



CITY OF HINESVILLE ETHICS COMMITTEE

ETHICS COMPLAINT

The Ethics Committee is charged with ensuring that all actions, decisions, and policies within the City of Hinesville adhere to established ethical standards, investigating complaints of ethical misconduct, and providing guidance or recommendations to maintain accountability and integrity within the City of Hinesville Code of Ethics.

PART ONE: PERSON VIOLATING THE CODE OF ETHICS

State the name, address, telephone number, and email address of the person who you believe has violated the Code of Ethics.

Name of Elected Official:

Address: _____

City: _____ State: _____ Zip: _____

E-mail address: _____ Telephone: _____

PART TWO: SPECIFIC CITY OF HINESVILLE ETHICS LAW VIOLATED (PLEASE SEE ATTACHMENT)

State the specific **City of Hinesville Code** section or sections of the **Code of Ethics** that you believe was violate.



PART THREE: STATEMENT OF FACTS

Describe the facts on which this complaint is based, including relevant dates, places, and actions.

PART FOUR: WITNESS INFORMATION

State the names (first and last), address, telephone numbers, and email addresses of persons with firsthand knowledge of the facts alleged or other information that could help.

PART FIVE: SUPPORTING DOCUMENTS

List any records or documents that would assist the Ethics Committee in its investigation. Please mail or deliver to the Ethics Committee Chairman any documentary evidence that supports the facts.



PART SIX: PERSON MAKING THE COMPLAINT

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

E-mail address: _____ Telephone: _____

I agree to receive service of any notice via the email address set forth above. Yes _____ No _____

I declare under penalty of perjury and false swearing that I have reviewed the information given in this complaint and, to the best of my knowledge, it is a true, accurate, and complete statement.

Signature: _____ Date: _____

Received by: _____ Date: _____

Completion of this form by the Complainant is not proof of any allegation made. The Committee will determine whether a violation of the Hinesville Ethics Code exists upon investigation and full hearing of the complaint.

Complaints should be mailed

to:

Reginald Peggins
Ethics Committee Chairman
P.O. Box 2044
Hinesville, GA 31310
Phone: (912) 230 - 1240

Code of Ethics for City Officials and Employees

AN ORDINANCE TO REPEAL SECTION 2-1 OF CHAPTER 2 OF THE CODE OF THE CITY OF HINESVILLE SO AS TO ENSURE THAT EACH CITY OF HIESVILLE OFFICIAL AND EMPLOYEE ABIDE BY A STANDARD IN WHICH THE OFFICIAL'S AND THE EMPLOYEE'S PERSONAL INTEREST DOES NOT INTERFERE WITH THE PUBLIC INTEREST.

BE IT ORDAINED by the Mayor and the City Council of Hinesville, Georgia, and it is hereby ordained pursuant to the lawful authority thereof, that Section 2-1 of Chapter 2 of The Code of the City of Hinesville be repealed by striking in its entirety Section 2-1 therein, and inserting in lieu of the following:

SECTION 2-1

Section 2-1 of Chapter 2 of the Code of the City of Hinesville, Georgia (hereinafter referred to as the "Code") is hereby and inserting the following:

Sec. 2-1.Code of Ethics for City Officials and Employees

**Article A.
General Provisions**

Section 1. Definitions

- (a) EMPLOYEE shall be any person who is a full-time or part-time employee of City of Hinesville
- (b) CITY OFFICIAL shall be any person who is an elected official of the City of Hinesville
- (c) GOVERNMENT or CITY shall be construed to mean the city of Hinesville, Georgia government
- (d) IMMEDIATE FAMILY shall mean the employee or City official, spouse and children of said parties
- (e) PRIVATE BUSINESS shall mean any business which has employers or is owned by a City official or employee

Section 2. Acceptance Gifts

With exception of campaign contributions which shall be reported in accordance with Georgia Laws, no city official shall solicit or accept directly or indirectly anything of value from any person, corporation, or group which:

- (1) has, or is seeking to obtain, contractual or other business or financial relationships with the City of Hinesville

- (2) seeks to have a City Official exercise a matter of discretion in his or her favor
- (3) seeks to have interests which may be affected by the performance or nonperformance of the official duty of the City Official
- (4) has the appearance to influence a City Official in the performance of the official's duties

Section 3. Intent

It is the intent of this section that City Officials avoid any action or inaction whether or not specifically prohibited by Section 2 which might result in, or create appearance of:

- (1) Using public office for private financial, business, social or fraternal gain.
- (2) Impeding government efficiency or economy.
- (3) Adversely affecting the confidence of the public in the integrity of the government.
- (4) Purposely or intentionally violating laws involving moral turpitude as defined by Georgia Law.

Section 4. Financial Interests of Members

City Officials may not:

- (1) have direct or indirect financial interests that conflict substantially with their responsibilities and duties as government servants
- (2) Engage in, directly or indirectly, financial transactions as a result of, or primarily relying upon, information obtained from their office. Aside from these restrictions, City Officials are free to engage in lawful financial transactions to the same extent as private citizens.

Section 5. Use of Public Property

A City Official shall not use city government property of any kind for any purpose other than officially approved activities, nor direct employees to use such property for any purpose other than officially approved activities.

Section 6. Use of Confidential Information

A City Official shall not directly or indirectly, make use of, or permit others to make use of, for the purpose of furthering a private interest, official information not made available to the general public.

Section 7. Coercion by City Official

A City Official shall not use his position in any way to coerce, or give the appearance of coercing, another person, business, entity or group by providing any benefit to them or persons within his immediate family, or those with whom an official has business or financial ties or social ties.

Section 8. Voting in Matters of Personal Interest

A City Official shall not vote on an ordinance, amendment, or resolution in a meeting that would directly affect his or her private business interests or property interest; nor such interests of his immediate family.

Section 9. Unauthorized Purchases

A City Official shall not order any goods and services for the City of Hinesville nor obligate city funds for such payment, without prior official authorization for such expenditure.

Section 10. Meetings of the Council

Meetings of the Council shall be conducted in accordance with the Official Code of Georgia Annotated, Title 50, Chapter 14, as amended.

Section 11. City Attorneys Used for Private Business

A City Official shall not use the attorney or attorneys who are under retainer by the City of Hinesville for personal or private business without paying the attorney just compensation.

Section 12. Unauthorized Use of Public Employees

A City Official shall not use their superior position to request or require a city employee to:

- (1) do clerical work on behalf of his family, business, social, church or fraternal interests
- (2) purchase goods and services to be used for personal, business, or political purposes
- (3) personally work for them without offering just compensation; and/or
- (4) perform work allegedly for the benefit of the City without prior official authorization

Section 13. Travel Expenses

A City Official shall not draw per diem or expense monies from the City of Hinesville to attend a seminar, convention, or conference only to fail to attend the seminar, convention, or conference without refunding the pro-rata unused per diem or expense monies to the city.

Section 14. Penalties

The Code of Ethics to be observed by city officials and employees are set forth herein, and any violation thereof, shall subject the offender to disciplinary action which may include censure and public or private reprimand. Power to administer a greater punishment shall include power to administer the lesser. Further, in cases involving intentional acts, the general penalties of Section 1-13 of the Code of the City of Hinesville may be used as disciplinary action for violations of this code.

ARTICLE B.

Administration

Section 1. Ethics Committee

The ethics committee shall consist of five (5) members appointed by the Council. All members shall be residents of the City of Hinesville and shall serve a two (2) year term.

Section 2. Receipt of Complaints

- (a) All complaints against city officials shall be filed with the ethics committee. The ethics committee may require that oral complaints, and complaints illegibly or informally drawn, be reduced to a memorandum of complaint in such form as may be prescribed by the Hinesville City Council. A copy of any filed complaint shall be forwarded to the party against whom the complaint is filed.
- (b) Upon receipt of a complaint in proper form, the ethics committee shall review and investigate it to determine whether the complaint is justified, frivolous, patently unfounded, or fails to state facts sufficient to invoke the disciplinary jurisdiction of the Hinesville City Council
- (c) The ethics committee shall be empowered to conduct investigations through hearings, by subpoenaing parties, and collecting evidence and information concerning any complaint.
- (d) Upon completion of its investigation of complaint, the ethic committee shall be empowered document their findings and dismiss those complaints which are frivolous, patently unfounded, or which fail to state facts sufficient to invoke the disciplinary jurisdiction of the Hinesville City Council, provided, however, that a rejection of such complaint by the ethics committee shall not deprive the complaining party of any action he might otherwise have at law in equity against the respondent government servant.
- (e) The ethic committee shall be empowered to adopt forms for formal complaints, subpoenas, notices, applications for reinstatement, and any other written instruments necessary or desirable under these rules.
- (f) Should the committee determine after a hearing that disciplinary action is warranted, it shall make written findings and recommendations to the Hinesville City Council.
- (g) The official against whom a complaint is filed may present evidence to the Ethics Committee and/or Hinesville City Council concerning any alleged complaints. The final disciplinary decision and/or penalties shall only be determined after hearing and opportunity to present evidence.
- (h) Employees who are charged with violation of the Code of Ethics will be given due process according to the City's Personnel Policies & Procedures.

Section 3. Additional Regulations

This chapter shall be cumulative to any other ordinance, resolution, or act now existing.

Section 4. Right to Appeal

Any final decision by the City Council pursuant to this code shall be reviewable by the Superior Court of Liberty County. The review by the Superior Court shall be limited to whether there was evidence to support the decision of the City Council. Provided however, the City Council's refusal or failure to take action pursuant to this code shall not be reviewable by the Superior Court.

Section 5. Conflict of Interest

No selected official, appointed officer, or employee of the city or any agency or political entity to which this charter applies shall engage in any business or transaction or have a financial or personal interest, direct or indirect, which interferes with the proper discharge of or impairs their judgment or action in the performance of their official duties.

ARTICLE C.

Conflict of Interest, Political Activities and Code of Ethics

Section 1. Acceptance of Gifts, Gratuities, Special Privileges

- (a) Employees and City Officials shall not accept gifts, loans, rewards, favors, or services that may reasonably tend to improperly influence them in the discharge of their official duties. This limitation is not intended to prohibit the acceptance of articles of negligible value which are distributed generally or to prohibit loans from regular institutions. It is particularly important that employees and officials guard against relationships which might be construed as or give the appearance of favoritism, coercion, unfair advantage, or collusion.
- (b) City Officials and Employees shall not use or attempt to use, including but not limited to knowledge obtained by or through their employment or by virtue of their position, to secure an economic benefit or advantage, special privilege or exemption for themselves or others.
- (c) City Officials and Employees shall not accept employment or engage in any business or professional activity which they may reasonably expect would require or induce them to disclose confidential information acquired by them by reason of their official position.
- (d) Employees shall not accept payments from outside sources for professional services (i.e., teaching, instructing, speaking engagements, consulting, honorariums) when

such activities are done on city time or when such services pertain to the purchase or sale of city property.

Section 2. Proprietorship of Creations

All plans, designs, reports, specifications, drawings, devices, inventions, and other items produced or created by employees during working hours or through the use of city facilities or equipment or at the request of the city shall be and become the sole property of the City of Hinesville.

Section 3. Confidential Information

City Officials and Employees shall not disclose confidential information gained by reason of their official position, nor shall they otherwise use such information for their personal gain or benefit.

Section 4. Conflict of Interest.

- (a) If an employee of the city is an officer, director, agent or member of, or owns any interest in an entity which is subject to the regulation of, or which has financial commitments with the city clerk.
- (b) Employees shall not transact any business in their capacity as City employees with any business entity of which he or she is an officer, director, agent, member, or in which he or she owns a controlling interest, excluding civic, charitable, or religious organizations.
- (c) Employees shall not have personal investments in enterprise which create a conflict or a perceived conflict between their personal interest and public interest. A passive interest by any official or employee in any public or private entity with which interest is 5% or less will not constitute a sufficient interest to raise a presumption or perceived conflict of interest.

Section 5. Political Activity

- (a) No person employed by the city shall either publicly or otherwise hold themselves out as a candidate in any City of Hinesville election while holding such employment.
- (b) City employees shall not take part in any political management or political campaign for elections of the Mayor or City Council for the City of Hinesville during any period of time.
- (c) No employee, official or other person shall solicit, orally or by letter, or in any other manner concerned in obtaining any assessments, contributions, or services for any political party from any employee during their duty, service, or work with the city.

- (d) Employees shall not represent the city by wearing any uniform or portion thereof that is issued by the city while he is participating in any campaign at any time.
- (e) The city does not seek to influence employees in their choice of party affiliations or candidates. Therefore, (except as provided in Article C, Section 5, Paragraph B) nothing contained in this Code shall be construed to restrict the right of any employee to hold membership in or support a political party, to vote as they choose, to express opinions on political subjects or candidates, to maintain political neutrality, to attend political parties after work hours, or to campaign actively during off duty hours in all areas of political activity.
- (f) Employees shall not utilize any city equipment or vehicle in support of any political campaign.

ARTICLE D.

Outside Employment

Section 1. Limitations and Approval Requirement

- (a) City employment shall be considered to be the primary employment of all full-time employees. No employee may engage in outside employment which will interfere with the interests of city service. Employment which are not acceptable include, but not limited to: (1) illegal activity; (2) employment that by virtue of association will reflect upon the reputation of the city; (3) high hazard or fatiguing work which might detract from or reduce employee performance with the City.
- (b) Prior to beginning any regularly scheduled outside employment, employees will obtain specific written approval from their department head or their designee on request forms which indicate the name of the outside employer, the nature of the work, hours of work, address and telephone number where the employee can be reached. Employees are required to obtain approval from their department head or his designee for any change in a previously approved outside employment request.
- (c) Any employee accepting or engaging in outside employment under the terms of these provisions shall make arrangements with the outside employer to respond immediately to any emergency call of duty or whenever the city shall determine that the employee's services are necessary.
- (d) Employees sustaining injuries while engaged in outside employment are normally ineligible to receive benefits under the city's Worker's Compensation program. If an employee sustains an injury while engaged in outside employment, but is performing duties, within the scope of his city responsibilities (i.e. a police arrest), they may be eligible for partial city Worker's Compensation benefits.
- (e) Failure to comply with the provisions of this section will result in disciplinary action.