



**Bulloch County  
Board of  
Commissioners  
Regular  
Meeting/Workshop**

**January 21, 2014  
Estimated Time: 1 Hour 30 Minutes  
North Main Annex Community Room  
Statesboro, Georgia  
8:30 AM**

Meeting Function:	<b>Board of Commissioners</b>	Type of Meeting:	<b>Regular Meeting/Workshop</b>
Meeting Chair:	<b>Chairman, Garrett Nevil (Presiding)</b>	Recorder:	<b>Clerk of the Board, Christy Strickland</b>
Parliamentarian:	<b>County Attorney, Jeff Akins</b>	Ex-Officio:	<b>Tom Couch, County Manager; Harry Starling, Chief Financial Officer; Andy Welch, Development Services Director; Ted Wynn, Public Safety Director; Dink Butler, Transportation Director; Kirk Tatum, County Engineer; and Whitney Richland, Chief Accountant</b>

**General Agenda**

ITEM	RESOURCE PERSON/FACILITATOR	TIME	REFER
Call to Order; Welcome Media and Visitors	Chairman Nevil	8:30 AM	
Invocation and Pledge of Allegiance	Commissioner Mosley	8:32 AM	
Roll Call	Clerk of the Board	8:35 AM	
Approval of General Agenda	Chairman Nevil	8:37 AM	
Presentation- Proclamation	County Manager	8:39 AM	Tab A
Public Comments	Audience	8:45 AM	
Consent Agenda	Chairman Nevil	8:55 AM	
To approve the minutes of the Regular Meeting held on January 7, 2014	Clerk of the Board		Tab B
To adopt a Resolution commending ACCG on the occasion of their Centennial	Clerk of the Board		Tab C
To adopt a Resolution to fix and publish qualifying fees for County Elected Offices	Legal		Tab D
Commission and Staff Comments	Chairman Nevil, et al.	8:57 AM	
Workshop-Ethics	County Manager	9:07 AM	Tab E
Adjourn	Chairman	10:00 AM	

**Additional Information**

Background information in Board packets



## BULLOCH COUNTY BOARD OF COMMISSIONERS AGENDA ITEM SUMMARY

DEPARTMENT MAKING REQUEST:  Board of Commissioners	MEETING DATE: 01.21.2014				
	RESOLUTION ATTACHED?				
	<table border="1" style="float: right; border-collapse: collapse;"> <tr> <td style="width: 50px;">YES</td> <td style="width: 50px;"></td> </tr> <tr> <td>NO</td> <td>X</td> </tr> </table>	YES		NO	X
YES					
NO	X				

REQUESTED MOTION OR ITEM TITLE:  
  
Proclamation welcoming the Georgia State Conference of the NAACP to Statesboro.

SUMMARY/BACKGROUND ATTACH DETAILED SUMMARY:  
  
This proclamation welcoming the Georgia State Conference and First Quarter Meeting and Civil Rights Institute of the NAACP to be held in Statesboro on January 24-25. The proclamation will be presented to Mr. Francys Johnson of Statesboro, State President.

AGENDA CATEGORY		FINANCIAL IMPACT STATEMENT				
(CHECK ONE)		BUDGETED ITEM?	YES	N	AMENDMENT OR TRANSFER REQUIRED?	YES
			NO			NO
PRESENTATION	X	ATTACH DETAILED ANALYSIS, IF NEEDED:				
PUBLIC HEARING						
CONSENT						
NEW BUSINESS						
UNFINISHED BUSINESS						
OTHER						

AGENDA ITEM REVIEW AND APPROVAL											
DEPARTMENT DIRECTOR		PURCHASING OFFICER		OTHER		COUNTY CLERK		COUNTY STAFF ATTORNEY		COUNTY MANAGER	
YES		YES		YES		YES	X	YES		YES	✓
NO		NO		NO		NO		NO		NO	
INITIAL		INITIAL		INITIAL		INITIAL <i>CS</i>		INITIAL		INITIAL <i>[Signature]</i>	
DATE		DATE		DATE		DATE <i>1.16.14</i>		DATE		DATE <i>1.16.14</i>	

COMMISSION ACTION AND REFERRAL	
APPROVED	DATE TO BE RETURNED TO AGENDA:
DENIED	NOTES:
DEFERRED	

January 7, 2014  
Statesboro, GA

### Regular Meeting

The Board of Commissioners met at 5:30 p.m. in the Community Room of the North Main Annex. Chairman Nevil welcomed guests and called the meeting to order. Commissioner Ethridge gave the invocation, and the pledge of allegiance.

Ms. Christy Strickland, Clerk of the Board, performed the roll call of the commissioners and staff. The following commissioners were present: Commissioner Ethridge, Vice-Chairman Simmons, Commissioner Mosley, Chairman Nevil, Commissioner Rushing, Commissioner Thompson and Commissioner Gibson. The following staff were present: County Manager Tom Couch, County Attorney Jeff Akins, Developmental Services Director Andy Welch, Transportation Director Dink Butler, Sheriff Lynn Anderson, Chief Deputy Jared Akins, Public Safety Director Ted Wynn, and Chief Accountant Whitney Richland.

After Roll Call, Chairman Nevil asked for amendments or modifications of the General Agenda. Hearing none, Commissioner Simmons offered a motion to approve the General Agenda as presented. Commissioner Mosley seconded the motion, and it carried unanimously with Commissioner Gibson, Commissioner Thompson, Commissioner Rushing, Commissioner Mosley, Commissioner Simmons, and Commissioner Ethridge voting in favor of the motion.

Chairman Nevil stated there was a presentation from the Bulloch County Sheriff's Department and called on Sheriff Lynn Anderson to present. Sheriff Anderson stated he was going to let Chief Deputy Jared Akins make the presentation. Chief Deputy Akins stated the commissioners had received the Annual Report (See Exhibit # 2014-001) and he was not going to go over it but if anyone had any questions to please let him know. Chairman Nevil thanked Chief Deputy Akins for the presentation of the annual report and for the job they do serving the community.

Chairman Nevil asked for public comments from the audience at large or in writing. There was no one present for public comments and nothing had been submitted in writing.

Chairman Nevil stated that the next item on the agenda was to approve the Consent Agenda as follows: (1) To Approve the minutes of the Regular Meeting held on December 17, 2013; (2) To approve a 2014 renewal alcoholic beverage license for Rangmadir Inc. (3)

To Approve an alcoholic beverage license to Urvashiben Patel for Chevron Food Mart. Commissioner Gibson offered a motion to approve the Consent Agenda. Commissioner Ethridge seconded the motion, and it carried unanimously with Commissioner Gibson, Commissioner Thompson, Commissioner Rushing, Commissioner Mosley, Commissioner Simmons, and Commissioner Ethridge voting in favor of the motion.

With no items under New/Old Business, Chairman Nevil asked for any general comments or statements from the Commissioners. Commissioners Ethridge, Simmons, Mosley, Rushing, and Gibson thanked Sheriff Anderson and Chief Deputy Akins for the wonderful presentation on the annual report and also thanked the staff for their hard work and dedication. Commissioner Thompson stated he had three items that did not have to be discussed but he just wanted to mention: the Automated Time Clocks, the Batter Boards for the new annex, and proper equipment for the rescue trucks.

Chairman Nevil asked for comments from the staff. County Manager Tom Couch gave an update on the New Administrative Annex and stated they are waiting on some cost estimates and will be ready to start the project as soon as that is taken care of. He stated the concern Commissioner Thompson has about the equipment for the rescue truck is just a matter of meeting with Fire Chief Christopher Ivey and EMS Director Doug Vickers to see where the money is going to come from. Mr. Couch also passed out a map with some preliminary landscaping for the I-16/301 project. He stated there is a Gateway grant in the amount of \$50,000 they can apply for if none of the Commissioners objected; none of the Commissioners objected to Mr. Couch proceeding forward with the application for the Gateway grant. Chairman Nevil asked if there were any further comments from the Commissioners or Staff. Hearing none from the Board or Staff, he asked for a motion to adjourn. Commissioner Rushing offered a motion to adjourn the meeting. Commissioner Ethridge seconded the motion, and it carried unanimously with Commissioner Gibson, Commissioner Thompson, Commissioner Rushing, Commissioner Mosley, Commissioner Simmons, and Commissioner Ethridge voting in favor of the motion.

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J. Garrett Nevil, Chairman

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Attest: Christy Strickland, Clerk of the Board

**BULLOCH COUNTY BOARD OF COMMISSIONERS  
AGENDA ITEM SUMMARY**

<b>DEPARTMENT MAKING REQUEST:</b>  Clerk of the Board	<b>MEETING DATE:</b> January 21, 2014		
	<b>RESOLUTION ATTACHED?</b>		<b>YES</b>
			<b>NO</b> <input checked="" type="checkbox"/>

**REQUESTED MOTION OR ITEM TITLE:**

To adopt a Resolution commending the Association County Commissioners of Georgia (ACCG) on the Occasion of their Centennial

**SUMMARY/BACKGROUND ATTACH DETAILED SUMMARY, IF NEEDED:**

This year marks the 100<sup>th</sup> year of ACCG. They sent an email out requesting all the counties to adopt a resolution (see attached).

<b>AGENDA CATEGORY (CHECK ONE)</b>		<b>FINANCIAL IMPACT STATEMENT</b>					
<b>PRESENTATION</b>		<b>BUDGETED ITEM?</b>	<b>YES</b>		<b>AMENDMENT REQUIRED?</b>	<b>YES</b>	
			<b>NO</b>	<input checked="" type="checkbox"/>		<b>NO</b>	<input checked="" type="checkbox"/>
<b>PUBLIC HEARING</b>		<b>ATTACH DETAILED ANALYSIS, IF NEEDED:</b>					
<b>CONSENT</b>	<input checked="" type="checkbox"/>						
<b>NEW BUSINESS</b>							
<b>OLD BUSINESS</b>							
<b>OTHER</b>							

<b>APPROVED FOR AGENDA</b>											
<b>DEPARTMENT DIRECTOR</b>		<b>PURCHASING OFFICER</b>		<b>OTHER</b>		<b>COUNTY CLERK</b>		<b>COUNTY STAFF ATTORNEY</b>		<b>COUNTY MANAGER</b>	
<b>YES</b>		<b>YES</b>		<b>YES</b>		<b>YES</b>	<input checked="" type="checkbox"/>	<b>YES</b>		<b>YES</b>	
<b>NO</b>		<b>NO</b>		<b>NO</b>		<b>NO</b>		<b>NO</b>		<b>NO</b>	
<b>INITIAL</b>		<b>INITIAL</b>		<b>INITIAL</b>		<b>INITIAL CAS</b>		<b>INITIAL</b>		<b>INITIAL</b>	
<b>DATE</b>		<b>DATE</b>		<b>DATE</b>		<b>DATE 1.16.2014</b>		<b>DATE</b>		<b>DATE</b>	

<b>COMMISSION ACTION AND REFERRAL (Box 9)</b>		
<b>APPROVED</b>		<b>DATE TO BE RETURNED TO AGENDA</b>
<b>DENIED</b>		
<b>DEFERRED</b>		
<b>OTHER</b>		
		<b>NOTES</b>

## A RESOLUTION

Commending the Association County Commissioners of Georgia (ACCG) on the Occasion of its Centennial

WHEREAS, Georgia's counties, as the level of government closest to the people, partner with the State of Georgia to ensure a high quality of life for all the citizens of the State; and

WHEREAS, counties serve as the administrative arm of state government, provide numerous services that protect the health, safety and well-being of the people, and foster the growth of business opportunities throughout Georgia; and

WHEREAS, ACCG was founded in 1914 when county commissioners came together to support "the good roads movement" by committing county funds to improve state roads and by backing the creation of the state's first highway department; and

WHEREAS, for the past 100 years, ACCG has served with integrity and distinction as the respected legislative advocate for and voice of Georgia's 159 counties; and, in that role has provided credible leadership on numerous public policy issues facing the state and its citizens; and

WHEREAS, during its 100-year history, ACCG has broadened its purpose beyond legislative advocacy to include leadership development, civic and community engagement, and member services such as insurance and retirement programs, facility and equipment financing, and volume-pricing programs designed to meet specialized local government needs and save taxpayer dollars; and

WHEREAS, 2014 marks the centennial anniversary of the founding of ACCG, it is fitting and proper that Bulloch County recognizes the accomplishments and rich history of this distinguished organization.

NOW, THEREFORE, BE IT RESOLVED BY THE BULLOCH COUNTY BOARD OF COMMISSIONERS commends ACCG, Georgia's county association, for 100 years of dedicated service on behalf of the counties and citizens of this State and offers their best wishes for continued success.

BE IT FURTHER RESOLVED that the county clerk is authorized and directed to transmit an appropriate copy of this resolution to Mike Berg, Chairman of the Dawson County Board of Commissioners and President of ACCG and Ross King, Executive Director of ACCG

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Christy A. Strickland, Clerk of the Board

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J. Garrett Nevil, Chairman

**BULLOCH COUNTY BOARD OF COMMISSIONERS  
AGENDA ITEM SUMMARY**

DEPARTMENT MAKING REQUEST (Box 1)  Legal	MEETING DATE (Box 2) January 21, 2014		
	RESOLUTION ATTACHED? (Box 3)	YES	X
NO			

REQUESTED MOTION OR ITEM TITLE (Box 4)  
  
Resolution to Fix and Publish Qualifying Fees for County Elected Offices

SUMMARY/BACKGROUND ATTACH DETAILED SUMMARY, IF NEEDED (Box 5)  
  
O.C.G.A. § 21-2-131 requires the Board of Commissioners as governing authority to fix and publish qualifying fees for those county offices up for election this year on or before February 1. This statute also mandates a formula to determine the qualifying fee, which is 3% of gross compensation or the minimum statutory salary depending upon the particular office. The attached resolution fixes qualifying fees in accordance with the statutory formula. Approval is recommended.

AGENDA CATEGORY (CHECK ONE) (Box 6)		FINANCIAL IMPACT STATEMENT (Box 7)					
PRESENTATION (6a)		BUDGETED ITEM? (7a)	YES		AMENDMENT REQUIRED? (7b)	YES	
			NO			NO	
PUBLIC HEARING (6b)		ATTACH DETAILED ANALYSIS, IF NEEDED ( 7c)					
CONSENT (6c)	X						
NEW BUSINESS (6d)							
OLD BUSINESS (6e)							
OTHER (6f)							

APPROVED FOR AGENDA (Box 8)											
DEPARTMENT DIRECTOR		PURCHASING OFFICER		OTHER		COUNTY CLERK		COUNTY STAFF ATTORNEY		COUNTY MANAGER	
YES		YES		YES		YES		YES		YES	
NO		NO		NO		NO		NO		NO	
INITIAL		INITIAL		INITIAL		INITIAL		INITIAL		INITIAL	
DATE		DATE		DATE		DATE		DATE		DATE	

COMMISSION ACTION AND REFERRAL (Box 9)		
APPROVED		DATE TO BE RETURNED TO AGENDA
DENIED		
DEFERRED		NOTES
OTHER		

**STATE OF GEORGIA  
COUNTY OF BULLOCH**

**THE BULLOCH COUNTY BOARD OF COMMISSIONERS**

**RESOLUTION # 2014 - \_\_\_\_**

**WHEREAS**, O.C.G.A. § 21-2-131 provides that the governing authority of any county shall fix and publish a qualifying fee for each county office to be filled in an upcoming election on or before February 1 of any year in which a general primary, nonpartisan election, or general election is to be held, and at least 35 days prior to the special primary or election in the case of a special primary or special election; and

**WHEREAS**, O.C.G.A. § 21-2-131 further provides certain statutory requirements for calculating said qualifying fees;

**NOW THEREFORE, BE IT RESOLVED** by the Bulloch County Board of Commissioners that qualifying fees for the following county offices to be filled in the upcoming elections in calendar year 2014 are hereby fixed and published in accordance with the statutory requirements as follows:

**OFFICE**

**QUALIFYING FEE**

Member of the Board of Commissioners	\$225.00
Member of the Board of Education	\$72.00
Clerk of Superior Court	\$1,894.94

**RESOLUTION APPROVED AND ADOPTED** this 21<sup>st</sup> day of January, 2014.

**BOARD OF COMMISSIONERS OF  
BULLOCH COUNTY, GEORGIA**

**By:** \_\_\_\_\_  
**J. Garrett Nevil, Chairman**

**Attest:** \_\_\_\_\_  
**Christy Strickland, Clerk**



## BULLOCH COUNTY BOARD OF COMMISSIONERS AGENDA ITEM SUMMARY

DEPARTMENT MAKING REQUEST:  Board of Commissioners/County Manager	MEETING DATE: 01.21.2014				
	RESOLUTION ATTACHED?				
	<table border="1" style="display: inline-table; border-collapse: collapse;"> <tr> <td style="width: 50px;">YES</td> <td style="width: 50px;"></td> </tr> <tr> <td>NO</td> <td>X</td> </tr> </table>	YES		NO	X
YES					
NO	X				

REQUESTED MOTION OR ITEM TITLE:  
  
Ethics Workshop.

**SUMMARY/BACKGROUND ATTACH DETAILED SUMMARY:**  
 The County Manager will make a presentation reviewing ethics responsibilities of county officials. An overview will be given of the County Code of Ethics Ordinance, the Code of Ethics for public officials provided for in state law, and the ICMA Code of Ethics as the baseline for ethical conduct for public officials (all attached for review). Informal discussion and dialogue in an interactive forum is encouraged.

AGENDA CATEGORY	FINANCIAL IMPACT STATEMENT					
(CHECK ONE)	BUDGETED ITEM?	YES	N	AMENDMENT OR TRANSFER REQUIRED?	YES	
		NO			NO	X
PRESENTATION				ATTACH DETAILED ANALYSIS, IF NEEDED:		
PUBLIC HEARING						
CONSENT						
NEW BUSINESS						
UNFINISHED BUSINESS						
OTHER					X	

AGENDA ITEM REVIEW AND APPROVAL											
DEPARTMENT DIRECTOR		PURCHASING OFFICER		OTHER		COUNTY CLERK		COUNTY STAFF ATTORNEY		COUNTY MANAGER	
YES		YES		YES		YES		YES		YES	✓
NO		NO		NO		NO		NO		NO	
INITIAL		INITIAL		INITIAL		INITIAL		INITIAL		INITIAL	✓
DATE		DATE		DATE		DATE		DATE		DATE	1.16.14

COMMISSION ACTION AND REFERRAL	
APPROVED	DATE TO BE RETURNED TO AGENDA:
DENIED	NOTES:
DEFERRED	



## ICMA Code of Ethics with Guidelines

**The ICMA Code of Ethics was adopted by the ICMA membership in 1924, and most recently amended by the membership in May 1998. The Guidelines for the Code were adopted by the ICMA Executive Board in 1972, and most recently revised in September 2013.**

The mission of ICMA is to create excellence in local governance by developing and fostering professional local government management worldwide. To further this mission, certain principles, as enforced by the Rules of Procedure, shall govern the conduct of every member of ICMA, who shall:

**Tenet 1.** Be dedicated to the concepts of effective and democratic local government by responsible elected officials and believe that professional general management is essential to the achievement of this objective.

**Tenet 2.** Affirm the dignity and worth of the services rendered by government and maintain a constructive, creative, and practical attitude toward local government affairs and a deep sense of social responsibility as a trusted public servant.

### GUIDELINE

Advice to Officials of Other Local Governments. When members advise and respond to inquiries from elected or appointed officials of other local governments, they should inform the administrators of those communities.

**Tenet 3.** Be dedicated to the highest ideals of honor and integrity in all public and personal relationships in order that the member may merit the respect and confidence of the elected officials, of other officials and employees, and of the public.

### GUIDELINES

Public Confidence. Members should conduct themselves so as to maintain public confidence in their profession, their local government, and in their performance of the public trust.

Impression of Influence. Members should conduct their official and personal affairs in such a manner as to give the clear impression that they cannot be improperly influenced in the performance of their official duties.

Appointment Commitment. Members who accept an appointment to a position should not fail to report for that position. This does not preclude the possibility of a member considering several offers or seeking several positions at the same time, but once a bona fide offer of a position has been accepted, that commitment should be honored. Oral acceptance of an employment offer is considered binding unless the employer makes fundamental changes in terms of employment.

Credentials. An application for employment or for ICMA's Voluntary Credentialing Program should be complete and accurate as to all pertinent details of education, experience, and personal history. Members should recognize that both omissions and inaccuracies must be avoided.

Professional Respect. Members seeking a management position should show professional respect for persons formerly holding the position or for others who might be applying for the same position. Professional respect does not preclude honest differences of opinion; it does preclude attacking a person's motives or integrity in order to be appointed to a position.

Reporting Ethics Violations. When becoming aware of a possible violation of the ICMA Code of Ethics, members are encouraged to report the matter to ICMA. In reporting the matter, members may choose to go on record as the complainant or report the matter on a confidential basis.

Confidentiality. Members should not discuss or divulge information with anyone about pending or completed ethics cases, except as specifically authorized by the Rules of Procedure for Enforcement of the Code of Ethics.

Seeking Employment. Members should not seek employment for a position having an incumbent administrator who has not resigned or been officially informed that his or her services are to be terminated.

**Tenet 4.** Recognize that the chief function of local government at all times is to serve the best interests of all of the people.

#### GUIDELINE

Length of Service. A minimum of two years generally is considered necessary in order to render a professional service to the local government. A short tenure should be the exception rather than a recurring experience. However, under special circumstances, it may be in the best interests of the local government and the member to separate in a shorter time. Examples of such circumstances would include refusal of the appointing authority to honor commitments concerning conditions of employment, a vote of no confidence in the member, or severe personal problems. It is the responsibility of an applicant for a position to ascertain conditions of employment. Inadequately determining terms of employment prior to arrival does not justify premature termination.

**Tenet 5.** Submit policy proposals to elected officials; provide them with facts and advice on matters of policy as a basis for making decisions and setting community goals; and uphold and implement local government policies adopted by elected officials.

#### GUIDELINE

Conflicting Roles. Members who serve multiple roles – working as both city attorney and city manager for the same community, for example – should avoid participating in matters that create the appearance of a conflict of interest. They should disclose the potential conflict to the governing body so that other opinions may be solicited.

**Tenet 6.** Recognize that elected representatives of the people are entitled to the credit for the establishment of local government policies; responsibility for policy execution rests with the members.

**Tenet 7.** Refrain from all political activities which undermine public confidence in professional administrators. Refrain from participation in the election of the members of the employing legislative body.

#### GUIDELINES

Elections of the Governing Body. Members should maintain a reputation for serving equally and impartially all members of the governing body of the local government they serve, regardless of party. To this end, they should not participate in an election campaign on behalf of or in opposition to candidates for the governing body.

Elections of Elected Executives. Members shall not participate in the election campaign of any candidate for mayor or elected county executive.

Running for Office. Members shall not run for elected office or become involved in political activities related to running for elected office, or accept appointment to an elected office. They shall not seek political endorsements, financial contributions or engage in other campaign activities.

Elections. Members share with their fellow citizens the right and responsibility to vote. However, in order not to impair their effectiveness on behalf of the local governments they serve, they shall not participate in political activities to support the candidacy of individuals running for any city, county, special district, school, state or federal offices. Specifically, they shall not endorse candidates, make financial contributions, sign or circulate petitions, or participate in fund-raising activities for individuals seeking or holding elected office

Elections relating to the Form of Government. Members may assist in preparing and presenting materials that explain the form of government to the public prior to a form of government election. If assistance is required by another community, members may respond.

Presentation of Issues. Members may assist their governing body in the presentation of issues involved in referenda such as bond issues, annexations, and other matters that affect the government entity's operations and/or fiscal capacity.

Personal Advocacy of Issues. Members share with their fellow citizens the right and responsibility to voice their opinion on public issues. Members may advocate for issues of personal interest only when doing so does not conflict with the performance of their official duties.

**Tenet 8.** Make it a duty continually to improve the member's professional ability and to develop the competence of associates in the use of management techniques.

#### GUIDELINES

Self-Assessment. Each member should assess his or her professional skills and abilities on a periodic basis.

Professional Development. Each member should commit at least 40 hours per year to professional development activities that are based on the practices identified by the members of ICMA.

**Tenet 9.** Keep the community informed on local government affairs; encourage communication between the citizens and all local government officers; emphasize friendly and courteous service to the public; and seek to improve the quality and image of public service.

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**Tenet 10.** Resist any encroachment on professional responsibilities, believing the member should be free to carry out official policies without interference, and handle each problem without discrimination on the basis of principle and justice.

**GUIDELINE**

Information Sharing. The member should openly share information with the governing body while diligently carrying out the member's responsibilities as set forth in the charter or enabling legislation.

**Tenet 11.** Handle all matters of personnel on the basis of merit so that fairness and impartiality govern a member's decisions, pertaining to appointments, pay adjustments, promotions, and discipline.

**GUIDELINE**

Equal Opportunity. All decisions pertaining to appointments, pay adjustments, promotions, and discipline should prohibit discrimination because of race, color, religion, sex, national origin, sexual orientation, political affiliation, disability, age, or marital status.

It should be the members' personal and professional responsibility to actively recruit and hire a diverse staff throughout their organizations.

**Tenet 12.** Seek no favor; believe that personal aggrandizement or profit secured by confidential information or by misuse of public time is dishonest.

**GUIDELINES**

Gifts. Members should not directly or indirectly solicit any gift or accept or receive any gift—whether it be money, services, loan, travel, entertainment, hospitality, promise, or any other form—under the following circumstances: (1) it could be reasonably inferred or expected that the gift was intended to influence them in the performance of their official duties; or (2) the gift was intended to serve as a reward for any official action on their part.

It is important that the prohibition of unsolicited gifts be limited to circumstances related to improper influence. In de minimus situations, such as meal checks, some modest maximum dollar value should be determined by the member as a guideline. The guideline is not intended to isolate members from normal social practices where gifts among friends, associates, and relatives are appropriate for certain occasions.

Investments in Conflict with Official Duties. Member should not invest or hold any investment, directly or indirectly, in any financial business, commercial, or other private transaction that creates a conflict with their official duties.

In the case of real estate, the potential use of confidential information and knowledge to further a member's personal interest requires special consideration. This guideline recognizes that members' official actions and decisions can be influenced if there is a conflict with personal investments. Purchases and sales which might be interpreted as speculation for quick profit ought to be avoided (see the guideline on "Confidential Information").

Because personal investments may prejudice or may appear to influence official actions and decisions, members may, in concert with their governing body, provide for disclosure of such investments prior to accepting their position as local government administrator or prior to any official action by the governing body that may affect such investments.

Personal Relationships. Member should disclose any personal relationship to the governing body in any instance where there could be the appearance of a conflict of interest. For example, if the manager's spouse works for a developer doing business with the local government, that fact should be disclosed.

Confidential Information. Members should not disclose to others, or use to further their personal interest, confidential information acquired by them in the course of their official duties.

Private Employment. Members should not engage in, solicit, negotiate for, or promise to accept private employment, nor should they render services for private interests or conduct a private business when such employment, service, or business creates a conflict with or impairs the proper discharge of their official duties.

Teaching, lecturing, writing, or consulting are typical activities that may not involve conflict of interest, or impair the proper discharge of their official duties. Prior notification of the appointing authority is appropriate in all cases of outside employment.

Representation. Members should not represent any outside interest before any agency, whether public or private, except with the authorization of or at the direction of the appointing authority they serve.

Endorsements. Members should not endorse commercial products or services by agreeing to use their photograph, endorsement, or quotation in paid or other commercial advertisements, whether or not for compensation. Members may, however, agree to endorse the following, provided they do not receive any compensation: (1) books or other publications; (2) professional development or educational services provided by nonprofit membership organizations or recognized educational institutions; (3) products and/or services in which the local government has a direct economic interest.

Members' observations, opinions, and analyses of commercial products used or tested by their local governments are appropriate and useful to the profession when included as part of professional articles and reports.

Bulloch County, Georgia, Code of Ordinances >> PART II - CODE OF ORDINANCES >> Chapter 2 -  
ADMINISTRATION >> **ARTICLE IIA. COUNTY ETHICS CODE >>**

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**ARTICLE IIA. COUNTY ETHICS CODE**

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Sec. 2-30. Short title.

Sec. 2-31. Declaration of policy.

Sec. 2-32. Definitions.

Sec. 2-33. Compliance with applicable law.

Sec. 2-34. Impartiality.

Sec. 2-35. Conflict of interest.

Sec. 2-36. Financial disclosure.

Sec. 2-37. Interest and contracts involving officers.

Sec. 2-38. Use of prestige of office; harassment; improper influence.

Sec. 2-39. Solicitation or acceptance of gifts.

Sec. 2-40. Salary advances prohibited.

Sec. 2-41. Disclosure of confidential information.

Sec. 2-42. Abstention.

Sec. 2-43. Disciplinary action.

Sec. 2-44. Civil recovery.

Sec. 2-45. Appeal.

Sec. 2-46. Official liability.

Secs. 2-47—2-50. Reserved.

**Sec. 2-30. Short title.**

This article will be known as and may be referred and cited as the "Ethics Code of Bulloch County" ("ethics code").

*(Ord. of 10-7-03)*

**Sec. 2-31. Declaration of policy.**

- (a) The board of commissioners of the county believes that public service is a public trust. Maintaining that public trust requires the county to protect against improper influence or the appearance of improper influence. The purpose should be to ensure that public officials will be impartial and use independent judgment in carrying out their duties. To help ensure this quality, the board of commissioners finds and declares the need to establish appropriate ethical standards for conduct.
- (b) The board of commissioners of the county does not intend that this article impede the desire for those who want to seek and serve in public office. To this end, public officials should not, except as otherwise provided by law, be denied the opportunity available to all other citizens. Public service should not restrict the ability to acquire and maintain private, economic and other interests. Only in those cases in which a conflict of the public's trust and interest would result should a restriction be applied.

- (c) This ethics code follows the precedent of earlier federal, state and local codes. It makes clear those standards of ethical conduct that will apply to public officials in the discharge of their official duties; implements the objective of protecting the integrity of the government; and prescribes only such essential restrictions against conflicts of interest so as not to impose unnecessary barriers against public service.

(Ord. of 10-7-03)

## Sec. 2-32. Definitions.

The words used in this article shall have their normal accepted meanings except as set-forth below:

*Agency.* Any entity which the board of commissioners determines is subject to the legislative authority of the county with respect to the ethics code.

*Business/business entity.* Any entity, regardless of forms, whether or not operated for profit, including, but not limited to, any corporation, general or limited partnership, sole proprietorship, joint venture, association, firm, institution, trust, person or foundation.

*Censure.* Any expression of severe criticism or reproach.

*Employee or public employee.* Any person, employed full or part-time by the county government. The board of commissioners of the county and appointed and elected officials shall not be considered employees but are defined in this chapter.

*Employer.* Any person paying or agreeing to pay compensation to another person for services rendered.

*Financial interest.*

- (1) Any source of income, direct or indirect, from which a person has received, within the past 12 months, or is presently receiving more than \$500.00 per year; or;
  - (2) Ownership, legal or equitable, of more than ten percent of a business entity; or
  - (3) Ownership of any interest having a fair market value of more than \$20,000.00.
- (g) *Gift.* The transfer of anything of economic value, regardless of form, without adequate and lawful consideration. "Gift" does not include the solicitation, acceptance, receipt, or regulation of political campaign contributions. A gift shall be further defined as a subscription, membership, loan, forgiveness of debt, advance or deposit of money or anything of value, conveyed or transferred.
- (h) *Immediate relative/relatives.* Spouse, children, step-children, siblings, parents, grandparents, grandchildren, and spouse of such persons.
- (i) *Interests.* Any legal or equitable economic interest, whether or not subject to an encumbrance or a condition, which was owned or held, in whole or in part, jointly or severally, directly or indirectly.
- (j) *Person.* Any individual, employee or entity.
- (k) *Public officer or officer or officials.* The members of the board of commissioners the county and other elected or appointed officials.

(Ord. of 10-7-03)

## Sec. 2-33. Compliance with applicable law.

No officer shall engage in any activity or transaction that is prohibited by law, now existing or hereafter enacted, which is applicable to him or her by virtue of their office. Other provisions of law or regulations relating to this article shall apply when any provisions of this article shall conflict with the laws of the state or the United States of America. The laws of the state or the United States of America shall apply when this article is silent.

*(Ord. of 10-7-03)*

### **Sec. 2-34. Impartiality.**

- (a) Officers must not take part in any personal, business, or professional activity or receive or retain any direct or indirect financial interest that places them in a position of conflict between their private interest and public interest that relate to their responsibilities and duties as officers.
- (b) Officers must not use their positions to induce, coerce, or influence a person or employee (including subordinates) in a way that would provide any benefits, financial or otherwise, to themselves or others or any organization of which they are a member thereof.
- (c) No officer shall:
  - (1) Use public office for private gain.
  - (2) Give preferential treatment to any person.
  - (3) Impede government efficiency and economy.

*(Ord. of 10-7-03)*

### **Sec. 2-35. Conflict of interest.**

- (a) It shall be a violation of this code of ethics for any officer to participate directly or indirectly through decision, approval, disapproval, recommendation or in any other manner upon the following:
  - (1) Any proceeding, application, vote, request for ruling, claim, controversy, contract or any other matter involving an immediate relative or any interest of an immediate relative of the officer.
  - (2) Any matter in which the officer has a financial interest, a fiduciary interest, a corporate interest, or an employment interest.
  - (3) No officer should invest or hold any investment directly or indirectly in any financial, business, commercial or other private transaction, which creates a conflict with and/or adversely affects such official duties of the officer. However, should the same exist, such officer shall either:
    - a. Abstain.
    - b. In the event abstention is not required, disclose such interest prior to taking any action on the matter by duly noting such conflict for recording in the minutes of the meeting.
- (b) It is hereby declared that it is not the intent of this article to prohibit an immediate relative of an officer from being engaged in gainful employment in the county. The county shall not be prohibited from doing business with an entity which employs an immediate relative of an officer provided:
  - (1) That such business relationship does not violate this article;
  - (2) That such business relationship is fully disclosed in writing;
  - (3) That, where applicable, the affected business entity shall be required to use the bid system when conducting business with the county.

*(Ord. of 10-7-03)*

### **Sec. 2-36. Financial disclosure.**

Financial disclosures shall be governed by federal and state law, and this code of ethics shall not require any additional reports to be filed.

*(Ord. of 10-7-03)*

### **Sec. 2-37. Interest and contracts involving officers.**

- (a) While an official matter is pending, or an application is likely, no officer shall acquire or own an interest in any contract or transaction if a reasonable basis exists that such an interest will be affected directly by his/her official act or action or by official acts or actions of the county.
- (b) The county shall not enter into any contract involving services or property with an officer, or with a business in which the officer has an interest. Provided that such is disclosed to all parties involved, the prohibitions of this section shall not apply in case of:
  - (1) The designation of a bank or trust company as a depository for county funds.
  - (2) The borrowing of funds from any bank or lending institution which offers competitive rates for such loans.
  - (3) Contracts entered into with a business which employs a consultant, provided that such employment is not incompatible with this ethics code.
  - (4) Contracts for services entered into with a business which is the only available source for such goods or services.
  - (5) Contracts entered into under circumstances which would constitute an emergency situation, provided that such emergency is documented and submitted to the board of commissioner to be kept on file.

*(Ord. of 10-7-03)*

### **Sec. 2-38. Use of prestige of office; harassment; improper influence.**

- (a) An official shall not intentionally use the prestige of his/her office or official title or position for his/her own personal gain or that of another. The performance of usual and customary constituent services, without additional compensation, does not constitute the use of prestige of office prohibited by this section.
- (b) No official shall intimidate, threaten, coerce, discriminate against, or give the appearance of, or attempt to intimidate, threaten, coerce or discriminate against any employee for the purpose of interfering with that person's freedom of choice in the regular discharge of his or her official duties.
- (c) No official shall improperly influence any public official to violate the standards of ethical conduct set forth in this ethics code.

*(Ord. of 10-7-03)*

### **Sec. 2-39. Solicitation or acceptance of gifts.**

- (a) Except as provided herein, no official, either for himself or herself, or any member of the immediate family of such official, or for any other person, may knowingly solicit, receive, benefit from, accept, or agree to accept any gratuity, gift, loan, favor, promise, or thing of value for himself, herself, and other person or any member of the immediate family of such official if:
  - (1) It tends to influence him or her in the discharge of official duties or gives a reasonable basis for the impression of improper influence over him or her in the discharge of official duties.
  - (2) The official has financial interest which may be substantially and materially affected, by

performance or non-performance of his/her official duties.

- (b) Unless impartiality and independence of judgment of the official would be compromised this section shall not apply to the following:
- (1) Meals and beverages given in the normal course of entertaining.
  - (2) An occasional, nonpecuniary gift from a single source of \$50.00 or less.
  - (3) Ceremonial gifts or awards.
  - (4) Gifts of advertising value only.
  - (5) Awards presented in recognition of public service.
  - (6) Reasonable expenses of food, travel, lodging and scheduled entertainment of the official for a meeting which is given in return for participation in a panel or speaking engagement at the meeting.
  - (7) Courtesy tickets or free admission extended to an elected official for an event as a courtesy or for ceremonial purposes.
  - (8) Gifts from relatives or members of his/her household.
  - (9) Honorariums or awards for professional achievement.
  - (10) Courtesy tickets or free admission to an elected official to educational seminars, educational or informational conventions or other similar events.

*(Ord. of 10-7-03)*

#### **Sec. 2-40. Salary advances prohibited.**

Salary advances to commissioners, employees, and other appointed or elected officials shall be absolutely prohibited.

*(Ord. of 10-7-03)*

#### **Sec. 2-41. Disclosure of confidential information.**

No officer shall use or disclose confidential information concerning the property, governing operations, policies or affairs of the county, unless such information is generally available to the public; nor shall any officer use such information to advance the financial or personal interest of the officer or any other person.

*(Ord. of 10-7-03)*

#### **Sec. 2-42. Abstention.**

An officer who has an interest that he or she has reason to believe either violated this code of ethics or may affect his or her official acts or actions shall abstain from participating in any official acts or actions related to it.

*(Ord. of 10-7-03)*

#### **Sec. 2-43. Disciplinary action.**

- (a) In addition to any other remedy provided by law, a person who is subject to the provisions of this article and who is found by the board of commissioners to have violated its provisions may, in the case of a public official, be subject to censure or reprimand.

- (b) Upon direction of the board of commissioners, a petition may be filed for injunctive relief, or any other appropriate relief, in the superior court of the county, or in any other court having proper venue and jurisdiction, for the purpose of requiring compliance with the provisions of this article. In addition, the court may issue an order to cease and desist from the violation of this article. The court also may void an official action taken by an official which action was prohibited by this article, provided that the legal action to void the matter was brought within 30 days of the occurrence of the official action, if the court deems voiding the action to be in the best interest of the public. The court, after hearing and considering all the circumstances in the case, may grant all or part of the relief sought. However, the court may not void any official action appropriating public funds, levying taxes or providing for the issuance of bonds, notes or other evidences of public obligation.

*(Ord. of 10-7-03)*

### **Sec. 2-44. Civil recovery.**

The value of anything received by any person for violations of this article, as determined by the board of commissioners, shall be recoverable from such person by the county by appropriate legal action or proceedings or by a taxpayer of the county acting on behalf of the county after a written demand to the county to bring such action, and failure of the county to initiate the action within 60 days after receipt of the demand.

*(Ord. of 10-7-03)*

### **Sec. 2-45. Appeal.**

Any person aggrieved by a decision of the board of commissioners with regard to this article may appeal to the superior court of the county, except, however that said appeal must be filed within 30 days of the decision being appealed. Said appeal shall be based upon the record. No party shall be entitled to a de novo appeal. Upon failure to file said appeal within 30 days of the decision being appealed, the decision shall be binding and final upon all parties.

*(Ord. of 10-7-03)*

### **Sec. 2-46. Official liability.**

No member of the board of commissioners or any person acting on behalf of the board of commissioners, shall be liable to any person for any damages arising out of the enforcement or operation of the ethics code of the county, except in the case of willful or malicious negligence. This limitation of liability shall apply to the county, the members of the board, the employees of the board and any person acting under direction of the board.

*(Ord. of 10-7-03)*

### **Secs. 2-47—2-50. Reserved.**