

## ADMINISTRATION

### Chapter 2

#### **ADMINISTRATION\***

Art. I. In General, §§ 2-1—2-25

Art. II. Forsyth-Monroe County Beautification Commission, §§ 2-26—2-50

Art. III. Forsyth Planning Commission, §§ 2-51—2-80

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\***Cross references**—Elections, Ch. 9; police, Ch. 16; recorder's court, Ch. 19; board of zoning appeals, App. A. § III et seq.; personnel manual, App. B.

**State law reference**—Local Government, OCGA Title 36.

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### ARTICLE I. IN GENERAL

#### **Sec. 2-1. Council meetings—Regular meeting dates.**

Regular meetings of the city council shall be held on first and third Tuesday of each month at such time as designated by the council.

(Code 1967, § 2-1)

**Charter references**—Regular council meetings to be at such times and places as prescribed by ordinance, § 2.302(a); call and notice of special council meetings § 2.302(b).

**State law reference**—Meetings of governing body to be public, OCGA § 36-80-1.

#### **Sec. 2-2. Same—Attendance by city attorney.**

It shall be the duty of the city attorney to attend all meetings of the city council when so requested.

(Code 1967, § 2-2)

**Charter reference**—City attorney, § 3.105.

#### **Sec. 2-3. Personnel policies generally.**

Nothing in this Code or the ordinance adopting this Code shall affect any ordinance establishing personnel policies of the city and all such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this Code.

**Cross reference**—Personnel manual, App. B.

#### **Sec. 2-4. Retirements, pension, etc., plans and benefits for city personnel.**

Nothing in this Code or the ordinance adopting this code shall affect any ordinance establishing or otherwise relating to retirement, pension or disability plans or benefits for city personnel and all such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this Code.

#### **Sec. 2-5. Compensation of city officers, employees, etc.**

Nothing in this Code or the ordinances adopting this Code shall affect any ordinance relating to salaries or compensation of city officers and employees or members of city boards or commissions or to compensation or pay plans or classification plans for such officers or employees, and all such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this Code.

#### **Sec. 2-6. Medical certificate required for new employees.**

Prior to commencement of employment with the city, the person so employed shall present to his prospective department head a certificate signed by a physician licensed to practice in this state and certifying that such person has been examined by such physician, within fourteen (14) days prior thereto, and that such person has no physical impairment or condition that would prevent or impair the performance of the duties involved in such employment.

(Mo. of 1-4-83; Mo. of 8-2-83)

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### Sec. 2-7. Purchasing policy.

(a) Introduction: The City of Forsyth Purchasing Department was established to uphold the City's commitment to the public trust through proactive, consolidation and standardized purchasing methods. The Purchasing Department's primary goal is to procure the right product/service at the right price at the right time. The City of Forsyth Purchasing Policy covers the following purchasing thresholds, regular and special purchasing methods, and other processes:

(b) Purchasing thresholds: Purchasing Methods and Dollar Thresholds – The dollar value of the goods and services to be purchased determines the purchasing method to be used. Following completion of the appropriate purchasing method to be used. Following completion of the appropriate purchasing method, the award of Purchase Orders and contracts with vendors will be based on the lowest evaluated cost, while meeting the specified quality, quantity and delivery requirements. Any exceptions to this are further defined in this Policy. Prior to payment of any Purchase, the purchase must be reviewed by Accounting and the City Administrator and approved by the appropriate Committee Chair Person.

The following specific dollar thresholds are used to determine the appropriate purchasing method:

(1) Less than \$2,500 – The purchase of goods and services in an amount of \$2,499 and less shall be by an approved vendor direct order with a ticket/invoice that has a legible signature and the Purchasing Department clearly identified and submitted with an approved purchase order to Accounting for payment. Purchased under \$2,499 do not require competitive bid process and can be made by *Department Heads*.

(2) \$2,500 to less than 5,000 – Purchases for \$2,500 to \$5,000 require the solicitation of at least three (3) informal quotes from approved vendors in writing by the Purchasing Department. A Purchase Requisition will be entered and the applicable quotes will be provided to the Purchasing Department via email or interoffice mail. After the Purchasing Agent approved the Requisition, Purchasing will generate a Purchase Order. Purchase Orders will be faxed or emailed to the vendor for the order. All purchases under \$5,000 can be approved by the *City Administrator*.

(3) \$5,000 to less than \$10,000 – Written quotes from at least three (3) approved vendors required. The Purchasing Agent will solicit and receive these written quotes with assistance from the Purchasing Department. Purchasing will review all quotations and make a recommendation. The Department will issue a purchase requisition and the same process is followed as with the \$2,500 to \$5,000 purchases. The formal Sealed Bid process is optional at this level and will be determined in consultation with Purchasing. Any Purchases over \$5,000 shall be approved by *Mayor and Council* before orders are placed.

(4) Over \$10,000 – Formal Sealed Bid Limit – Purchases estimated in value to meet or exceed \$10,000 will be made using the formal Sealed Bid process. An approved purchase requisition must be received from the Purchasing Department prior to Purchasing proceeding with the Sealed Bid solicitation. Prior to any award, the bid award recommendation must be approved by the *Mayor and Council*. After approval, a Purchase Order and/or Services contract will be processed. For detailed procedures, see the section in the policy titled "The Formal Sealed Bid Process."

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### (c) Purchasing Methods:

(1) Contract Purchases/Professional Services – Purchase transactions of \$10,000 and greater for services performed on City of Forsyth property or services performed on behalf of the City of Forsyth shall be purchased using a duly executed, formal contract. The contract shall contain, but not be limited to, the following elements: specifications fully describing the goods, materials, and equipment including the construction and maintenance services and the effect dates; general conditions of the contract; special conditions, if applicable, and the contractor's proposal.

Except for Professional Services, which are exempt from State Purchasing regulations, this purchase method requires the Purchasing Department to solicit bids, obtain a technical evaluation by the Purchasing Department, prepare a commercial evaluation, and obtain a purchase approval prior to an award. For these purchases, the approved purchase requisition precedes the issuance of a bid solicitation.

After approval of the Mayor and Council for bids over \$5,000, the Mayor shall execute all service contract documents. Purchasing will issue a Purchase Order in conjunction with the contract. The Purchase Order will reference the contract document and the City will utilize the Purchase Order for Payment to render receipt and payment for services performed by the contractor. All procedures and processes regarding Purchase Orders remain unchanged by this method.

(2) Purchasing Department "Approved Vendor" Purchases – Purchase Orders will be issued on all purchase transactions. The Purchasing Department may purchase directly from the Approved Vendor and may process these transactions up to \$2,499 in value. These purchases are for goods that are not purchased in bulk and kept in stock or services. For these Approved Vendor Purchases, the Purchasing Departments are required to provide all supporting documentation for selecting, receiving, and invoicing associated with the purchase transaction. All purchases made by "Approved Vendor" process will be forwarded to accounting for approval by Committee Chairman and Mayor for payment.

(3) Purchase Order Purchases – Purchase Orders will be issued on all purchase transactions. Purchase Orders shall be complete in detail, accurate in content, and meet all requirements of the Purchasing Department and the City. This purchase method requires the Purchasing Department to solicit bids, evaluate the quotes, and obtain purchase approval, if applicable, prior to issuing the Purchase Order. All purchases made by "Purchase Order" process will be forwarded to accounting for approval by Committee Chairman and Mayor for payment.

Prior to authorizing payment for the Purchase Order purchase, receipt of goods/services must be verified. The verification process includes, but is not limited to, comparison of quantity ordered to quantity received, Purchase Order price to vendor's invoice price, goods ordered to goods received, discount terms and payment terms, etc. It is the City's policy to make payment(s) for only goods ordered and at the price agreed upon by the Purchase Order. Vendor invoice errors should be brought to the attention of Accounting. Upon receipt of materials, supplies, equipment or services by the Purchasing Department, an invoice is submitted to Accounting for payment.

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### (d) Additional Processes and Documentation:

(1) Where applicable, the following processes and corresponding documentation are to be maintained by the purchaser and/or vendor as described:

(a) Bid Bond/Bid Guarantee – When required in the RFP/RFQ documents, proposals submitted in response to an RFP/RFQ shall be accompanied by a bid bond in the amount of no less than five percent (5%) of the solicitation's annual value as estimated by the City of Forsyth. The bid bond may be in the form of a cashier's check, certified check, money order, or a bond from the bonding company licensed to do business within the State of Georgia. Bonds will be made payable to the City of Forsyth. The City retains the right to exercise the bid bond should a bidder decide to withdraw a bid without sufficient cause after the bid due date has passed.

(b) Insurance Requirements – The Purchasing Department is responsible for obtaining Certificated of Insurance on service contracts or service Purchase Orders. Insurance certificates shall be complete, current and in accordance with the limits set in the contract language. The City of Forsyth shall be named as Additional Insured. Purchasing is responsible for maintaining current certificates on all active contracts. If the Contractor fails or refuses to provide a renewal certificate, Purchasing should take immediate action to stop work and file a breach of contract notice to the contractor. Purchasing Departments should assist Purchasing with the enforcement of a stop work order given to the contractor.

(c) Performance Bond – For all Public Works construction projects and for other work over \$10,000 as required in the bidding documents, a Contractor shall furnish a corporate surety bond as security for the performance of the service or construction contract awarded via a sealed bid. Said surety bond shall be in the amount of one hundred percent (100%) of the annual gross revenue of the contractor under the service contract. Georgia Code §36-91-2 defines a Performance Bond as a bond with good and sufficient surety or sureties for the faithful performance of the contract and to indemnify the governmental entity for any damages occasioned by a failure to perform the same within the prescribed time. Such bond shall be payable to, in favor of, and for the protection of the governmental entity for which the work is to be done.

(d) Purchase Requisition – All purchases, regardless of funding sources, will be made using properly prepared and authorized Purchase Requisitions which must be reviewed and approved by the Purchasing Agent. Purchase Requisitions shall specify the requirements for goods and/or services in full detail and will be initiated and approved by the Department Director and his/her designee.

In an effort to circumvent the required competitive bid process, the departments must not divide any purchases into smaller quantities of the same goods/services and submit these invoices separately on multiple purchase requisitions. Incorrect or incomplete Purchase Requisitions will be returned to the applicable Purchase Department with comments.

(e) Construction, Maintenance and other Service Receipts – A Purchasing Department receiving services for construction, maintenance, and other services should compare the

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Purchase Order document and/or contract for the agreed-to payment terms. Invoices shall be submitted for payment in strict accordance with the payment terms, such as payment for lump sum contracts, where payment is made upon completion; or payment is made for completed work progress; etc. Under no circumstances should a Purchasing Department pay in advance for work or material receive related to the project, unless provided under the contract terms.

(f) Recurring Charges – Purchasing Departments receiving invoices for leases, rentals, or other monthly charges shall verify the invoice charges against the original Blanket/Open Purchase Order for accuracy. If correct, a Purchase Requisition is completed and must include the original Purchase Order number. Advanced payments and overcharges for goods or services should not be made.

### **Sec. 2-7A. The formal sealed bid process.**

(a) The Formal Sealed Bid process is required for all solicitations with a value greater than \$10,000 and optional for solicitations greater than \$5,000 but less than \$10,000. The Sealed Bid process is used only by the Purchasing Department. The only exception to the dollar threshold for the Sealed Bid process is when the purchase meets criteria for Special Types of Purchasing Methods. Transparent business practices are always followed to encourage approved vendors to participate in a protected, competitive environment.

All Formal Sealed Bid responses are opened in a public venue and recorded at the exact time and date designated in the bidding documents. Depending on the type of Bid, the award will be made to the most qualified, responsive and lowest bidder whose bid satisfies all requirements contained in the bid or additional evaluation will commence, followed by the award. Bid Awards and Bid Tabulations will be posted on the City's website. The successful bidder will receive a Notice of Award, followed by a Purchase Order and/or contract for the goods or services.

#### (b) Bidding Formats:

(1) The City of Forsyth Purchasing Department uses two bidding formats to solicit Formal Sealed Bids from vendors - Request for Quotation (RFQ) and Request for Proposal (RFP). In addition to the RFQ and RFP, the Purchasing Department may also issue a Request for Information (RFI) or Request for Qualifications (RFQu) without the intention to purchase.

(a) Request for Quotation (RFQ) – The City's Purchasing Agent may elect to use the Request for Quotation (RFQ) bidding format when both the specifications and the process are predetermined. The RFQ clearly defines the scope of the work and contains contractual terms and conditions. In most cases, the bid award will be made on best price, but the award may be made in what is determined to be in the best interest of the City. The RFQ may require the submission of bid samples, descriptive literature, and technical data and may require inspection or testing of a product before a final award.

(b) Request for Proposal (RFP) – The Request for Proposal (RFP) bidding format may be used when the goods and services do not lend themselves to a clear and accurate statement of work, and/or the objective of the solicitation is to identify the bidder who can offer the best possible solution at the most reasonable cost. The RFP seeks to identify the "best value" for the City by using a combination of technical and commercial factors

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to evaluate bidders' proposals. All eligible proposals will be subjected to confidential evaluations prior to award (see "Bid Evaluations" section). During the evaluation stage, the City may request clarifications or negotiate scope changes with a short list of select bidder(s) in an effort to finalize technical and/or cost proposals. Following the evaluation stage, the vendors may be asked for a "best and final offer" to obtain the lowest price.

(c) Request for Information (RFI) or Request for Qualifications (RFQu) – At the request of a Purchasing Department, the City's Purchasing Agent, shall support the request for technical and commercial data to evaluate the feasibility of a commodity or service, the qualifications of potential vendor or to prepare fiscal year budget information. Should price be requested from vendors, vendors will be instructed that price(s) is budgetary only and the City of Forsyth shall not be obligated to purchase. Information received by this process will remain confidential to both the City and to the participating vendors. Disclosure of the information associated with a specific RFI is prohibited.

### (c) Bidding Process:

(1) Purchase Requisition – A Purchase Requisition must be completed by the Purchasing Department, approved by the Department Director or his/her designee, and then sent to the Purchasing Department to schedule the bid preparation. The Requisition must accompany a complete list of specifications and potential vendors, including name, address, phone, fax, email, and contact person.

(2) Solicitation – Once the Purchase Requisition is completed, approved, and sent to Purchasing, the Purchasing Department will set a date for bid opening and will prepare bid packages. Bid packages will include, at a minimum, the following information and/or materials:

- (a) A transmittal letter inviting the vendors to bid
- (b) The date and time the bids are due and any pre-bid conference meetings
- (c) Address of the office in which bids are to be received
- (d) A Statement of Work including a complete description of the goods or the services required
- (e) The technical specifications plans and drawings (if applicable)
- (f) Contract terms and conditions, including warranty and bonding or other security instruments (if applicable)
- (g) A proposal/pricing form
- (h) Acknowledgment of agreement with all aspects of the bid including a date or schedule on which goods or services are required
- (i) Vendor's References, Business License and Certificate of Insurance
- (j) A sealed bid label

### (3) Public Posting:

(a) For purchases over \$10,000, Purchasing will post the formal solicitation on the City website and may advertise through newspapers and other means, such as trade journals.

(b) Public Works Projects over \$100,000 must be advertised in the official legal organ of the county.

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(c) Bid packages will be mailed via the United States Postal Service or other delivery service and are posted on the City website.

(d) Any change to a formal solicitation after the initial public posting, including but not limited to changes to requirements, attachments, or the closing date and time, must be posted as official written addenda. When posting an addendum, the City must ensure bidders are provided adequate time to view and process the new information. Addenda are also posted on the City's website.

(4) Pre-Qualified Vendors – The City of Forsyth will strive to pre-qualify its vendors and maintain the qualified vendors in a database, classified by commodity and service type along with technical and commercial factors. Vendor registration for this database is accomplished on the City's website. Additions to or removals from the database will be a consensus of the Purchasing Department and Purchasing. Vendors currently utilized by the City will be considered qualified and/or pre-approved.

(5) Instructions for Bid Packages – Sealed bid packages may be distributed via the following processes:

(a) Bid packages may be hand delivered at a pre-bid conference. Purchasing will issue a letter of invitation to the bidders announcing the bid solicitation, the pre-bid conference location, and the requirement to attend.

(b) Bid packages may be sent via USPS or another delivery service.

(c) Bid packages may be picked up at the Purchasing Department.

(d) Bid packages may be downloaded from the City's website, but submissions must be in paper form and must still include the official Sealed Bid sticker.

At its discretion, the City may choose to hold a pre-bid conference in order to clarify any ambiguities, answer questions, and ensure that all bidders have a common understanding regarding the supplies or services required. The conference shall be held at least seven (7) days prior to the bid deadline, and the bid solicitation should contain all conference details, including whether or not bidder attendance is mandatory. Statements made at the pre-bid conference shall not be considered addenda to the bid solicitation unless a written addendum is issued pursuant to the conference.

(6) Receipt and Evaluation of Sealed Bids – The Sealed Bid process prohibits fax, email, telegram, or verbal responses. All bids solicited under the Sealed Bid process will be processed and maintained as follows:

(a) Bidders' responses to the solicitation shall be in written form and subject to the Sealed Bid process. Purchasing will only accept responses through the USPS, other overnight delivery service, or by hand-delivery to the Purchasing Department.

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(b) For consideration, all bids shall be placed in a sealed package and marked with the bid number and project name provided by Purchasing.

(c) All bid packages will be date and time stamped when received to indicate timeliness. Late bids are generally rejected unless due to a documented delivery service delay.

(d) All bids subject to and received on or before the due date shall be maintained unopened in a protected, proprietary environment.

(e) A public opening of bids/proposals will be held at City Hall on the date and time specified in the solicitation package. The information read aloud shall consist of the bidder names, including those who submitted "no bids" and "non-responses."

(f) At the bid opening, bid price quotations submitted under the RFP process will be kept confidential until an award has been made, whereas price quotations submitted under the RFQ process will be announced.

(g) Purchasing Departments and purchasing personnel may prepare independent evaluations depending on the purchase transaction. The evaluation process for each of the two formal bidding processes is described in the "Bid Evaluations" section of this Policy.

(7) Extension of Due Date – Extension of the due date during bid solicitation is granted uniformly to all bidders by the Purchasing Department and with the concurrence of the Purchasing Department. Any extension of the due date will be based on the technical, commercial and financial impact on the City of Forsyth. Bid extensions may be verbally granted, but they will be confirmed in writing to all bidders as an addendum to the bid and will be posted on the City's website.

(8) Late Bids – A proposal or modification to a bid received after the due date is classified as a "late bid." The Purchasing Agent usually rejects all late bids or modifications, with the following exception:

(a) If the vendor's bid is delayed due solely to failure of the USPS or other delivery services to deliver on time, Purchasing will consider the postmark or other date stamp indicator as documentation the delivery was attempted prior to the due date and time.

(9) Modifications or Withdrawal of Bids Prior to Bid Closing

(a) A bidder or an authorized representative may modify or withdraw the bid in person before the time and date set for bid closing. The modification or withdrawal must be in writing and must be received before the time and date set for the bid closing.

(b) All documents concerning a modification or withdrawal of a bid shall be retained in the appropriate procurement file.

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### (10) Late Modifications or Withdrawal of Bids

(a) During the evaluation process, if the evaluator suspects a bid has a calculation error, the bidder will be given opportunity to reconfirm the bid before a final recommendation is made. The vendor shall not be permitted to correct the bid unit price, but will be permitted to correct extended amounts. Should the vendor determine a unit price(s) is in error, the vendor will be permitted to withdraw its bid without penalty and without affecting future bidding opportunities.

(b) Purchasing, at its option, will be permitted to exercise a vendor's bid bond if the vendor does not produce satisfactory evidence of the error. In such case, it will be the practice of the Purchasing Department to accept a bid withdrawal and exclude the vendor from future bidding for a period of one year. Purchasing will document the decision.

### **Sec. 2-8. Ethical and professional standards and practices.**

(a) Competitive Process – Except in circumstances set forth by this policy, any other City policy, or pursuant to applicable law, or as determined by Mayor and Council to be in the City's best interest, all purchase orders must result from a competitive process. Prior to payment of any Purchase Order, the purchase must be reviewed by Accounting and the City Administrator and approved by the appropriate Committee Chair Person.

(b) Conflicts of Interest – No elected official or employee of the City shall participate in the purchase of goods or services that would result in financial gain by the individual or any member of the individual's family. Consequently, all city officials and employees, whether involved in the purchase of goods or services or not, will conduct themselves by the following code of conduct:

(1) Always follow the City of Forsyth Purchasing Policy and Procedure which places the responsibility of purchasing transactions with the Purchasing Department. Unless authorized or delegated by Purchasing Procedures, employees shall remove themselves from the decision making process when there is an implied or actual conflict of interest.

(2) Employees shall report all potential or actual conflicts of interest to the Purchasing Agent, their department director, and the City Administrator immediately.

(3) City employees who have family members negotiating for prospective employment with a vendor or contractor who works for the City shall not be directly or indirectly involved in a purchase transaction with those vendors.

(4) No City employee, appointed officer or elected officer shall sell any real or personal property to the City except as permitted under O.C.G.A. Sec. 16-10-6.

(c) Employee Approved for Purchasing – The Purchasing Office will maintain a list of City employees who are authorized to purchase goods and services or approve purchase requisitions above the \$2,500 purchasing thresholds. Purchase Orders requested by employees who are not on the authorized purchasing list will not be processed until proper authorization is received from their department director. This Policy will require:

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(1) Each Department Director is to submit a list of individuals authorized to approve a purchase requisition.

(2) Authorized purchasing list will be reviewed and updated at least once a year.

(d) Foreign vs Domestic Supply – The City of Forsyth encourages a “buy domestic” philosophy, recognizing that its vendors may supply both domestic and foreign manufactured products. The City’s overall purchasing objective is to buy from vendors that are the best in quality, service, price, delivery, responsiveness, warranty, and other relevant factors. City bids that include foreign sources of supply will be evaluated fairly, but, all factors equal, Purchasing will select the domestic vendor’s products.

(e) Gifts and Gratuities – City elected officials and employees are not to accept gifts or gratuities valued over \$35.00 from any individual, company, firm, or business establishment that is a vendor to the City or is marketing to the City for future purchases. Under no circumstances should meals, entertainment, etc. be accepted if there is a pending bid or during the bidding process. Any employee activities that might be construed as evidence of favoritism or providing an unfair advantage to a vendor should always be avoided, taking into consideration the results and reactions of public scrutiny. Any offer of a gift by a vendor or their representative in relation to any part of the purchasing process should be rejected and reported. Offers may include, but are not limited to money, entertainment, event tickets, gifts, favors, loans, or promises of employment. Attendance at events sponsored by governmental, public utility or professional organizations or at regular meetings which include meals, etc., is not considered as gifts or gratuities.

(f) Local Vendors – The City of Forsyth supports the use of local vendors when practical and cost effective. All factors being equal, the City reserves the right to award to the local vendor within a 5% threshold. Any purchase over \$5,000 will be awarded to local vendors at the discretion of the Mayor and Council.

(g) Records Retention – The City of Forsyth Purchasing Department, in accordance with the Georgia Records Act as amended 1984, shall chronologically file and manage such files related to Bids, Purchase Requisitions, Purchase Orders, Change Orders, Contracts, Amendments, Insurance Certificates, and Bonds (O.C.G.A. § 50-18-99). File structure for Purchase Orders, Purchase Requisition and supporting documentation are maintained in a database program. File storage shall be locked for security. Retention periods for various document types shall correspond, at a minimum, to the lengths established in the Retention Schedules published biannually by The Georgia Archives.

(h) Sources of Supply – The Purchasing Department will keep current bidders’ lists with a manageable number of active and approved vendors. Competitive sources will be used.

(i) Standardization – Standardization of supplies, materials, and equipment allows the City to purchase in optimum quantities and negotiate the lowest possible purchase price. The policy is to achieve standardization through attrition rather than unnecessary replacement of inventories. All standardized operating supplies and materials should be recorded in a manual or database for future City purchases.

(j) State Purchasing – In compliance with State Code (O.C.G.A. § 50-5-61) as a local authority in the State of Georgia, the City of Forsyth will give, to a reasonable extent, preference to supplies, materials, equipment and agricultural products manufactured or produced in Georgia. Such preference shall not sacrifice quality, and nothing herein prohibits the City from selecting an out-of-state vendor deemed to have a more competitive bid.

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(k) **Vendor Contact During Bidding** – The City embraces a “no lobbying” policy when Formal Sealed Bids are released for bidding to the public and in the evaluation or negotiation stages. During this time period, staff and elected officials will refrain from discussing the bids or projects with the vendors. Vendors may conduct discussions or submit additional information only through the Purchasing Department.

(l) **Vendor Relationships** – All vendor transactions and relationships will be conducted in a professional, objective and businesslike manner. City personnel will avoid any semblance of a conflict of interest by refraining from purchasing from close personal friends or family members. No vendor pricing information will be shared unless such information is a matter of public record. When such public information is requested in writing from a vendor, Purchasing will disclose competitor’s pricing as required by statute or ordinance.

### **Sec. 2-9. City administrator.**

(a) *Position of city administrator for the City of Forsyth.* The city administrator, under the guidance and supervision of the governing authority, shall be responsible for administering and coordinating the daily operations of all departments of the city. The position will require the employee to possess varied administrative skills, including personnel administration, budget preparation and analysis, data collection, records control and effective techniques or organizational management. Work assignments for the city administrator shall flow from directives issued by the mayor and council, as well as from requests for information or assistance from the citizenry. The city administrator shall keep abreast of city problems and inform the governing authority of such problems, offering possible solutions for correcting or alleviating them.

(b) *Selection and removal from employment.* The city administrator shall be chosen by the governing authority solely on the basis of his/her executive and administrative qualifications, with special reference to his/her actual experience in or knowledge of accepted practices in respect to the duties of the office of city administrator as provided in this ordinance. The city administrator shall be appointed for such term as the governing authority shall prescribe. However, he/she may be removed by the governing authority during his/her term of office, with or without cause, by a resolution of the governing authority which removal may be effective instantly if so provided by such resolution and, in the event of removal, the city administrator’s entitlement to continue receiving compensation and other benefits shall be governed by the provisions of his contract of employment, where applicable, and by the general city personnel code unless otherwise specified. The action of the governing authority in removing the city administrator shall be final and conclusive and not subject to review, unless, within ten (10) days after such removal from employment the employee/city administrator files a written appeal to the governing authority. In the case of the absence, disability or suspension of the city administrator, or in a case of a vacancy in the office, the governing authority may designate a qualified person to temporarily perform the duties of acting city administrator during such absence, disability, suspension or vacancy.

The city administrator shall receive such compensation as may be prescribed by the governing authority. The city administrator shall, unless otherwise authorized by the governing authority, devote all of his/her working time and attention to the affairs of the city and shall be responsible to the governing authority for the efficient administration of all of the affairs of the city over which he/she has jurisdiction.

(c) *Power and duties.* The city administrator shall act as the chief administrative officer of the City of Forsyth and shall direct and supervise the administration of all departments, offices and agencies of the city except as otherwise provided by charter or by law. In addition thereto, the city administrator shall perform the following duties and have the following powers:

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- (1) To see that all laws and ordinances of the city are enforced.
- (2) To receive requests and complaints from the public concerning administrative actions of the various departments, offices, and agencies of the city and direct the requests and complaints to the appropriate department heads, follow up on any corrective actions that may be necessary and see that replies to inquiries are given.
- (3) To serve as city personnel officer and analyze jobs to delineate position responsibilities for use in wage and salary adjustments, promotion, and evaluation of work flow, and study methods of improving work measurements and performance standards.
- (4) To generally supervise the employment, training and discharge of employees, and supervise and coordinate activities and determine work procedures, and generally assign duties, in coordination with department heads, to employees and examine city work for accuracy and adherence to standards.
- (5) To recommend to the governing authority the adoption of any such policies, ordinances, regulations or resolutions as may be deemed necessary or expedient for the health, safety, or welfare of the community or the improvement of administrative services to the city.
- (6) To study management methods in order to improve workflow, simplify reporting procedures, or implement cost reductions, and analyze such practices as bookkeeping and recordkeeping systems, forms control, office layout, suggestion systems, personnel requirements, and performance standards and to create new systems or revise established procedures.
- (7) To prepare reports including conclusions and recommendations for solution of administrative problems, and upon direction of the governing authority prepare directives to the various department heads.
- (8) To coordinate the collection and preparation of operating reports such as time and attendance records, terminations, new hirings, transfers, budget expenditures, and statistical records of performance data.
- (9) To work with the mayor in the preparation and submission to the governing authority of an annual budget together with a complete report on the finances and activities of the city for the preceding year and to delineate and justify requests for expenditures.
- (10) To generally supervise the purchase of all materials, supplies, and equipment for which funds are provided in the budget.
- (11) To keep the governing authority informed of the financial condition and future needs of the city and make such recommendations as deemed necessary concerning financial conditions and needs.
- (12) To prepare grant applications or any other applicants necessary for the receipts of funds for city programs and to work with federal, state, and regional officials providing them with any information necessary to receive or continue receiving outside funds.

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(13) To attend all meetings of the governing authority, unless otherwise excused therefrom, and to take part in the discussion of any matters coming before the governing authority when requested.

(14) To make and execute any lawful contracts on behalf of the city when authorized by the governing authority.

(15) To generally supervise the City of Forsyth Drug and Alcohol Abuse Ordinance as now or hereafter amended.

(16) To perform such other duties as may be required by action of the governing authority from time to time.

(d) *Bond and oath.* The city administrator, before entering upon the discharge of the duties of his/her employment, shall give such bond, conditioned in such manner as the governing authority shall require; and shall take an oath before an officer duly authorized to administer oaths in this state that he/she will truly, honestly, and faithfully discharge the duties of city administrator to the best of his/her ability without fear, favor or partiality.

(e) *Vacancy.* During any vacancy in the office of city administrator, until the vacancy shall be filled by the governing authority, the governing authority shall have the power and authority to perform all of the functions of the city administrator or to delegate such functions as deemed necessary and advisable by the governing authority.

(f) *Criteria for employment of city administrator.* The person employed as city administrator should have extensive knowledge of city organization and functions and relationships within the government and among other levels of government, as well as a thorough knowledge of the basic principles of public administration with particular emphasis on personnel administration and budgeting. The person so employed should have a thorough knowledge of research methods and techniques and methods of report presentation; considerable knowledge of the sources of grants and other outside financial resources and the ability to prepare an acceptable grant application; thorough knowledge of modern office practices and methods; the ability to assemble, organize, and present in written or oral form statistical, financial, or factual information derived from a variety of sources; the ability to express ideas clearly and concisely, both orally and in writing; and the ability to establish and maintain effective working relationships with other employees, city officials both elected and appointed, and the general public.

The city administrator shall be a graduate from an accredited college or university with major course work in management, business, or public administration, including courses in personnel and fiscal management, with considerable technical and progressively responsible supervisory experience in purchasing, accounting, business management, or personnel administration; or the city administrator shall have the equivalent combination of the foregoing in practical training and experience.

(g) *Definitions.* As used herein, the term "governing authority" of the City of Forsyth shall refer to the council of the City of Forsyth, consisting of the mayor and six (6) aldermen. All other terms shall have those meanings as provided in Section 1-3 of the Forsyth City Code, and if not defined in that section, words and phrases shall be construed according to the common and approved usage of the language.

The captions of the several sections of this ordinance are intended as mere catch words to indicate the contents generally of the sections and shall not be deemed or taken to be titles of such sections so as to in any way limit the contents of the section itself.

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(Ord. of 5-7-91, § I)

### **Sec. 2-10. City Council Committees; designation and election**

(a) The City Council shall have six standing committees. The purpose of the committees shall be to facilitate better oversight by the council of the various departments of the City. The committees shall be: Administrative; Combined Utilities; Parks, Recreation, and Cemetery; Public Relations; Public Safety and Public Works. The above named committees shall each consist of three members of Council. The mayor shall select the committee members and committee chairmen. At the first Council meeting of each new calendar year the Mayor will announce the committee assignments and committee chairmen. No member of Council shall be appointed to serve as chairman of more than one committee at a time. Each Council member will serve on three (3) committees. The committees shall be appointed along with their chairman to serve a term of one calendar year from January to the following January at the first Council meeting of the year. Upon approval of this ordinance the committees shall consist of the same members and committee chairman as was in place January 30, 2012, except for the Telecommunications Committee which will be incorporated with the Combined Utilities committee, until such committee appointments take place as specified in this ordinance.

(b) The Council committees as named in Sec. 2-10(a) shall have the authority to meet regularly and discuss business pertaining to their areas of responsibility. Meetings of committees will be called by the chairmen of the committee or may be called by two members of the committee in the absence of a call from the chairman. The committees shall from time to time make recommendations and proposals to the full Council for consideration. When a committee bring such call for action it shall be in the form of a motion from the committee. The chairman of each committee shall have the authority to authorize expenditures for the city departments which fall under his committee's area of responsibility where such authorization is called for in the Code of the City of Forsyth. Committees shall have the authority to review the actions of the departments under their committee's area of responsibility and may from time to time demand reports of activities from the department heads for whose department the committee has oversight. Upon approval of this ordinance Council shall adopt a Committee Handbook which will provide rules for committees and may be amended from time to time by Council.

**Secs. 2-11—2-25. Reserved.**

## **ARTICLE II. FORSYTH-MONROE COUNTY BEAUTIFICATION COMMISSION\***

### **Sec. 2-26. Definition.**

When used in this article, the term "commission" shall mean the Forsyth-Monroe County Beautification Commission established in this article.

### **Sec. 2-27. Established.**

In conjunction with the County of Monroe, there is hereby established the Forsyth-Monroe County Beautification Commission.

(Code 1967, § 18-15)

**Charter reference**—Authority of council to create commissions, § 3.106.

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\***Cross reference** – Litter control, § 20-36 et seq.

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### **Sec. 2-28. Compositions; qualifications and appointment of members.**

The commission shall consist of not exceeding six (6) members, who shall be of lawful age and residents of Forsyth-Monroe County and who shall be appointed jointly by action of the city council and the board of commissioners of the county.

(Code 1967, § 18-17)

### **Sec. 2-29. Terms of members.**

Initially, one-half of the members of the commission shall be appointed for two-year terms, with the other one-half being appointed for three-year terms. As terms expire, all appointments thereafter shall be for three (3) years, with terms expiring on the thirty-first day of December.

(Code 1967, § 18-17)

### **Sec. 2-30. Members to serve without pay.**

All members of the commission shall serve without pay.

(Code 1967, § 18-17)

### **Sec. 2-31. Election and term of chairman.**

The commission shall elect a chairman from its membership, with the chairman serving a two-year term.

(Code 1967, § 18-17)

### **Sec. 2-32. General duties and powers.**

(a) The duties and powers of the commission shall be:

(1) To study, investigate, and develop plans for improving the health, safety, and cleanliness of the city and county, by beautifying the streets, highways, alleys, rivers, stream banks, lots, yards, and other similar places in the city and county.

(2) To aid in the prevention of fire, diseases and casualties by the removal and elimination of trash and other debris from the streets, highways, alleys, lots, yards, plots, and other similar places.

(3) To encourage the placing, planting, and preservation of trees, flowers, plants, shrubbery, and other objects of ornamentation in the city and county.

(4) To protect song birds and other wild fowl.

(5) To advise with, and recommend plans to, other agencies of the city and county for the beautification of the city and county and to otherwise promote public interest in the general improvement of the appearance of the city and county.

(b) Nothing in this section shall be construed to abridge or change the powers and duties of other commissions, departments, boards, and like agencies of the city and county.

(Code 1967, § 18-16)

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### **Sec. 2-33. Reports.**

It shall be the duty of the commission to file with the mayor of the city and board of commissioners of the county a written report of the work performed and results accomplished by the commission. Such reports shall be made at such times as are required by the city council and the board of commissioners of the county.

(Code 1967, § 18-18)

### **Secs. 2-34—2-50. Reserved.**

## **ARTICLE III. FORSYTH PLANNING COMMISSION\***

### **Sec. 2-51. Definition.**

As used in this article, the term “planning and zoning commission” or “commission” means the Forsyth Planning and Zoning Commission created in this article.

(Ord. of 1-4-05)

### **Sec. 2-52. Created; composition; qualifications and appointment of members.**

The Forsyth Planning and Zoning Commission is hereby created. The commission shall consist of five (5) members who shall be residents of the city and who shall be appointed by the mayor and city council.

**Charter reference**—Authority of council to create commissions, § 3.106.

### **Sec. 2-53. Terms of members; filling of vacancies.**

Members of the commission shall be appointed for overlapping terms of five (5) years, and shall serve until their successors are appointed. Original appointments shall be made for a lesser number of years so that the terms of said members will be staggered. Any vacancy in membership shall be filled for the unexpired term by appointment by the council. No commission member shall hold any other public office or position in the city.

(Ord. of 1-4-05)

### **Sec. 2-54. Compensation of members.**

All members of the commission shall serve without compensation, but may be reimbursed for actual expenses incurred in the performance of their duties.

(Ord. of 1-4-05)

### **Sec. 2-55. Removal of members.**

The commission members shall serve at the pleasure of the mayor and city council and shall be removable for cause upon written charges and after a public hearing before the mayor and city council.

(Ord. of 1-4-05)

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\***Editor’s note**—An Ordinance of January 4, 2005 amended and restated former Art. III, §§ 2-51—2-61, in its entirety which pertained to similar subject matter and derived from the Code of 1967.

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### **Sec. 2-56. Election and terms of officers.**

(a) The commission shall elect a chairman and a vice chairman from its membership. The term of such officers shall be for one (1) year or until they are reelected or their successors are elected.

(b) The commission shall appoint a secretary, who may be an officer or employee of the city or of the commission.

(Ord. of 1-4-05)

### **Sec. 2-57. General powers and duties.**

The commission is hereby vested with the following powers and duties.

(1) Administer zoning and subdivision regulations in whatever role is delegated to it by the mayor and city council. However, the commission shall not be delegated any legislative authority.

(2) To initiate, direct, and periodically review the provisions of the city's zoning and subdivision regulations, and to make reports of its findings and recommendations as to amendments to the mayor and city council.

(3) The commission shall have such powers as may be necessary to enable it to perform its functions and duties and to promote the planning for the City of Forsyth.

(4) To perform other duties as from time to time may be delegated by the mayor and city council.

(Ord. of 1-4-05)

### **Sec. 2-58. Meetings; rules of procedure.**

(a) The commission shall meet at least once each month at the call of the chairman and at such other times as the chairman or the city council may determine.

(b) The commission shall adopt rules for the transaction of business.

(c) All meetings of the commission at which official action is taken shall be open to the public.

(d) At least three (3) members must be present to constitute a quorum with a majority vote of the quorum constituting an official action or decision of the commission.

(Ord. of 1-4-05)

### **Sec. 2-59. Assistance from city employees; appointment of employees and staff; procurement of professional assistance.**

The planning and zoning commission shall be entitled to receive such assistance from the employees of the city as it shall request and shall be authorized to appoint such employees and staff and to secure such professional assistance on a full-time or part-time basis as it may, in its discretion, deem necessary or appropriate, provided that the expenditure therefore shall not be in excess of such amounts as are appropriated therefore by the mayor and city council.

(Ord. of 1-4-05)

### **Sec. 2-60. Reserved.**

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### **Sec. 2-61. Records.**

The commission shall keep a record of its resolutions, transactions, findings and determinations and recommendations, including the vote of each member upon each question or, if absent or failing to vote, indicating such fact. All such records shall be kept in the custody of the city clerk and shall be public records.

(Ord. of 1-4-05)

### **Secs. 2-62—2-80. Reserved.**

## ARTICLE IV. MONROE-FORSYTH PLANNING COMMISSION

### **Sec. 2-81. Definition.**

As used in this article, the term “commission” shall mean the Monroe-Forsyth Planning Commission created in this article.

(Code 1967, § 18-9)

### **Sec. 2-82. Created.**

In order to guide the planning and total development of the city and the county which will, in accordance with existing and future needs, best promote public health, safety, morals, order, convenience, prosperity and the general welfare, as well as efficiency and economy in the process of development, the Monroe-Forsyth Planning Commission is hereby created.

(Code 1967, § 18-9)

**Charter reference**—Authority of council to create commissions, § 3.106.

### **Sec. 2-83. Composition; appointment of members.**

The commission shall be composed of six (6) members, three (3) members to be appointed by the city council and three (3) members to be appointed by the county board of commissioners.

(Code 1967, § 18-10)

### **Sec. 2-84. Terms of members; filing of vacancies.**

The term of office for all members of the commission shall be three (3) years, except that both the city council and the county board of commissioners shall initially appoint one (1) of its appointees for one (1) year, one (1) of its appointees for two (2) years, and one (1) of its appointees for three (3) years, so that the terms of the members will be staggered. Any vacancy in the membership shall be filled for the unexpired term by the governing authority which originally made the appointment which has become vacant.

(Code 1967, § 18-10)

### **Sec. 2-85. Compensation and removal of members.**

All members of the commission shall serve without compensation and shall be subject to removal by the appointing governmental authority, for cause and after written notice and a public hearing.

(Code 1967, § 18-10)

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### **Sec. 2-86. Election and terms of officers.**

(a) The commission shall elect a chairman and vice chairman from among its members. The term of office of the chairman and vice chairman shall be for one (1) year or until they are reelected or their successors are elected.

(b) The commission shall appoint a secretary who may be an officer or an employee of the participating governmental bodies or of the commission.

(Code 1967, § 18-11)

### **Sec. 2-87. General powers and duties; to act in advisory capacity only.**

(a) It shall be the function and duty of the commission to make such careful and comprehensive surveys and studies of existing conditions and probable future developments and to prepare such plans for physical, social, and economic growth as will best promote the public health, safety, morals, convenience, prosperity, and general welfare, as well as efficiency and economy in the development of, the city and county subdivisions participating herein. In general, the commission shall have such powers, duties, and responsibilities as are now or hereafter given by law to such commissions.

(b) The commission shall act in an advisory capacity only and any plan, or part thereof or amendment, extension or addition thereto, adopted by the commission shall constitute a recommendation only and shall have no binding effect on the governing authorities of the city and county in implementing any plans or zoning laws.

(Code 1967, § 18-13)

### **Sec. 2-88. Meetings; rules of procedure; records.**

The commission shall meet at least once each month at the call of the chairman and at such other times as the chairman or city council or county board of commissioners may determine, shall adopt rules for the transaction of business, and shall keep a record of its resolutions, transactions, findings and determinations, which record shall be a public record.

(Code 1967, § 18-11)

### **Sec. 2-89. Bylaws.**

The commission shall prepare bylaws that will be effective only when approved by both the city council and the county board of commissioners.

(Code 1967, § 18-12)

### **Sec. 2-90. Appointment of employees and staff; cooperative undertakings and contracts; acceptance and expenditure of funds.**

The commission may appoint such employees and staff as it may deem necessary for its work. In the performance of its duties, the commission may cooperate with, contract with or accept funds from federal, state or local public or semi-public agencies or private individuals or corporations; may expend such funds; and may carry out such cooperative undertakings and contracts. It may make expenditures for the purchase of required equipment and supplies. The expenditures of the commission, exclusive of

## ADMINISTRATION

gifts to the commission or contract receipts, shall be within the amounts appropriated for the purpose by the city council and county board of commissioners.

(Code 1967, § 18-11)

### **Sec. 2-91. Effect of article on local planning or zoning commissions.**

The provisions of this article shall in no way affect the powers and duties granted to any existing local planning or zoning commission, or any future amendments related thereto, or the future creation of any local planning or zoning commission and any future amendments related thereto.

(Code 1967, §18-14)

### **Secs. 2-92—2-105. Reserved.**

## **ARTICLE VI. MIDDLE GEORGIA AREA PLANNING AND DEVELOPMENT COMMISSION\***

### **Sec. 2-106. Definition.**

As used in this article, the term “commission” shall mean the Middle Georgia Area Planning and Development Commission created in this article.

(Code 1967, § 18-1)

### **Sec. 2-107. Created.**

In cooperation with the governing authorities of other area municipalities and counties, in order to guide and accomplish a coordinated and harmonious development of the city and the Middle Georgia area which will, in accordance with existing and future needs, best promote public health, safety, morals, order, convenience, prosperity and the general welfare, as well as efficiency and economy in the process of development, the Middle Georgia Area Planning and Development commission is hereby created.

(Code 1967, § 18-1)

**Charter reference**—Authority of council to create commissions, § 3.106.

### **Sec. 2-108. Membership; members to serve without compensation.**

The commission shall, by bylaw, provide for its membership and for the selection of commission representatives by the member governments, subject to the requirements and limitations of this article and of applicable state law. Commission members shall serve without compensation.

(Code 1967, §18-3)

### **Sec. 2-109. Election of officers and management of affairs.**

The commission is hereby authorized to elect its officers and manage its affairs in accordance with its bylaws, subject to the requirements and limitations of this article and of applicable state law.

(Code 1967, § 18-4)

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\***Cross reference**—Adoption of solid waste management plan prepared by Middle Georgia Area Planning and Development Commission, § 20-1.

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### **Sec. 2-110. Initial bylaws.**

The initial bylaws of the commission are on file and are hereby approved and consented to.  
(Code 1967, § 18-4)

### **Sec. 2-111. General powers and duties.**

The commission shall be a joint planning commission, as defined in, and with all of the powers, duties, and obligations of a joint planning commission set forth in, that certain act approved March 13, 1957 (Georgia laws 1957, p. 420 et seq.), as amended, and an area planning and development commission, as defined in, and with all of the powers, duties, and obligations of an area planning and development commission set forth in, that certain act approved March 18, 1970 (Georgia Laws 1970, p 321 et seq.) as amended, notwithstanding the repeal of any provisions of such acts as general law. The commission shall also have all the powers, duties, and obligations of a joint planning commission and area planning and development commission set forth in any other law of general application pertaining to joint planning commissions and area planning and development commissions.  
(Code 1967, § 18-2)

### **Sec. 2-112. To act in advisory capacity only.**

The commission shall act in an advisory capacity only and any plan, or part thereof or amendment, extension or addition thereto, adopted by the commission shall constitute a recommendation only and shall have no binding effect on the member governments in implementing any plans or zoning laws.  
(Code 1967, § 18-2)

### **Sec. 2-113. Effect of article on local planning or zoning commissions.**

The provisions of this article shall not affect the present or future powers and duties granted to any existing local planning or zoning commission or in any way affect the future creation of any local planning or zoning commission.  
(Code 1967, § 18-5)

### **Secs. 2-114—2-120. Reserved.**

## **ARTICLE VI. DOWNTOWN DEVELOPMENT AUTHORITY\***

### **Sec. 2-121. Need declared.**

There is hereby determined and declared to be a present and future need for a downtown development authority (as more fully described and defined in the Downtown Development Authority Law) to function in the city.  
(Res. of 3-19-85)

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\***Editor's note**—A resolution of March 19, 1985, has been included as Art. VI at the editor's discretion. Minor changes have been made in wording to maintain the general and permanent format of the Code, but no substantive changes have been made.

**State law reference**—Downtown development authorities, O.C.G.A. § 36-42-1 et seq.

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### **Sec. 2-122. What constitutes downtown development area.**

The downtown development area shall be those geographical areas, within the corporate limits of the city as they now exist and as they may be enlarged in the future, which area, in the judgment of the council of the city constitutes the “central business district” of the city as contemplated by the Downtown Development Authorities Law.

(Res. Of 3-19-85; Res. of 10-6-98(1))

**Cross reference**—C-1 commercial areas, App. A § 72.

### **Sec. 2-123. Created.**

Pursuant to Georgia Laws 1981, p. 1744; Official Code of Georgia Annotated Section 36-42-5, as amended, there is hereby activated in the city the public body corporate and politic known as the “Downtown Development Authority of Forsyth” which was created upon the adoption and approval of the Downtown Development Authorities Law.

(Res. of 3-19-85)

### **Sec. 20-124. Membership.**

(a) There are hereby appointed as members of the first board of directors of the downtown development authority of the city the following, each of whom is a taxpayer of the city, residing in the city, and not less than four (4) of whom either have or represent a party who has an economic interest in the redevelopment and revitalization of the downtown development area: Two (2) members for terms of two (2) years, two (2) members for terms of four (4) years, and three (3) members for terms of six (6) years, or until their successors are elected.

(b) In the event a director at any time ceases to be a resident or taxpayer of the city, his eligibility to serve as a director shall cease and his term of office shall end.

(c) Upon the termination of the term of office of any director for any reason, the council of the city shall appoint a person who is eligible to hold such office to fill the unexpired term of office created by such termination, or in the event a term of office has expired, the county of the city shall appoint a person who is eligible to hold such office, who may be the same person whose term has ended, or a different person, to a term of six (6) years' duration.

(d) No person shall receive any compensation for serving as a director, but a director may be entitled to actual expenses incurred in the performance of such person's duties as a director.

(Res. of 3-19-85)

### **Sec. 2-125. Duties and responsibilities.**

The board of directors shall organize itself, carry out its duties and responsibilities and exercise its powers and prerogatives in accordance with the terms and provisions of the Downtown Development Authorities Law as it now exists and as it might hereafter be amended or modified.

(Res. of 3-19-85)

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### **Sec. 2-126. Effect upon public corporations, etc.**

The action taken by the council of the city as herein specified is not intended in any way to affect any public corporation, industrial development, downtown development, or payroll authority previously created by legislative act or constitutional amendment including, without limitation, its existence, purpose, organization, powers, or function.

(Res. of 3-19-85)

**Secs. 2-127—2-129. Reserved.**

## **ARTICLE VII. CODE OF ETHICS FOR THE CITY OF FORSYTH**

### **Sec. 2-130. Purpose.**

This code has the following purposes.

- (1) To encourage high ethical standards in official conduct by city officials;
- (2) To establish guidelines for ethical standards of conduct for all such officials by setting forth those acts or actions that are incompatible with the best interest of the city;
- (3) To require disclosure by such officials of private financial or other interests in matters affecting the city; and
- (4) To serve as a basis for disciplining those who refuse to abide by its terms.

(Ord. of 2-1-0, § A)

### **Sec. 2-131. Definitions.**

*Scope of persons covered.* The provisions of this code of ethics shall be applicable to all members of the city council, the mayor, the board of zoning appeals, all advisory commissions of the city and committee members, and where applicable, the downtown development authority of Forsyth, and the housing authority of the City of Forsyth.

*City official or official,* unless otherwise expressly defined means the mayor, members of the city council, municipal court judges (including substitute judges or judges pro tem), the city administrator, the city clerk, deputy city clerks and city administrators, whether such persons are salaried, hired or elected, and all other persons holding positions designated by the City Charter, as it may be amended from time to time. City official, unless otherwise expressly defined, includes individuals appointed by the mayor and city council to all city commissions, committees, boards, task forces, or other city bodies unless specifically exempted from this article by the city council.

*Decision* means any ordinance, resolution, contract, franchise, formal action or other matter voted on by the city council or other city board or commission, as well as the discussions or deliberations of the county, board or commission which can or may lead to a vote or formal action by that body.

*Discretionary authority* means the power to exercise any judgment in a decision or action.

*Employee* shall be any person who is a full-time or part-time employee of the City of Forsyth or of any commission, committee, board, task force, or other city body.

*Entity* means a sole proprietorship, partnership, limited partnership, firm, corporation, professional corporation, holding company, trust or any other entity recognized by law through which business may be conducted.

*Immediate family* means spouse, mother, father, brother, sister, son or daughter of any city official.

*Incidental interest* means an interest in a person, entity or property which is not a substantial interest and which has insignificant value.

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*Remote interest* means an interest of a person or entity, including a city official, who would be affected in the same way as the general public.

*Substantial interest* means a known interest, either directly or through a member of the immediate family, in another person or entity in which:

- (1) The interest is ownership of five (5) percent or more of the voting stock, shares or equity of the entity, or ownership of five thousand dollars (\$5,000.00) or more of the entity; or
- (2) Funds received by the person from other persons or entity either during the previous twelve months or the previous calendar year equaled or exceeded five thousand dollars (\$5,000.00) in salary, bonuses, commissions or professional fees, or five thousand dollars (\$5,000.00) in payment for goods, products or nonprofessional services, or ten (10) percent of the recipient's gross income during that period, whichever is less;
- (3) The person serves as a corporate officer or member of the board of directors or other governing board of the for-profit entity other than a corporate entity owned or created by the city council; or
- (4) The person is a creditor, debtor or guarantor of the other person or entity in an amount of five thousand dollars (\$5,000.00) or more.

Substantial interest in real property means an interest in real property which is an equitable or legal ownership with a market value of five thousand dollars (\$5,000.00) or more.

(Ord. of 2-1-00, § A)

### **Sec. 2-132. Standards of conduct.**

(a) No city official shall use such position to secure special privileges or exemptions for such person or others, or to secure confidential information for any purpose other than official responsibilities.

(b) No city official in any matter before the council, board of commission in which he has a substantial interest, shall fail to disclose for the common good for the record such interest prior to any discussion or vote.

(c) No city official shall act as an agent or attorney for another in any matter before the city council or any board or commission.

(d) No city official shall solicit or accept directly or indirectly anything of value from any person or entity which has, or is seeking to obtain contractual or other business or financial relationships with the City of Forsyth; in exchange for the thing of value seeks to have a city official exercise a matter of discretion in his or her favor; in exchange for the thing of value seeks to have interest which may be affected by the performance or non-performance of the official duty of the city official. This section shall not apply to campaign contributions which shall be reported in accordance with Georgia law. A city official shall not accept gifts, loans, rewards, favors or services that may reasonably tend to improperly influence them in the discharge of their official duties. This limitation is not intended to prohibit the acceptance of articles of negligible value which are distributed generally nor to prohibit city officials from accepting loans from regular lending institutions. A city official should guard against relationships which might be construed as or give the appearance of favoritism, coercion, unfair advantage or collusion.

(e) No city official shall enter into any contract with the city except as specifically authorized by state law. Any city official who has a proprietary interest in an agency doing business with the city shall make known that interest in writing to the city council and the city clerk.

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(f) All public funds shall be used for the general welfare of the people and not for personal economic gain.

(g) Public property shall be disposed of in accordance with Georgia law.

(h) No city official shall solicit or accept other employment to be performed or compensation to be received while still a city official or employee if the employment or compensation could reasonably be expected to impair the judgment of the city official or the performance of city duties.

(i) No city official shall use city facilities, personnel, equipment, or supplies for private purposes except to the extent that such are lawfully available to the public.

(j) No city official or employee shall grant or make available to any person any consideration, treatment, advantage, or favor beyond that which it is the general practice to grant or make available to the public at large.

(k) A city official shall not use his superior position to request or require an employee to do clerical work on behalf of the official's family, business, social, church or fraternal interest; purchase goods and services to be used for personal, business or political purposes; or work for the official personally without offering just compensation.

(l) A city official shall not draw per diem or expense monies from the City of Forsyth to attend any seminar, convention or conference and then fail to attend the seminar, convention or conference without refunding the unused per diem or expense monies to the city.

(Ord. of 2-1-00, § A)

### **Sec. 2-133. Conflicts of interest.**

A city official may not participate in a vote or decision on a matter affecting a person, entity, or property in which the city official has a substantial interest. A city official who serves as a corporate officer or member of the board of directors of any nonprofit entity may not participate in a vote or decision regarding funding by or through the city of the entity. Where the interest of a city official in the subject matter of a vote or decision is remote or incidental, the city official or employee may participate in the vote or decision and need not disclose the interest.

(Ord. of 2-1-00, § A)

### **Sec. 2-134. Exemptions.**

This code shall not be construed to require the filing of any information relating to any person's connection with, or interest in, any professional society or any charitable, religious, social, fraternal, educational, recreational, public service, civil or political organization, or any similar organization not conducted as a business enterprise or governmental agency, and which is not engaged in the ownership or conduct of a business enterprise or governmental agency.

(Ord. of 2-1-00, § A)

### **Sec. 2-135. Penalties.**

Any violation by any city official of the provisions of this article shall subject the offender to disciplinary action which may include censure and either public or private reprimand and fines and penalties. Power to administer a greater punishment shall include power to administer a lesser.

## ADMINISTRATION

(Ord. of 2-1-00, § A)

### **Sec. 2-136. Administration.**

(a) *Complaint, due process.* Anyone having a complaint against any city official of the City of Forsyth for any alleged ethics violations pursuant to this article shall file in writing a verified complaint setting forth the particular facts and circumstances which constitute the alleged violation. Such complaint shall be filed with the mayor, or in the event the complaint regards the mayor, shall be filed with the mayor pro-tem. Upon receipt of a complaint, the mayor, or in the event the complaint regards the mayor, the mayor pro-tem shall appoint three (3) members of council, who, along with the city attorney, shall constitute an investigating committee to determine whether the complaint sets forth significant facts and circumstances so as to warrant a hearing before the full council. In the event the complaint does not set forth sufficient facts to constitute an alleged violation and is found unjustified, frivolous or patently unfounded, it shall be dismissed and the complainant notified immediately. In the event the complaint is found to state sufficient facts to warrant a hearing before the full city council, the committee shall refer the matter to the mayor, or in the event the complaint regards the mayor, the mayor pro-tem, who shall place the matter on the agenda of city council for a hearing within sixty (60) days after the referral of the complaint from the investigating committee to the mayor or mayor pro-tem. The complaint shall be served on the city official charged together with notice of the hearing date and time. The city council shall conduct the full hearing, presided by the mayor or mayor pro-tem, and which hearing shall include the taking of testimony and the cross-examination of witnesses, the right to be represented by counsel, and the right to written notice of the allegations at least ten (10) business days before the hearing, and the right to present evidence and witnesses in opposition or in mitigation or extenuation.

(b) *Appeal; review.* Any final decision by the city council pursuant to this article shall be reviewable by the superior court of Monroe County. The review by the superior court shall be limited to an inquiry of whether there was any evidence before the city council which supported the decision of the council; provided, nevertheless, that no action of the city council refusing or failing to take action pursuant to this code of ethics shall be reviewable by the superior court. Any appeal must be filed within thirty (30) days after the date of the decision of the city council.

(c) *Penalties.* Any person violating any provision of this code of ethics shall be subject to the following:

(1) Written and oral reprimand by the city council;

(2) A fine to be imposed by the city council of at least one hundred dollars (\$100.00) but not more than five hundred dollars (\$500.00); and

(3) Request for resignation by the city official from his office.

(Ord. of 2-1-00, § A)

**Secs. 2-137—2-150. Reserved.**

## ADMINISTRATION

### ARTICLE VIII. SMOKING IN CITY FACILITIES

#### **Sec. 2-151. Regulation of smoking.**

(a) This article shall regulate smoking within the workplaces of the City of Forsyth and within those facilities of the city which are used by or open to the public.

(b) The city recognizes that the smoking of tobacco or any other product is a danger to health and is a cause of material annoyance and discomfort to those who are present in confined places, whether in workplaces of the City of Forsyth or in those areas used by or open to the public, and the council of the city hereby declares that the purposes of this article are to protect the public health and welfare by regulating smoking in the workplaces of the city and those areas used by or open to the public and owned or controlled by the city and to minimize the toxic effects of smoking in such areas. This article is not intended to create any right to smoke, but is intended to limit and restrict smoking in areas under the control and supervision of the city government.

(Ord. of 9-17-02, §§ 1, 2)

#### **Sec. 2-152. Definitions.**

The following definitions shall apply in this article:

*City work place* means any enclosed area of a structure owned or controlled by the City of Forsyth intended for the providing of or related to the providing of any services of the city, and includes automobiles and vehicles of the city, but does not include adjacent unenclosed areas clearly marked or designated as "Smoking" areas, and does not include sanitation vehicles of the city.

*Enclosed* means closed in by a roof and four walls with appropriate openings for ingress and egress, and is not intended to mean areas commonly described as "outside" or exterior areas.

*Public areas* mean and include:

(1) Any area owned or controlled by the government of the City of Forsyth which is used by or open to the public, but does not include that portion of the Forsyth Golf Club leased out by the city.

(2) Those areas owned or under the control of the city and used by or open to the public and in such context may include but in no way be limited to enclosed as well as exterior areas, such as city parks, recreational sheds, civic buildings, and both City Hall and city hall council chambers.

*Smoking or to smoke* means and includes inhaling, exhaling, burning or carrying any lighted smoking equipment for tobacco or any other product.

(Ord. of 9-17-02, § 3)

#### **Sec. 2-153. Applicability.**

This article applies to all offices and buildings and departments of the City of Forsyth, and all areas owned or controlled by the city used by or open to the public. Smoking shall also not be permitted in restrooms, elevators, public transportation, or any area posted or identified as a non-smoking area, whether enclosed or exterior and whether a city workplace or an area used by or open to the public.

(Ord. of 9-17-02, § 4)

## ADMINISTRATION

### **Sec. 2-154. Administration.**

Supervisors of departments of the city, subject to the provisions of this article and subject to the approval of the city administrator, designate exterior smoking areas and insofar as possible shall attempt to provide a reasonable exterior accommodation for smoking. The city shall not make any expenditures or structural changes to accommodate the preferences of smoking employees or smoking users of those areas owned or controlled by the city used by or open to the public. The supervisor in charge of those areas used by or open to the public shall make a determination (subject to approval by the city administrator) of any reasonable accommodation for smoking users of such facilities, and in all circumstances the preferences of non-smoking employees of the city or users of city facilities shall prevail. Such supervisor of the city making the designations of smoking and non-smoking areas shall post signs designating such smoking areas where, and only where, smoking is permissible.

(Ord. of 9-17-02, § 5)

### **Sec. 2-155. Penalties.**

Any person convicted of violating the provisions of this article shall be punished by the city court by a fine of not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00).

(Ord. of 9-17-02 § 6)