

**ORDINANCE 2020-04**

**AN ORDINANCE TO AMEND SECTION 2-1 IN THE CODE OF ORDINANCES OF THE CITY OF SMYRNA, GEORGIA, BY ADDING AN UPDATED CODE OF CONDUCT FOR ELECTED OFFICIALS.**

**WHEREAS**, the mayor and council members are dedicated to promoting values and integrity of local government and democracy and committed to governing efficiently and effectively; and

**WHEREAS**, after taking oath of office as a city council member, they agree to conduct themselves in accordance with the following code of conduct:

**NOW BE IT ORDAINED AND IT IS HEREBY ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SMYRNA, GEORGIA** that the Code of Ordinances Section 2-1 of the City of Smyrna shall be amended as follows:

- The professional and personal conduct of council members must be above reproach and avoid the appearance of impropriety. Members should refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of the council, appointed officials, boards, commissions, staff or the public intended to disrupt and not further the city's business.
- Council members abide by applicable state laws, city ordinances and other doctrines relating to conduct of a council member, including, but not limited to: conflict of interest, data practices and open meeting law.
- Council members maintain the confidentiality of information concerning property, personnel or legal affairs of the city. They shall neither disclose confidential information, without proper legal authorization, nor use such information to advance their personal, financial or other private interests.
- A council member does not use the official position to secure special privileges or exemptions for themselves or others.
- Each member supports the maintenance of a positive and constructive workplace environment for city staff, private citizens and businesses dealing with the city. Council members will recognize their roles, as delineated in the city charter, city code and state statutes and in individual dealings with city staff.
- The mayor and council shall not use their position to influence the professional recommendation(s) of city staff.
- No member shall, except as specifically permitted by Georgia statutes, accept or receive any gift of substance, whether in the form of money, services, loan, travel, entertainment, hospitality, promise or any other form under circumstances in which it could be reasonably expected to influence the member in the performance of the member's official duties or intended as a reward for the member's official actions.
- Members of the council will not testify in their capacity as a council member, before any other board, commission, administrative officer or agent of the federal government, the state of Georgia

or of any county or other municipal corporation, including cities, except as provided. Exceptions to the policy:

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- if the member is testifying in such capacity pursuant to a lawfully issued subpoena;
  - in the event the council has designated the member or members to act as a spokesperson for the council as a whole to explain the majority vote or council's position.
- Council members serve as a whole when representing the official policies and positions of the city council. If speaking as an individual citizen, it's important to share that it is an individual perspective being presented and not on behalf of the city or council. In addition, council members refrain from testifying orally or in writing as to any quasi-judicial matter being heard or having the possibility of being heard by the council.

### **Conflict of interest**

Generally, state law prohibits public officers from having a personal financial interest in a sale, lease, or contract they are authorized to make in their official capacity. A "public officer" would include a mayor, council member, etc.

An interested officer should disclose his or her interest at the earliest stage and abstain from voting or deliberating on any contract in which he or she has an interest. There are some exceptions to the general prohibition on contracting with city officials defined in state law. To help determine if a conflict exists consider the:

- nature of the decision being made;
- nature of the financial interest;
- effect of the individual interest on the outcome of the decision by the council

Another conflict of interest situation may occur when the official's own personal interest is so distinct from the public interest that the member cannot be expected to represent the public interest fairly in deciding the matter. Some common areas are planning and zoning issues, public improvements, special assessments, licenses, land purchases and vacation of streets. Some other areas are church memberships, family associations and club memberships.

There are detailed procedures that must be followed to use any exception to the conflict of interest law. State statute and the city attorney should be consulted on procedures to follow.

### **Ethical leadership**

Ethical leadership is vital to the functioning of the city and to maintain the public's trust and confidence in the city and democratic process.

### **Key traits of ethical leaders**

- Recognize that ethical questions may be complex. As a result, they are willing to seek and accept the advice of knowledgeable officials such as the city administrator, city attorney or city staff.
- Understand that ethical conflicts are inevitable and should be dealt with forthrightly. Elected officials are human and citizens of their community. On occasion, it is expected that they will have needs or roles in their private lives that conflict with public office obligations. Ethical officials are open about potential conflicts of interest and follow applicable rules for disclosing

and dealing with the conflict (such as refraining from voting on a particular issue) to avoid even the appearance of impropriety.

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- Driven by fairness. The most ethical council members recognize that many city decisions will have an adverse, as well as positive outcomes and they, therefore, strive to make the best decision as defined by its ultimate fairness to all concerned. This often means making impartial decisions on the merits of the issues alone, while disregarding personal allegiances. It can also mean taking into account interests of citizens who are not present or who have not otherwise commented, but who are nonetheless affected by a decision. Ethical officials try to make decisions in the best interest of all in the community, not just those who show up at a meeting or protest the loudest.
- Know the importance of conscientious and ethical government as a value in itself. Ethical council members do not use their office or authority for revenge, prestige, or personal gain. Ethical council members recognize that government is a human institution. As a result, the human motivations of those in government will determine if the government itself is effective or ineffective, good or bad, ethical or unethical. Ethical council members care enough to make a positive difference and then act accordingly.

This Ordinance shall become effective upon the date of its adoption set forth below.

Severability: Should any section of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

**Approved by Mayor and Council this 1st day of June 2020.**

CITY SEAL:

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Derek Norton, Mayor of Smyrna, Georgia

ATTEST:

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Heather K. Peacon-Corn, City Clerk  
City of Smyrna, Georgia

Approved as to form:

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Scott Cochran, City Attorney

