



Habersham County

Policy for the governance of Boards, Commissions, Authorities and Committees

Return to: Habersham County Board of Commissioners Office

ATTN: Lindsay Underwood, County Clerk

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CODE OF ETHICS

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 and by directing disclosure by such officials and employees of private financial or other interests in matters affecting the county.

Definitions

"BUSINESS ENTITY" means any business, proprietorship, firm, partnership, person in either a representative or a fiduciary capacity, association, venture, trust, or corporation.

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

"COUNTY OFFICIAL" or "OFFICIAL" shall mean the County Board of Commissioners, County Manager, County Attorney and his assistants, and any county employee who has been appointed to the position by either the County Manager or the Board of Commissioners acting independently or jointly and any member of any other county board or authority.

"EMPLOYEE" shall include all those persons employed on a regular or part time basis by the county, as well as those persons whose services are retained under the terms of a contractual agreement with the county.

"IMMEDIATE FAMILY" means an official or employee and the spouse of an official or employee, their parents, children, brothers and sisters related by blood or marriage.

"INTEREST" means direct or indirect pecuniary or material benefit accruing to a public officer, 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 simple benefits to all persons and/or property similarly situated

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

- (a) his or her immediate family;

(b) any person or business entity with whom a contractual relationship exists with the county official or employee;

(c) any business entity in which the county official or employee is an officer, director, or member having a financial interest in, or employed by it;

(d) 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 oral or written disciplinary measure as defined on Page 24 of the Personnel Policies and Procedures

Standards

(a) INTEREST IN CONTRACT OF 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 transactions, 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 herein,

(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 public 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, no county official or employee shall without proper legal authorization, disclose confidential information concerning the property, government, or affairs of the county, or use such information to advance the financial or other private interest of himself or others.

(d) **INCOMPATIBLE SERVICE**, No county official or employee shall engage in or accept private employment or render service for any private entity, unless approved in writing by such employee's or official's department head or superior, The standards used for approval or disapproval of employment shall be based on whether the outside employment will or can cause a conflict of interest with the employee's or official's employment with the county and whether it will cause interferences with the efficient performance of an employee's or official's duty with the county

(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 to threaten the dismissal from any county position as a reward or punishment for any political activity

(j) **WITHHOLDING OT INFORMATION** No county official or employee shall knowingly withhold any information which would impair the proper decision making of any of the county board, 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. Commissioner s shall not, acting alone, make suggestions to the department supervisors or other employees, except the County Manager, regarding the hiring, firing or disciplining of county employees unless r requested to do so by the department director

Exceptions

(a) it shall not be deemed a violation of the standards of this policy 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 policy:

(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 generally;

(8) A gift from a member of the public official's immediate family; or

(9) Food, beverage, 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 violation of the standards of this policy 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 primary 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.

Disclosure of Interest in Legislative Action

(a) Any member of the Board of Commissioners of Habersham County, Georgia who has financial or personal interest in any proposed legislation before the Commission shall immediately disclose on the record the nature and extent of such interest.

(b) Any other official or employee who has a financial or personal interest in any proposed legislative action of the Board of Commissioners of Habersham County, Georgia 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 ,

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,

Ethics Panel

(a) Procedure

Any person having a complaint against an officer, official or employee of the county of this Code of Ethics shall file in writing a verified complaint setting forth the particular facts and circumstances which constitute the alleged violation, The complaint shall be filed with the County Manager , or in the event the complaint regards the County Manager, shall be filed with the Commission Chairman Upon receipt of a complaint, the County Manager, or in the event the complaint regards the County Manager, the Commission Chairman shall appoint three members of the Commission, who, along with the County Attorney, shall constitute an investigating committee to determine whether the complaint sets forth significant facts and circumstances so as to warrant a hearing before the Board of Ethics In the event the complaint does not set forth sufficient facts to constitute an alleged violation and is found unjustified, frivolous or patently unfounded, it shall be dismissed and the complainant notified immediately,. In the event the complaint is found to state sufficient facts to warrant a hearing before the Board of Ethics, the Board shall be appointed as provided herein

(b) Composition of the Board of Ethics

(1) The Board of Ethics of the County shall be composed of five (5) residents of the County to be appointed as provided in paragraphs 2 and 3 of this subsection, Each member of the Board of Ethics shall have been a resident of the County for at least one (1) year immediately preceding the date of taking office and shall remain a resident of the County while serving as a member of the Board of Ethics if the person has, or has had within the preceding one (1) year period, any interest in any contract, transaction, or official action of the County ,

(2) The Board of Commissioners shall each designate two (2) qualified citizens to provide a pool of ten (10) individuals who have consented to serve as a member of such Board of Ethics and who will be available for a period of two (2) years to be called upon to serve in the event a Board of Ethics is appointed

(3) The County Clerk shall maintain a listing of these ten (10) qualified citizens. Should the investigating committee determine a complaint warrants a hearing before the Board of Ethics, the Board of Commissioners, at the first public meeting after such determination, shall draw names randomly from the listing of qualified citizens until the specified five (5) members of the Board of Ethics have been appointed. Such Board will elect one of its members to serve as Chairman

(4) The members of the Board of Ethics shall serve without compensation. The Governing Authority of the County shall provide meeting space for the Board of Ethics. Subject to budgetary procedures and requirements of the County, the County shall provide the Board of Ethics with such supplies and equipment as may be reasonably necessary for it to perform its duties and responsibilities

(c) Duties and Powers

The Board of Ethics shall have the following duties and powers:

(1) To establish procedures, rules and regulations governing its internal organization and conduct of its affairs;

(2) To hold a hearing within sixty (60) days after the receipt of a complaint. Failure to hold a hearing within the specified time shall result in dismissal of the complaint as to the transaction and shall prevent refiling if a complaint arises in the same incident for at least a period of six (6) months;

(3) To prescribe forms, approved by the County Attorney, for the disclosure required in this Ordinance and to make available to the public information disclosed as provided in this Section;

(4) To receive and hear complaints of violations of the standards required by this Ordinance;

(5) To make such investigation and response to a complaint as it deems necessary to determine whether any person has violated any provisions of this Ordinance;

(6) To hold such hearings and make such inquiries as deemed necessary to investigate and rule upon complaints,

(7) To report its findings to the Governing Authority for such action as the Governing Authority deems appropriate.

(d) 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 member of the Governing Authority charged as soon as practicable. Service may be by personal service or by certified mail, return receipt requested. A hearing shall be held within sixty (60) days after filing of the complaint. The Board of Ethics shall conduct the hearing in accordance with the procedures and regulations it establishes but, in all circumstances, the hearing shall include the taking of testimony and the cross-examination of witnesses, The decision of the Board of Ethics shall be rendered to Board of Commissioners within five (5) days after completion of the hearing.

(e)Penalty and Member Rights

(1) Any member of the Governing Authority who knowingly violates any provision of the Code of Ethics provided in this Ordinance shall be subject to public reprimand or censure by the Governing Authority of the County.

(2) At any hearing held by the Board of Ethics, the member of the Governing Authority who is the subject of inquiry shall have the right to written notice of the allegations at least ten (10) business days before a hearing, to be represented by counsel, to hear and examine the evidence and witnesses and to present evidence and witnesses in opposition or in extenuation.

(f) Appeals

(1) Any member of the Governing Authority or the Complainant adversely affected by these findings of the Board of Ethics may obtain judicial review of such decision as provided in this Section.

(2) An action for judicial review may be commenced by filing an application for a writ of certiorari in the Superior Court of Habersham County within thirty (30) days after the decision of the Board of Ethics. The filing of such application shall act as supersedes.

(g) Enforcement

(1) In the event that an Ethics Panel finds that a violation 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 Panel's findings and recommendations, may by majority vote decide that no action is to be taken, or may decide to take any action consistent with Georgia law, including the censure, reprimand, discipline, or termination of the official or employee in the event that a member of the Board of Commissioners is a party under investigation, such Commissioner shall not participate in any such decision.

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, and;
- (5) cancellation of the contract or rejection of the bid or offer.

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

- (1) written warning or reprimand;
- (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
- (5) debarment or suspension from award of county contract for a period of up to three (3) years

Distribution

The office of the County Manager shall cause a copy of this Code of Ethics to be distributed to every official and employee of the county within thirty (30) days after enactment of this Code for addition to the Habersham County Personnel Policies and Procedures, each official and employee elected, appointed or engaged thereafter shall be furnished a copy within his or her Habersham County Personnel Policies and Procedures before entering upon the duties of this office or employment.

Compliance with Applicable Laws

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

Severability

If any provision of this ordinance is found by a court of competent jurisdiction to be invalid or unconstitutional, or if the application of this ordinance to any person or circumstances is found to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of this Code which can be given effect without the invalid or unconstitutional provision or application,

State Code Adopted by Reference

The code of ethics for government service established by O.C.G.A. Section 45-10-1 and 45-10-3 is hereby adopted and incorporated by reference

Repealer

All laws, resolutions, or ordinances or parts thereof which conflict with the provisions of this Ordinance are hereby repealed

Effective Date

The effective date of this Ordinance shall be June 6, 2005.



Office of County Commissioners

130 Jacob's Way Suite 301, Clarkesville, GA

30523

706-839-0200 Fax: 706-839-0209

Application for Appointment to Board, Authority or Commission

Applicant's Name: _____

Applicant's E-mail Address: _____

Address: _____

Phone: _____

Name of Board, Authority or Commission which you are applying for appointment to:

Are you at least 21 Years of Age?

Have you been a resident of Habersham County for a year or more?

Are you a registered voter of Habersham County?

Are you willing to attend training relative to the responsibilities of the Board Membership, as provided by Habersham County? _____

Educational Background

School	Name and Location	Degree Earned	Completed
High School			9 10 11 12
Technical School			1 2 3 4
College			1 2 3 4
Graduate School			1 2 3 4

Please summarize any prior experience you possess which would be applicable to the appointment you are requesting:

Please summarize why you wish to serve in the appointment you are requesting:

Please attach a resume detailing work experience, qualifications, etc. In lieu of a resume, please complete the following form.

**** ONLY TO BE COMPLETED IN LIEU OF A PROFESSIONAL RESUME****

Company Name: _____

Address: _____

Employment Dates: From _____ to _____

Position Held: _____

Reason for Leaving:

Describe Your Duties:

Company Name: _____

Address: _____

Employment Dates: From _____ to _____

Position Held: _____

Reason for Leaving:

Describe Your Duties:

Company Name: _____

Address: _____

Employment Dates: From _____ to _____

Position Held: _____

Reason for Leaving:

Describe Your Duties:

Describe any specialized training, skills, areas of expertise, and extra-curricular activities:



BOARDS, COMMISSIONS, AUTHORITIES, AND ADVISORY COMMITTEES CODE OF ETHICS FORM

I hereby certify that I have reviewed and understand the contents of the Habersham County Code of Ethics. I further acknowledge that I will fully comply with all provisions of this policy, and I understand that any action that I take in violation of this policy is grounds for removal from my appointment by the Board of Commissioners.

Name (printed)

Signature

Date

****This signature page is applicable to those boards, authorities, commissions and committees defined as Tier 1 on attachment "A" of the Habersham County Boards, Authorities, Commissions and Committees Policy****



BOARDS, COMMISSIONS, AUTHORITIES, AND COMMITTEES OPEN RECORDS/OPEN MEETINGS

I hereby certify that I have reviewed and understand the future requirement for training with respect to the Georgia Open Records and Open Meetings Laws. I further acknowledge that I will fully comply with all provisions of these laws, and I understand that any action that I take in violation of this policy is grounds for removal from my appointment by the Board of Commissioners.

Name (printed)

Signature

Date

****This signature page is applicable to those boards, authorities, commissions and committees defined as Tier 1 and Tier 2 on attachment "A" of the Habersham County Boards, Authorities, Commissions, and Committees Policy****