

GWINNETT COUNTY
BOARD OF COMMISSIONERS
LAWRENCEVILLE, GEORGIA

ORDINANCE ENTITLED: **CODE OF ETHICS**

READING AND ADOPTION: **November 15, 2011**

At the regular meeting of the Gwinnett County Board of Commissioners held in the Gwinnett Justice and Administration Center, Auditorium, 75 Langley Drive, Lawrenceville, Georgia.

Name	Present	Vote
Charlotte J. Nash, Chairman	Yes	Yea
Shirley Lasseter, District 1	No	n/a
Lynette Howard, District 2	Yes	Yea
Mike Beaudreau, District 3	Yes	Yea
John Heard, District 4	Yes	Yea

On motion of Chairman Nash and seconded by Commissioner Beaudreau, which carried 4-0, the Code of Ordinances of Gwinnett County is hereby amended by repealing Article II "Code of Ethics" in its entirety and replacing it with new Article II of Chapter 60 entitled "Code of Ethics".

WHEREAS, the Gwinnett County Code of Ethics was first adopted in September, 1993; and

WHEREAS, Gwinnett County is committed to the principle that government decisions and policy be made through the proper channels of the government structure and be transparent to the public; and

WHEREAS, Gwinnett County is further committed to the principle that public officials should not use their positions for personal gain and any actions should be free from the appearance of impropriety; and

WHEREAS, Gwinnett County is further committed to the principle that the proper operation of democratic government requires that County Commissioners, officials and employees act in a manner that is impartial and responsive to the people; and

WHEREAS, in 2010 a Special Purpose Grand Jury recommended that the Ethics Ordinance be reviewed and comprehensive ethics reform be undertaken to include full disclosure of business interests and prohibitions against undue influence in government decisions and policy; and

WHEREAS, the Board of Commissioners agrees with and fully supports the recommendations of the Special Purpose Grand Jury as to ethics reform; and

WHEREAS, by adopting this Ethics Ordinance it is the intent of the Board of Commissioners to strengthen the public's confidence in the integrity of County government;

NOW, THEREFORE, BE IT ORDAINED that the Gwinnett County Board of Commissioners hereby repeals Article II of Chapter 60 of the Code of Ordinances of Gwinnett County "Code of Ethics" in its entirety and replaces it with new Article II of Chapter 60 entitled "Code of Ethics" and attached hereto as Attachment "A".

GWINNETT COUNTY BOARD OF COMMISSIONERS

BY: Charlotte J. Nash
CHARLOTTE J. NASH, CHAIRMAN

ATTEST:

BY: Diane Kemp
DIANE KEMP, COUNTY CLERK



Ordinance Number: EO2011
GCID Number: 20110934

APPROVED AS TO FORM:

BY: 
SCOTT J. FULLER
SENIOR ASSISTANT COUNTY ATTORNEY

ATTACHMENT "A"

CODE OF ORDINANCES OF GWINNETT COUNTY CHAPTER 60-HUMAN RESOURCES

ARTICLE II. CODE OF ETHICS

Sec. 60-26. - Purpose.

The proper operation of democratic government requires that the public officials and employees be independent, impartial and responsible to the people; that the government decisions and policy be made through proper channels of the governmental structure; that public office not be used for personal gain; that the public officials and employees be free from the appearance of impropriety; and that the public have confidence in the integrity of its government. In recognition of these goals, a code of ethics for all county officials and employees is adopted. The purpose of this policy is to establish ethical standards of conduct for all such officials and employees by setting forth those acts or actions that are incompatible with the best interests of the county, by directing disclosure by such officials and employees of private financial or other interests in matters affecting the county and by directing disclosure of their business relationships.

Sec. 60-26.5 – Ethical Standards for Government Service.

All county commissioners, county officials and employees shall:

- (a) Uphold the Constitution, laws, regulations and ordinances of the United States, the State of Georgia and Gwinnett County therein and never be a party to their evasion.
- (b) Put loyalty to the highest moral principles and to County above loyalty to persons, party, or County government department.
- (c) Possess a commitment to integrity, transparency and full disclosure before undertaking any official action.
- (d) Give to the performance of his or her duties, his or her earnest effort and best thought.
- (e) Use efficient and economical ways of getting tasks accomplished.
- (f) Never discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not.
- (g) Never accept or solicit, personally or for family, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of his governmental duties.
- (h) Make no private promise of any kind binding upon the duties of office.

- (i) Engage in no business with the government, either directly or indirectly, that is inconsistent with the conscientious performance of governmental duties.
- (j) Fully cooperate with all authorities to investigate and eradicate corrupt practices.
- (k) Never engage in conduct which is unbecoming to a member or which constitutes a breach of public trust.
- (l) Never take any official action in which he or she has a direct or indirect monetary interest.
- (m) Take steps to avoid even the appearance of conflict of interest, which may exist in the absence of an actual conflict.
- (n) Never use or disclose confidential information concerning potential or pending actions of the County to secure a financial or personal advantage for oneself or others.
- (o) Attend and encourage continuing educational training about the Gwinnett County Code of Ethics.
- (p) Uphold these principles, ever conscious that public office is a public trust and is an honor, not a right.

Sec. 60-26.55 Interpretation; Severability.

- (a) This ordinance shall be construed broadly to effectuate its purposes and policies and to supplement such other existing laws and ordinances as may relate to the conduct of County officials or employees.
- (b) The provisions of this ordinance are severable, and if any of its provisions shall be held invalid by a court of law, the decision of the court shall not affect or impair any of the remaining provisions.

Sec. 60-27. - Definitions.

Business entity means any business, proprietorship, firm, partnership, person in a representative or a fiduciary capacity, association, venture, trust, or corporation.

Business relationship means a verbal or written agreement between parties designed to result in an enterprise of profit to one or more of the parties. A business relationship shall not include a transaction undertaken by an employee on behalf of an employer or a lawful campaign contribution.

Confidential information means any information which, by law or practice, is not available to the public.

County official or official shall mean the individual members of the County Board of Commissioners, County Administrator, County Attorney and his assistants,

and any County employee exempt from merit system regulations who has been appointed to the position by either the County Administrator or the Board of Commissioners acting independently or jointly and any member of any other County board or authority.

His shall be interpreted as being gender neutral in application.

Employee shall include all those persons employed on a regular or part-time basis by the County, including but not limited to those covered by merit system regulations, as well as those persons whose services are retained under the terms of a contractual agreement with the County.

Hearing Officer means a person admitted to the Georgia Bar of suitable legal experience who shall screen all complaints to ensure they meet the technical requirements of this ordinance and who shall perform all other duties as set forth herein and appurtenant thereto. A Hearing Officer shall serve a term of two (2) years.

Immediate family means an official or employee and the spouse of an official or employee, their parents, children, brothers and sisters related by blood, marriage or adoption.

Interest means direct or indirect pecuniary or material benefit accruing to a County official or employee as a result of a contract or transaction which is or may be the subject of an official act or action by or with the County except for such contracts or transactions which, by their terms and by the substance of their provisions, confer the opportunity and right to realize the accrual of similar benefits to all other persons and/or property similarly situated. An interest shall not include a remote interest.

Legislative Action means any legislative, appointive, administrative, discretionary or official action requiring an affirmative vote by a quorum of the Gwinnett County Board of Commissioners.

Remote Interest means any interest which is incidental to the contract or transaction and shall include:

- (1) A position as a non-salaried director, officer or employee of a non-profit corporation or organization;
- (2) A holder of less than five (5) percent of the total stock or total legal and beneficial ownership in a business entity;
- (3) A position of employment held by an immediate family member which is not a director, officer, manager or supervisor in a business entity;
- (4) A position of employment held by an immediate family member which does not directly exercise decision making authority affecting the contract or transaction;
- (5) A position in a representative capacity such as a receiver, trustee or administrator;
- (6) Any position or interest determined to be remote or incidental to the

contract or transaction by the Ethics Board.

For purposes of this ordinance, a County official or employee shall be deemed to have an interest in the affairs of:

- (1) His immediate family; or
- (2) Any person or business entity with whom a contractual relationship exists with the County official or employee; or
- (3) Any business entity in which the County official or employee is an officer, director, or member having a financial interest in it; or
- (4) Any business entity as to which the stock, legal ownership, or beneficial ownership of a County official or employee is in excess of five (5) percent of the total stock or total legal and beneficial ownership, or which is controlled or owned directly or indirectly by the County official or employee.

Official act or action means any legislative, administrative, appointive or discretionary act of any official or employee of the County or any agency, board, committee, authority or commission thereof.

Reprimand means an expression of disapproval.

Sec. 60-28. - Standards.

(a) *Interest in contract or transaction.* No county official or employee having the power or duty to perform an official act or action related to a contract or transaction which is or may be the subject of an official act or action of the County shall:

- (1) Have or thereafter acquire an interest in such contract or transaction, or
- (2) Have an interest in any business entity representing, advising or appearing on behalf of, whether paid or unpaid, any person involved in such contract or transaction, or
- (3) Have solicited or accepted present or future employment with a person or business entity involved in such contract or transaction, or
- (4) Have solicited, accepted, or granted a present or future gift, favor, service, or thing of value from or to a person involved in such contract or transaction, except as provided in section 60-29, below.

(b) *Pre-acquisition of interest.* No County official or employee shall acquire an interest in or be affected by a contract or transaction which is or may be the subject of an official act or action of the County at a time when the official or employee believes or has reason to believe that such contract or transaction will be directly or indirectly affected by an official act or action of the County.

(c) *Disclosure of information.* To the extent permitted by law and the sections of this ordinance, no official or employee shall disclose or use confidential information concerning any official action, property, purchase, bid, proposal or offer of the County to advance his own financial or private interests or those of another.

(d) *Incompatible service.* No County official or employee shall engage in or accept private employment or render service for any private entity, when such employment or service is incompatible with the proper discharge of his official duties or would tend to impair his independence of judgment or action in the performance of his official duties, unless otherwise permitted by law and unless disclosure is made as provided in this Ordinance.

(e) *Appearance.* No County official or employee shall appear on behalf of any private person other than himself, his spouse or minor children, before any County agency, authority or board. However, a member of the Board of Commissioners may appear before such groups on behalf of his constituents in the course of his duties as a representative of the electorate or in the performance of public or civic obligations.

(f) *Public property.* No County official or employee shall request or permit the unauthorized use of County-owned vehicles, equipment, materials or property for personal convenience or profit.

(g) *Special treatment.* No County official or employee shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen in the same or similar circumstances.

(h) *Later case interest.* No County official or employee shall, after the termination of service or employment with the County, accept remuneration of any kind for any appearance before any board, commission, committee, agency or authority of the County on behalf of any adverse party in relation to any case, proceeding, or application in which he personally participated during the period of his service or employment, which was under his active consideration during the period of his service or employment, or as to which he could have acquired knowledge or information during the period of his service or employment.

(i) *Political recrimination.* No County official or employee, whether elected or appointed, shall promise an appointment or threaten the dismissal from any County position as a reward or punishment for any political activity.

(j) *Withholding of information.* No County official or employee shall knowingly withhold any information which would impair the proper decision making of any of the County's boards, authorities, agencies or commissions.

(k) *Payment of debts.* All County officials and employees shall settle all accounts between them and the County, including the payment of taxes, in a timely fashion.

(l) *Organizational integrity.* County Commissioners, as policy makers, shall refrain from unduly interfering in the daily administrative affairs of department supervisors. Commissioners shall not, acting alone, make suggestions to the department supervisors or other employees, except the County Administrator, regarding the hiring, firing or disciplining of County employees unless requested to do so by the department director.

(m) No County official or employee shall intimidate, threaten, coerce, take action against, or attempt any such actions against any other county official or employee for the purpose of interfering with or influencing that person's discretion in the regular discharge of his or her official duties.

(n) No County official or employee shall influence or attempt to influence any other county official or employee to violate the ethical standards or provisions set forth in this ordinance.

(o) No County official or employee shall use the power of his office, his position or official authority for his own personal gain or that of another. The performance of usual and customary constituent services, without additional compensation, does not constitute the misuse of the power of office by a Commissioner as otherwise prohibited by this section.

Sec. 60-28.5 – Abstention to Avoid Conflicts of Interest.

(a) Except as otherwise provided by law, including provisions of this ordinance, no County official or employee shall participate in the discussion, deliberation vote or otherwise take part in the decision-making process on any item before him or her in which the County official or employee has a conflict of interest as set forth in this ordinance.

(b) In the event of a conflict of interest, the County official or employee shall announce his intent to abstain prior to the beginning of the discussion, debate, deliberation or vote and shall abstain from casting a vote.

Sec. 60-29. - Exceptions.

(a) It shall not be deemed a violation of the standards of this Ordinance if the interest of a County official or employee in a person or business entity is a contractual obligation of less than \$500.00 which has not been preceded by any other obligation, discharged or existing, between the parties, and which is not the first in a series of two or more loans or debts which either of the parties is under any obligation to make or incur.

(b) The following shall not be deemed a violation of the standards of this Ordinance:

- (1) Legitimate salary, benefits, fees, commissions, or expenses associated with an official's or employee's non-public business;
- (2) An award, plaque, certificate, memento, or similar item given in recognition of the official's or employee's civic, charitable, political, professional, or public service;
- (3) Food, beverages, and registration at group events to which all similarly situated employees or officials are invited;
- (4) Actual and reasonable expenses for food, beverages, travel, lodging, and registration for a meeting which are provided to an official or employee so that he or she may participate or speak at the meeting;
- (5) A commercially reasonable loan made in the ordinary course of business;
- (6) Any gift with a total value less than \$100.00 in any calendar year;
- (7) Promotional items generally distributed to public officials;
- (8) A gift from a member of the public official's immediate family; or
- (9) Food, beverages, or expenses afforded public officials or employees, and members of their immediate families, or others that are associated with normal and customary business or social functions or activities.

(c) It shall not be deemed a conflict of interest nor a violation of the standards of this Ordinance if a County official or employee, in his capacity as such official or employee, participates in the making of a contract even if such official or employee has a private pecuniary interest or performs in regard to that contract some function requiring the exercise of discretion on his part, if;

- (1) The contract is awarded through a process of public notice and competitive bidding, or
- (2) The Board of Commissioners at regular meeting, after determining that it is in the best interest of the County to do so, authorizes the participation.

Sec. 60-30 – Disclosure of Spending on County Officials by Individuals and Firms.

(a) Any individual or business entity who provides anything of monetary value singularly or in an aggregate amount greater than \$100 in a calendar year to a member of the Board of Commissioners or to any other County official and meets any of the criteria listed below shall file a disclosure of such expenditures.

- (1) The individual or business entity does business or is a party to a contract with the County during the calendar year, or

- (2) The individual or business entity seeks to do business or enter into a contract with the County during the calendar year, or
- (3) The individual or business entity is regulated in any fashion by the County during the calendar year, or
- (4) The individual or business entity seeks to influence any official action by the Board of Commissioners during the calendar year.

(b) This section shall apply to individuals and business entities that represent any individual or entity meeting any of the criteria listed above.

(c) Expenditures occurring on or after January 1, 2012, shall be reported to the County Clerk to the Board of Commissioners on a form provided by the County and shall be filed annually by February 28 of each year for the previous calendar year.

(d) Reports submitted to the County shall be posted on the County website.

(e) Failure to comply with this reporting requirement shall constitute a violation of this ordinance and shall be punished by a fine not to exceed \$500.00

Sec. 60-31. - Disclosure of Interest in Legislative Action.

(a) Any member of the Board of Commissioners of Gwinnett County, Georgia who has a financial or personal interest in any proposed legislative action before the Commission shall immediately disclose on the record the nature and extent of such interest. This disclosure shall be made in writing to the County Clerk to the Board of Commissioners.

(b) Any other official or employee who has a financial or personal interest in any proposed legislative action of the Board of Commissioners, and who participates in discussion with or gives an official opinion or recommendation to the Commission, shall disclose on the record the nature and extent of such interest.

Sec. 60-32. – Disclosure of Business Relationships.

(a) Any member of the Board of Commissioners of Gwinnett County, Georgia who is a party to a business relationship with any person, natural or corporate, appearing before the Board of Commissioners to advocate or oppose any action by the Board of Commissioners or who is a party to a business relationship with any person, natural or corporate, which is the subject of action by the Board of Commissioners, shall immediately disclose that interest on the record.

(b) Within five (5) business days after a meeting at which such disclosure is made, the member shall file with the County Clerk to the Board of Commissioners written verification of that disclosure.

Sec. 60-33. Disclosure by Bidders and Proposers.

Any business entity that makes a bid or proposal to provide goods or services to Gwinnett County shall disclose under oath on a form provided by the County's Purchasing Division the name of all elected officials whom it employs or who have a direct or indirect pecuniary interest in the business entity, its affiliates, or its subcontractors. It shall be the duty of the Purchasing Division Director to promptly transmit any such disclosure to the County Clerk to the Board of Commissioners. Failure to submit this disclosure during the bid or proposal process shall render the bid or proposal non-responsive to the invitation for bid or request for proposal. This section shall not apply to bids or proposals for which the resulting contract would constitute an informal purchase as defined by the Gwinnett County Purchasing Ordinance.

Where it appears a bidder or proposer has submitted false information on or has omitted material information from the disclosure form referred to in this paragraph, the matter shall be referred to the Purchasing Policy Review Committee for action pursuant to the Purchasing Ordinance. The matter may also be referred to the District Attorney for possible criminal prosecution.

Any business entity holding a contract with Gwinnett County that subsequent to execution of the contract or issuance of the purchase order employs, subcontracts with, or transfers a direct or indirect pecuniary interest in the business entity to an elected official shall within five (5) business days disclose such fact in writing under oath to the County Clerk to the Board of Commissioners. It shall be the duty of the Purchasing Division Director to place language imposing this requirement in every contract issued by the County. The business entity's failure to submit this disclosure in a timely manner shall be referred to the Purchasing Policy & Review Committee for action pursuant to the Purchasing Ordinance. The matter may also be referred to the District Attorney for possible criminal prosecution.

Sec. 60-34. Disclosure of Interest in Real Property.

Any real estate purchase and sale contract offered by the County to any property owner shall require that person to disclose any direct or indirect property or pecuniary interest in the real estate held by an elected official. This disclosure shall be a mandatory precondition to closing. It shall be the duty of the County Attorney to promptly transmit any such disclosure to the County Clerk to the Board of Commissioners.

Sec. 60-35. Disclosures to Be Placed on County Website; Referral to Grand Jury.

It shall be the duty of the County Clerk to the Board of Commissioners to post any disclosure pursuant to Secs. 60-30 through 60-34 hereof within five (5) business days of receipt of same. It shall also be the duty of the County Clerk to the Board of Commissioners periodically to forward all such disclosures to the

District Attorney for review and comment by the Grand Jury.

Sec. 60-36. - Abstentions.

A County official or employee who has an interest that he has reason to believe may be affected by an official act or action shall abstain from any participation in the same.

Sec. 60-37. - Ethics Board.

(a) Procedure

(1) Any person may initiate a complaint of a violation of this ethics ordinance by submitting a written, verified and sworn complaint under the penalty of perjury or false swearing to the Gwinnett County Attorney. The complaint shall specifically identify all provisions of the Gwinnett County Code of Ethics which the subject of the complaint is alleged to have violated, set forth facts as would be admissible in evidence in an administrative proceeding and show affirmatively that the complainant or affiant (if in addition to or different than the complainant) is competent to testify to the matter set forth therein. All documents referenced in the complaint as well as supporting affidavits shall be attached to the complaint.

(2) The complaint must be filed within six (6) months from the date the alleged violation occurred, or in the case of concealment or nondisclosure, within six (6) months from the date the alleged violation should have been discovered after due diligence. A complaint filed more than six months after the alleged violation occurred or was discovered shall not be considered under any circumstance. However, no complaint may be filed against a candidate between the qualifying date for election of such candidate and the date of the candidate's general election or runoff election, if necessary. Complaints alleging violations during this period may be filed commencing upon the date immediately following the general election or runoff election, if necessary, and the six (6) month period shall run from that date.

(3) Upon receipt of the complaint, the County Attorney shall immediately deliver the complaint to the Hearing Officer who shall review the complaint to determine if it meets the technical requirements set forth in Section 60-37(1) and (2) of this ordinance. If the complaint fails to meet these requirements, the Hearing Officer shall notify the person who filed the complaint and he shall have ten (10) days from the date of notice to correct and re-file the same directly with the Hearing Officer. A complaint which fails to satisfy the technical requirements of this ordinance following one amendment shall be dismissed.

(4) If the complaint meets all of the technical requirements of this ordinance, the Hearing Officer shall forward the complaint to the County Attorney within five (5) days of his decision or as soon thereafter as

practicable.

(5) Within five (5) days after receiving the complaint from the Hearing Officer, the County Attorney shall forward the complaint to the Board of Commissioners, the District Attorney, the President of the Gwinnett County Bar Association, the Association County Commissioners of Georgia and the official or employee who is the subject of the ethics complaint. Each such appointing authority shall appoint its member to the Ethics Board within thirty (30) days after receiving the complaint or as soon thereafter as practicable.

(6) The Ethics Board shall consist of one member appointed by the Gwinnett County Board of Commissioners, one member appointed by the District Attorney from the roll of grand jurors then in session, one member appointed by the President of the Gwinnett County Bar Association, one member appointed by the Association County Commissioners of Georgia who is a sitting county commissioner from a jurisdiction other than Gwinnett County, and one member appointed by the official or employee who is the subject of the ethics complaint. These appointees shall constitute the Ethics Board empanelled to investigate the subject complaint and, when appropriate, to make recommendations to the Gwinnett County Board of Commissioners. The Board shall establish its own procedural rules and shall select a chairperson and vice-chairperson.

(7) The complaining party shall serve a complete copy of the complaint upon the County official or employee who is the subject of the complaint on the date the complaint is filed with the County Attorney. Service shall be complete upon personal delivery or deposit in a U.S. mail or express delivery depository.

(8) Once empanelled, the Ethics Board shall notify the subject of the complaint that he may file a reply to the complaint within thirty (30) days unless such time for reply is extended by the Ethics Board upon a showing of good cause.

(b) *Hearings*

(1) The Ethics Board shall meet, receive evidence, deliberate and vote in accordance with O.C.G.A. 50-14-1 et seq. and all parties shall have the opportunity to be heard, to summon witnesses and to present evidence. Persons alleged to have violated this ethics ordinance shall have the right to be represented by counsel at their own expense.

(2) The Ethics Board shall have the right and power to issue a subpoena or subpoenas to a witness or witnesses on its behalf, or on behalf of any party, for the appearance of any witness and/or for the production of documents or tangible items, so as to properly investigate the complaint.

(3) The Chairperson of the Ethics Board shall determine when it shall meet and the number of meetings and hearings necessary to investigate the

complaint.

(4) Three members of the Board of Ethics shall constitute a quorum for the transaction of business and for voting purposes. The Chairperson shall be entitled to the same voting rights as other members.

(5) At the conclusion of the investigation, the Ethics Board shall deliberate upon the evidence gathered and shall determine its findings by majority vote. The Board shall find that each alleged violation is either "sustained" or "not-sustained". Findings that a violation of this ethics ordinance has occurred shall be based upon the preponderance of the evidence. The Board's findings shall be reduced to writing and provided to the parties, to the Gwinnett County Board of Commissioners and to the office of the appropriate prosecutorial agency if the Board finds evidence of possible criminal violations. It shall further be the duty of the Ethics Board to make non-binding recommendations to the Board of Commissioners as to the appropriate penalties to be administered under Section 60-38 for sustained violations of this ordinance and for other operational or remedial measures which would prevent further violations of a like nature.

(c) *Enforcement*

(1) In the event that the Ethics Board finds that one or more violations of the County Code of Ethics has occurred, the Board of Commissioners, at a public hearing within thirty (30) days of the rendering of the Board's finding and recommendations, may, by a majority vote, decide that no action is to be taken, or may decide to take any action consistent with Georgia law including those set forth in section 60-38. In the event that a member of the Board of Commissioners is the subject of the investigation, such Commissioner shall not participate in any such decision.

(d) *Qualification and Members of the Board of Ethics*

Other than the member appointed by the Association County Commissioners of Georgia who shall be excluded from sections (d) (1), (d) (2) and (d) (6) below, a person is eligible to be appointed as a member of the Board of Ethics, if the person:

- (1) Is a current resident of Gwinnett County, and
- (2) Has resided in Gwinnett County for sixty (60) consecutive months prior to the date of appointment, and
- (3) Is a registered voter, and
- (4) Is not an employee or official of Gwinnett County or any municipality within Gwinnett County and has not been an employee or official of Gwinnett County during the five (5) years immediately preceding his or her appointment, and is not the spouse, parent, child or sibling of any

employee, official or County Commissioner of Gwinnett County, and

- (5) Is not an employee of any political party, and
- (6) Does not hold any elected or appointed office and is not a candidate for office of the United States, this State or Gwinnett County, and has not held any elected or appointed office during the five (5) years immediately preceding his appointment. This paragraph shall not apply to part-time federal or state appointed positions.
- (7) If at any time during his service on the Board of Ethics a member becomes ineligible to serve, he or she shall automatically be removed and the appointing authority shall appoint a new member in accordance with the provisions for original appointment.
- (8) The Ethics Board shall be a temporary board for the specific purpose of investigating a complaint which has been approved by the Hearing Officer and all other like complaints which have been properly filed while the Board is in session. The Board shall expire upon disposition of the complaint or complaints for which it was created or which it was otherwise authorized to hear.
- (9) Subject to budgetary constraints, the Ethics Board shall be provided sufficient meeting space and other reasonable supportive services, including access to legal counsel by the County governing authority to carry out its duties required under this ordinance. The County Attorney shall appoint an administrative employee to assist the Hearing Officer and to publish notices of all meetings upon request of the Chairperson of the Ethics Board. The Board of Commissioners shall ensure adequate funding is provided for this purpose.
- (10) The Board of Commissioners shall have the right to establish a rate of compensation for each member appointed to the Ethics Board as it deems proper.

Sec. 60-38. - Penalties.

(a) Employees are subject to the following penalties and actions for a breach of this Code of Ethics:

- (1) Written warning or reprimand;
- (2) Suspension without pay;
- (3) Termination of employment;
- (4) Recovery of value transferred or received by the County;
- (5) Cancellation of the contract or rejection of the bid or offer; and/or

(6) Referral to proper criminal authorities.

(b) County officials are subject to the following penalties and action for breach of this Code of Ethics:

- (1) Written warning, censure or reprimand to be issued in public;
- (2) Removal from office as provided by Georgia law;
- (3) Cancellation of the contract or rejection of the bid or offer;
- (4) Recovery of the value transferred or received; and/or
- (5) Referral to proper criminal authorities.

(c) Private firms and organizations are subject to the following penalties and actions for breach of this Code of Ethics:

- (1) Debarment or suspension from award of County contracts for a period of up to three (3) years;
- (2) Referral to proper criminal authorities;
- (3) Restitution to the County of value transferred or received; and/or
- (4) Cancellation of the contract or rejection of the bid or offer.

Sec. 60-39. – Effective Date and Distribution.

This Ordinance shall become effective on the fourteenth (14th) day after its adoption; thereafter the office of the County Administrator shall cause a copy of this Code of Ethics to be distributed to every official and employee of the County within 30 days after its effective date for addition to the Gwinnett County Employee Handbook. Each official and employee elected, appointed or engaged thereafter shall be furnished a copy within his or her Gwinnett County Employee Handbook before entering upon the duties of his office or employment.

Sec. 60-40. Training.

Every official and employee shall receive mandatory training concerning this Code of Ethics within one (1) year of taking office, being appointed or hired. Every official and employee shall receive training about this Code of Ethics every two (2) years thereafter.

Sec. 60-41. Protection for Reporting Violations.

No County official or employee shall use or threaten to use his position or authority related to that position to retaliate against, discourage, restrain or interfere with any other person for the purpose of preventing such person from acting in good faith to make a complaint or cooperate with an investigation under this ordinance.

Sec. 60-42. - Compliance with Applicable Laws.

No officer, official, or employee shall engage in any activity or transaction that is prohibited by any law, now existing or hereafter enacted, which is applicable to him or her by virtue of his or her office.

Sec. 60-43. - State Code Adopted by Reference.

The Code of Ethics for Government Service established by O.C.G.A. Sections 45-10-1 and 45-10-3 is hereby adopted and incorporated by reference.

Secs. 60-44-60-47. - Reserved.