

Ordinance # 848

AN ORDINANCE TO AMEND CHAPTER 30 – CITY COMMISSION WITH CHANGES TO VERBAGE IN 30.01 TIME AND PLACE OF REGULAR MEETINGS, 30.02 ORDER OF BUSINESS AND THE ADDING SUBSECTION 30.05 TO ADOPT A CODE OF ETHICS FOR THE CITY'S COMMISSIONS, BOARDS OFFICERS AND EMPLOYEES, ETC.

SECTION 1. 30.01 TIME AND PLACE OF REGULAR MEETINGS shall be amended to read as follows:

The regular meetings of the City Commission shall be held on the fourth Monday of each month beginning at 6:30 p.m. in a central meeting room at the Etowah Community Center, located at 155 Robinson Street.

SECTION 2. 30.02 ORDER OF BUSINESS shall be amended to read as follows:

At each meeting of the City Commission, the following regular order of business shall be observed, unless dispensed with by a majority vote of the members present:

- Call to order by Mayor;
- Roll Call;
- Presentation of minutes from previous meeting and approve or make needed corrections;
- New Business;
- Old Business;
- City Manager's Report;
- Unscheduled Items;
- Citizen Comments
- Adjournment

SECTION 3: Chapter 30 – City Commission of the Etowah Municipal Code is hereby amended by adding the following:

30.05 CODE OF ETHICS

This chapter is the code of ethics for personnel of the City of Etowah. It applies to all full-time, part-time, elected or appointed officials and employees, whether compensated or not, including this of any separate board, commission, committee, authority, corporation, or other instrumentality appointed or created by the City of Etowah. The words "municipal" and "City" or "The City of Etowah" include these separate entities.

A. Definition of "Personal Interest"

- (1) Any financial, ownership, or employment interest in the subject of a cote by a municipal board not otherwise regulated by state statues on conflicts and interests; or
- (2) Any financial ownership, or employment interest in a matter to be regulated or supervised; or
- (3) Any such financial, ownership, or employee spouse, parent(s), Step parent(s), grandparent(s), sibling(s), child(ren), or step child(ren).
- (4) In any situation in which a personal interest is also a conflict of interest under state law, the provision of the state law take precedence over the provisions of this chapter.

B. Disclosure of personal interest by official with vote.

An Official with the responsibility to vote on a measure shall be disclosed during the meeting at which the vote takes place, before the vote and so it appears in the minutes, any personal interest that affects or that would lead a reasonable person to infer that it affects the official's vote on the measure. In addition, the official may recuse himself from voting on the measure.

C. Disclosure of personal interest in non-voting matters.

All officials or employee who must exercise discretion relative to any matter, other than casting a vote, and who has a personal interest in the matter that affects or that would lead a reasonable person to infer that it affects the exercise of the discretion shall disclose, before the exercise of the discretion when possible, the interest on a form provided by and filed with the recorder. In addition, the official or employee may, to the extent allowed by law, charter, ordinance, or policy, recuse himself from the exercise of discretion in the matter.

D. Acceptance of gratuities, etc.

An official or employee may not accept, directly or indirectly, any money, gifts, gratuity or other consideration or favor of any kind from anyone other than the City.

- (1) For the performance of an act, or refraining from performance of an act, that he would be expected to perform, or refrain from performing, in the regular course of this duties; or
- (2) That might reasonably be interpreted as an attempt to influence his actions, or reward him for past actions, in executing municipal business.

E. Use of Information

An official or employee may not disclose any information obtained in this official capacity or position of employment that is made in confidence under state or federal law except as authorized by law.

F. Use of municipal time, facilities, etc.

- (1) An official or employee may not use or authorize the use of municipal time, facilities, equipment or supplies for private gain or advantage to himself.
- (2) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to any private person by legitimate contract or lease that is determined by the City Commission to be in the best interest of the City.

G. Use of position or authority

- (1) An official or employee may not make or attempt to make private purchases, for cash or otherwise in the name of the City.
- (2) An official or employee may not use or attempt to use his position to secure any privilege or exemption for himself or others that is not authorized by the charter, general law or ordinance of policy of the City.

H. Outside employment.

A full-time employee of the City may not accept any outside employment without written permission from the City Manager

I. Ethics complaints

- (1) The city attorney is designated as the ethics office of the City. Upon written request by the official or employee potentially affected by the complaint, the city attorney may render a written advisory ethics opinion based upon this chapter and other applicable law.
- (2) (a) Except as otherwise provided in this subsection, the City attorney shall investigate any credible complaint against any appointed official or employee charging any violations of this chapter, or may undertake an investigation on his own initiative when he acquires recommendations for action to end or seek retribution for any activity that, in the attorney's judgement constitutes a violations of this code of ethics.
(b) The city attorney may request the City Commission to hire another attorney, individual or entity to act as ethics officer when he has or will have a conflict of interests in a particular matter.
(c) When a complain of a violation of any provision of this chapter is lodged against a member of the City Commission the City Commission shall either determine that the complaint has merit, determine that the complaint has sufficient merit to warrant further investigation by the city attorney or another individual or entity chosen by the City Commission.
- (3) The interpretation that a reasonable person in the circumstances would apply shall be used in interpreting and enforcing this code of ethics.

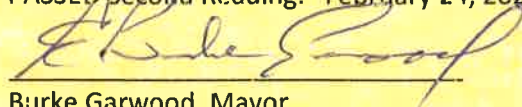
J. Violations

An elected official or appointed member of a separate municipal board, commission, committee, authority, corporation or other instrumentality who violates any provision of this chapter is subject to punishment as provided by the municipality's charter or other applicable law, and in addition is subject to censure by the City Commission. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action.

NOW, THEREFORE BE IT ORDAINED by the City Commission of the City of Etowah that the above stated Code of Ethics shall be binding and take effect 10 day after its second and final ready.


PASSED First Reading: January 27, 2020

PASSED Second Reading: February 24, 2020


Burke Garwood, Mayor

Attested to:


Alison Bull, City Recorder


City Attorney