

STATE OF GEORGIA

COUNTY OF HALL

A RESOLUTION TO AMEND THE CODE OF ORDINANCES OF HALL COUNTY

WITH REGARD TO THE CODE OF ETHICS

WHEREAS, Hall County has enacted an ordinance entitled "Code of Ethics" found in Chapter 2.110 of The Official Code of Hall County, Georgia; and

WHEREAS, the County has conducted a review and analysis of said Chapter 2.110 of its Official Code and determined that revisions to said Chapter are warranted; and

WHEREAS, the warranted changes include changes to the Code of Ethics to clarify and modernize the County's entire system of addressing ethical issues, and to bring the County's system into line with systems in other jurisdictions that have withstood legal challenge; and

WHEREAS, the changes to said Chapter 2.110 of the Official Code of Hall County are attached hereto as Exhibit A; and

WHEREAS, the Board of Commissioners has determined that the revisions to Chapter 2.110 of The Official Code of Hall County, Georgia attached hereto as Exhibit A are in the best interest of the residents of Hall County, and will promote the health, safety, and general welfare of the residents and businesses in Hall County.

NOW, THEREFORE, the Board of Commissioners does hereby amend The Official Code of Hall County, Georgia as follows:

1.

Chapter 2.110 of The Official Code of Hall County is hereby amended by deleting Chapter 2.110 in its entirety and by inserting in lieu thereof a new Chapter 2.110 which provides exactly as described in Exhibit A attached hereto.

2.

The remaining provisions of The Official Code of Hall County shall remain as they were, unchanged by this amendment.

SO RESOLVED, this the 26th day of April, 2022.

HALL COUNTY BOARD OF COMMISSIONERS

By: _____

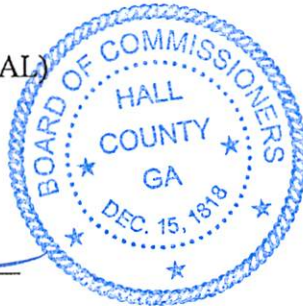
Richard Higgins
Richard Higgins, Chairman

ATTEST:

Jennifer Rivera (SEAL)
Jennifer Rivera, County Clerk

APPROVED AS TO FORM:

Van Stephens
Van Stephens, County Attorney



CHAPTER 2.110. – CODE OF ETHICS

PART I. – GENERAL PROVISIONS

2.110.1.1. – Purpose.

The purpose of this chapter is to establish and enforce ethical standards of conduct for all county commissioners, county officials, and county employees by setting forth those actions or omissions that are incompatible with the best interests of the operation of county government, by directing disclosure of incompatible interests where necessary, and by providing a procedure for addressing complaints filed by Hall County citizens. By providing such standards and procedures, Hall County seeks to ensure that decisions made by county commissioners, officials, and employees are impartial and independent, that public office not be used for personal gain, that governmental decisions are as free as possible from any appearance of impropriety, and that the public has confidence in the integrity of its government.

2.110.1.2 – Georgia Constitution and Code Reference.

Hall County acknowledges the provisions of Article I, Section 2, Paragraph 1 of the Georgia Constitution which reads as follows:

All government, of right, originates with the people, is founded upon their will only, and is instituted solely for the good of the whole. Public officers are the trustees and servants of the people and are at all times amenable to them.

Hall County further acknowledges the provisions of O.C.G.A. Section 45-10-1, which form excellent general guidelines for conduct by public officers and employees.

2.110.1.3 – Interpretation and Severability.

(a) This chapter shall be construed broadly when necessary to effectuate its purposes and policies and to supplement such other existing laws and ordinances as may relate to the conduct of county officials or employees.

(b) The provisions of this chapter are severable, and if any of its provisions shall be held invalid by a court of law, the decision of the court shall not affect or impair any of the remaining provisions.

2.110.1.4 – Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Business Entity means any business, proprietorship, firm, partnership, association, venture, trust, or corporation, and includes persons acting in a representative or fiduciary capacity.

Business Relationship means a verbal or written agreement between parties designed to result in an enterprise of profit to one or more of the parties. A business relationship shall not include a transaction undertaken by an employee on behalf of an employer or a lawful campaign contribution.

Confidential Information means any information which, by law, is not available to the public, including information exempt from disclosure under Georgia's Open Meetings and Open Records Acts.

County official or official means the individual members of the county board of commissioners, county administrator, county attorney and his or her deputies/assistants, county clerk, and any county employee exempt from civil service regulations who has been appointed to the position by either the county administrator or the board of commissioners acting independently or jointly and any member of any other county board or authority who has been appointed to his or her position by the board of commissioners or the county administrator. For the purposes of this chapter, the term shall not include any other elected county or state official or employees of their individual offices, unless that elected official agrees in writing that his or her office will be subject to coverage under this chapter during his or her term of service in such office.

Employee means all those persons employed on a regular or part-time basis by the county including, but not limited to, those covered by the county's civil service system, and also includes those persons whose services are retained under the terms of a contractual agreement with the county. Such term will only include the employees of any other individual office of elected county or state officials if that elected official agrees in writing that his or her office will be subject to coverage under this chapter during his or her term of service in such office, and then only for said term of office.

Hearing officer means a person admitted to the Georgia Bar of suitable legal experience who shall screen complaints to ensure that they meet the technical requirements of this chapter and who shall perform all other duties set forth herein. Hearing officers shall be appointed on an individual case basis.

Immediate family means an official or employee and the spouse of an official or employee, their parents, children, brothers and sisters related by blood, marriage, or adoption.

Interest means direct or indirect pecuniary or material benefit accruing to a county official or employee as a result of a contract or transaction which is or may be the subject of an official action by or with the county except for such contracts or transactions which, by their terms and by the substance of their provisions, confer the opportunity and right to realize the accrual of similar benefits to all other persons and/or property similarly situated. An interest shall not include a remote interest.

For purposes of this chapter, a county official or employee shall be deemed to have an interest in the affairs of:

- (1) His immediate family;
- (2) Any person or business entity with whom a contractual relationship exists with the county official or employee;
- (3) Any business entity in which the county official or employee is an officer, director, or member having a financial interest in the business entity; or
- (4) Any business entity as to which the stock, legal ownership, or beneficial ownership of a county official or employee is in excess of five percent of the total stock or total legal and beneficial ownership, or as to which in excess of five percent of the stock, legal ownership, or beneficial ownership is controlled or owned directly or indirectly by the county official or employee.

Legislative action means any legislative, appointive, administrative, discretionary, quasi-judicial, or other official action requiring an affirmative vote by a quorum of the county board of commissioners.

Official act or action means any legislative, appointive, administrative, discretionary, or quasi-judicial act of any official or employee of the county or any agency, board, committee, authority, or commission thereof.

Remote interest means any interest which is incidental to the contract or transaction and shall include:

- (1) A position as a non-salaried director, officer, or employee of a nonprofit corporation or organization;
- (2) A holder of less than five percent of the total stock or total legal and beneficial ownership in a business entity;
- (3) A position of employment held by an immediate family member which is not a director, officer, manager, or supervisor in a business entity;
- (4) A position of employment held by an immediate family member who does not directly exercise decision-making authority affecting the contract or transaction;
- (5) A position in a representative capacity such as a receiver, trustee, executor, or administrator;
- (6) Any position or interest determined to be remote or incidental to the contract or transaction by the county's ethics board.

PART II. – ETHICAL STANDARDS

2.110.2.1 – General Ethical Standards.

- (a) *Interest in contract or transaction.* No county official or employee having the power or duty to perform an official act or action related to a contract or transaction which is or may be the subject of an official act or action of the county shall have:
 - (1) An interest in such contract or transaction or thereafter acquire an interest in such contract or transaction;
 - (2) An interest in any business entity representing, advising, or appearing on behalf of, whether paid or unpaid, any person involved in such contract or transaction;
 - (3) Solicited or accepted present or future employment with a person or business entity involved in such contract or transaction; or
 - (4) Solicited, accepted, or granted a present or future gift, favor, service, or thing of value from or to a person involved in such contract or transaction, except as provided in Section 2.110.2.3.
- (b) *Pre-acquisition of interest.* No county official or employee shall acquire an interest in or be affected by a contract or transaction which is or may be the subject of an official act or action of the county at a time when the official or employee believes or has reason to believe that such contract or transaction will be directly or indirectly affected by an official act or action of the county.
- (c) *Disclosure of information.* To the extent permitted by law and the provisions of this chapter, no official or employee shall disclose or use confidential information concerning any official action, property, purchase, bid, proposal, or offer of the county to advance his or her own financial or private interests, those of an immediate family member, or those of any person or party other than the county. Unless disclosure is required by law or by a court, no official or employee shall

disclose information concerning any discussions or presentations occurring in executive session of the county except to appropriate persons employed by the county such as members of the board of commissioners, the county administrator, department directors, or legal counsel.

- (d) *Incompatible service.* No county official or employee shall engage in or accept private employment or render service for any private entity, when such employment or service is incompatible with the proper discharge of his or her official duties or would tend to impair his or her independence of judgment or action in the performance of his or her official duties, unless otherwise permitted by law and unless disclosure is made as provided in this chapter.
- (e) *Appearance.* No county official or employee shall appear on behalf of any private person other than himself or herself and/or his or her spouse or minor children, before any county agency, authority, or board. However, a member of the board of commissioners may appear before such groups on behalf of his or her constituents in the course of his or her duties as a representative of the electorate or in the performance of public or civic obligations.
- (f) *Public property.* No county official or employee shall request or permit the unauthorized use of county-owned vehicles, equipment, materials, or property for personal convenience, pleasure, or profit.
- (g) *Special treatment.* No county official or employee shall grant any special consideration, treatment, or advantage to any citizen beyond that which is available to every other citizen in the same or similar circumstances.
- (h) *Later case interest.* No county official or employee shall, after the termination of his or her service or employment with the county, accept remuneration of any kind for any appearance before any board, commission, committee, agency, or authority of the county on behalf of any adverse party in relation to any case, proceeding, or application in which he or she personally participated during the period of his service or employment, which was under his active consideration during the period of his service or employment, or as to which he could have acquired knowledge or information during the period of his service or employment.
- (i) *Political recrimination.* No county official or employee, whether elected or appointed, shall promise an appointment or threaten the dismissal from or discipline as to any county position as a reward or punishment for any political activity.
- (j) *Withholding of information.* No county official or employee shall knowingly withhold any information so as to impair the proper decision-making of any of the county's boards, authorities, agencies, commissions, or officials.
- (k) *Payment of debts.* All county officials and employees shall settle all accounts between them and the county, including the payment of taxes, in a timely fashion.
- (l) *Organizational integrity.* County commissioners, as policy makers, shall refrain from unduly interfering in the daily administrative affairs of department supervisors. Commissioners shall not, acting alone, make suggestions to the department supervisors or other employees, except the county administrator, regarding the hiring, firing, or disciplining of county employees unless specifically requested to do so by the department director in conjunction with the county administrator.
- (m) *Adverse actions -- official duties.* No county official or employee shall intimidate, threaten, coerce, take action against, or attempt any such actions against any other county official or employee for the purpose of interfering with or influencing that person's discretion in the regular discharge of his or her official duties.

- (n) *Improper influence.* No county official or employee shall influence or attempt to influence any other county official or employee to violate the ethical standards or provisions set forth in this chapter.
- (o) *Personal gain.* No county official or employee shall use the power of his office, his position, or official authority for his own personal gain or that of another. The performance of usual and customary constituent services, without additional compensation, does not constitute the misuse of the power of office by a commissioner as otherwise prohibited by this section.

2.110.2.2 – Abstention to avoid conflicts of interest.

- (a) Except as otherwise provided by law, including provisions of this chapter, no county official or employee shall participate in the discussion, deliberation, vote, or otherwise take part in the decision-making process on any item before him or her in which the county official or employee has a conflict of interest as set forth in this chapter.
- (b) In the event of a conflict of interest, the county official or employee shall announce his intent to abstain prior to the beginning of the discussion, debate, deliberation, or vote, and shall abstain from casting a vote.

2.110.2.3 – Exceptions.

- (a) It shall not be deemed a violation of the standards of this chapter if the interest of a county official or employee in a person or business entity is a contractual obligation of less than \$500.00 which has not been preceded by any other obligation, discharged or existing, between the same parties, and which is not the first in a series of two or more loans or debts which either of the parties is under any obligation to make or incur.
- (b) The following shall not be deemed to be a violation of the standards of this chapter:
 - (1) Legitimate salary, benefits, fees, commissions, or expense reimbursements associated with an official's or employee's nonpublic business;
 - (2) Awards, plaques, certificates, mementos, or similar items given in recognitions of the official's or employee's civic, charitable, political, professional, or public service;
 - (3) Food, beverages, and registration at group events to which all similarly situated employees or officials are invited;
 - (4) Reimbursement of actual and reasonable expenses for food, beverages, travel, lodging, and registration for meetings which are provided to officials or employees so that they may participate in or speak at the meeting;
 - (5) Commercially reasonable loans made in the ordinary course of business;
 - (6) Gifts with a total value of less than \$500.00 in any calendar year;
 - (7) Promotional items generally distributed to public officials;
 - (8) Gifts from members of the county official's immediate family;
 - (9) Food, beverages, or expense reimbursement afforded public officials or employees, and members of their immediate families, or others that are associated with normal and customary business or social functions or activities;
 - (10) Reimbursement of tournament fees for participating in charitable golf tournaments or similar sporting events; or

- (11) Reimbursement of expenses for food, beverages, travel, lodging, and other related expenses associated with official county functions.
- (c) It shall not be deemed a conflict of interest nor a violation of the standards of this article if a county official or employee, in his capacity as such official or employee, participates in the making of a contract even if such official or employee has a private pecuniary interest or performs in regard to that contract some function requiring the exercise of discretion on his or her part, if:
 - (1) The contract is awarded through a process of public notice and competitive bidding; or
 - (2) The board of commissioners at regular meeting, after determining that it is in the best interest of the county to do so, authorizes the participation.

2.110.2.4 – Disclosure of spending on county officials by individuals and firms.

- (a) Any individual or business entity who provides anything of monetary value singularly or in an aggregate amount greater than \$500.00 in a calendar year to a member of the board of commissioners or to any other county official and meets any of the criteria listed below shall file a disclosure of such expenditures.
 - (1) The individual or business entity does business or is a party to a contract with the county during the calendar year;
 - (2) The individual or business entity seeks to do business or enter into a contract with the county during the calendar year;
 - (3) The individual or business entity is regulated in any fashion by the county during the calendar year; or
 - (4) The individual or business entity seeks to influence any official action by the board of commissioners during the calendar year.
- (b) This section shall apply to individuals and business entities that represent any individual or entity meeting any of the criteria listed above.
- (c) Expenditures occurring on or after January 1, 2022 shall be reported to the clerk of the board of commissioners on a form provided by the county and shall be filed annually by February 28 of each year for the previous calendar year.
- (d) Reports submitted to the county shall be posted on the county website.
- (e) Failure to comply with this reporting requirement shall constitute a violation of this article and shall be punished by a fine not to exceed \$500.00.

2.110.2.5 – Disclosure of interest in legislative action.

- (a) Any member of the board of commissioners of the county who has a financial or personal interest in any proposed legislative action before the commission shall immediately disclose on the record the nature and extent of such interest. This disclosure shall be made in writing to the clerk of the board of commissioners.
- (b) Any other official or employee who has a financial or personal interest in any proposed legislative action of the board of commissioners, and who participates in discussion with or gives an official opinion or recommendation to the commission, shall disclose on the record the nature and extent of such interest.

2.110.2.6 – Disclosure of business relationships.

- (a) Any member of the board of commissioners of the county who is a party to a business relationship with any person or business entity appearing before the board of commissioners to advocate or oppose any action by the board of commissioners or who is a party to a business relationship with any person or business entity which is the subject of action by the board of commissioners shall immediately disclose that interest on the record.
- (b) Within five business days after a meeting at which such disclosure is made, the member shall file with the clerk to the board of commissioners written verification of that disclosure.

2.110.2.7 – Disclosure by bidders and proposers.

- (a) Any business entity that makes a bid or proposal to provide goods or services to the county shall disclose under oath on a form provided by the county's department of financial services purchasing division the name of all elected officials whom it employs or who have a direct or indirect pecuniary interest in the business entity, its affiliates, or its subcontractors. It shall be the duty of the financial services director to promptly transmit any such disclosure to the clerk to the board of commissioners. Failure to submit this disclosure during the bid or proposal process shall render the bid or proposal non-responsive to the invitation for bid or request for proposal. This section shall not apply to bids or proposals for which the resulting contract would have a total contract value of less than \$10,000.00 or other threshold designated by the county's contracting/purchasing ordinance.
- (b) Where it appears a bidder or proposer has submitted false information on or has omitted material information from the disclosure form referred to in this section, the matter shall be referred to the financial services director for possible action. The matter may also be referred to the solicitor or district attorney for action.
- (c) Any business entity holding a contract with the county that subsequent to execution of the contract or issuance of the purchase order employs, subcontracts with, or transfers a direct or indirect pecuniary interest in the business entity to an elected officials shall within five business days disclose such fact in writing under oath to the clerk to the board of commissioners. It shall be the duty of the financial services director to place language imposing the requirement in every contract issued by the county. The business entity's failure to submit this disclosure in a timely manner shall be referred to the financial services director for possible action. The matter may also be referred to the solicitor or district attorney for action.

2.110.2.8 – Disclosure of interest in real property.

Any real estate purchase and sale contract offered by the county to any property owner shall require that person to disclose any direct or indirect property or pecuniary interest in the real estate held by a county elected official. This disclosure shall be a mandatory precondition to closing. It shall be the duty of the county attorney to promptly transmit any such disclosure to the clerk to the board of commissioners.

2.110.2.9 – Disclosures to be placed on county website; referral to grand jury.

It shall be the duty of the clerk to the board of commissioners to post any disclosure pursuant to sections 2.110.2.4 through 2.110.2.8 to the county website within five business days of receipt of same. It shall also be the duty of the clerk to the board of commissioners to forward all such disclosures to the district attorney for review and comment by the grand jury.

2.110.2.10 – Abstentions.

A county official or employee who has an interest that he or she has reason to believe may be affected by an official act or action shall abstain from any participation in said official act or action.

2.110.2.4 – Compliance with applicable laws.

No officer, official, or employee shall engage in any activity or transaction that is prohibited by any law which is applicable to him or her by virtue of his or her office or employment, including laws that exist as of the enactment of this chapter or any such laws that may be enacted hereafter.

PART III. – ETHICS BOARD

2.110.3.1 – Ethics Board Initial Procedure and Appointment.

- (a) Any resident of Hall County may initiate a complaint of a violation of this chapter by submitting a written, verified, and sworn complaint under penalty of perjury or false swearing to the county attorney. The complaint shall specifically identify all provisions of the county's code of ethics which the subject of the complaint is alleged to have violated, set forth facts as would be admissible in evidence in an administrative proceeding, and show affirmatively that the complainant or affiant (if in addition to or different from the complainant) is competent to testify to the matters set forth therein. All documents referenced in the complaint and all supporting affidavits shall be attached to the complaint.
- (b) The complaint must be filed within 90 days from the date that the alleged violation occurred, or in the case of concealment within 90 days from the date the alleged violation should have been discovered after due diligence. A complaint filed more than 90 days after the alleged violation occurred or was discovered shall not be considered under any circumstances. However, no complaint may be filed against a candidate between the qualifying date for election of such candidate and the date of the candidate's general election, or runoff election if a runoff is held, and all complaints filed during such a time period will be returned to the complainant by the County Attorney. Complaints alleging violations during this period may be filed commencing upon the date immediately following the general election or runoff election if held, and the 90 day period shall be tolled during the period from the qualifying date for election of such candidate and the date of the candidate's general election or runoff election if held.
- (c) Upon receipt of the complaint, the county attorney shall immediately deliver the complaint to the hearing officer who shall review the complaint to determine if it meets the technical requirements set forth in subsections (a)(1) and (a)(2) of this section, including whether the complaint states a

viable complaint for a violation of this ordinance. If the complaint fails to meet these requirements, the hearing officer shall notify the person who filed the complaint and he or she shall have ten days from the date of notice to correct and re-file the same directly with the hearing officer. A complaint that fails to satisfy the technical requirements of this section following one amendment shall be dismissed with prejudice.

- (d) If the complaint meets all of the technical requirements of this section, the hearing officer shall forward the complaint back to the county attorney within five days of his decision or as soon thereafter as practicable.
- (e) Within five days after receiving the complaint back from the hearing officer, the county attorney shall forward the complaint to the board of commissioners and to the official or employee who is the subject of the ethics complaint. Together with the complaint, the county attorney shall forward a copy of the Hall County Ethics Ordinance to the official or employee who is the subject of the ethics complaint. Within 30 days of receipt of the ethics complaint from the county attorney, or as soon thereafter as practicable, the board of commissioners shall appoint all of the members of the ethics board which is to hear the ethics complaint.
- (f) The ethics board shall consist of five members appointed by the board of commissioners at their sole discretion with each member of the board of commissioners entitled to select one member. If the official who is subject to the ethics complaint is a member of the board of commissioners, that board member shall not be entitled to participate in the selection of the ethics board members, and only board of commissioners members who are not subject to the ethics complaint may select a member. In appointing the members of the ethics board, the board of commissioners shall seek to appoint individuals with local government experience, members of the Georgia Bar in good standing, and/or members with sufficient discretion, maturity, and experience to provide the ethics board with appropriate skills to perform its functions in a fair and impartial manner. The five appointees shall constitute the ethics board empaneled to investigate the subject complaint and, when appropriate, to make recommendations to the board of commissioners. The ethics board shall establish its own procedural rules consistent with the provisions of this ordinance, and select a chairman and vice-chairman.
- (g) On the date that the complaint is initially filed with the county attorney, the complaining party shall serve a complete copy of the complaint, together with all attached and referenced documents and affidavits, upon the county official or employee who is the subject of the complaint. Service shall be complete upon personal delivery or deposit in a U.S. Mail or express delivery depository.
- (h) Once empaneled, the ethics board shall notify the subject of the complaint that he or she may file a response to the complaint within 30 days unless such time for response is extended by the ethics board upon a showing of good cause.

2.110.3.2 – Ethics Board Hearing Procedures.

- (a) The ethics board shall meet, receive evidence, deliberate, and vote in accordance with O.C.G.A. § 50-14-1 et seq., and all parties shall have the opportunity to be heard, to present testimony via witnesses, to cross-examine witnesses presented, and to present documentary, tangible, and demonstrative evidence to the ethics board. Any person alleged to have violated this ethics ordinance shall have the right to be represented by counsel at their own expense.

- (b) On its own Initiative, the ethics board may utilize the Georgia Open and Public Records Act found at O.C.G.A. § 50-18-70 et seq. so as to properly investigate the complaint.
- (c) The chairman of the ethics board shall determine, after consulting with each of the ethics board members and the parties, when the ethics board shall meet and the number of meetings and hearings necessary to properly investigate the complaint.
- (d) Three members of the board of ethics shall constitute a quorum for the transaction of business and for voting purposes. The chairman shall be entitled to the same voting rights as other members.
- (e) The burden of proof before the ethics board shall be on the complainant to demonstrate, by clear and convincing evidence, that a violation of the Hall County Ethics Ordinance has been committed by the official or employee at issue.
- (f) At the conclusion of its investigation, the ethics board shall deliberate upon the evidence gathered and presented and shall determine its findings by majority vote. The ethics board shall find that each alleged violation is either "sustained" or "not sustained." A finding that a violation of this chapter has occurred shall be based upon clear and convincing evidence, and the board of ethics' findings shall be reduced to writing and provided to the parties, to the board of commissioners, and to the county attorney. In addition, if the ethics board finds evidence of one or more possible criminal violations, it shall forward its findings to the appropriate prosecutorial agency. In addition to its findings, the ethics board shall make non-binding recommendations to the board of commissioners as to the appropriate penalties to be administered under Section 2.110.3.5 for any sustained violations of this chapter and for other appropriate operational or remedial measures which would, consistent with Georgia law, prevent further violations of a like nature.

2.110.3.3 – Enforcement.

In the event that the ethics board finds that one or more violations of the Hall County Ethics Ordinance has occurred, the board of commissioners, at a public hearing within 30 days of the rendering of the board's findings and recommendations, may, by a majority vote, decide that no action is to be taken, or may decide to take any action consistent with Georgia law including those set forth in Section 2.110.3.5. In the event that a member of the board of commissioners is the subject of the ethics complaint and investigation, such commissioner shall not participate in any such decision.

2.110.3.4 – Qualifications of members of the board of ethics.

- (a) In addition to the provisions of Section 2.110.3.1 (f) above, a person is eligible to be appointed as a member of the board of ethics if the person:
 - (1) Is a current resident of Hall County;
 - (2) Has resided in Hall County for 30 consecutive months prior to the date of appointment;
 - (3) Is a registered voter in Hall County;
 - (4) Is not an employee or official of the county or any municipality within the county and has not been an employee or official of the county during the three years immediately preceding his or her appointment, and is not the spouse, parent, child, or sibling of any current employee, official, or county commissioner of the county;
 - (5) Is not an employee of any political party; and

- (6) Does not hold any elected or appointed office and is not a candidate for office of the United States, Georgia, Hall County, or any municipality in Hall County and has not held any elected or appointed office during the three years immediately preceding his or her appointment. This subsection shall not apply to part-time federal or state appointed positions.
- (b) If at any time during his or her service on the board of ethics a member becomes ineligible to serve on said board, he or she shall automatically be removed and the board of commissioners shall appoint a new member in accordance with the provisions for original appointment.
- (c) The ethics board shall be a temporary board for the specific purpose of investigating a complaint which has been approved by the hearing officer and all other like complaints which may have been filed which involve a common nucleus of operative facts. In the case of multiple complaints filed which arise out of a common nucleus of operative facts, the ethics board should endeavor to consolidate for a single hearing all such ethics complaints filed contemporaneously against the same official or employee. The ethics board shall expire upon disposition of the complaint or complaints for which it was created or which it was otherwise authorized to hear.
- (d) Subject to budgetary constraints, the ethics board shall be provided by the county governing authority with sufficient meeting space and other reasonable supportive services to allow it to perform its duties and functions under this chapter, including access to legal counsel when necessary. The county attorney may appoint an administrative employee to assist the ethics board and to publish notices of all meetings as required by O.C.G.A. § 50-14-1 et seq. upon request of the chairman of the ethics board. The board of commissioners shall ensure that adequate funding is provided for this purpose.
- (e) Each member appointed to the board of ethics shall be paid the sum of \$200.00 for each day that the ethics board meets to consider an ethics complaint, but shall not be otherwise compensated, except that the county may choose to reimburse members of the ethics board for reasonable and legitimate expenses incurred in serving on the board and carrying out its duties and functions.

2.110.3.5 – Penalties.

- (a) Employees are subject to the following penalties and actions for a violation of this chapter:
- (1) Written warning or reprimand;
 - (2) Suspension without pay;
 - (3) Demotion or change of position;
 - (4) Termination of employment;
 - (5) Restitution/recovery by the county of the value of any money, property, or tangible items appropriated;
 - (6) Cancellation of the contract or rejection of the bid or offer; and/or
 - (7) Referral to appropriate prosecuting criminal authorities.
- (b) County officials are subject to the following penalties and actions for a violation of this chapter:
- (1) Written warning, censure, or reprimand to be issued in public;
 - (2) Removal from office, but only if allowed by state law;
 - (3) Cancellation of the contract or rejection of the bid or offer;
 - (4) Restitution/recovery by the county of the value of any money, property, or tangible items appropriated;
 - (5) Referral to appropriate prosecuting criminal authorities.

(c) Private firms and organizations are subject to the following penalties and actions for a violation of this chapter:

- (1) Cancellation of the contract or rejection of the bid or offer;
- (2) Suspension from award of county contracts for a period of up to three years;
- (3) Restitution/recovery by the county of the value of any money, property, or tangible items appropriated;
- (4) Referral to appropriate prosecuting criminal authorities.

2.110.3.6 – Distribution.

This chapter shall be distributed to every official and employee of the county by a means deemed appropriate by county officials within 90 days after its effective date. Within 90 days of its effective date, this chapter shall also thereafter be furnished to all persons beginning duties as officials or employees of Hall County during the county's orientation process, or via such other process as is deemed appropriate by county officials.

2.110.3.7 – Training.

The county may elect to provide training concerning the provisions and requirements of this chapter to officials and employees on a regular schedule (such as every two years) through the county's Human Resources Department.