

Secs. 2-249, 2-250. Reserved.

Article XIII. Code of Ethics*

Sec. 2-251. Conflicts of interest.

Neither the mayor, the president of the board of aldermen, any alderman or other officer or employee, elected or appointed, whether paid or unpaid, shall engage in any business or transaction or shall have a financial or other private interest, direct or indirect, which is in conflict with and adverse to the proper discharge of his official duties and the best interests of the city. (Ord. of 3-15-65, § 1)

Sec. 2-252. Representing private interest before city agencies.

Neither the mayor, president of the board of aldermen, any alderman or other officer or employee, elected or appointed, whose salary is paid in whole or in part from the city treasury shall appear in behalf of private interests before any agency of the city, including any committee of city government, the Atlanta Housing Authority, any joint board if the city is a participant, the board of education, or any other agency in which the city is involved. Aldermen, however, may appear without compensation or remuneration of any kind in behalf of constituents, or in the performance of public or civic obligations. This section shall not prohibit appearances upon matters only incidentally requiring official action which do not develop into a substantial part of the employment, provided that the retainer is not for the purpose of appearing before any committee, authority, board or other agency of the city, and provided further, that the compensation, in whole or in part, is not contingent or dependent upon the action of such committee, authority, board or other agency. No person serving the city without compensation shall appear, either directly or indirectly, on behalf of private interests in matters involving any committee, authority, board or other agency on which he serves or before any other committee, authority,

*Editor's note—Ord. of March 15, 1965, from which Art. III is derived, did not expressly amend this Code, hence codification of §§ 1—13 as §§ 2-251—2-263 respectively, was at the discretion of the editors. Italicized catch phrases were added to facilitate indexing and reference.

Cross references—Offices, officers and employees, Ch. 21; fire department, § 12-26 et seq.; police department, Ch. 25.

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other agency of the city, shall publicly disclose on the official record the nature and extent of such interest. (Ord. of 3-15-65, § 5)

Sec. 2-256. Gifts and favors.

Neither the mayor, the president of the board of aldermen, any alderman or other officer or employee, elected or appointed, whether paid or unpaid, shall accept any valuable gift calculated to influence his vote or decision in any business dealing with the city, in any form or forms whatsoever, including, but not limited to service, loan, thing or promise, from any person. (Ord. of 3-15-65, § 6)

Sec. 2-257. Disclosure of confidential information.

Neither the mayor, the president of the board of aldermen, any alderman or other officer or employee, elected or appointed, whether paid or unpaid, shall disclose confidential information concerning the property, governing operations, policies or affairs of the city; nor shall he use such information or any acquired in his official capacity to advance the financial or other personal interest of himself or others in any instance wherein the same would conflict with, and be adverse to, the best interests of the city. (Ord. of 3-15-65, § 7)

Sec. 2-258. Investments in conflict with official duties.

Neither the mayor, the president of the board of aldermen, any alderman or other officer or employee, elected or appointed, whether paid or unpaid, shall invest, or hold any investment directly or indirectly in any financial, business, commercial or other private transaction, which creates a conflict with and adversely affects his official duties to the detriment of the city. (Ord. of 3-15-65, § 8)

Sec. 2-259. Incompatible employment.

Neither the mayor, the president of the board of aldermen, any alderman or other officer or employee, elected or appointed, whether paid or unpaid, shall engage in or accept private employment or render services for private interests

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when such employment or service is adverse to and incompatible with the proper discharge of his official duties. (Ord. of 3-15-65, § 9)

Sec. 2-260. Private business conflicts.

Owning stock in, or being employed by, or having any connection with or ownership in any business, company or concern which does business with the city only through sealed competitive bidding where said bids are opened and the awards are made at meetings open to the public, shall not be considered as doing business with the city so as to cause any conflict of interest. (Ord. of 3-15-65, § 10)

Sec. 2-261. Appearances before city agencies of former officers or employees.

No person who has served as officer or employee, elected or appointed, of the city shall within a period of six (6) months after termination of such service or employment appear before any committee, authority, board or other agency of the city or receive compensation for any services rendered on behalf of any person, firm, corporation or association in relation to any case, proceeding or application with respect to which such person was directly concerned, or in which he personally participated during the period of his service or employment, or which was under his active consideration or with respect to which knowledge or information was made available to him during the period of said service or employment. (Ord. of 3-15-65, § 11)

Sec. 2-262. Board of ethics.

(a) *Creation, membership.* There is hereby created and established a board of ethics to consist of five (5) members, all of whom shall be residents of, and domiciled in, the city and who shall be nominated and elected as follows:

- (1) One (1) member to be nominated by the president of the Atlanta Bar Association and elected by the board of aldermen;
- (2) Four (4) to be nominated by the mayor and elected by the board of aldermen.

The members shall each serve for a term of four (4) years without compensation, and the members shall elect a chairman and effect their own organization internally.

(b) *Advisory opinions.* The board shall render an advisory opinion when requested by the mayor, the president of the board of aldermen, member of the board of aldermen, or officer or employee, whether elected or appointed, paid or unpaid, with respect to the provisions of this article in which said mayor, president of the board of aldermen, member of the board of aldermen, or other officer or employee is personally involved. Such advisory opinion shall be rendered pursuant only to written request by the mayor, president of the board of aldermen, member of the board of aldermen, or other officer or employee concerned. At the time of making request, and as a part of and contemporaneously therewith, the person requesting an opinion from the board shall set forth fully in writing, sworn and subscribed to under oath, all facts and other matter within the knowledge of said person relating in any way to the issue about which he seeks an opinion, and shall supplement only in writing such information initially furnished as may be necessary from time to time so as to present fully and completely all facts and other matter for review by the board.

(c) *Personnel, facilities, meetings, records.* The city shall assign from existing clerical personnel all necessary clerical assistance to the board of ethics, and shall provide and designate a place for meetings of the board. The board shall hold private meetings at such times as it may desire, and a majority of the members of the board shall constitute a quorum for the transaction of the business of the board. A majority opinion of the members sitting at any hearing shall govern as to decisions of the board. The board, in its judgment, shall be free to contract for the services of a competent court reporter to take down statements, testimony and discussions at its meetings, or to use in lieu thereof a competent person or persons adept at shorthand reporting, and/or mechanical transcribing devices, whichever method or methods desired by the board, to be paid for by the city. All permanent records of the board shall be confidential and shall be kept under lock

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in the office of the administrative assistant to the mayor. The city shall pay all administrative costs, including those specifically stipulated herein, pertaining to the operation of the board of ethics.

(d) *Requests for opinions.* The mayor, the president of the board of aldermen, any alderman or other officer or employee, elected or appointed, paid or unpaid, may where any question of conflict of interest or possible ethical violation exists, request in writing an opinion from the board of ethics.

(e) *Increase of membership.* The mayor and board of aldermen may increase the number of the members of the board of ethics if such becomes necessary in order to make the work of the board more effective.

(f) *Secrecy provisions.* The hearings of the board of ethics shall be held in private, but the opinions of the board shall be made available to the public to examine and to the press to publish with such deletions therefrom as may be necessary to prevent disclosure of the identity of the mayor, the president of the board of aldermen, any alderman or other officer or employee involved. Upon request of the board of ethics, the city attorney or a representative of his office shall meet with the board of ethics.

(g) *Compliance with opinion.* The mayor, the president of the board of aldermen, any alderman or other officer or employee of the city, whether appointed or elected, paid or unpaid, after a full and complete disclosure of all the facts, matter and circumstances, shall be entitled to rely on the opinion of the board of ethics as herein established as a guide to the conduct of such person in his relations to and with the city; and compliance with the opinion of the board of ethics shall serve in mitigation in any proceedings against such person for violation of this article.

(h) *Purpose of provisions.* It is the express intention of this section, including all of its subsections, and in the creation and function of the board of ethics herein provided, that the same serve as an advisory board for the benefit of those people in government who have a bona fide question regard-

ing a possible conflict between their governmental duties and their private, personal or financial interests. It is not the intention of this section, including all of its subsections, to establish a secret board for the purpose of holding meetings and/or investigations, or rendering opinions on any matter or matters not specifically presented to said board in writing as herein provided, but on the contrary, it is the express intention of this section in the creation of the board of ethics to make government better so that the public may benefit therefrom, and at the same time to protect those people in government who have a bona fide question of conflict; and with this aim it is the express and avowed intention in requiring the board of ethics to hold private hearings and to publish its opinions with such deletions as to names of parties and other matters involved, so that those matters of private interest and concern shall remain private and personal unless and until such time as it is made to appear that such personal and private interest is in conflict with government duty to the detriment of the public. (Ord. of 3-15-65, § 12)

Sec. 2-263. Penalties.

Any violation of this article, or the furnishing of false or misleading information to the board of ethics when seeking an opinion from said board with the intent to mislead and thereby gain an opinion favorable to the person requesting the same, shall subject the person committing such violation, or furnishing such false or misleading information with the intent to mislead the board of ethics, to punishment as provided for in section 1-9, and to impeachment or removal from office for cause, as the case may be, and upon conviction thereof, to removal from office, whether elected or appointed, paid or unpaid. (Ord. of 3-15-65, § 13)

Editor's note—The editors inserted reference to § 1-9 in lieu of reference to "the 1953 Code", inasmuch as § 1-9 is derived therefrom.

health authorities of Fulton and DeKalb Counties such assistance and cooperation as those authorities may be able to give in the areas of the city within their respective jurisdiction. (Ord. No. 1967-74, § 1, 12-4-67)

Sec. 15-7. Inspection, compliance with code prerequisite to utility services for substandard dwelling unit.

Utility services shall not be provided to any vacant dwelling unit which is unfit for human habitation until such dwelling unit has been brought into compliance with this code. (Ord. No. 1967-74, § 1, 12-4-67)

Sec. 15-8. Availability of reports, orders, recommendations.

After any order, report or recommendation has been made by an official or employee of the city and is on file in their respective department, such information shall upon request be made available to the owner of the property or his authorized agent, a prospective purchaser, the manager of the property, the attorney for any of the foregoing, any attorney for the examination of titles, and any official or employee of the city for official purposes. (Ord. No. 1967-74, § 1, 12-4-67)

Sec. 15-9. Inspection by disinterested employee; secrecy provisions, information.

No official or employee of the city making inspection of properties for the purpose of determining the necessity for repairs or corrections shall have any financial interest directly or indirectly, in any repairs or corrections which may be required, nor shall any such official or employee give to any person, firm or corporation, other than those authorized persons listed in section 15-8 above, any information regarding such repairs or corrections or the location or the names of the owners of said properties. (Ord. No. 1967-74, § 1, 12-4-67)

"That section _____ of the Code of Ordinances, City of Atlanta, Georgia, is hereby amended to read as follows: _____." The new provisions may then be set out in full as desired.

In the event a new section not heretofore existing in the Code is to be added, the following language may be used: "That the Code of Ordinances, City of Atlanta, Georgia, is hereby amended by adding a section (or article or chapter) to be numbered _____, which said section reads as follows:" The new section may then be set out in full as desired.

All sections, articles, chapters or provisions desired to be repealed should be specifically repealed by section, article or chapter number, as the case may be.

Sec. 1-8. Altering Code.

It shall be unlawful for any person in the city to change or amend by additions or deletions, any part or portion of this Code, or to insert or delete pages, or portions thereof, or to alter or tamper with such Code in any manner whatsoever except by ordinance or resolution or other official act of the mayor and council, which will cause the law of the City of Atlanta, Georgia, to be misrepresented thereby. Any person violating this section shall be punished as provided in section 1-9.

Sec. 1-9. General penalty; continuing violations.

Whenever in this Code or in any ordinance of the city any act is prohibited or is made or declared to be unlawful or an offense, or whenever in such Code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of such provision of this Code or any such ordinance shall be punished by a fine not to exceed five hundred dollars (\$500.00) and costs or imprisonment in the city jail for not more than six (6) months, or work on the public streets or on public works of the city for not more than six (6) months, or by any one or more of these punishments, sub-

ject to all limitations contained in the charter of the city. Each day any violation of this Code or of any ordinance shall continue shall constitute a separate offense.

In addition to the penalties hereinabove provided, any condition caused or permitted to exist in violation of any of the provisions of this Code or any ordinance shall be deemed a public nuisance, and may be abated by the city as provided by law, and each day that such condition continues shall be regarded as a new and separate offense. (Code 1953, § 1.11)

Charter references—Maximum punishment that may be prescribed, § 2.3.2; provisions as to the Municipal Court, operation thereof, § 5.1.1 et seq.

Cross reference—Provisions allowing persons credit for time served in the city stockade where such persons, upon conviction for violation of a city ordinance, are unable or fail to pay the fine, § 19-43.

State law reference—Organization of public works camps by cities, § 69-205, Ga. Code Ann.

Sec. 1-10. Judgments and sentences to run consecutively.

All judgments and sentences imposed and ordered by the judge of the Municipal Court shall run consecutively unless otherwise specifically provided by the judge of such court in such judgments and sentences.