

Contents

PART 1. GENERALLY

SEC. 1.1 – PURPOSE.....	2
SEC. 1.2 – DEFINITIONS.....	2
SEC. 1.3 – INTERPRETATION; SEVERABILITY.....	3

PART 2. ETHICAL STANDARDS

SEC. 2.1 – GENERAL ETHICAL STANDARDS.....	3
SEC. 2.2 – COMPLIANCE WITH APPLICABLE LAW.....	4
SEC. 2.3 – CONFLICT OF INTEREST TRANSACTIONS.....	4
SEC. 2.4 – IMPARTIALITY.....	4
SEC. 2.5 – WITHHOLDING OF INFORMATION.....	4
SEC. 2.6 – DISCLOSURE OF INFORMATION.....	5
SEC. 2.7 – INCOMPATIBLE SERVICE.....	5
SEC. 2.8 – NEPOTISM.....	5
SEC. 2.9 – UNAUTHORIZED USE OF PUBLIC PROPERTY.....	5
SEC. 2.10 – POLITICAL RECRIMINATION AND ACTIVITY.....	5
SEC. 2.11 – ORGANIZATIONAL INTEGRITY.....	5
SEC. 2.12 – APPEARANCE BEFORE COUNTY INTITIES.....	6
SEC. 2.13 – SPECIAL TREATMENT.....	6
SEC. 2.14 – TIMELY PAYMENT OF DEBTS TO THE COUNTY	6
SEC. 2.15 – SOLICITATION OR ACCEPTANCE OF GIFTS.....	6
SEC. 2.16 – DISCLOSURE OF INTEREST.....	7
SEC. 2.17 – ABSTENTION TO AVOID CONFLICTS OF INTEREST.....	7
SEC. 2.18 – MISUSE OF POWER OF OFFICE.....	7
SEC. 2.19 – COERCION.....	7
SEC. 2.20 – IMPROPER INFLUENCE.....	7
SEC. 2.21 – EXEMPTIONS.....	7

PART 3. VIOLATIONS

SEC. 3.1 – COUNTY EMPLOYEES.....	8
SEC. 3.2 – COUNTY OFFICIALS.....	8
SEC. 3.3 – COUNTY COMMISSIONERS.....	9
SEC. 3.4 – PROTECTION FOR REPORTING VIOLATIONS.....	9

PART 4. COMPLAINTS AGAINST EMPLOYEES AND COUNTY OFFICIALS OTHER THAN COMMISSIONERS

SEC. 4.1 – ETHICS COMPLAINTS INVOLVIN COUNTY EMPLOYEES.....	9
SEC. 4.2 – ETHICS COMPAIN'TS INVOLVING COUNTY OFFICIALS.....	10
SEC. 4.3 – ETHICS COMPLAINT’S INVOLVING COUNT COMMISSIONERS.....	11
SEC. 4.4 – REIMBURSEMENT OF LEGAL EXPENSES.....	11

PART 1. GENERALLY

Sec. 1.1 – Purpose and Preamble

WHEREAS, the purpose of this ordinance is to establish ethical standards of conduct for all county commissioners, officials and employees by setting forth those acts or actions that are incompatible with the best interests of the county and by directing disclosure by such county commissioners, officials and employees of private financial or other interest in matters affecting the county; and

WHEREAS, the proper operation of democratic government requires that county commissioners, officials and employees act in a manner that is impartial and responsive to the people; and

WHEREAS, it is important that government decisions and policy be made through the proper channels of the governmental structure and be transparent to the public; and

WHEREAS, public officials should not use their positions for personal gain and any actions should be free from the appearance of impropriety; and

WHEREAS, by enacting this ordinance it is the intent of the board of commissioners to strengthen the public's confidence in the integrity of county government.

NOW, THEREFORE, the Effingham County Board of Commissioners adopts this ordinance.

Sec. 1.2 – Definitions

- i. The following words, terms, and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
- ii. *Benefit* includes, but is not limited to, any valuable act, advance, award, contract, compensation, contribution, deposit, emolument, employment, favor, fee, forbearance, fringe benefit, gift, gratuity, honorarium, loan, offer, payment, privilege, promise, reward, remuneration, service, or subscription having a monetary value in excess of \$100.00, whether offered or received or promised; anything, regardless of its monetary value, perceived or intended by either the one who offers it or the one to whom it is offered to be sufficient in value to influence a public servant in the performance or non-performance of an official action; anything, regardless of its monetary value, which, under the circumstances, a reasonably prudent person in the position of a public servant to whom the thing is or may be offered, would recognize as being likely to be intended to influence the public servant in the performance or non-performance of an official action;
- iii. *Business entity* means any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, trust, or other legal entity;
- iv. *Confidential information* means any information that is exempt from disclosure under the open records and open meetings acts;
- v. *County commissioner* means a member of the county governing authority;
- vi. *County official* and *official* means any member of a board or authority appointed by the board of commissioners, the county administrator and assistant administrator/manager, county clerk or any other appointed officer or official of the county. For the purposes of this ordinance, the term shall not apply to any other county elected official unless that elected official agrees in writing that he or she will be subject to coverage under this ordinance. Such coverage may also apply to the employees of such other county elected officials when so agreed in writing.
- vii. *Employee* means all those persons employed on a regular or part-time basis by the county; provided, however, that employees under the direction of other elected officials are not subject to this ordinance unless designated in writing by the elected official;

- viii. *Family* means the spouse, parents, children, and siblings, related by blood, marriage, or adoption, of a county official or employee; *See also "interest"*
- ix. *Interest* means direct or indirect pecuniary or material benefit accruing to a county commissioner, official or employee as a result of a matter which is or which is expected to become the subject of an official action by or with the county, except for such actions 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. The term "interest" shall not include any remote interest. For purposes of this ordinance, a county commissioner, official or employee shall be deemed to have an interest in the affairs of: (1) his or her family; (2) any business entity in which the county commissioner, official or employee is a member, officer, director, employee, or prospective employee; and (3) any business entity as to which the stock, legal ownership, or beneficial ownership of a county commissioner, official or employee is in excess of five percent of the total stock or total legal and beneficial ownership, or which is controlled or owned directly or indirectly by the county commissioner, official or employee; *See also "family"*
- x. *Public servant* means any member of the governing body or of any County agency, board, commission, committee, or other voting body, and any agent, department head, employee, official, supervisor, volunteer, or other person, whether elected or appointed, or legally authorized by contract or in any other manner to act in capacity under the authority of the County.
- xi. *Relative* means a person who is related to an official or employee as spouse or as any of the following, whether by blood, marriage, or adoption: parent, child, brother, sister, aunt, uncle, niece, nephew, grandparent, grandchild, father-in-law, mother-in-law, son-in-law, daughter-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister, brother-in-law, or sister-in-law.
- xii. *Remote interest* means the interest of (1) a volunteer director, officer, or employee of a nonprofit corporation; (2) a holder of less than 5 percent of the legal or beneficial ownership of the total shares of a business; (3) any person in a representative capacity, such as a receiver, trustee, or administrator. *See also "interest"*

Sec. 1.3 – Interpretation; Severability

- (a.) This ordinance shall be construed broadly to effectuate its purposes and policies and to supplement such existing laws as may relate to the conduct of a county commissioner or official.
- (b.) The propriety of any official act taken by or transaction involving a county commissioner, official or employee immediately prior to the time this ordinance shall take effect shall not be affected by the enactment of this ordinance.
- (c.) The provisions of this ordinance are severable, and if any of its provisions shall be held unconstitutional or invalid by a court of competent jurisdiction, the decision of the court shall not affect or impair any of the remaining provisions.

PART 2. ETHICAL STANDARDS

Sec. 2.1 – General Ethical Standards

All county commissioners, officials and employees shall:

- (a.) Uphold the Constitution, laws, regulations and ordinances of the United States, the State of Georgia and Effingham County therein and never be a party to their evasion.
- (b.) Put loyalty to the highest moral principles and to country above loyalty to persons, party, or county government department.
- (c.) Give a full day’s labor for a fully day’s pay.
- (d.) Give to the performance of his or her duties his or her earnest effort and best thought.

- (e.) Seek to find and employ more efficient and economical ways of getting tasks accomplished.
- (f.) Never discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not.
- (g.) Never accept or solicit, personally or for family, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of his governmental duties.
- (h.) Make no private promises of any kind binding upon the duties of office.
- (i.) Engage in no business with the government, either directly or indirectly, that is inconsistent with the conscientious performance of governmental duties.
- (j.) Never use any information coming to him confidentially in the performance of governmental duties as a means for making private profit.
- (k.) Report corruption wherever discovered.
- (l.) Uphold these principles, ever conscious that public office is a public trust.
- (m.) Never engage in other conduct which is unbecoming to a member or which constitutes a breach of public trust.
- (n.) Never take any official action in which he or she has a direct or indirect monetary interest.
- (o.) Take steps to avoid the appearance of a conflict of interest, which may exist in the absence of an actual conflict.

Sec. 2.2 – Compliance with Applicable Law

No county commissioner, official or employee 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 his or her office or employment.

Sec. 2.3 – Conflict of Interest Transactions

- (a.) No county commissioner, official or employee shall have an interest in any contract or transaction affected by official acts or actions of the county commissioner, official or employee, except consistent with the disclosure and abstention provisions set forth in this ordinance.
- (b.) No county commissioner, official or employee may purchase goods, property, or services of any kind for county purposes from any business entity in which such county official or employee is an employee, or in which he is interested, unless by sanction of the majority of the members of the county commission and unless the goods, property services are provided at the same quality and for a lower price than can be obtained elsewhere.

Sec. 2.4 – Impartiality

- (a.) No county commissioner, official or employee shall by his or her conduct give reasonable basis for the impression that any person can improperly influence him or her in the performance of any official acts or actions.
- (b.) No county commissioner, official or employee shall, by virtue of his or her position within the county, except as necessary in the performance of his or her official duties, directly or indirectly influence or attempt to influence the decision of any other officer or employee who must act to further any county procurement, policy, contract, matter, or transaction.

Sec. 2.5 – Withholding of Information

No county commissioner, official or employee shall knowingly withhold any information that would impair the proper decision-making of any of the county's boards, agencies, authorities, or departments.

Sec. 2.6 – Disclosure of Information

- (a.) Except as prescribed by the governing authority, no county commissioner, official or employee shall disclose confidential information concerning the property, government, or affairs of the county, or use such information to advance the financial or other private interest of himself or herself or others.
- (b.) Except as prescribed by the governing authority, no county commissioner, official or employee shall disclose confidential information discussed in a properly closed meeting or executive session.

Sec. 2.7 – Incompatible Service

No county commissioner, official or employee shall engage in or accept private or public employment or render service for any private or public entity when such employment or service is incompatible with the proper discharge of his or her official duties.

Sec. 2.8 – Nepotism

- (a.) No county commissioner, official or employee shall advocate for or cause, directly or indirectly, the hiring, advancement, promotion, or transfer of a member of his or her family to any office or position with the county or a county agency.
- (b.) No county commissioner, official or employee having authority to appoint or recommend for appointment members of any county board, commission, or authority shall appoint or recommend for appointment a member of his or her family.

Sec. 2.9 – Unauthorized Use of Public Property

No county commissioner, official or employee shall request or permit the unauthorized use of county owned vehicles and equipment, including but not limited to computers, printers, copiers and related office equipment, wireless hand held devices, telephones, materials, networks, intraoffice mail or property for personal convenience or profit. *De minimis personal use of electronic communication equipment, such as wireless hand held devices and telephones is not prohibited.*

Sec. 2.10 – Political Recrimination and Activity

No county commissioner, official or employee, whether elected or appointed, shall either cause the dismissal or threaten the dismissal from any county position as reward or punishment for any political activity. No county commissioner, official or employee shall direct any person employed by the county to undertake political activity on behalf of any county commissioner, official or employee, or any other individual, political party, group, or business organization during such time that the employee is required to conduct county business. This section does not prohibit incidental telephone calls made for the purpose of scheduling an official's daily county business.

Sec. 2.11 – Organizational Integrity

County commissioners, as policy-makers, shall refrain from unduly interfering in the daily administrative affairs of department supervisors. Commissioners shall not give directions or make suggestions to the department supervisors or other employees on an individual basis. All directions should be made as a board to the county administrator, who, in turn, shall communicate with the supervisors or other employees.

Sec. 2.12 – Appearance before County Entities

No county official or employee shall appear on behalf of any private person, other than himself or herself, his or her spouse or minor children, before any county department, 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.

Sec. 2.13 – Special Treatment

No county commissioner, official or employee shall grant or receive any special consideration, treatment or advantage for themselves or any other citizen beyond that which is generally available to other citizens in the same or similar circumstances.

Sec. 2.14 – Timely Payment of Taxes and Debts to the County

All county commissioners, officials and employees shall pay and settle, in a timely and prompt fashion, all accounts with the county, including all taxes.

Sec. 2.15 – Solicitation or Acceptance of Gifts

- (a.) County commissioners, officials and employees shall not accept gifts, gratuities, or loans from organizations, businesses, or individuals with whom he or she has official relationships arising from the business of the county government. These limitations are not intended to prohibit the acceptance of articles of negligible value which are distributed generally, nor to prohibit employees from accepting social courtesies which promote good public relations, or to prohibit officials or employees from obtaining loans from regular lending institutions. It is particularly important that inspectors, contracting officers, and enforcement officers guard against relationships which might create the appearance of favoritism, coercion, unfair advantage, or collusion.
- (b.) There shall be no violation of this ordinance in the following circumstances:
 - (1) Meals and beverages given in the usual course of entertaining associated with normal and customary business or social functions;
 - (2) Ceremonial gifts or awards;
 - (3) Gifts of advertising value only or promotional items generally distributed to county commissioners and officials;
 - (4) Awards presented in recognition of public service;
 - (5) Reasonable expenses of food, travel, lodging, and scheduled entertainment for a meeting that is given in return for participation in a panel or speaking engagement at the meeting;
 - (6) Meals, beverages, lodging, travel and related expenses provided in return for participating in an educational program;
 - (7) Courtesy tickets or free admission extended for an event as a courtesy or for ceremonial purposes, given on an occasional basis, and not to include season tickets of any nature;
 - (8) Gifts from family members or members of the county commissioner, official or employee's household;
 - (9) Honorariums or awards for professional achievement;
 - (10) Courtesy tickets or free admission to educational seminars, educational or informational conventions, or similar events.

Sec. 2.16 – Disclosure of Interest

- (a.) Any member of the board of commissioners who has an interest in any proposed ordinance, resolution or other action before the board of commissioners shall immediately disclose publicly the nature and extent of such interest.
- (b.) Any other county official or employee who has an interest in any ordinance, resolution, or other action before the board of commissioners and who participates in discussion with or gives an official opinion or recommendation to the board of commissioners in connection with such proposed legislation or action shall disclose publicly the nature and extent of such interest.
- (c.) Any county commissioner or official shall also comply with the provisions of Appendix C of the Official Code of Ordinances, Effingham County who has an “interest,” as defined by O.C.G.A. § 36-67A-1, in any proposed ordinance, resolution or other zoning decision shall immediately disclose publicly the nature and extent of such interest and otherwise comply with the Conflict of Interest in Zoning in O.C.G.A. § 36--67A-1.

Sec. 2.17 – Abstention to Avoid Conflicts of Interest

- (a.) Except as otherwise provided by law, no county commissioner, official or employee shall participate in the discussion, debate, deliberation, vote, or otherwise take part in the decision-making process on any item before him or her in which the county commissioner, official or employee has a conflict of interest as set forth in this ordinance.
- (b.) In the event of a conflict of interest, the county commissioner, official or employee shall announce his or her intent to abstain prior to the beginning of the discussion, debate, deliberation, or vote on the item, and shall abstain from casting a vote. The vice-chair shall preside over any part of a meeting in which the chair has a conflict of interest. No commissioner or other official shall abstain from voting on any matter except for the purpose of avoiding a conflict of interest or as otherwise provided or required by law.

Sec. 2.18 Misuse of the Power of Office

A county commissioner, official or employee shall not intentionally use the power of his or her office or official title or position for his or her 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 prohibited by this section.

Sec. 2.19 – Coercion

No county commissioner, official or employee shall intimidate, threaten, coerce, take action against, or attempt to intimidate, threaten, coerce, or take action against any employee, county commissioner or official for the purpose of interfering with that person’s discretion in the regular discharge of his or her official duties.

Sec. 2.20 – Improper Influence

No county commissioner, official or employee shall influence or attempt to influence any county commissioner, official or employee to violate the standards of ethical conduct set forth in this ethics ordinance.

Sec. 2.21 – Exemptions

- (a) This ordinance does not prevent any public servant from accepting other employment or following any pursuit which in no way interferes with the full and faithful discharge of his or her public duties, provided that the

public servant complies with all applicable County requirements, including any requirements imposed by this Ordinance.

- (b) No public servant shall be deemed to have a conflict of interest by virtue of carrying out any contact pursuant to which the public servant directly or indirectly received income or benefits in the form of compensation for the performance of official duties.
- (c) A former public servant is not prohibited from entering into a contract to represent the County in any matter.
- (d) No public servant shall be deemed to have a conflict of interest by virtue of sharing, directly or indirectly, in the benefit of a lawful County action when the benefit to the public at large or to a segment of the public to whom the benefit is provided in a nondiscriminatory manner.
- (e) This Ordinance does not prohibit any public servant from taking any action to approve the lawful payment of salaries, employee benefits, reimbursements of actual and necessary expense, or other lawful payments which are authorized in accordance with County policies.
- (f) This Ordinance does not prohibit an elected official from raising campaign contributions in any manner which is otherwise permitted by law.
- (g) This ordinance does not prohibit communication between an individual or organization and a candidate regarding the candidate's views, record of plans for future action regarding an issue or measure in an attempt to determine a candidate's viewpoints or how the candidate plans to act in the future, if such communication results in an endorsement of the candidate, a decision not to endorse the candidate, or a contribution or expenditure required to be recorded or reported under a state statute.
- (h) This ordinance does not prohibit public servants from taking any official action properly within the scope of their duties with respect to any proposal to enact or modify law or public policy.
- (i) Action which might otherwise be alleged to constitute a conflict of interest shall be deemed to comply with this Ordinance and not to be a conflict of interest if:
 - (1) before acting, the public servant requested and received a written opinion from the County Attorney of a formal ethics opinion or a confidential advisory opinion from the Board in accordance with the procedures established in this Ordinance; and
 - (2) the material facts, as stated in the request for an opinion, are true and complete; and
 - (3) The actions taken were consistent with the opinion.

PART 3: VIOLATIONS

Sec. 3.1 – County Employees

Employees are subject to disciplinary actions as contained within the Effingham County Board of Commissioners Human Resources Standards of Practice, as amended from time to time by the Effingham County Board of Commissioners.

Sec. 3.2 – County Officials

County officials are subject to any one or combination of the following penalties and actions for a violation of this ordinance:

- (a) written warning, censure, or reprimand;
- (b) repayment to the county of any unjust enrichment;
- (c) requested resignation;

- (d) removal from office of county officials that are appointed or employed at the pleasure of the board of commissioners.
- (e) referral to law enforcement agencies for prosecution of suspected criminal activities.

Sec. 3.3 – County Commissioners

County commissioners are subject to any one or combination of the following penalties and actions for a violation of this ordinance:

- (a) written warning, censure, or reprimand;
- (b) repayment to the county of any unjust enrichment;
- (c) requested resignation;
- (d) referral to law enforcement agencies for prosecution of suspected criminal activities.

Sec. 3.4 – Protection for Reporting Violations

No county employee, official or commissioner shall use or threaten to use their position or any power or authority related to that position to discourage, restrain, or interfere with any other person for the purpose of preventing such person from acting in good faith to report or otherwise bring to the attention of the county information relating to an ethics violation or investigation. No official or county commissioner shall use or threaten to use any official authority or influence to effect any action as a reprisal against anyone who reports, initiates a complaint, or otherwise brings to the attention of the county information relating to an ethics violation or investigation.

PART 4: COMPLAINTS AGAINST EMPLOYEES, COUNTY OFFICIALS OTHER THAN COMMISSIONERS, AND COMMISSIONERS

Sec. 4.1- Ethics Complaints Involving County Employees.

- (a) Any person may initiate a complaint of a violation of this ethics ordinance by a county employee by submitting to the Clerk of the Effingham County Board of Commissioners a written, verified and sworn complaint under penalty of perjury. The complaint shall be supported by sworn affidavits based on personal knowledge, shall set forth such facts as would be admissible in evidence, and shall show affirmatively that the complainant or the affiant if other than the complainant is competent to testify to the matters stated therein. All documents referred to in the complaint and any affidavit shall be attached to the complaint.
- (b) A complaint shall be filed within six months of the date the alleged violation is said to have occurred, or in the case of concealment or nondisclosure, within six months of the date the alleged violation should have been discovered after due diligence. A complaint filed more than six months after the alleged violation occurred or was discovered shall not be considered.
- (c) Upon receipt of the complaint, the Clerk of the Effingham County Board of Commissioners shall immediately deliver such complaint to the county attorney and to all parties named in the complaint.
- (d) The county attorney shall determine if the complaint has met all the technical requirements set forth in Section 4.1(a) of this ordinance. If the complaint does not meet the technical requirements set forth in Section 4.1 (a) of this ordinance, the county attorney shall notify the person or persons who filed the complaint and they shall have 10 days to correct and re-file the complaint with the county clerk. If a complaint satisfies the technical

requirements of Section 4.1(a), the county attorney shall notify the county administrator that a complaint has been filed.

- (e) Upon receipt of a complaint alleging a violation of this ordinance by an employee, the county administrator and/or human resources director shall process the complaint in accordance with the Effingham County Board of Commissioners Human Resources Standards of Practice, as amended from time to time by the Effingham County Board of Commissioners.

Sec. 4.2- Ethics Complaints Involving County Officials other than Commissioners

- (a) Any person may initiate a complaint of a violation of this ethics ordinance against a county official by submitting to the Clerk of the Effingham County Board of Commissioners a written, verified and sworn complaint under penalty of perjury. The complaint shall be supported by affidavits based on personal knowledge, shall set forth such facts as would be admissible in evidence, and shall show affirmatively that the complainant or the affiant if other than the complainant is competent to testify to the matters stated therein. All documents referred to in the complaint and any affidavit shall be attached to the complaint.
- (b) A complaint shall be filed within six months of the date the alleged violation is said to have occurred, or in the case of concealment or nondisclosure, within six months of the date the alleged violation should have been discovered after due diligence. A complaint filed more than six months after the alleged violation occurred or was discovered shall not be considered.
- (c) Upon receipt of the complaint, the Clerk of the Effingham County Board of Commissioners shall immediately deliver such complaint to the county attorney and to all parties named in the complaint. The county attorney shall determine if the complaint has met all the technical requirements set forth in Section 4.2(a) of this ordinance. If the complaint does not meet the technical requirements set forth in Section 4.2 (a) of this ordinance, the county attorney shall notify the person or persons who filed the complaint and they shall have 10 days to correct and re-file the complaint with the county clerk. If a complaint satisfies the, technical requirements of Section 4.2(a), the county attorney shall notify the board of commissioners that a complaint has been filed.
- (d) Upon receipt of a complaint alleging misconduct of a county official, the board of commissioners, serving in their capacity as the board of ethics, shall determine whether the complaint alleges material facts that, if proven, would constitute a violation of this ordinance, and if so, shall schedule a formal hearing to consider the complaint. The board of commissioners shall notify the complainant and the county official or officials named in the complaint in writing of the time and place of the hearing, which hearing shall not be held sooner than ten days following notice of same. If the board of commissioners serving in their capacity as the board of ethics determines that the complaint fails to allege a violation of this ordinance, the complaint will be dismissed and all parties will be notified of the dismissal.
- (e) Hearings shall be public, and all parties shall have the opportunity to be heard, to present witnesses, and to present evidence. Persons alleged to have violated this ethics ordinance shall have the right to be represented by counsel at their own expense.
- (f) Meetings when discussing or deliberating upon the evidence presented during the hearing shall be exempt from the requirements of the Georgia Open Meetings Act; however, the vote on any decision authorized by this ordinance shall be taken in public. A finding that a violation of this ethics ordinance has occurred shall be based upon clear and convincing evidence. The board of commissioners' decision shall be reduced to writing and provided to the parties and shall be final.
- (g) All ethics complaints involving officials shall be heard by the board of commissioners unless a commissioner is alleged by the complaint to have committed or participated in a violation of this ordinance, in which case the complaint shall be heard by the board of ethics.

Sec. 4.3- Ethics Complaints Involving County Commissioners

- (a) Any person may initiate a complaint of a violation of this ethics ordinance against a county commissioner by submitting to the Clerk of the Effingham County Board of Commissioners a written, verified and sworn complaint under penalty of perjury. The complaint shall be supported by affidavits based on personal knowledge, shall set forth such facts as would be admissible in evidence, and shall show affirmatively that the complainant or the affiant if other than the complainant is competent to testify to the matters stated therein. All documents referred to in the complaint and any affidavit shall be attached to the complaint.
- (b) A complaint shall be filed within six months of the date the alleged violation is said to have occurred, or in the case of concealment or nondisclosure, within six months of the date the alleged violation should have been discovered after due diligence. A complaint filed more than six months after the alleged violation occurred or was discovered shall not be considered.
- (c) Upon receipt of the complaint, the Clerk of the Effingham County Board of Commissioners shall immediately deliver such complaint to the county attorney and to all parties named in the complaint. The county attorney shall determine if the complaint has met all the technical requirements set forth in Section 4.3(a) of this ordinance. If the complaint does not meet the technical requirements set forth in Section 4.3(a) of this ordinance, the county attorney shall notify the person or persons who filed the complaint and they shall have 10 days to correct and re-file the complaint with the county clerk. If a complaint satisfies the, technical requirements of Section 4.3(a), the county attorney shall notify the board of commissioners that a complaint has been filed.
- (d) Once notified by the county attorney that a complaint has been filed against a board of commission member or members, the board of commissioners shall convene an ethics board composed of all members not named in the complaint. The ethics board shall consist of at least a majority of the board of commissioners. Upon receipt of a complaint alleging misconduct of a county commissioner(s), the board of commissioners, serving in their capacity as the board of ethics, determines that the complaint provides material facts for which a remedy can be given, a formal hearing shall be scheduled to consider the complaint. The board of commissioners shall notify all involved parties in writing of the time and place of the hearing, which hearing shall not be held sooner than ten days following notice of same. If the board of commissioners serving in their capacity as the board of ethics determines that the complaint is without merit, the complaint will be dismissed and all parties will be notified of the dismissal.
- (e) Hearings shall be public, and all parties shall have the opportunity to be heard, to present witnesses, and to present evidence. Persons alleged to have violated this ethics ordinance shall have the right to be represented by counsel at their own expense.
- (f) Meetings when discussing or deliberating upon the evidence presented during the hearing shall be exempt from the requirements of the Georgia Open Meetings Act; however, the vote on any decision authorized by this ordinance shall be taken in public. A finding that a violation of this ethics ordinance has occurred shall be based upon clear and convincing evidence. The decision of the board of commissioners serving as the board of ethics shall be reduced to writing and provided to the parties and shall be final.
- (g) The Board of Commissioners may appoint a Special Master in an advisory capacity during the hearing process.

Sec. 4.4 – Reimbursement of Legal Expenses.

County funds shall be used to reimburse individuals for reasonable legal expense incurred in their successful defense of charges filed with the governing body by the Board. Legal fees incurred by the complainant(s), the Board, and the person complained against, in an amount determined reasonable by the Board, shall be paid by the unsuccessful party in the Board determines such party's complaint or defense was groundless. The unsuccessful party shall not

be liable for such fees if the Board determines that any reasonable or plausible grounds exist for the party's complaint or defense. Within the meaning of this provision, "groundless" means

- (a) without basis in fact; or
- (b) frivolous; or
- (c) not warranted by any law or reasonably arguable interpretation or theory of law.