

## **Chapter 2**

### **ADMINISTRATION**

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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 Monday of each month at such time as designated by the Council.

**Charter references**—Regular and special meetings, § 2.19

**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.

**Charter reference**—City Attorney, § 3.12.

### **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. Drug screening required for new employees.**

Prior to commencement of employment with the city, the person so employed shall be required to pass a drug screening test. All new employees shall be informed in advance that such testing will be required.

### **Sec. 2-7. Reserved.**

### **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 the City Administration Department and reviewed and approved by the City Manager.
- (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:

- a. Always follow the City of Forsyth Purchasing Policy and Procedure which places the responsibility of purchasing transactions with the Purchasing and Inventory 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.
  - b. Employees shall report all potential or actual conflicts of interest to the purchasing agent, their department director, and the City Manager immediately.
  - c. 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.
  - d. No city employee, appointed officer or elected officer shall sell any real or personal property to the city except as permitted under the Official Code of Georgia Annotated, §16-10-6.
- (c) 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 from vendors 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.
- (d) Records Retention – The City of Forsyth Purchasing and Inventory Department, in accordance with the Georgia Records Act as amended in 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.
- (e) 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.

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

- (a) *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) Council members. 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.

- (b) *Position of City Manager for the City of Forsyth.* The City Manager, 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 and shall act as the chief executive officer 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 of organizational management. Work assignments for the City Manager shall flow from directives issued by the Mayor and Council, as well as from requests for information or assistance from the citizenry. The City Manager shall keep abreast of city problems and inform the governing authority of such problems, offering possible solutions for correcting or alleviating them.
- (c) *Selection and removal from employment.* The City Manager shall be chosen by the governing authority solely on the basis of his/her executive and administrative qualifications by an affirmative vote of Mayor and Council. The City Manager 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 Manager's entitlement to continue receiving compensation and other benefits shall be governed by the provisions of his/her 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 Manager shall be final and conclusive and not subject to review, unless, within ten (10) days after such removal from employment the employee/City Manager files a written appeal to the governing authority. In the case of the absence, disability or suspension of the City Manager, 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 Manager during such absence, disability, suspension or vacancy.
- (d) The City Manager shall receive such compensation as may be prescribed by the governing authority. The City Manager 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 and execution of all of the affairs of the city over which he/she has jurisdiction.
- (e) *Power and duties.* The City Manager shall act as the chief executive 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 Manager shall perform the following duties and have the following powers:
- 1) Appoint and, when necessary, suspend or remove all city employees and administrative officers the Manager appoints, except as otherwise provided by law or ordinances adopted pursuant to the city charter. The Manager may authorize any administrative officer who is subject to the Manager's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office, or agency in accordance with city personnel policies and procedures.
  - 2) Direct and supervise the administration of all departments, offices, and agencies of the city, except as otherwise prescribed in the city charter and code of ordinances.
  - 3) Attend all City Council meetings and have the right to take part in discussion, but not vote except for closed meetings held for the purposes of deliberating on the appointment, discipline, or removal of the City Manager.

- 4) See that all laws, provisions of this charter, and acts of the City Council, subject to enforcement by the Manager or by officers subject to the Manager's direction and supervision, are fully executed.
- 5) Prepare and submit the annual operating budget and capital budget to the City Council.
- 6) Submit to the City Council and make available to the public a complete report on the finances and administrative activities of the city as of the end of each fiscal year and keep the City Council fully advise as to the financial condition and future needs of the city, making such recommendations to the City Council as needed.
- 7) Make such reports as the City Council may require concerning the operations of city departments, offices, and agencies subject to the Managers direct supervision. These reports shall include but not be limited to time and attendance records, terminations, new hires, transfers, budget expenditures, and statistical records of performance data.
- 8) To prepare or commission the preparation of 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.
- 9) To generally supervise the City of Forsyth Drug and Alcohol Abuse Ordinance as now or hereafter amended.
- 10) To make and execute any lawful contracts on behalf of the city when authorized by the governing authority.
- 11) 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; study methods of improving work measurements and performance standards and implement new methods and standards as needed; and prepare or commission the preparation of a position classification and pay plan for Council approval.
- 12) 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.
- 13) To generally supervise the purchase of all materials, supplies, and equipment for which funds are provided in the budget.
- 14) 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.
- 15) Perform other such duties as are specified in the city charter and code of ordinances or as may be required by the City Council.

**Charter Reference-** Powers and duties of the City Manager, § 2.35

- (f) *Oath.* The City Manager 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 Manager to the best

of his/her ability without fear, favor or partiality.

- (g) *Vacancy*. During any vacancy in the office of City Manager, 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 Manager or to delegate such functions as deemed necessary and advisable by the governing authority.

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

- (a) The Mayor shall have the power to appoint ad hoc advisory committees as is deemed necessary. All ad hoc committee members and committee chairs shall be appointed by the Mayor and shall serve at the pleasure of the Mayor.
- (b) The City Council shall have the power to appoint the city's representative to any board, Council, or committee upon which the City of Forsyth is entitled to membership.

#### **Sec. 2-11. Budget preparation**

The City Council of the City of Forsyth shall be required each year to adopt an operating budget for the city's general fund in which the estimated revenues for the city must be equivalent to the estimated expenditures for the city. Additionally, each year the City Council shall be required to adopt a capital budget to finance capital improvements.

- (a) On or before a date fixed by the City Council but not later than 90 days prior to the beginning of each fiscal year, the City Manager shall submit to the City Council a proposed operating budget, a proposed capital budget, and a proposed capital improvements plan for the ensuing fiscal year. The budget shall be accompanied by a message from the City Manager containing a statement of the general fiscal policies of the city, the important features of the budget, explanations of all changes recommended for the next fiscal year, a general summary of the budget, and such other pertinent comments and information. The operating budget, the capital budget, the budget message, and all supporting documents shall be filed in the office of the City Manager and shall be open to public inspection.
- (b) On or before a date fixed by the City Council but not later than 30 days prior to the beginning of each fiscal year, the City Council, by resolution, shall adopt an operating budget and capital budget for the next fiscal year.

**Charter reference**— Submission of operating budget to City Council, § 6.24, Capital budget, § 6.28

#### **Sec. 2-12. Oaths of office**

The Mayor shall administer the City of Forsyth's oath of office found in the City Charter, § 2.18, to all appointed members of boards created by the City Council prior to those board members' assumption of office. Upon execution, oaths shall be filed with the City Clerk.

#### **Sec.2-13. Surety Bonds**

The governing authority, at its discretion, may require any city official, before entering upon the discharge of his/her employment, to give such bond, conditioned in such manner as the governing authority may require.

#### **Secs. 2-14--50. Reserved.**

## ARTICLE II. FORSYTH PLANNING AND ZONING 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 seven (7) members who shall be taxpayers residing in the city or owners/operators of businesses located within the City and who are taxpayers residing in Monroe County and shall be appointed by the Mayor and City Council.

**Charter reference**—Authority of Council to create commissions, § 3.11

### **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 at will by affirmative vote of the Mayor and City Council. The Commission may recommend removal of a member for having three (3) unexcused absences from meetings during a calendar year.

### **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.

- (a) 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.

- (b) 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.
- (c) The commission shall have such powers as may be necessary to enable it to perform its functions and duties and to promote planning for the City of Forsyth.
- (d) To perform other duties as from time to time may be delegated by the Mayor and City Council. (Ord. of 1-4-05)
- (e) Serve as the Design & Review Board and perform duties as listed in the Zoning Ordinance, Design Review.

**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 four (4) members must be present to constitute a quorum with a majority vote of the quorum constituting an official action or decision of the commission.

**Sec. 2-59. Assistance from city employees**

The Zoning Officer shall serve as the advisor to the Commission.

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

**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—105. Reserved.**

**ARTICLE III. MIDDLE GEORGIA REGIONAL COMMISSION**

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

As used in this article, the term "commission" shall mean the Middle Georgia Regional Commission created in this article.

**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 Regional Commission is hereby created.

**Charter reference**—Authority of Council to create commissions, § 3.11

**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.

**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.

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

The initial bylaws of the commission are on file and are hereby approved and consented to.

**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 be a regional commission, as defined in, and with all of the powers, duties, and obligations of a regional commission as set forth in the Official Code of Georgia Annotated, § 50-8-32. The commission shall have all the powers, duties, and obligations of a joint planning commission, an area planning and development commission, and a regional commission set forth in any other law of general application pertaining to joint planning commissions, area planning and development commissions, and regional commissions.

**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

**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.

**Secs. 2-114—2-120. Reserved.**

**ARTICLE IV. 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)

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

**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))

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

Pursuant to the Official Code of Georgia Annotated, § 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. 2-124. Membership.**

(a) The Downtown Development Authority of Forsyth shall have a board of directors consisting of seven (7) members. These directors shall meet the qualifications described in the Official Code of Georgia Annotated, § 36-42-7. Each director shall serve a term of four (4) years. The Mayor and City Council may appoint one of their elected members to serve as a director. The term of a director who is also a Council member or Mayor shall cease when that director is no longer serving as a Council member or Mayor.

(b) In the event a director at any time ceases to be a resident or taxpayer of the city, his/her eligibility to serve as a director shall cease and his/her 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 Council 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 four (4) 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.

**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 V. CODE OF ETHICS FOR THE CITY OF FORSYTH**

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

This code has the following purposes:

- (a) To encourage high ethical standards in official conduct by city officials;
- (b) 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;
- (c) To require disclosure by such officials of private financial or other interests in matters affecting the city; and
- (d) 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, all City officials, 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 Manager, the City Attorney, 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 Council, 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, grandparent, brother, sister, son or daughter of any city official, related by blood, adoption, or marriage. The relationship by marriage shall include in-laws

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

*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:

- (a) The interest is ownership of 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 equity or market value of the entity; or
- (b) The funds received by the person from the other person or entity during the previous twelve months or the previous calendar year either equal or exceed 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 services, or 10 percent of the recipient's gross income during that period, whichever is less;
- (c) The person serves as a corporate officer or member of the board of directors or other governing board of for-profit entity other than a corporate entity owned or created by the City Council; or
- (d) 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.
- (e) 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 on behalf of the city.
- (b) No city official in any matter before the Council, any city board or commission, or any other city body, relating to a person or entity in which the official has a substantial interest, shall fail to disclose for the record such interest prior to any discussion or vote or fail to recuse himself/herself from such discussion or vote as applicable.
- (c) No city official shall act as an agent or attorney for another in any matter before the City Council or any board, commission, or other city body.
- (d) No city official shall solicit, directly or indirectly accept, or agree to receive, any compensation, gift, reward, loan, or gratuity in any matter or proceeding connected with or related to the duties of his/her office except as may be provided by law. This section shall not apply to campaign contributions which shall be reported in accordance with Georgia law. 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, or have any interest in, either directly or indirectly, the city except as specifically authorized by Georgia law.
  - a. The prohibition shall not be applicable to the professional activities of the City Attorney in his or her work as an independent contractor and legal advisor on behalf of the city.
  - b. This prohibition shall not be applicable to an otherwise valid employment contract between the city and a city official who is not elected.
  - c. Any official who has a proprietary interest in an agency doing business with the city shall

make that interest known in writing to the City Council and the City Manager.

- (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) If a city official accepts or is soliciting a promise of future employment from a person or entity who has a substantial interest in a person, entity, or property which would be affected by any decision upon which the official might reasonably be expected to act, investigate, advise, or make a recommendation, the official shall disclose the fact to the City Council and shall recuse himself/herself from such decision, taking no further action on matters regarding the potential future employer.
- (j) 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.
- (k) 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.
- (l) A city official shall not directly or indirectly make use of, or permit others to make use of, official information not made available to the general public for the purpose of furthering a private interest.
- (m) A city official shall not use his or her position to coerce in any way, or give the appearance of coercing, another person to provide any financial benefit to such official or persons within the official's immediate family, or those with whom the official has business or financial ties amounting to a substantial interest.
- (n) A city official shall not use his/her 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.
- (o) A city official shall not order any goods or services for the city without prior official authorization for such an expenditure in keeping with Section 2.7 of this Code. No city official shall attempt to obligate the city nor give the impression of obligating the city without proper prior authorization.
- (p) A city official shall not draw per diem or expense monies from the City of Forsyth to attend any meetings, seminars, conventions, conference, training or other educational events and then fail to attend such events without promptly refunding the unused per diem or expense monies to the city.

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

A city official may not participate in a vote or decision on a matter affecting an immediate family member or any 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. (Ord. of 2-1-00, § A)

**Sec. 2-136. Process**

Any resident or official of the City of Forsyth may file an ethics complaint against any city official. Complaints shall be filed with the Mayor, or in the event the complaint involves the Mayor, the Mayor Pro Tem. After receiving any complaint, the Mayor or Mayor Pro Tem shall submit said complaint to the City Attorney to be read at the next City Council meeting. If upon the reading of the complaint, the governing authority determines that probable cause for an ethics hearing exists, they may convene an ad hoc Board of Ethics to conduct hearings and investigations and make recommendations to City Council regarding that complaint. City Council shall make disciplinary decisions regarding city officials.

**Sec. 2-137. Administration.**

(a) *Board of Ethics.* Mayor and council shall have the authority to create a Board of Ethics. If convened, the Board of Ethics shall consist of three (3) residents of the City of Forsyth, appointed by affirmative vote of the governing authority.

(b) All members of the Board of Ethics shall be residents of the City of Forsyth for at least one (1) year immediately preceding the date of taking office and shall remain a resident while serving on the Board.

(c) The Board of Ethics shall select their own chairperson and vice-chairperson from the three appointed members.

(d) No person shall serve as a member of the Board of Ethics if the person has, or has had within the preceding one (1) year period, any interest in any contract or contracting opportunity with the city or has been employed by the city.

(e) Members of the Board of Ethics with any permit or rezoning application pending before the city, or any pending or potential litigation against the city or any city official charged in the complaint shall be disqualified from serving on the Board of Ethics for that complaint. An alternate member of the Board of Ethics shall be selected in the same manner as the disqualified individual.

(f) The members of the Board of Ethics shall serve without compensation. The City Council shall provide meeting space for the Board of Ethics and, subject to budgetary procedures and requirements of the city, such supplies and equipment as may be reasonably necessary for the Board to perform its duties and responsibilities.

(g) No person shall serve on the Board of Ethics who has been convicted of a felony involving moral turpitude in this state or any other state unless such person's civil rights have been restored and at least ten (10) years have elapsed from the date of the completion of the sentence without subsequent conviction of another felony involving moral turpitude.

(h) No person shall serve on the Board of Ethics who is less than 21 years of age, who holds a public elective office, who is physically or mentally unable to discharge the duties of a member of the Board of Ethics, or who is not qualified to be a registered voter in the City of Forsyth.

(i) Upon appointment, members of the Board of Ethics shall sign an affidavit attesting to their qualifications to serve as a member of the Board of Ethics.

(j) Members of the Board of Ethics may be removed by majority vote of the Mayor and City Council for cause including, but not limited to, failure to maintain any requirement for qualification to serve on the Board of Ethics.

(k) If Mayor and Council convene the Board of Ethics, then complaints against city officials may be filed with the Board of Ethics, who may require that oral complaints, and complaints illegibly or informally drawn, be reduced to a memorandum of complaint in such form as may be prescribed by the City Council or the Board of Ethics. Upon receipt of a complaint in proper form, the chair of the Board of Ethics shall forward a copy of the complaint to the city official or officials charged in the complaint within no more than seven (7) calendar days.

(l) All complaints shall be submitted and signed under oath, shall be legibly drawn and shall clearly address matters within the scope of this ordinance.

(m) Upon receipt of a complaint in proper form, the Board of Ethics shall review it to determine whether the complaint is unjustified, frivolous, patently unfounded, or fails to state facts sufficient to invoke the disciplinary jurisdiction of the City Council. The Board of Ethics is empowered to dismiss in writing complaints that it determines are unjustified, frivolous, patently unfounded, or fail to state facts sufficient to invoke the disciplinary jurisdiction of the City Council; provided, however, that a rejection of such complaint by the Board of Ethics shall not deprive complaining party of any action such party might otherwise have at law or in equity against the city official. For complaints that are not dismissed, the Board of Ethics is empowered to collect evidence and information concerning any complaint and add the findings and results of its investigations to the file containing such complaint.

(n) Upon completion of its investigation of a complaint, the Board of Ethics is empowered to dismiss in writing those complaints which it determines are unjustified, frivolous, patently unfounded, or which fail to state facts sufficient to invoke the disciplinary jurisdiction of the City Council; provided however, that a rejection of such complaint by the Board of shall not deprive the complaining party of any action such party might otherwise have at law or in equity against the city official.

(o) If convened, The Board of Ethics shall be empowered to conduct investigations, to take evidence, and to hold hearings to address the subject matter of a complaint.

(p) If convened, the Board of Ethics shall be empowered to adopt forms for formal complaints, notices, and any other necessary or desirable documents within its jurisdiction where the City Council has not prescribed such forms.

(q) Findings of the Board of Ethics shall be submitted to the City Council for action.

(r) *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.

(s) *Service of complaint.* The City Clerk shall arrange for the complaint to be served on the city official or employee charged as soon as is practicable but not later than seven (7) calendar days after the receipt of a proper, verified complaint. If the City Clerk is the person charged in the complaint, then the City Manager shall arrange for service. Service may be by personal service, by certified mail with return receipt requested, or by statutory overnight delivery. A hearing shall be held within sixty (60) calendar days after filing of the complaint. The Board of Ethics shall conduct hearings in accordance with the procedures and regulations it establishes, but in all circumstances at least one hearing shall include the taking of testimony and the cross-examination of available witnesses. The decision of the Board of Ethics shall be rendered to Mayor and Council within seven (7) calendar days after the completion of the final hearing. At any hearing held by the Board of Ethics, the city official or employee who is the subject of inquiry shall have the right to written notice of the hearing and the allegations at least seven (7) calendar days before the first hearing, to be represented by counsel, to hear and examine the evidence and witnesses, and to oppose or try to mitigate the allegations. The city official or employee subject to the inquiry shall also have the right, but not the obligation of submitting evidence and calling witnesses. Failure to comply with any deadlines in this section of the ordinances shall not invalidate any otherwise valid complaint or in any way affect the power or jurisdiction of the Board of Ethics or the City Council to act upon any complaint.

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

- (1) Public written and oral reprimand or censure 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/her office. (Ord. of 2-1-00, § A)

#### **Sec. 2-138. Removal of officers**

- (a) If the Mayor and Council receive information that an elected official or other official appointed under the City Charter has engaged in conduct that would be grounds for removal under Title 45 of the Official Code of Georgia Annotated or under such other laws as exist or may hereafter be enacted, the Mayor and Council shall make an initial determination as to whether probable cause for removal exists. Should the Mayor and Council determine that probable cause for removal exists they shall refer the matter to the Board of Ethics, who shall conduct a hearing according to their standards as explained in Sec. 2.136 of this ordinance, Title 45 of the Official Code of Georgia Annotated, and such other relevant laws as exist or may hereafter be enacted. The Board of Ethics shall determine whether to make a recommendation for removal to the City Council based on live testimony taken in open session.
- (b) Should the Board of Ethics recommend the removal from office of an elected or appointed official to the City Council, the City Council shall issue an official written notice to the official under investigation specifying the reason or reasons for the Board of Ethics' recommendation for removal from office. The City Council shall then hold a public hearing wherein they shall make a final decision regarding the removal of the official under investigation based on live testimony taken in open session. The public hearing shall be held no less than ten (10) days and no more than thirty (30) after the service of written notice to the official under investigation.



- (c) Any elected officer sought to be removed from office shall have the right to appeal the decision of the City Council to the Superior Court of Monroe County.
- (d) In addition to the City Council hearing process, upon receiving a complaint brought by any resident of the City of Forsyth, the Superior Court of Monroe County may hold a hearing and remove any official from office if the Court determines that such official has violated Title 45 of the Official Code of Georgia Annotated.

**Secs. 2-139—2-159. Reserved.**

## **ARTICLE VI. MUNICIPAL BUILDING AND PROPERTY NAMING**

### **Sec. 2-160. Purpose**

This ordinance provides a framework for the City of Forsyth to develop a standard system by which the naming, renaming, or co-designating of city properties or facilities may be undertaken. This system shall be used in designating municipal property and facilities at the discretion of the City Council of Forsyth. This framework resolves to:

- (a) Implement the guidelines established for naming or renaming city properties or facilities.
- (b) Facilitate citizen input through the process of notification.
- (c) Review all applications and advise the applicant, in writing, as to whether or not the application has met the requirements set forth in these procedures.
- (d) Monitor all phases of the procedures established for this process.
- (e) Present the completed application and supporting documentation to the City Council along with the request for the Council's authorization to grant or deny application requests, based on the established requirements.

### **Sec. 2-161. Scope**

This ordinance affects municipally owned property only. The following types of municipally owned property are included within the scope of this ordinance (referred to hereafter as "property" or "properties"):

- (a) Buildings and structures, including overpasses, bridges and viaducts
- (b) Real property, including open spaces and parks

The process and criteria for naming or renaming municipally owned properties described in this ordinance shall not apply to the following types of property:

Historically registered properties for which a name has been indicated on a nomination form and accepted for use on a historic register, including property on the City of Forsyth, State of Georgia, or National Registers of Historic Places.

### **Sec. 2-162. General procedure**

The naming of new and existing properties within the City of Forsyth is the responsibility of the Forsyth City Council. Property names that are sought to be changed or adopted are subject to Council approval.

- (a) All individuals and organizations requesting to name or re-name a City of Forsyth property must submit the following:

- a. City of Forsyth Application for Renaming a Public Property or Facility and an Application Fee in the amount to be established from time to time by the Mayor and Council of the City of Forsyth to the City Manager's Office for review.
  - b. The original copy of a Petition which clearly states, on each page containing signatures, the full intent of the Petition, which shows support from community members and property owners.
- (b) Upon receipt of the written request for property name consideration, the City Manager shall review the request. The City Manager will determine whether the name has been assigned to another property in the city or elsewhere in Monroe County.
  - (c) In the event that the property name is eligible, the City Council shall conduct a public meeting and shall evaluate the written presented material from the nominating party and any input from the City Manager, or his/her designee, as applicable. The meeting shall include a public hearing noticed and held in accordance with the requirements of the City of Forsyth.
  - (d) A spokesperson for the property naming request must be present at the public hearing to address any questions from the City Council. An oral presentation may be given, but is not required, as a supplement to the written documentation.
  - (e) After considering written and oral testimony at the public hearing, Council shall approve or deny the request for naming/renaming.

#### **Sec. 2-163. Criteria considered when naming properties**

All applications requesting that a City of Forsyth property be named or renamed will be reviewed by the City Manager (or his/her designee) for completeness and submitted to the City Council for consideration. Review and approval will be based on the following criteria:

- (a) Whether or not the name requested is already utilized in Forsyth and/or Monroe County.
- (b) Whether or not the name requested is perceived to be immoral or offensive to segments of the city's citizenry.
- (c) Whether or not the property or its existing name have significant historical value to the city.
- (d) Whether or not the petitioner has met the requirements in the general provisions of the procedures.
- (e) A proposed name will only be considered for persons posthumously; a minimum of five years must elapse from the date of death before a commemorative name proposal will be considered.
- (f) For events, at least 25 years must have elapsed since the occurrence of the event.
- (g) A proposed name will be supported by the local community and reach beyond a single or special interest group.
- (h) A commemorative name will not be used to commemorate victims or mark the location of accidents or tragedies.

#### **Sec. 2-164. Automatic denials**

Automatic Denials will be incurred as a result of the following:

- (a) Applications that are not submitted as required in Section 2-162 of these procedures.
- (b) A request was proposed and considered by the city within the three preceding years of the date of the submittal of the new application.
- (c) Another city property already has been designated with the same name, unless the name is being transferred from the first-designated facility which is being sold by the city.
- (d) The existing name on the property is that of the person or organization who donated the property or facility to the city.
- (e) The individual after whom the public property is to be named/renamed is still living.
- (f) The individual after whom the public property is to be named/renamed has been convicted of a felony or any crime involving moral turpitude or had pending charges of a felony or any crime

involving moral turpitude at the time of his or her death.

**Sec. 2-165. Associated costs**

A deposit of \$100 shall be submitted with the application. After completion of the project, the City Manager will review the actual cost and submit either an invoice or a refund for the difference between the deposit paid and the actual cost to fulfill the request.

All costs, including notices, mailings, sign changes, associated costs, etc., in excess of the application fee, as determined by the City Manager, shall be the responsibility of the applicant. No application shall be granted by the City Council until after the city's receipt of payment of the application fee and notification, mailing and staff time costs. Actual physical or other renaming measures, including signage changes, shall not be performed by the city until such additional costs over and above the fee, as determined by the City Manager, are paid to the city.

**Sec. 2-166. No city liability for claims**

The City of Forsyth is not liable for any claims for compensation arising directly or indirectly from the naming or renaming of properties.

**Sec. 2-167. Waiver of guidelines**

The city may consider a waiver to any portion of this ordinance, except for Section 2-164: Automatic Denials, if by a majority vote of the City Council the Council agrees to such a waiver of said portion for any reason.

**VII. CONFLICT WITH OTHER LAWS**

**Sec. 2-168**

Wherever the requirements of this Code are at variance with the requirements of any other lawfully adopted statutes, rules, regulations, resolutions, or ordinances, the most restrictive, or that imposing the higher standards shall govern.