



HENRY COUNTY UNIFIED CODE OF ETHICS (UCE)

**As proposed and presented to the
HENRY COUNTY BOARD OF COMMISSIONERS
ON JULY 20, 2010**

**By the
THIRD DISTRICT COMMUNITY COALITION, INC.
(3DCC, INC.)**

Henry County Unified Code of Ethics (UCE)

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Henry County Unified Code of Ethics (UCE)

100. General Conflict of Interest Provisions.

A. Conflict of Interest.

An official or employee may not use his or her official position or office, or take or fail to take any action, or influence others to take or fail to take any action, in a manner which he or she knows, or has reason to believe, may result in a personal or financial benefit, not shared with a substantial segment of the county's population, for any of the following persons or entities:

1. himself or herself
2. a member of his or her household, including a domestic partner and his or her dependents, or the employer or business of any of these people;
3. a sibling or step-sibling, child or step-child, parent or step-parent, niece or nephew, uncle or aunt, or grandparent or grandchild of either himself or herself, or of his or her spouse or domestic partner, or the employer or business of any of these people;
4. an outside employer or business of his or hers, or of his or her spouse or domestic partner, or someone who works for such outside employer or business;
5. a customer or client;
6. a person or entity from which the official or employee has received an election campaign contribution of more than \$200 in the aggregate during the past election cycle (this amount includes contributions from a person's immediate family or business as well as contributions from an entity's owners, directors, or officers, as well as contributions to the official or employee's party town committee or non-candidate political committee);
7. a substantial debtor or creditor of his or hers, or of his or her spouse or domestic partner; or
8. a nongovernmental civic group, union, social, charitable, or religious organization of which he or she (or his or her spouse or domestic partner) is an officer or director.

B. Board of Commissioners

A member of the Board of Commissioners has a direct or indirect conflict of interest with respect to any labor contract to which he or she, or a member of his or her household, may be a party, and with respect to an appropriation to any county department or agency through which he or she, or a member of his or her household, is employed.

C. Recusal

1. An official or employee must refrain from acting on or discussing, formally or informally, a matter before the county, if acting on the matter, or failing to act on the matter, may personally or financially benefit any of the persons or entities listed in subsection A of this section. Such an official or employee should join the public if the recusal occurs at a public meeting, or leave the room if it is not a public meeting.
2. An official or employee must refrain from acting or discussing, formally or informally, a matter involving a person who appointed or recommended him or her for that position, if he or she is aware of such appointment or recommendation.
3. If a board or agency member is requested to recuse himself or herself with respect to a matter, for the reason that he or she has a conflict of interest, by
 - (a) another member,
 - (b) a party to the current matter, or
 - (c) anyone else who may be affected by a decision relating to this matter; the member must decide whether to recuse himself or herself.
4. If the member decides not to recuse himself or herself, the unchallenged members must consider any relevant evidence concerning such claimed conflict of interest, as defined in this code, and vote whether or not to allow the request and require that the member refrain from participating in the matter.
5. **Rule of Necessity:** If recusal would leave a board with less than a quorum capable of acting, members must disclose their conflicts on the public record, but they may then vote. If an official or employee is the only person authorized by law to act, the official or employee must disclose the nature and circumstances of the conflict to the Ethics Board and ask for a waiver or advisory opinion.

D. Gifts

1. An official or employee, his or her spouse or domestic partner, child or step-child, parent, or member of his or her household, may not solicit nor accept anything of value from any person or entity that the official or employee knows, or has reason to believe, has received or sought a financial benefit, directly or through a relationship with another person or entity, from the county within the previous three years, or intends to seek a

financial benefit in the future. If in doubt, the official or employee should refrain from soliciting or refuse a gift, and should first inquire into the person or entity's relationship with the county.

2. A person or entity that has, in the last three years, received or sought, or is seeking, a financial benefit, directly or indirectly, from the county, may not give or seek to give anything of value to any official or employee.

3. Gifts of property, money, or services given nominally to the county must be accepted by a resolution of the Board of Commissioners.

E. Special Consideration

An official or employee may not grant or receive, directly or indirectly, any special consideration, treatment, or advantage beyond what is generally available to county residents.

F. Representation

An official or employee may not represent any other person or entity before the county, nor in any matter not before the county, but against the interests of the county. However, it is acceptable for elected officials to represent constituents without compensation in matters of public advocacy.

G. Appearances

An official or employee may not appear before any county department, agency, board or commission, except on his or her own behalf or on behalf of the county. Every time an official or employee appears before the meeting of any county body, or when he or she writes a letter to the editor or other publicly distributed writing, he or she is required to disclose before speaking or clearly on the writing whether he or she is appearing in an official capacity or as a private citizen. If the speech or writing is in response to criticism or other communication directed at or regarding his or her official role, the official or employee may respond only in his or her official role.

H. Confidential Information

An official or employee, a former official or employee, a contractor or a consultant may not disclose any confidential information obtained formally or informally as part of his or her work for the county or due to his or her position with the county, or use any such confidential information to further his or her own or any other person or entity's personal or financial interests.

I. Political Solicitation

An official, employee, or county candidate may not knowingly request, or authorize anyone else

to request, that any subordinate or potential future subordinate participate in an election campaign or make a political contribution. Nor may he or she engage in any political activity while on duty for the county, with the use of county funds, supplies, vehicles, or facilities, or during any period of time during which he or she is normally expected to perform services for the county, for which compensation is paid.

J. Patronage

No official or employee may promise employment or the use of his or her influence to obtain employment to any position as a reward for any political activity or contribution.

K. Revolving Door

For a period of two years after the termination of his or her county service or employment, an official or employee may not appear or practice before any county department, agency, board or commission, except on his or her own behalf, or on behalf of the county if serving on a volunteer basis. For this same period, an official or employee may not receive compensation for working on, or having associates working on, any matter before any county department, agency, board or commission. With respect to particular matters on which the official or employee personally worked while in county service or employment, this bar is permanent. The foregoing also applies, during the same periods of time, to any individual who is a partner, associate, or member of a person or entity with which the former official or employee has an official or employee may not accept employment with a party to a contract with the county, within two years after the contract was signed, when he or she participated substantially in the negotiation or award of the contract and the contract obliged the county to pay at least \$50,000. Nor may an elected or appointed official accept any appointment or election by the body of which he or she is or was a member, to any position which carries with it any officials and employees who performed only ministerial acts while working for the county.

L. Misuse of County Property and Reimbursements

An official or employee may not use, or permit others to use, any property owned by the county for profit or personal convenience or benefit, except:

- (1) when available to the public generally, or to a class of residents, on the same terms and conditions,
- (2) when permitted by policies approved by the county's legislative body, or
- (3) when, in the conduct of official business, used in a minor way for personal convenience. This applies not only to objects such as cars and trucks, but also to travel and other expense reimbursements, which may not be requested for nor spent on anything but official business.

M. Nepotism

Unless he or she obtains a waiver pursuant to section 210 of this code, no official or employee may appoint or hire his or her spouse or domestic partner, child or step-child, sibling or step-sibling, parent, or member of his or her household for any type of employment, including by contract (unless competitively bid), with the county.

No official or employee may supervise or be in a direct line of supervision over his or her spouse or domestic partner, child or step-child, sibling or step-sibling, parent, or member of his or her household. If an official or employee comes into a direct line of supervision over one of these persons, he or she will have six months to come into compliance or to obtain a waiver.

N. Transactions with Subordinates

No official or employee may engage in a financial transaction, including the giving or receiving of loans or monetary contributions, including charitable contributions, with a subordinate or person or business over which, in the official or employee's official duties and responsibilities, he or she exercises supervisory responsibility, unless:

(1) The financial transaction is in the normal course of a regular commercial business or occupation, or

(2) The financial transaction involves a charitable event or fundraising activity which is the subject of general sponsorship by a state or county agency through official action by a governing body or the highest official of state or county government.

No official or employee may accept a fee or honorarium for an article, for an appearance, speech or any other participation at an event, in his or her official capacity. However, he or she may receive payment or reimbursement for reasonable and necessary expenses related to any such activity pursuant to county guidelines/policy.

O. Endorsements

No official or employee in his or her official capacity may publicly endorse products or services. However, this does not prohibit an official or employee from answering inquiries by other governmental officials, consumer organizations, or product information services regarding products or services.

P. Consultants

A consultant may not represent a person or entity other than the county in any matter, transaction, action, or proceeding in which the consultant participated personally and substantially as a consultant to the county. Nor may a consultant represent a person or entity in any matter, transaction, action, or proceeding against the interest of the county.