

Bartlett

ORDINANCE 06-26

RECEIVED

AN ORDINANCE TO ADOPT A CODE OF ETHICS FOR ELECTED AND APPOINTED OFFICIALS

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WHEREAS, municipalities are required to adopt a Code of Ethics as set forth in Public Chapter No.1 of the Extraordinary Session of the 2006 General Assembly.

COMMISSION

NOW THEREFORE BE IT HEREBY ORDAINED by the City of Bartlett Board of Mayor and Aldermen to adopt the following Code of Ethics for Elected and Appointed Officials:

SECTION 1: Applicability – This ordinance is the code of ethics for elected and appointed officials of the City of Bartlett. It applies to all full-time and part-time officials, whether compensated or not, including those of any separate board, commission, committee, authority, corporation or other instrumentality appointed or created by the municipality. The words “municipal” and “municipality” include these separate entities.

SECTION 2: Definition of “personal interest” – (1) For purposes of Sections 3 and 4, “personal interest” means:

(a) Any financial, ownership or employment interest in the subject of a vote by a municipal board not otherwise regulated by state statutes on conflicts of interests; or

(b) Any financial, ownership or employment interest in a matter to be regulated or supervised; or

(c) Any such financial, ownership or employment interest of the official’s immediate family member of which the official has knowledge.

(2) The words “employment interest” include a situation in which an official has knowledge of a family member negotiating possible employment with a person or organization that is subject of the vote of that is to be regulated or supervised.

(3) In any situation in which a personal interest is also a conflict of interest under state law, the provisions of the state law take precedence over the provisions of this ordinance.

SECTION 3: Disclosure of personal interest by official with vote – An official with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and so it appears in the minutes, any personal interest that affects or that would lead a reasonable person to infer that it affects the official's vote on the measure. In addition, the official may recuse himself from voting on the measure.

SECTION 4: Disclosure of personal interest in non-voting matters – An official, who must exercise discretion relative to any matter, other than casting a vote, and who has a personal interest in the matter that affects or that would lead a reasonable person to infer that it affects the exercise of the discretion shall disclose, before the exercise of discretion when possible, the interest on a form provided by and filed with the City Clerk. In addition, the official may, to the extent allowed by law, charter, ordinance or policy, recuse himself from the exercise of discretion in the matter.

SECTION 5: Acceptance of gratuities, etc. – If an official accepts, directly or indirectly, any money, gift, gratuity, or other consideration or favor of any kind from anyone other than the municipality that a reasonable person would infer to affect the official's vote or actions or reward him for past action in executing municipal business, then the official must disclose this gratuity in writing on a form provided by and filed with the City Clerk.

SECTION 6: Use of information – An official may not disclose any information obtained in his official capacity or position of employment that is made confidential under state or federal law except as authorized by law.

SECTION 7: Use of municipal time, facilities, etc.- (1) An official may not use or authorize the use of municipal time, facilities, equipment or supplies for private gain or advantage to himself.

(2) An official may not use or authorize the use of municipal time, facilities, equipment or supplies for private gain or advantage to any private person or entity, except as authorized by legitimate contract or lease that is determined by the governing body to be in the best interests of the municipality.

SECTION 8: Use of position or authority – (1) An official may not make or attempt to make private purchases, for cash or otherwise, in the name of the municipality, except as allowed by the City's Charter, ordinances or resolutions.

(2) An official may not use or attempt to use his position to secure any privilege or exemption for himself or others that is not authorized by the charter, general law or ordinance or policy of the municipality.

SECTION 9: Outside employment – An official may not accept or continue any outside employment if the work unreasonably inhibits the performance of any affirmative duty of the municipal position or conflicts with any provision of the municipality's charter or any ordinance or policy.

SECTION 10: Ethics complaints – (1) The city attorney is designated as the ethics officer of the municipality. Upon the written request of an official potentially affected by a provision of this chapter, the city attorney may render an oral or written advisory ethics opinion based upon this chapter and other applicable law.

(2)(a) Except as otherwise provided in this subsection, the city attorney shall investigate any credible complaint against an appointed official charging any violation in this chapter, or may undertake an investigation of his own initiative when he acquires information indicating a possible violation, and make recommendations for action to end or seek retribution for any activity that, in the attorney's judgment, constitutes a violation of this code of ethics.

(b) The city attorney may request the governing body to hire another attorney, individual, or entity to act as ethics officer when he has or will have a conflict of interests in a particular matter.

(c) When a complaint of a violation of any provision of this ordinance is lodged against a member of the municipality's governing body, the governing body shall either determine that the complaint has merit, determine that the complaint does not have merit, or determine that the complaint has sufficient merit to warrant further investigation. If the governing body determines that a complaint warrants further investigation, it shall authorize an investigation by the city attorney or another individual or entity chosen by the governing body.

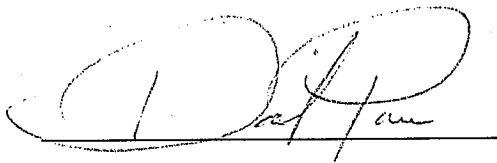
(3) The interpretation that a reasonable person in the circumstances would apply shall be used in interpreting and enforcing this code of ethics.

SECTION 11: Violations – An elected officials or appointed member of a separate municipal board, commission, committee, authority, corporation or other instrumentality who violates any provision of this chapter is subject to punishment as provided by the municipality's charter or other applicable law, and in addition is subject to censure by the governing body. An appointed official who violates any provision of this chapter is subject to disciplinary action.

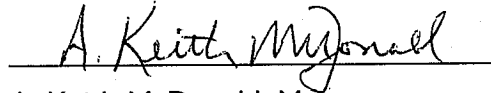
**SEVERABILITY** - Should any portion or part of this Ordinance be rendered void or unenforceable by any Court of law, statute or other authority, the rest and remainder of this Ordinance shall remain in full force and effect.

**EFFECTIVE DATE** This Ordinance shall become effective after its final passage, the public welfare requiring it.

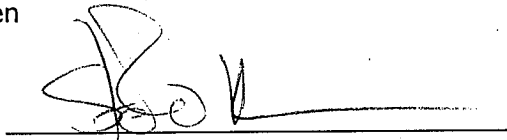
First Reading:	November 14, 2006
Second Reading:	November 28, 2006
Third Reading:	December 12, 2006



David Parsons, Register to the  
Board of Mayor and Aldermen



A. Keith McDonald, Mayor



Stefanie McGee, City Clerk