



CITY OF FOREST PARK MAYOR & COUNCIL CITY COUNCIL WORK SESSION

Monday, September 20, 2021 at 6:00 PM
Council Chambers and YouTube Livestream

Website: www.forestparkga.gov
YouTube: <https://bit.ly/3c28p0A>
Phone Number: (404) 366.1555

FOREST PARK CITY HALL
745 Forest Parkway
Forest Park, GA 30297

AGENDA

The Honorable Mayor Angelyne Butler, MPA

The Honorable Kimberly James The Honorable Dabouze Antoine
The Honorable Hector Gutierrez The Honorable Latresa Akins-Wells
The Honorable Allan Mears

Dr. Marc-Antonie Cooper, City Manager
S. Diane White, City Clerk
Mike Williams, City Attorney

VIRTUAL NOTICE

DISCLAIMER: For in-person attendance, all CDC requirements of Masks and Social Distancing is recommended.

To watch the meeting via YouTube - <https://bit.ly/3c28p0A>

The Council Meetings will be livestream and available on the City's

YouTube page - "**City of Forest Park GA**"

CALL TO ORDER/WELCOME:

ROLL CALL - CITY CLERK:

CITY MANAGER'S REPORT: Dr. Marc-Antonie Cooper, City Manager

NEW BUSINESS:

1. Discussion on Employee Vacation Sell Back (This is for Discussion Only) – Chief Executive Offices

Background/History:

Due to years of increased demand on staff, staffing shortages and with the current COVID-19 pandemic it has become very difficult for some to use vacation time. Previous City Manager's allowed for several employees to accrue above the maximum amount for their years of service. Periodically these long-term employees have been allowed to sell back overages of vacation and/or sick hours to the city. The City Manager is seeking the governing body's guidance regarding a policy to allow employees who meets the criteria to sell back "one-time only" overages in vacation hours at their normal rate of pay. This would reduce the city's long-term liability and provide for a re-set on vacation time that allows only the maximum rollover per current policy.

2. Discussion on Rental Assistance Program for Forest Park Residents – Chief Executive Office

Background/History:

On September 7, council approved to set aside a portion of the city's American Rescue Fund allocation to potentially fund additional rental assistance specifically for City of Forest Park residents. The city's previous program was administered through Clayton County Community Services. The city had also received a proposal from the City Edge Project to review. The City Manager is seeking direction, after discussion from the governing body on funding these programs.

3. Discussion and Approval of Surplus city Equipment – Information Technology

4. Approval of Ordinance Amending Ethics Code to Create Ethics Officer – Legislative

EXECUTIVE SESSION: (When an Executive Session is required, one will be called for the following issues: Personnel, Litigation or Real Estate)

ADJOURNMENT:

In compliance with the Americans with Disabilities Act, those requiring accommodation for Council meetings should notify the City Clerk's Office at least 24 hours prior to the meeting at 404-366-1555.

File Attachments for Item:**1. Discussion on Employee Vacation Sell Back (This is for Discussion Only) – Chief Executive Offices****Background/History:**

Due to years of increased demand on staff, staffing shortages and with the current COVID-19 pandemic it has become very difficult for some to use vacation time. Previous City Manager's allowed for several employees to accrue above the maximum amount for their years of service. Periodically these long-term employees have been allowed to sell back overages of vacation and/or sick hours to the city. The City Manager is seeking the governing body's guidance regarding a policy to allow employees who meets the criteria to sell back "one-time only" overages in vacation hours at their normal rate of pay. This would reduce the city's long-term liability and provide for a re-set on vacation time that allows only the maximum rollover per current policy.

CITY OF
FORESTPARK

City Council Agenda Item

Subject: Employee Vacation Sell Back – Chief Executive Offices

Submitted By: Dr. Marc-Antonie Cooper

Date Submitted: September 10, 2021

Work Session Date: September 20, 2021

Council Meeting Date: September 20, 2021

Background/History:

Due to years of increased demand on staff, staffing shortages and with the current COVID-19 pandemic it has become very difficult for some to use vacation time. Previous City Manager's allowed for several employees to accrue above the maximum amount for their years of service. Periodically these long-term employees have been allowed to sell back overages of vacation and/or sick hours to the city. The City Manager is seeking the governing body's guidance regarding a policy to allow employees who meets the criteria to sell back "one-time only" overages in vacation hours at their normal rate of pay. This would reduce the city's long-term liability and provide for a re-set on vacation time that allows only the maximum rollover per current policy.

Cost: \$ 65,000

Budgeted for: _____ **Yes** X **No**

Financial Impact:

The FY22 budget included \$35,000.00 for this payout, but the maximum is all sold back what they had over would be approximately \$65,000.00

Action Requested from Council:

Guidance after discussion of policy regarding vacation leave overages.

shall not be permitted to take annual leave until successful completion of the initial appointment working test period.

(2) Temporary and Emergency Employees: Temporary and emergency employees shall not accrue annual leave.

(3) Accumulation Rate: The rate which annual leave accrues is in accord with the length of time an employee has worked for the City. Annual leave accrues at an hourly rate specified below in accordance with the number of hours constituting a normal work day for the employee.

(a) 6 months — 9 years' service: One equivalent day for each calendar month of service which equals a total of twelve (12) equivalent days per year; maximum accumulation 30 days.

(b) 10- 19 years' service: One and one-quarter days for each calendar month of service up to fifteen (15) equivalent days per year; maximum accumulation 33 days.

(c) 20 plus years' service: One and two-thirds days for each calendar month of service up to twenty (20) equivalent days per year; maximum accumulation 38 days.

c. Accrual by Employees on Leave: No annual leave shall accrue while an employee is on leave without pay, nor during any suspensions. (FMLA accruals see Rule IX, 6 Medical and other benefits 4.) For purposes of determining the date upon which an employee will become eligible for a higher annual accrual rate, an employee's time which an employee is on Military Leave or Family and Medical Leave will be counted as if the employee had worked.

d. Maximum Accumulation: No employee may accrue more than the maximum accumulation for their years of service. Any annual leave earned but not taken after an employee has accumulated the maximum days of unused annual leave shall become forfeited on the first day of the next calendar year.

e. Request Procedure: A request for annual leave must be submitted to the employee's immediate supervisor. Annual leave may be taken only after approval by the appropriate Department Head so that, insofar as practicable, the department will be able to meet its operating needs without hiring additional temporary help. Annual leave shall be authorized in units of hours only.

f. Payment for Unused Leave: Upon separation, the employee will be paid for all accumulated and unused annual leave.

File Attachments for Item:**2. Discussion on Rental Assistance Program for Forest Park Residents – Chief Executive Office****Background/History:**

On September 7, council approved to set aside a portion of the city's American Rescue Fund allocation to potentially fund additional rental assistance specifically for City of Forest Park residents. The city's previous program was administered through Clayton County Community Services. The city had also received a proposal from the City Edge Project to review. The City Manager is seeking direction, after discussion from the governing body on funding these programs.

2021 CITY EDGE PROJECT

FAST TRACK RENTAL
ASSISTANCE PROGRAM

PROPOSED BY

GRIN

GATEWAY RESTORATION INTERNATIONAL NETWORK, INC.

THE GRIN TEAM

Ashley Beeler

Brian Beeler

Dr. Leon & Dr. Barbara Beeler

Rickey & Shalonda Schoonmaker



OVERVIEW OF THE ORGANIZATION

City Edge Projects, Inc. (CEP) is a non-profit program created by Gateway Restoration International Network, Inc. (GRIN) and is designed to improve the spiritual, academic, and economical level of the community as a whole. Although not incorporated until 2006, CEP has been operating in the community since 1995 by periodically conducting anti-drug rallies, providing after school tutoring, providing school supplies to children, teaching computer classes, voter registration drives, neighborhood beautification projects, job skills training for adults, and other programs, etc. CEP is a program that will further its involvement in the community by providing a facility that would provide after school tutoring, computer classes, and physical activity for school age children as well as GED classes, Job Skills classes, and various other community programs.

This Network was founded to implement programs and opportunity of growth, restoration, and innovation within the Forest Park Community and greater Clayton County Areas. Under the leadership of Dr. Leon Beeler, CEP is becoming a powerful positive force in the community.

NEVER STOP
BUILDING
YOUR
CITY

THE PROJECT

This project is specifically geared towards the revitalization of the City of Forest Park's housing market and its infrastructure. This includes financial assistance to individuals, households, and families within the Forest Park, GA community, which has been tremendously affected by the Covid-19 Pandemic. GRIN Inc. is committed to overseeing and executing this project from start to finish. This includes the following: processing of applications for rental assistance, verification of leasing agreements, effective communication with landlords in an effort to prevent evictions associated with delinquent or past due rent, a designated landlord/tenant liaison specializing in customer care, as well as the management and disbursement of funding specifically allocated for Rental Assistance by a versed accounting system and representative. GRIN is dedicated to the vision of overall restoration to the City of Forest Park.

**CITY EDGE PROJECTS, INC.
A COMMUNITY OUTREACH UNDER GRIN'S 501-C3.**

**A NON-PROFIT ORGANIZATION PROVIDING SERVICES TO THE COMMUNITY AS A WHOLE
ESTABLISHED IN FEBRUARY 14, 2007.**

HIGHLIGHTS:

THIS PORTION OF THE PROGRAM WILL FACILITATE AND EXECUTE RENTAL ASSISTANCE FOR THE RESIDENCE OF THE CITY OF FOREST PARK UTILIZING FUNDS OBTAINED FROM THE CITY OF FOREST PARK, OUR HOME COMMUNITY.

****CEP IS A CURRENT GRANT RECIPIENT AND ADMINISTRATOR OF THE "CHOOSE HEALTHY LIFE INITIATIVE" PARTNERED WITH UNITED WAY AND QUEST DIAGNOSTICS. THIS PROGRAM IS RESPONSIBLE FOR EXECUTING COVID-19 TESTING, VACCINATIONS, AND EDUCATIONAL AWARENESS TO THE COMMUNITY. ****



Dr. Barbara Beeler



Dr. Leon Beeler

The founders of the City Edge Projects, Inc. (CEP), which falls under the leadership of Gateway Restoration International Network, Inc. (GRIN), are Dr. Leon and Dr. Barbara Beeler. Dr. Leon was born in Indianapolis, Indiana and Dr. Barbara was born in Augusta, GA. They have three sons and have been married for 56 years. Dr. Leon was saved in 1977 and accepted his call to ministry as a Pastor in 1980. Dr. Leon and Barbara have previously pastored two churches and Dr. Leon is a Veteran of the United States Army and also worked in management with BellSouth for 30 years before retiring and going into the ministry full time in 1996. Dr. Barbara was a licensed nurse.

Dr. Barbara and her husband, Dr. Leon are the founders of Restoration Theological Seminary, which is committed to providing programs of study in ministerial training and equipping the saints for the work of the ministry. The school plays a key role in training ministers, lay leaders, and the saints through Restoration Theological Seminary.

Dr. Leon Beeler has a Th.D. in Theology and DDiv in Divinity. He serves as Senior Chaplain for the Forest Park City Police Department, Vice President of Restoration Theological Seminary, Founder of the Forest Park Minister's Association, and Director of the City Edge Projects, Inc.

Dr. Barbara Beeler has a Ph.D. in Christian Psychology and a Ph.D. in Clinical Christian Counseling. She is the CEO of Gateway Restoration International Network, Inc. that provides Spiritual Care and Oversight for churches, ministries, Christian schools, Counseling Centers, and ministers. She is the President of Restoration Theological Seminary and has a Christian Counseling Center where Counseling, Life Coaching and Deliverance are some of the services that are provided.

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EXECUTIVE SUMMARY

City Edge Projects mission is to provide a multitude of services to the community as a whole by sponsoring at different times the following programs:

- Afterschool, Weekend, & Summer Programs

Providing an after school tutoring program, specializing in reading, Math, Science, English, SAT and computers for 50 children.

- Adult Education Program

Provide preparatory courses in math, language arts, science and social studies for adults who did not complete their high school education. This is a community program provided at no cost.

- Community Outreach and Education Programs

Provide testing, medical assistance, rental & utility assistance, educational information, and many other services that can help build up the community and provide a resource facility.

****CEP** is a Current Grant recipient and administrator of the “Choose Healthy Life Initiative” and partner with United Way and Quest Diagnostics.

- Life & Job Skills Program

Provide a computer lab for individuals to learn the keyboard and become efficient in the various computer programs, resume writing, and job interviewing. This will open doors for many job opportunities.

The Need

Forest Park Statistics as of 2019

Table 1

TARGET AREA	POPULATION	% OF RENTERS	% OF HOME OWNERS
FOREST PARK, GA (ZIP 30297)	20020	7607 (38%)	12212 (61%)
CLAYTON COUNTY, GA	292256	14628 (50%)	14628(50%)

Forest Park Statistics as of 2019

Table 2

TARGET AREA	PER-CAPITA INCOME	% OF POVERTY	% OF UNEMPLOYED
FOREST PARK, GA (ZIP 30297)	\$36,792	4569 (26.2%)	7577 (6.6%)
CLAYTON COUNTY, GA	\$51,093	23888 (18.6%)	6678 (7.9%)

PROGRAM

This project is specifically geared towards the revitalization of the City of Forest Park's housing market and its infrastructure. This includes financial assistance to individuals, households, and families within the Forest Park, GA community, which has been tremendously affected by the Covid-19 Pandemic. GRIN Inc. is committed to overseeing and executing this project from start to finish. This includes the following: processing of applications for rental assistance, verification of leasing agreements, effective communication and agreements with landlords to prevent evictions associated with delinquent or past due rent, a designated landlord/tenant liaison specializing in customer care, as well as the management and disbursement of funding specifically allocated for Rental Assistance by a versed accounting system and representative. GRIN is dedicated to the vision of overall restoration to the City of Forest Park

The proposal is for two paid staffers, office space, supplies, and an allotment of \$500,000 (or whatever the council approves) to be set in an account and the funds (outlined as 3 month's rent) will be dispersed based on the criteria outlined by the City of Forest Park until the allotment of funds in the account is depleted or the program ends upon the written request of the City Manager. Any funds not disbursed or paid for salaries will be refunded back to the City of Forest Park. Records will be kept and available for review upon request.

The criteria will be as follows:

- Forest Park Residents will receive a onetime award up to three month's rent (any exemptions to the criteria will have to be approved by the City Edge CEO in communication with the City Manager of Forest Park)
- Funds will be paid directly to the Landlord or Property Management Company after verification that the funds are actually due.
- In some instances Landlord or Property Management Company must sign an agreement to allow residents to keep renting if certain terms are met

IDENTIFICATION OF PARTICIPANTS

Forest Park Residents who are temporarily living in an extended stay facility or boarding house in the City of Forest Park, has a job, and has been financially impacted by Covid-19 or was recently laid off as a result of covid-19 (either because of missed work due to diagnosed Covid-19 illness or business closing). Residents must have an ID with a Forest Park address and a Social Security card in their name.

Forest Park Residents who had a job and was financially impacted by Covid-19 or was recently laid off as a result of covid-19 (because of missed work due to diagnosed Covid-19 illness or business closing). These residents may be behind on rent or need assistance with upcoming rent due to impact of Covid-19. Residents must have an ID with a Forest Park address, a lease with the residents name on it, a Social Security card in their name, and a utility bill in their name.

THE ORGANIZATION

Executives of the Corporation, Officers, and Team Members, including detailed Resumes of Principles

CITY EDGE TEAM
CEO**Brian Beeler, B.S.**

CEO- Mr. Brian Beeler is Chief Executive Officer of City Edge projects, Inc. and has held this position for the past _ 15 _ years. He has been an integral part of the corporation since its inception in 1995. Mr. Beeler has volunteered countless hours to the corporation from participating in the youth rallies to assisting the children with after school teaching GED classes, Food Pantry, and running the overall operations of GRIN. Mr. Beeler has served on the executive Board of City Edge Projects, Inc, and Gateway Restoration International Network (GRIN).

Mr. Brian Beeler is a Graduate of Fort Valley State University and holds a BS in Pure Mathematics. He also has earned an A+ Computer Technician Certification from Mercer University ICTS, Qradar Cyber Security Certification, and has earned an ABA approved Paralegal Certificate from Clayton State University. Mr. Beeler is currently working for IBM Internet Security Systems, Inc. as a US Regional SOC Senior Analyst / Team Leader. Mr. Beeler has also worked for the Upward Bound Program at Atlanta Metropolitan College for ten years as a Math Tutor / Counselor and Computer Lab Instructor for high school students who are preparing to go to college.

CITY EDGE TEAM
SECRETARY**Rickey R. Schoonmaker, M.A.**

Secretary- Rickey R. Schoonmaker is the Senior Pastor of Gateway Restoration Church in Forest Park, GA. Pastor Rickey was called to Ministry at the early age of 9 and journeyed through life serving in areas of Community Outreach and Ministry in Atlanta, GA and Detroit, MI. In 2018 he founded Spirit and Life Outreach Ministry where he focused on serving in Courthouse Outreach Ministry in Gwinnett and Fulton Counties. Pastor Rickey has a true heart for God's people and his life journey of dedication to ministry is reflective of this. Rickey has been a Certified Chaplain with the American Chaplains Association since 2019. Rickey holds a Bachelor and Master of Arts in Theology, obtained at Restoration Theological Seminary, Forest Park, GA. Pastor Rickey has been a member of the Georgia Christian Counseling Association since 2019. He also serves as an active Board Member of the Forest Park Ministers Association. Rickey is the CEO of Spirit and Life Counseling and Anger Management Services also in Forest Park, GA. He specializes in counseling adult men, young men, and teen boys in areas of Anger Management, Inner Healing, Self-Esteem, and Life Coaching.

CITY EDGE TEAM
ASSOCIATE**Shalonda S. Schoonmaker, M.A.**

Intake and Processing Specialist- Minister Shalonda Schoonmaker is a Licensed and Ordained Minister at Gateway Restoration Church in Forest Park, GA. She is currently a Certified Chaplain with the American Chaplains Association since 2019. Shalonda holds a Bachelor of Arts in Pastoral Counseling and a Master of Arts in Life Coaching received from Restoration Theological Seminary, Forest Park, GA. Shalonda is also a Georgia Board Certified Christian Counselor Therapist and Life Coach. She has previously served in Health Care Administration for 10 years with Blue Cross Blue Shield of Michigan. Shalonda is passionate about Ministry, Community Outreach, and Health related services, specializing in services for young women. Minister Shalonda is the CFO of Spirit and Life Counseling Services and Founder of Shiloh Almah Restoration (teen-girl mentor program).

Shalonda currently serves as a Health Care Navigator (Clayton County) with the "Choose Healthy Life Initiative" partnership with United Way of America and Quest Diagnostics. This is a Nationwide Initiative that facilitates Covid-19 Testing (Phase I) and Vaccination (Phase II) opportunities throughout Metro Atlanta. Shalonda is fully committed and dedicated to advocating for the Community of Forest Park and Clayton County Georgia in an effort to achieve Healthy Life and Covid-19 related recovery.

Shalonda has extensive experience and specializes in Customer Relations/Customer care, Project Management, Marketing, Special Events Coordinator/ Logistical Planning, Strategic Planning, Statistical Data Reporting, Sales Force, Excel, Word, and Asset Mapping.

CITY EDGE TEAM
ASSOCIATE**Ashley Beeler, A.S.**

Records & Disbursement Agent- Ashley Beeler holds an Associate of Science in Business Administration from Atlanta Metropolitan State College. She is currently a Film Production student at Clayton State University in Morrow, GA. Ashley has extensive background and experience in Customer Service and processing tag renewals, issuing new tags, and processing titles in person, online and by mail. She also is fluent in managing and maintaining records of Customer files which includes sensitive and confidential documentation. Previous responsibilities include back office reporting, receiving, and mail. She is also versed in State of Georgia Policy and Procedures, all of which were encompassed within 2.5 year tenure with the Clayton County Tax Commissioners Office.

Ashley also serves as an Office Administrator with Restoration Theological Seminary. Ashley's skills include Word, Excel, Microsoft, Square, and QuickBooks. Ashley is currently an active team member of the GRIN City Edge Project.

Proposed Officer Compensation

Principal Position

Intake & Processing Specialist
Records & Disbursement Agent

Monthly Salary

\$4166
\$4166

Annual Salary

\$50,000
\$50,000

PROSPECTIVE FINANACIALS AND OPERATION COST

OPERATING BUDGET			
ITEM	QUANTITY		GRANT TOTAL
FUNDS FOR RESIDENTS IN NEED OF RENTAL ASSISTANCE	N/A		\$ 500,000.00
ITEM	QUANTITY	MONTHLY HOURS OR COST (\$)	YEARLY TOTALS
OFFICE SPACE	1	400	4800
INTAKE & PROCESSING SPECIALIST	1	4166	50000
RECORDS & DISBURSEMENT AGENT	1	4166	50000
PAYROLL & ACCT. SOFTWARE COMPANY	1	100	1200
MISCELANEOUS SUPPLIES	N/A	100	1200
TOTAL			\$ 107,200.00
		GRAND TOTAL	607,200.00

Intake & Processing Specialist: Receive all the required information from prospective residents and Verify that all of the documents that are submitted are accurate and that the landlord or managing property company has agreed to the terms of payment .

Records & Disbursement Agent: Ensure that the information is kept secure, orderly and filed properly. Responsible for making sure the checks or funds are made to the proper landlord or managing property company.

File Attachments for Item:

3. Discussion and Approval of Surplus city Equipment – Information Technology

CITY OF
FORESTPARK

City Council Agenda Item

Subject: Discussion and approval of surplus city Equipment – Information Technology

Submitted By: Dr. Marc-Antonie Cooper

Date Submitted: September 15, 2021

Work Session Date: September 20, 2021

Council Meeting Date: September 20, 2021

Background/History:

Information Technology would like to declare the items listed in EXHIBIT A as surplus. These items are outside of their useful life and have been cleaned and reset to factory basic.

Cost: \$ 0

Budgeted for: _____ **Yes** X **No**

Financial Impact:

N/A

Action Requested from Council:

Motion to approve Exhibit A items as surplus.

Type	Serial Number	Reset	Department	DATE
Iphone SE	FFNCRH1NPLJM	YES	PBNZ	8/5/2021
Iphone 6	FFMW4F91GRYG	YES	PBNZ	8/13/2021
Iphone SE	FFWD2L8QPLJM	YES	City Hall	8/4/2021
Iphone 6	FK1V3BY1HFLR	YES	PBNZ	8/5/2021
Iphone SE	F18D6HYFPLJM	YES	City Hall	8/1/2021
Iphone 7	C7CY47JHHG6W	YES	PBNZ	8/4/2021
Iphone 7	C7CXN6K7HG6W	YES	Rec Center	8/4/2021
Iphone SE	F17D44WEPLJN	YES	City Hall	8/24/2021
Iphone 6	F17Q5RT1G5MC	YES	Rec Center	8/4/2021
Iphone 7	DX3XRMEQH6W	YES	IT	8/4/2021
Iphone 7	DX3CVNJYHG6W	YES	HR	7/30/2021
Iphone 7	DX3YK72CHG6W	YES	Rec Center	8/4/2021
Iphone 7	DX3CVZZCHG6W	YES	City Hall	8/13/2021
Iphone 7	DX3YLDPC6W	YES	PW	8/5/2021
Iphone 7	DX3RDRMHG6W	YES	NA	8/4/2021
Iphone 7	DX3YLH5FHG6W	YES	PW	8/5/2021
Iphone 7	DX3YD1Z7HG6W	YES	PBNZ	8/13/2021
Iphone 7	DX3Y15B9HG6W	YES	PW	7/30/2021
Iphone 7	DX3Y7EJLHG6W	YES	PW	7/30/2021
Iphone 7	DX4YHU32HG6W	YES	NA	8/4/2021
Iphone 7	DX3Y7FK4HG6W	YES	PW	8/5/2021
Iphone 7	F71Y4NQHHG6W	YES	PBNZ	8/3/2021
Iphone 7	F71Y4MVDHG6W	YES	Rec Center	8/4/2021
Iphone 7	F71Y4HW7HG6W	YES	PW	7/30/2021
Iphone 7	F71Y4GE5HG6W	YES	PW	7/30/2021
Iphone 7	F71Y46AAHG6W	YES	PW	7/30/2021
Iphone 7	F71Y40E6HG6W	YES	Rec Center	8/1/2021
Iphone 7	F71Y45LPHG6W	YES	PW	7/30/2021
Iphone 7	F71Y4G7ZHG6W	YES	Rec Center	8/11/2021
Iphone 7	F71Y4D3JHG6W	YES	PW	8/13/2021
Iphone 7	F71Y4ARMHG6W	YES	NA	8/4/2021
Iphone 7	F71Y4DPXHG6W	YES	HR	8/23/2021
Iphone 7	F71Y44P2HG6W	YES	City Hall	8/5/2021
Iphone 7	F71Y476GHG6W	YES	PW	8/4/2021
Iphone 7	F71Y476DHG6W	YES	PW	8/5/2021
Iphone 7	F71Y42P7HG6W	YES	PW	8/13/2021
Iphone 7	F71Y4MWWKHG6W	YES	Rec Center	8/1/2021
Iphone 7	F71Y4BX3HG6W	YES	NA	8/4/2021

File Attachments for Item:

4. Approval of Ordinance Amending Ethics Code to Create Ethics Officer – Legislative

CITY OF
FORESTPARK

City Council Agenda Item

Subject: Approval of Ordinance Amending Ethics Code to Create Ethics Officer – Legislative

Submitted By: Michael Williams

Date Submitted: September 14, 2021

Work Session Date: September 20, 2021

Council Meeting Date: September 20, 2021

Background/History:

The City Council last amended the Ethics Ordinance in April 2020. At the time, new Ethics Board members were named. Since then, although two ethics charges have been made, the City staff has been unable to get a quorum of the Ethics Board to meet, either for training/organization or to process the two pending charges.

It is proposed that the Ethics Board be replaced with an independent Ethics Officer who would have the same authority of the Ethics Board to receive complaints, investigate them, conduct hearings and make recommendations to the City Council for further action. The Ethics Officer could only be removed for cause, further shielding the individual from any bias.

If approved, the City staff would initiate a procurement to identify a lawyer or law firm to present to the City Council to serve as the Ethics Officer.

Cost: \$ variable

Budgeted for: _____ **Yes** X **No**

Financial Impact:

It is envisioned that the City will retain the services of an individual attorney or law firm who would charge an hourly rate.

Action Requested from Council:

It is requested that the city approve the ordinance.

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF FOREST PARK, GEORGIA TO REVISE THE CODE OF ETHICS FOR OFFICIALS; TO PROVIDE FOR ~~A COMPLAINT AND HEARING PROCESS WITH RESPECT TO ALLEGED VIOLATIONS OF THE CODE~~THE ESTABLISHMENT OF AN ETHICS OFFICER; TO PROVIDE FOR DISCIPLINE; AND FOR OTHER PURPOSES.

IT IS HEREBY ORDAINED by the Governing Authority of the City of Forest Park:

Section 1. The Code of Ordinances, City of Forest Park, Georgia is hereby amended by ~~the addition of deleting Chapter 6 to Title 2 of the Code and replacing it with~~ a new Chapter 6 to Title 2 ~~of the Code~~ as shown on Exhibit A.

Section 2. ~~Article E of Chapter 1 to Title 2 of~~All pending ethics complaints before the ~~Code is hereby repealed~~City shall be referred to the newly created Ethics Officer.

Section 3. In the event any word, phrase, sentence or paragraph is determined by a court of competent jurisdiction to be unconstitutional, the offending provisions shall be severed from the ordinance and the remaining words, phrases, sentences and paragraphs shall continue in effect as fully as though no challenge had been brought, it being the intent of the Council that severability be applied to the maximum extent allowed by law.

Section 4. All ordinances or parts of ordinances in conflict with this Ordinance are, to the extent of such conflict, hereby repealed.

Section 5. This ordinance shall be effective immediately upon its adoption.

[SIGNATURES APPEAR ON FOLLOWING PAGE]

SO ORDAINED this _____ day of _____, ~~2020~~2021.

Mayor Angelyne Butler

Council Member Kimberly James, Ward 1

Council Member Dabouze Antoine, Ward 2

Council Member Hector Gutierrez, Ward 3

Council Member Latresa Wells, Ward 4

Council Member Allan Mears, Ward 5

ATTEST:

_____ (SEAL)
City Clerk

APPROVED AS TO FORM:

City Attorney

Chapter 6 Code of Ethics

Sec. 2-6-1 Purpose and intent.

(a) It is the policy of the City of Forest Park that the proper operation of democratic government requires that public officials be independent, impartial and responsible to the people; that governmental decisions and policy be made in proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, a code of ethics for all city officials is adopted.

(b) This Chapter has the following purposes:

- (1) To encourage high ethical standards in official conduct by city officials;
- (2) To establish guidelines for ethical standards of conduct for all such officials by setting forth those acts or actions that are incompatible with the best interest of the City;
- (3) To require disclosure by such officials of private financial or other interests in matters coming before the City; and
- (4) To serve as a basis for disciplining those who refuse to abide by its terms.

(c) It is the intent of this Chapter that City officials shall avoid any action, whether or not specifically prohibited by section 2-2-5 of this Chapter, which might result in, or create the appearance of the following:

- (1) Using public office for private gain;
- (2) Impeding government efficiency or economy; or
- (3) Affecting adversely the confidence of the public in the integrity of the government.

Sec. 2-6-2 Political campaigns not covered.

The provisions of this Chapter shall not apply to political contributions; loans, expenditures, reports or regulation of political campaigns; or the conduct of candidates in such campaigns.

Sec. 2-6-3 Scope of persons covered.

The provisions of this Chapter shall be applicable to the Mayor and all Members of the City Council, as well as to all members of the Forest Park Planning and Zoning Board,

Forest Park Downtown Development Authority, the Forest Park Urban Redevelopment Agency, Forest Park HousingDevelopment Authority, and to members appointed to anyall other boards, authorities, commissions, or agencies of the City.

Sec. 2-6-4 Definitions.

As used in this Chapter, the following terms shall have the following meanings:

- (1) *City Official* or *Official*, unless otherwise expressly defined, means the Mayor and all Members of the City Council, as well as to all members of the Forest Park Planning and Zoning Board, Forest Park Downtown Development Authority, the Forest Park Urban Redevelopment Agency, Forest Park Housing Authority, and to members appointed to any boards, commissions or authorities of the City.
- (2) *Decision* means any ordinance, resolution, contract, franchise, formal action or other matter voted on by the Mayor and Council or other City board, authority, commission or agency, as well as the discussions or deliberations of the Council, board, authority, commission or agency which can or may lead to a vote or formal action by that body.
- (3) *Immediate family* means the spouse, mother, father, grandparent, brother, sister, son, daughter, grandchild of any city official related by blood, adoption or marriage. The relationship by marriage shall include in-laws.
- (4) *Remote interest* means an interest of a person or entity, including a City Official, which would be affected in the same way as the general public. For example, City utility charges or a comprehensive zoning ordinance or similar matter is deemed remote to the extent that the Official would be affected in common with the general public.
- (5) *Financial interest* means any an interest, either directly or through a member of the immediate family, in another person or entity, where:
 - a. The interest is ownership of five percent (5%) or more of the voting stock, shares or equity of the entity or ownership of \$5,000.00 or more of the equity or market value of the entity; or
 - b. The funds received by the person from the other person or entity during the previous 12 months either equal or exceed (i) \$5,000.00 in salary, bonuses, commissions or professional fees, or \$5,000.00 in payment for goods, products or services, or (ii) ten percent (10%) of the recipient's gross income during that period, whichever is less;

- c. The person serves as a corporate officer or member of the board of directors or other governing board of a for-profit entity other than a corporate entity owned or created by the City Council; or
 - d. The person is a creditor, debtor, or guarantor of the other person or entity in an amount of \$5,000.00 or more.
- (6) *Thing of value* means any item, consideration, or benefit other than those exempted under O.C.G.A., § 16-10-2(a)(2). Thing of value shall not include the following:
- a. Food or beverage consumed at a single meal or event;
 - b. Legitimate salary, benefits, fees, commissions, or expenses associated with a recipient's non-public business, employment, trade, or profession;
 - c. An award, plaque, certificate, memento, or similar item given in recognition of the recipient's civic, charitable, political, professional, or public service;
 - d. Food, beverages, and registration at group events to which all members of the Council, board, authority, commission or agency is invited;
 - e. Actual and reasonable expenses for food, beverages, travel, lodging, and registration for a meeting which are provided to permit participation or speaking at the meeting;
 - f. A commercially reasonable loan made in the ordinary course of business;
 - g. Any gift with a value less than \$100.00;
 - h. Promotional items generally distributed to the general public or to City Officials;
 - i. A gift from a member of the City Official's immediate family; or
 - j. Food, beverage, or expenses afforded City Officials, members of their immediate families, or others that are associated with normal and customary business or social functions or activities.

Sec. 2-6-5 Prohibited conduct.

(a) No City Official shall use such position to secure special privileges or exemptions for himself or herself or others, or to secure confidential information for any purpose other than official duties on behalf of the City.

(b) No City Official, in any matter before the Council or other City body, relating to a person or entity in which the Official has a Substantial Interest or from whom the Official has received a Thing of Value, shall fail to disclose for the record such Interest or receipt of such Thing of Value prior to any discussion or vote or fail to recuse himself or herself from such discussion or vote, as applicable.

(c) No City Official shall act as an agent or attorney for another in any matter before the City Council or other City body.

(d) No City Official shall directly or indirectly receive, or agree to receive, any Thing of Value in any matter or proceeding connected with, or related to, the duties of his office except as may be provided or exempted by law.

(e) No City Official shall enter into any contract with, or have any interest in, either directly or indirectly, the City except as authorized by state law. Any Official who has a proprietary interest in an agency doing business with the City shall make that interest known in writing to the City Council and the City Clerk.

(f) All public funds shall be used for the general welfare of the people and not for personal economic gain.

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(g) Public property shall be disposed of in accordance with state law.

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(h) No City Official shall solicit or accept other employment to be performed, or compensation to be received, while still a City Official if the employment or compensation could reasonably be expected to impair such Official's judgment or performance of City duties.

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(i) If a City Official accepts or is soliciting a promise of future employment from any person or entity who has a substantial interest in a person, entity or property which would be affected by any decision upon which the official might reasonably be expected to act, investigate, advise, or make a recommendation, the Official shall disclose the fact to the City Council and shall recuse himself or herself and take no further action on matters regarding the potential future employer.

(j) No City Official shall use City facilities, personnel, equipment or supplies for private purposes, except to the extent such are lawfully available to the public.

(k) No City Official shall grant or make available to any person any consideration, treatment, advantage or favor beyond that which it is the general practice to grant or make available to the public at large.

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(l) No City Official shall use his position in such a manner as to threaten, intimidate or humiliate the public or City workforce.

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

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(n) A City Official shall not use his or her position in any way to coerce, or give the appearance of coercing, another person to provide any financial benefit to such official or persons within the Official's immediate family, or those with whom the Official has business or financial ties amounting to a Substantial Interest.

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(o) A City Official shall not order any goods and services for the City without prior official authorization for such an expenditure. No City Official shall attempt to obligate the City nor give the impression of obligating the City without proper prior authorization.

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(p) No City official shall draw travel funds or per diem from the City for attendance at meetings, seminars, training or other education events and fail to attend such events without promptly reimbursing the City therefor.

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(q) No City Official shall attempt to unduly influence the outcome of a case before the Municipal Court of the City of Forest Park.

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(r) No City Official shall use the attorney or attorneys who are employed by or appointed by the City for personal or private business without paying just compensation therefor.

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(s) No City Official shall use his superior position to request or require an employee of the City to:

(1) Do clerical or other work on behalf of his or her family, business, social, church, or charitable or fraternal interests;

(2) Purchase goods and services to be used for personal, business, or political purposes; or

(3) Work for him or her personally without offering just compensation.

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(t) No City Official shall grant or make available to any person or entity any consideration, treatment, advantage or favor beyond that which it is the general practice to grant or make available to the public at large. No City Official shall ask or require any City employee to grant or make available to any person or entity any consideration, treatment, advantage or favor beyond that which it is the general practice to grant or make available to the public at large, or to exercise any discretionary authority except in accordance with established law.

(u) No City Official may participate in a vote or decision on a matter affecting an immediate family member or any person, entity, or property in which the official has a substantial interest.

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(v) No City Official who serves as a corporate officer or member of the board of directors of a nonprofit entity shall fail to disclose that interest to the Mayor and Council prior to participating in a vote or decision regarding funding of that entity by or through the City.

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(w) No City Official shall violate any provision of the City Charter or ordinances of the City.

(x) No City Official shall fail to conduct themselves with courtesy and respect, and the utmost civility and decorum, both in public and private settings.

Sec. 2-6-6 Remote interests need not be disclosed.

Where the interest of a City Official in the subject matter of a vote or decision is remote or incidental, the City Official may participate in the vote or decision and need not disclose the interest.

Sec. 2-6-7 Board of Ethics Officer.

(1) The BoardThere is hereby created the position of Ethics Officer for the City of Forest Park. The Ethics Officer may be an individual or a law firm. The Ethics Officer or the primary law firm representative must be an active member of the City shall consist Georgia Bar Association in good standing with five (5) years' experience in the practice of three (3) residents of the City, one appointed by the Mayor, one law.

(2) The Ethics Officer shall be appointed by the City Council Members and a third appointed by the Mayor and approved a period not to exceed four (4) years.

(3) The Ethics Officer shall not be involved in partisan or nonpartisan political activities or the political affairs of the City of Forest Park or Clayton County.

(a)(4) The Ethics Officer may be suspended or discharged only for cause by a majority vote of the City Council. The members of the Board of Ethics shall designate one of their members as Chairperson and another member as Recording Secretary For these purposes, "cause" shall include the failure to perform the position of Ethics Officer, any violation of the City Charter or Ordinances, or having been charged with any crime of moral turpitude.

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(b) All members of the Board of Ethics shall be residents of the City for at least one (1) year immediately preceding the date of taking office and shall remain a City resident while serving on the Board. No person shall serve on the Board of Ethics

~~who has been convicted of a felony involving moral turpitude in this state or any other state, unless such person's civil rights have been restored and at least ten years have elapsed from the date of the completion of the sentence without a subsequent conviction of another felony involving moral turpitude. No person shall serve on the Board of Ethics who is less than 21 years of age, who holds a public elective office, who is physically or mentally unable to discharge the duties of a member of the Board of Ethics, or who is not qualified to be a registered voter in the City. No person shall be eligible for membership on the Board of Ethics who, within the preceding one-year period, has had any interest in any contract or contracting opportunity with the City or has been employed by the City.~~

- ~~(c) Upon appointment, members of the Board of Ethics shall sign an affidavit attesting to their qualifications to serve as a member of the Board.~~
- ~~(d) Members of the Board of Ethics with any permit or rezoning application pending before the City, or any pending or potential litigation against the City or any City Official charged in the complaint shall be disqualified from serving on the Board of Ethics for that complaint. An alternative member of the Board of Ethics shall be selected in the same manner as the disqualified individual for that particular complaint.~~
- ~~(e) All members of the Board of Ethics shall serve a term of two (2) years.~~
- ~~(f) Members of the Board of Ethics shall serve without compensation. The City shall provide meeting space for the Board of Ethics and, subject to budgetary procedures and requirements of the City, such supplies, equipment and staff assistance as may be reasonably necessary for the Board to perform its duties and responsibilities.~~
- ~~(g) Members of the Board of Ethics may be removed by affirmative vote of the City governing authority.~~

Sec. 2-6-8 RECEIPT OF COMPLAINTS

- (a) All complaints against city officials shall be filed with the city clerk, who will give it to the Mayor and Council. The Mayor and Council 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 city council. Upon receipt of a complaint in proper form, the city clerk or the clerk's designee shall forward a copy of the complaint to the city official or officials charged in the complaint within no more than seven (7) calendar days. Service may be by personal service, by certified mail, return receipt requested or by statutory overnight delivery.
- (b) All complaints shall be submitted and signed under oath, shall be legibly drawn and shall clearly address matters within the scope of this ordinance.

- (c) Upon receipt of a complaint in proper form, the ~~Board~~Ethics Officer shall review it to determine whether the complaint is unjustified, frivolous, patently unfounded or fails to state facts sufficient to invoke the disciplinary jurisdiction of the City Council. The ~~Board of~~ Ethics Officer is empowered to dismiss in writing complaints that it determines are unjustified, frivolous, patently unfounded or fail to state facts sufficient to invoke the disciplinary jurisdiction of the City Council; provided, however, that a rejection of such complaint by the ~~Board of~~Ethics Officer shall not deprive the complaining party of any action such party might otherwise have at law or in equity against the city official. For complaints that are not dismissed, the ~~Board of~~ Ethics Officer is empowered to collect evidence and information concerning any complaint and add the findings and results of its investigations to the file containing such complaint.
- (d) The ~~Board of~~ Ethics Officer is empowered to conduct investigations, to take evidence, and to hold hearings to address the subject matter of a complaint.
- (e) The ~~Board of~~ Ethics Officer is empowered to adopt forms for formal complaints, notices, and any other necessary or desirable documents within its jurisdiction where the city council has not prescribed such forms.
- (f) Findings of the ~~Board of~~ Ethics Officer shall be submitted to the City Council for action.
- (g) To discourage the filing of ethics complaints solely for political purposes, complaints will not be accepted against a person seeking election as a city official, whether currently serving as a city official or not, from the date qualifying opens for the elected office at issue through the date the election results for that office are certified. The time for filing complaints will not run during this period. Properly filed complaints will be accepted and processed after the election results have been certified.

Sec. 2-6-9 Hearing

A hearing shall be held within sixty (60) calendar days after filing of the complaint. The ~~Board of~~Ethics Officer shall conduct hearings in accordance with the procedures and regulations it establishes but, in all circumstances, at least one hearing shall include the taking of testimony and the cross-examination of available witnesses. The decision of the ~~Board of~~Ethics Officer shall be rendered to Mayor and Council within seven calendar days after completion of the final hearing. At any hearing held by the ~~Board of~~Ethics Officer, the city official who is the subject of inquiry shall have the right to written notice of the hearing and the allegations at least seven (7) calendar days before the first hearing, to be represented by counsel, to hear and examine the evidence and witnesses and, to oppose or try to mitigate the allegations. The city official subject to the inquiry shall have also have the right but not the obligation of submitting evidence and calling witnesses. Failure to comply with any of time deadlines in this section of the ordinance shall not invalidate any otherwise valid complaint or in any

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way affect the power or jurisdiction of the ~~Board of~~ Ethics Officer or the city council to act upon any complaint.

Sec. 2-6-10 Appeals.

Any final decision by the Mayor and Council shall be reviewable by the Superior Court of Clayton County by writ of certiorari; provided that no failure or refusal of the Ethics ~~Board~~Officer or the Mayor and Council to take action pursuant to this Chapter shall be reviewable by superior court.

Sec. 2-6-11 Bar against subsequent complaint.

Where a complainant files a complaint for which the Ethics ~~Board~~Officer fails to make a “finding of violation” or for which the Mayor and Council fails to determine that any penalty is appropriate, the complainant shall be barred from filing any subsequent complaint against the same respondent Official for a period of 12 months after termination of the original complaint proceeding. Where a complainant files a complaint for which the Ethics ~~Board~~Officer fails to make a “finding of violation” or for which the Mayor and Council fail to determine that any penalty is appropriate, the complainant shall be barred from filing any subsequent complaint against the same respondent City Official alleging substantially the same facts and circumstances as the basis for the subsequent complaint.

Sec. 2-6-12 Penalty

Any person violating any provision of this article is subject to:

- (a) Public reprimand or censure by the city council;
- (b) Request for resignation by the city council; or
- (c) Removal from elected office pursuant to the procedure established by Section 5.16 of the City Charter.

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF FOREST PARK, GEORGIA TO REVISE THE CODE OF ETHICS FOR OFFICIALS; TO PROVIDE FOR THE ESTABLISHMENT OF AN ETHICS OFFICER; TO PROVIDE FOR DISCIPLINE; AND FOR OTHER PURPOSES.

IT IS HEREBY ORDAINED by the Governing Authority of the City of Forest Park:

Section 1. The Code of Ordinances, City of Forest Park, Georgia is hereby amended by deleting Chapter 6 to Title 2 of the Code and replacing it with a new Chapter 6 to Title 2 as shown on Exhibit A.

Section 2. All pending ethics complaints before the City shall be referred to the newly created Ethics Officer.

Section 3. In the event any word, phrase, sentence or paragraph is determined by a court of competent jurisdiction to be unconstitutional, the offending provisions shall be severed from the ordinance and the remaining words, phrases, sentences and paragraphs shall continue in effect as fully as though no challenge had been brought, it being the intent of the Council that severability be applied to the maximum extent allowed by law.

Section 4. All ordinances or parts of ordinances in conflict with this Ordinance are, to the extent of such conflict, hereby repealed.

Section 5. This ordinance shall be effective immediately upon its adoption.

[SIGNATURES APPEAR ON FOLLOWING PAGE]

SO ORDAINED this _____ day of _____, 2021.

Mayor Angelyne Butler

Council Member Kimberly James, Ward 1

Council Member Dabouze Antoine, Ward 2

Council Member Hector Gutierrez, Ward 3

Council Member Latresa Wells, Ward 4

Council Member Allan Mears, Ward 5

ATTEST:

City Clerk (SEAL)

APPROVED AS TO FORM:

City Attorney

Chapter 6 Code of Ethics

Sec. 2-6-1 Purpose and intent.

(a) It is the policy of the City of Forest Park that the proper operation of democratic government requires that public officials be independent, impartial and responsible to the people; that governmental decisions and policy be made in proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, a code of ethics for all city officials is adopted.

(b) This Chapter has the following purposes:

- (1) To encourage high ethical standards in official conduct by city officials;
- (2) To establish guidelines for ethical standards of conduct for all such officials by setting forth those acts or actions that are incompatible with the best interest of the City;
- (3) To require disclosure by such officials of private financial or other interests in matters coming before the City; and
- (4) To serve as a basis for disciplining those who refuse to abide by its terms.

(c) It is the intent of this Chapter that City officials shall avoid any action, whether or not specifically prohibited by section 2-2-5 of this Chapter, which might result in, or create the appearance of the following:

- (1) Using public office for private gain;
- (2) Impeding government efficiency or economy; or
- (3) Affecting adversely the confidence of the public in the integrity of the government.

Sec. 2-6-2 Political campaigns not covered.

The provisions of this Chapter shall not apply to political contributions; loans, expenditures, reports or regulation of political campaigns; or the conduct of candidates in such campaigns.

Sec. 2-6-3 Scope of persons covered.

The provisions of this Chapter shall be applicable to the Mayor and all Members of the City Council, as well as to all members of the Forest Park Planning and Zoning Board, Forest Park Downtown Development Authority, the Forest Park Urban Redevelopment Agency, Forest Park Development Authority, and to members appointed to all other boards, authorities, commissions, or agencies of the City.

Sec. 2-6-4 Definitions.

As used in this Chapter, the following terms shall have the following meanings:

- (1) *City Official* or *Official*, unless otherwise expressly defined, means the Mayor and all Members of the City Council, as well as to all members of the Forest Park Planning and Zoning Board, Forest Park Downtown Development Authority, the Forest Park Urban Redevelopment Agency, Forest Park Housing Authority, and to members appointed to any boards, commissions or authorities of the City.
- (2) *Decision* means any ordinance, resolution, contract, franchise, formal action or other matter voted on by the Mayor and Council or other City board, authority, commission or agency, as well as the discussions or deliberations of the Council, board, authority, commission or agency which can or may lead to a vote or formal action by that body.
- (3) *Immediate family* means the spouse, mother, father, grandparent, brother, sister, son, daughter, grandchild of any city official related by blood, adoption or marriage. The relationship by marriage shall include in-laws.
- (4) *Remote interest* means an interest of a person or entity, including a City Official, which would be affected in the same way as the general public. For example, City utility charges or a comprehensive zoning ordinance or similar matter is deemed remote to the extent that the Official would be affected in common with the general public.
- (5) *Financial interest* means any an interest, either directly or through a member of the immediate family, in another person or entity, where:
 - a. The interest is ownership of five percent (5%) or more of the voting stock, shares or equity of the entity or ownership of \$5,000.00 or more of the equity or market value of the entity; or
 - b. The funds received by the person from the other person or entity during the previous 12 months either equal or exceed (i) \$5,000.00 in salary, bonuses, commissions or professional fees, or \$5,000.00 in

payment for goods, products or services, or (ii) ten percent (10%) of the recipient's gross income during that period, whichever is less;

- c. The person serves as a corporate officer or member of the board of directors or other governing board of a for-profit entity other than a corporate entity owned or created by the City Council; or
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favor beyond that which it is the general practice to grant or make available to the public at large, or to exercise any discretionary authority except in accordance with established law.

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Sec. 2-6-7 Ethics Officer.

- (1) There is hereby created the position of Ethics Officer for the City of Forest Park. The Ethics Officer may be an individual or a law firm. The Ethics Officer or the primary law firm representative must be an active member of the Georgia Bar Association in good standing with five (5) years' experience in the practice of law.
- (2) The Ethics Officer shall be appointed by the City Council a period not to exceed four (4) years.
- (3) The Ethics Officer shall not be involved in partisan or nonpartisan political activities or the political affairs of the City of Forest Park or Clayton County.
- (4) The Ethics Officer may be suspended or discharged only for cause by a majority vote of the City Council. For these purposes, "cause" shall include the failure to perform the position of Ethics Officer, any violation of the City Charter or Ordinances, or having been charged with any crime of moral turpitude.

Sec. 2-6-8 RECEIPT OF COMPLAINTS

- (a) All complaints against city officials shall be filed with the city clerk, who will give it to the Mayor and Council. The Mayor and Council 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 city council. Upon receipt of a complaint in proper form, the city clerk or the clerk's designee shall forward a copy of the complaint to the city official or officials charged in the complaint within no more than seven (7) calendar days. Service may be by personal service, by certified mail, return receipt requested or by statutory overnight delivery.

- (b) All complaints shall be submitted and signed under oath, shall be legibly drawn and shall clearly address matters within the scope of this ordinance.
- (c) Upon receipt of a complaint in proper form, the Ethics Officer shall review it to determine whether the complaint is unjustified, frivolous, patently unfounded or fails to state facts sufficient to invoke the disciplinary jurisdiction of the City Council. The Ethics Officer is empowered to dismiss in writing complaints that it determines are unjustified, frivolous, patently unfounded or fail to state facts sufficient to invoke the disciplinary jurisdiction of the City Council; provided, however, that a rejection of such complaint by the Ethics Officer shall not deprive the complaining party of any action such party might otherwise have at law or in equity against the city official. For complaints that are not dismissed, the Ethics Officer is empowered to collect evidence and information concerning any complaint and add the findings and results of its investigations to the file containing such complaint.
- (d) The Ethics Officer is empowered to conduct investigations, to take evidence, and to hold hearings to address the subject matter of a complaint.
- (e) The Ethics Officer is empowered to adopt forms for formal complaints, notices, and any other necessary or desirable documents within its jurisdiction where the city council has not prescribed such forms.
- (f) Findings of the Ethics Officer shall be submitted to the City Council for action.
- (g) To discourage the filing of ethics complaints solely for political purposes, complaints will not be accepted against a person seeking election as a city official, whether currently serving as a city official or not, from the date qualifying opens for the elected office at issue through the date the election results for that office are certified. The time for filing complaints will not run during this period. Properly filed complaints will be accepted and processed after the election results have been certified.

Sec. 2-6-9 Hearing

A hearing shall be held within sixty (60) calendar days after filing of the complaint. The Ethics Officer shall conduct hearings in accordance with the procedures and regulations it establishes

but, in all circumstances, at least one hearing shall include the taking of testimony and the cross-examination of available witnesses. The decision of the Ethics Officer shall be rendered to Mayor and Council within seven calendar days after completion of the final hearing. At any hearing held by the Ethics Officer, the city official who is the subject of inquiry shall have the right to written notice of the hearing and the allegations at least seven (7) calendar days before the first hearing, to be represented by counsel, to hear and examine the evidence and witnesses and, to oppose or try to mitigate the allegations. The city official subject to the inquiry shall have also have the right but not the obligation of submitting evidence and calling witnesses. Failure to comply with any of time deadlines in this section of the ordinance shall not invalidate any otherwise valid complaint or in any way affect the power or jurisdiction of the Ethics Officer or the city council to act upon any complaint.

Sec. 2-6-10 Appeals.

Any final decision by the Mayor and Council shall be reviewable by the Superior Court of Clayton County by writ of certiorari; provided that no failure or refusal of the Ethics Officer or the Mayor and Council to take action pursuant to this Chapter shall be reviewable by superior court.

Sec. 2-6-11 Bar against subsequent complaint.

Where a complainant files a complaint for which the Ethics Officer fails to make a “finding of violation” or for which the Mayor and Council fails to determine that any penalty is appropriate, the complainant shall be barred from filing any subsequent complaint against the same respondent Official for a period of 12 months after termination of the original complaint proceeding. Where a complainant files a complaint for which the Ethics Officer fails to make a “finding of violation” or for which the Mayor and Council fail to determine that any penalty is appropriate, the complainant shall be barred from filing any subsequent complaint against the same respondent City Official alleging substantially the same facts and circumstances as the basis for the subsequent complaint.

Sec. 2-6-12 Penalty

Any person violating any provision of this article is subject to:

- (a) Public reprimand or censure by the city council;
- (b) Request for resignation by the city council; or
- (c) Removal from elected office pursuant to the procedure established by Section 5.16 of the City Charter.