict of interest”.
When in doubt, seek answers from the City Manager’s Office.**

For example, consider how your actions affect:

- *close relatives;*
- *future/former employers;*
- *outside associations in which you are active or a principal;*
- *your spouse's or child's employer, etc.*

If you are faced with this situation and are unsure of what to do, stop work on that matter until you have been properly informed.

VI. OTHER EMPLOYMENT AND OUTSIDE ACTIVITIES (2-4013 and 2-4017)

- a) Generally, you cannot be paid for any work that causes a conflict that would affect the performance of your official duties for the city.
- b) Specifically, you cannot accept additional employment unless you have written approval from your supervisor. The outside employment must not hinder or be related to your job with the city. If you are a manager or supervisor, you must let the City Manager know about your extra job.
- c) An additional job may include:
 - i) A part-time job;
 - ii) self employment.
- d) If you are a former employee of the city, you must also follow some guidelines that apply to your situation before accepting employment. This information is found in section 2-4017 in the Ethics Policy.
- e) In some instances here are some guidelines to follow:
 - i) You may have to wait 12 months to conduct business with the city;
 - ii) Other restrictions on actions that are in conflict with decisions made while acting in official capacity;
 - iii) Misrepresentation of former employment.

In a nutshell, the Ethics Policy provides certain guidance for individuals who may be thinking about leaving their current job or pursuing additional income. If you're seeking employment with a person or company, or have an arrangement concerning future employment with them, you cannot participate in any matter involving that person or company as part of your official duties with the City of East Point, if their financial interests could be affected by the performance of your duties.

VII. OTHER ABUSES OR MISUSES OF POSITION (2-4014)

There may be things that you might do that may not seem to hurt anyone or anything. But before you do something that is not directly related to your position with the city, think to yourself, “Would I feel comfortable doing what I’m doing if someone were watching. Remember they very might well be.



Some examples:

- Making copies for a community event;
- Browsing the Internet during work hours;
- Using the telephone excessively for personal business;
- Clocking in for a fellow employee.

Public servants must act in ways that are seen by the public to be in the best interest of the city and its citizens. This section outlines what are suitable behaviors related to position and/or materials.

Just like the other parts of this handbook, a benefit is something that is gained by individuals or close relatives, future or former employers, or outside associations in which you (the public official) are involved.

1) Public servants must:

- a) Hold only one office or position in other governmental bodies, unless the second position is compatible with the first;
- b) Not mislead by promising things that are beyond the individual’s control;
- c) Not represent a personal opinion as an official one;
- d) Not use their position for illegal gain or avoid consequences of illegal gain;
- e) Not waste city resources or materials;
- f) Avoid participation in votes when serving on boards or other bodies that could lead to personal benefit;
- g) Refrain from using position to affect personnel matters for personal benefit;
- h) Disclose relationships where they exist before hiring or promoting.
(The mayor and council must review all personnel matters of this nature);
- i) Report possible future employment with companies doing business with the city;

- j) Abstain from representing personal interest items or appeals before the governmental bodies except when allowed by law;
- k) Not get paid extra to represent someone in official matters outside the scope of carrying out his or her official duties.

When in doubt, it is best to keep business and personal matters separate, especially in areas where the individual or other associates would benefit.

Filing a Complaint

VIII. Procedures for Hearing Complaints (2-4022)

1. Any person may make a complaint if they think someone has not followed the rules of the Ethics Policy.
2. The complaint must be in writing and signed by the person making the complaint.
3. The complaint must be notarized.
4. The complaint must be given to the City Clerk's office.
5. The Ethics Board will get the complaint at the next regular meeting.
6. The person who makes the complaint will be told when the Ethics Board receives the Complaint. The person will receive a letter in 10 days after the Board receives the complaint. The person accused with the ethics violation will also get a copy of the letter and the complaint.
7. The person accused can respond to the complaint. *They must respond* in writing.
8. The Ethics Board can request more information about the complaint.
9. The Ethics Board will let the Mayor and Council know about the complaint. The Board will write a review of the complaint and response from the person accused.
10. The Ethics Board will review the information to determine if there is reason to hold a hearing or hold an investigation.
11. The Ethics Board will dismiss the complaint if there is not enough evidence to support the complaint.
12. The person who filed the complaint can get more information and file another complaint.



This is an example of the Board reviewing a complaint and deciding that there is not enough evidence to have a hearing or perform an investigation. In this example the person making the complaint can file another complaint with the Board.

The time on the figure is in days, beginning from receipt of the complaint by the Board.

13. If the Ethics Board thinks there is enough information about someone violating the ethics policy they may hold a hearing or conduct an investigation. The person accused may ask for more time. More time is not guaranteed. The person who is accused and the accuser may appear in person or be represented at the hearing.
14. The accused person has the right to require that the person who accused them be at a hearing if one is held.
15. Anyone else involved in the complaint has the right to come to the hearing. The Ethics Board may also ask that person to attend the hearing even if they don't want to come.
16. The person who made the complaint can file another complaint if the Ethics Board finds accused person not guilty the first time. The person who made the complaint can also file another complaint if the Ethics Board decided not to have a hearing.

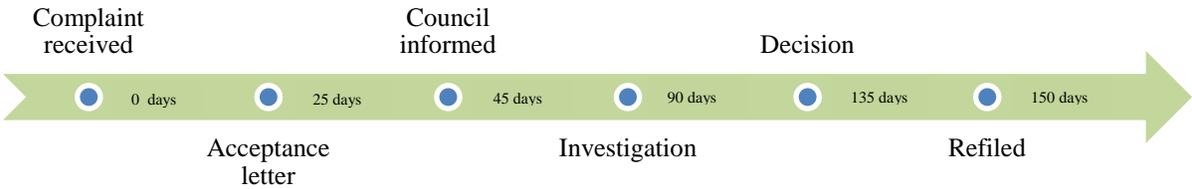
ANY DISCREPANCY CONTAINED HEREIN SHALL BE SUPERSEDED BY THE EAST POINT ETHIC'S POLICY



This is an example of the Board reviewing a complaint and deciding that there is enough evidence to have a hearing. In this example the person making the complaint can file another complaint with the Board.

The time on the figure is in days, beginning from the Board receiving the complaint.

17. The Ethics Board may hold its own investigation and make a determination. If that happens the Board will use its powers to gather information to make a sound decision.



This is an example of the Board reviewing a complaint and deciding that there is enough evidence for the Board to conduct its own investigation.

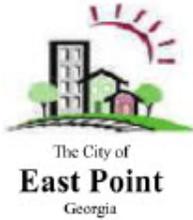
NOTE: The Ethics Board has made a determination in its Procedural Rules (The way the Board conducts itself) that if there is any reason to believe that someone violated the Ethics Policy, the Board will hold a hearing.

The time on the figure is in days, beginning from the Board receiving the complaint.

- 18. There are several reasons why the Ethics Board may dismiss a complaint:
 - a. The person making the complaint did not provide enough facts;
 - b. The Ethics Board has no power to make a decision;
 - c. The person making the complaint did not cooperate with the Ethics Board;
 - d. The Ethics Board cannot make a decision based on the facts in the report;
- 19. The Ethics Board will send its decision to its Counsel and to the City Attorney to review. The Ethics Board Counsel and the City Attorney make sure that the law has been followed by the Ethics Board.
- 20. The City Attorney will let the Ethics Board know if everything is OK.
- 21. The Ethics Board will write a report for the Mayor and Council to let them know about the final decision.

A sample of a completed Ethics complaint is on the next pages of this handbook. Be sure that you fill in ALL the blanks or the Ethics Board may not accept your request. You can have someone help you fill out the form. But just remember that no one in the Clerk’s Office can give you any help. There is also a checklist to help you remember what you need to do.

Sample Completed Complaint Form Page 1



CITY OF EAST POINT
ETHICS BOARD COMPLAINT FORM
C/O City Clerk
1526 E. Forrest Avenue 4th Floor
East Point, GA 30344
404-270-7100

ALLEGING A VIOLATION OF THE EAST POINT ETHICS POLICY

I. FORM FOR WRITTEN COMPLAINT: Each complaint filed with the Board shall be in writing and notarized by the party filing the complaint. Each complaint shall state with specificity the following:

- the name and address of the person filing the complaint;
- the name and address of the party against whom the complaint is filed;
- a clear and concise statement of facts upon which the complaint is based;
- a reference to the applicable code sections of the City Ethics Policy deemed to be violated;
- any other information to support the allegations, including documents, names, dates, times, places, actions, and any other information or persons showing or having knowledge of the facts to support the allegations.
- All exhibits must be clearly labeled and legible;
- All exhibits must be referenced in the complaint;

II. PERSON BRINGING COMPLAINT:

Name: Mr. John Smith
Address: 0000 Any Street
City: East Point, GA 30344
Telephone Number: (555)555-5555

III. PARTY AGAINST WHOM COMPLAINT IS BROUGHT:

Name: Ms. Mary Public Servant
Address: 0000 Any Other Street
City: East Point, GA 30344
Telephone Number: (123)456-7890
Title of office held or sought. (If applicable) None

IV. STATEMENT OF FACTS:

State in your own words the detailed facts and the actions of the party named in Paragraph III upon which the complaint is based along with an allegation that such facts constitute one or more violations of the Ethics Policy of the City of East Point. The brief space provided below is not intended to limit your statement of facts. (Use additional sheets if necessary)

Sample Completed Complaint Form Page 2

Yesterday, May 6, 2011 I saw Ms Smith making copies
for her trash hauling company at the office. She had to have made over
1,000 copies because she went to the store room to get two packs of paper.
When she left the copy machine the blank paper drawer was empty and she
had left the original on the glass. I have put the original with this complaint.

V. Sections of the Ethics Policy for Alleged Violation(s):

Section 2-4014(e)Other abuses or misuses of position.
...public servants shall act responsibly in the care and use of city resources
and shall not...intentionally...misuse...city resources...

Exhibits: Please check and note how many YES NO If yes, how many 1

For more information or to obtain a copy of the Ethics Policy please visit:
[http:// www.eastpointcity.org/index.aspx?nid=795](http://www.eastpointcity.org/index.aspx?nid=795) or the City Clerk's Office (Please note: If a copy
of the policy is obtained from the Clerk's Office a copy fee of \$.25 /sheet will be assessed.)

Initial that you received a copy of the Ethics Policy: Initial JS Date 5/7/11

VERIFICATION BY OATH OR AFFIRMATION

STATE OF Georgia COUNTY OF Fulton

I, the undersigned Complainant, being duly sworn, depose (Affirm) and say that the information in this
Complaint is true, and correct to the best of my knowledge and belief.

John Smith
Signature of Complainant

Sworn to and subscribed before me on the 12 day of May, 2011

[Signature]
Signature of Notary Public

My Commission expires 5/31/2016



Complaint Checklist

Observed or made aware of a possible ethics violation within a timely manner.

Received an official complaint form

Listed all pertinent information on the form
describe what you think happened

list the specific section of the policy that you think
think was violated

Initial that you received a copy of the Ethics Policy

Attach any documents that support your complaint
Documents that you make up or are third party like newspaper articles are
opinions and may not be considered helpful.

Had your complaint form notarized.

Turned in your complaint form to the City Clerk's office