OFFICE OF THE MAYOR
ADMINISTRATIVE ORDER 2002-3

WHEREAS, creating an appropriate culture of ethics is critical to the confidence of the public in the City of Atlanta and also to the proper conduct of City business; and

WHEREAS, the City has adopted the ethics principles promulgated by the Georgia Municipal Association: to serve others, not ourselves; to use resources with efficiency and economy; to treat all persons fairly; to use the power of our positions for the well being of our constituents; and to create an environment of honesty, openness, and integrity; and

WHEREAS, the Mayor appointed an Ethics Task Force, which has recommended revisions to the City of Atlanta Code of Ethics; and

WHEREAS, the Mayor wishes to institute at the earliest possible date those recommendations of the Ethics Task Force that can be implemented by Administrative Order.

NOW, THEREFORE, BY THE POWER VESTED IN ME AS MAYOR OF THE CITY OF ATLANTA, pursuant to the City of Atlanta Charter, 1996 Ga. Laws p. 4469 et seq., Appendix IV, Section 4(1), it is hereby ordered as follows:

Section 1. Scope.

This Administrative Order applies to officials and employees of those departments under the direction and supervision of the mayor.

Section 2. Purpose.

It is the purpose and intent of this Administrative Order to supplement the current code of ethics of the city and mandate a higher standard of ethical conduct; to prohibit the giving or receiving of gratuities; to regulate private employment; to create an "ethics hotline"; to protect those individuals reporting ethics violations; to create the position of interim ethics officer; and to provide for mandatory training regarding ethics.

Section 3. Expiration.

This Administrative Order shall expire upon adoption of Ordinance No. 02-O-0377.

Section 4. Definitions.

The following words, terms and phrases, when used in this Administrative Order, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(a) Gratuity means any thing of value from a prohibited source; provided, however, that the term "gratuity" within the meaning of this division does not include any of the following:

(1) payment by the city of salaries, compensation, expenses, or employee benefits; or payment by an employer or business other than the city of salaries, compensation, expenses, or employee benefits or payment of fees for services rendered pursuant to a contract, when the payment is unrelated to the official's or employee's status with the city and is not made for the purpose of influencing, directly or indirectly, the vote, official action or decision of the official or employee; or

(2) campaign or political contributions made and reported in accordance with state law; or

(3) hospitality extended for a social or business purpose unrelated to the official business of the City; or

(4) reasonable meals or refreshments furnished in connection with an official's or employee's appearance in an official capacity at a public or civic ceremony or event or during the execution of a city business transaction and during which the official or employee performs official duties on behalf of the city, if such meals or refreshments are furnished by the sponsor of such event; or

(5) reimbursements from non-city sources of reasonable hosting expenses, including travel, meals, and lodging, provided to an official or employee in connection with speaking engagements, participation on professional or civic panels, teaching, or attendance at conferences in an official capacity; or

(6) an award, plaque, certificate, memento, or similar item given in recognition of the recipient's civic, charitable, political, professional, or public service; or

(7) nominal gifts or other tokens of recognition presented by representatives of governmental bodies or political subdivisions who are acting in their official capacities; or

(8) any thing of value when the thing of value is offered to the City, is accepted on behalf of the City, and is to remain the property of the City provided that the recipient complies with the provisions of section 2-818; or

(9) commercially reasonable loans made in the ordinary course of the lender's business in accordance with prevailing rates and terms, and which do not discriminate against or in favor of an official or employee because of such individual's status; or

(10) any thing of value received as a devise, bequest or inheritance; or

(11) a gift received from the official's or employee's immediate family or a relative within the third degree of consanguinity under the civil law computation method.

(b) Honorarium means a payment for services for which fees are not legally or traditionally required or which may be in recognition of services for which it is not usual or lawful to assign a fixed business price.

(c) Prohibited source means any person, business or entity who

(1) is seeking official action from the City; or

(2) does business or is seeking to do business with the City; or

(3) conducts activities regulated by the City; or

(4) represents a client who meets the definitions in subparagraphs (1), (2), or (3) above; or

(5) has interests that may be substantially affected by performance or non-performance of the official's or employee's official duties; or

(6) is a registered lobbyist in accordance with O.C.G.A. Section 21-5-70 et seq.

Section 5. Prohibition on gratuities.

No official or employee shall accept any gratuity.

Section 6. Private employment.

(a) Commissioners, deputy commissioners, department heads, chief operating officers, deputy chief operating officers, chiefs of staff, deputy chiefs of staff, bureau and office directors, and employees of the office of the mayor who report directly to the mayor shall not engage in any private employment or render any services for private interests for remuneration, regardless of whether such employment or service is compatible with or adverse to the proper discharge of the official duties of such employee. However, the employees named in this paragraph may engage in private employment or render services for private interests upon obtaining prior written approval from their department head. All requests for approval of outside employment shall state the type and place of employment, the hours of work, and the employer's name and address. City employment shall remain the first priority of the employee, and if at any time the outside employment interferes with city job requirements or performance, the official or employee shall be required to modify the conditions of the outside employment or terminate either the outside employment or the city employment. This paragraph shall not apply to single speaking engagements or to participation in conferences or on professional panels.

(b) The mayor shall not accept honoraria, earned income other than the salary of the mayor, or payments-in-kind in any amount as remuneration for services. This section does not apply to receipt of dividends, interest, passive investment income, or income from a blind trust.

(c) Officials and employees other than the mayor may not accept honoraria from a prohibited source.

Section 7. Disclosure of interests.

(a) Every official or employee who knows or with reasonable investigation should know that the he or she has a financial or personal interest, whether direct or indirect, in any proposed legislation or in any decision pending before that official or employee or the agency of which the official or employee is a member or shall not vote for or against, discuss, decide, in any way participate in considering the matter, or seek to influence the votes or decisions of others on such matter.

(b) Each official or employee having such an interest shall publicly disclose in writing the nature of such interest to the interim ethics officer and on the official records of the agency within 24 hours of being made aware of such interest. Such disclosure shall be made prior to any determination of the matter, provided that such official or employee has not been officially excused from the meeting at which the matter is to be determined.

Section 8. Establishment of "ethics hotline."

There is hereby established an "ethics hotline," which shall be a city telephone number for the receipt of information regarding ethics violations. The interim ethics officer shall staff the ethics hotline.

Section 9. Protection for reporting of violations.

Officials and employees are encouraged to report suspected ethical violations to the interim ethics officer. No official or employee shall use or threaten to use any official authority or influence to discourage, restrain or interfere with any other person for the purpose of preventing such person from acting in good faith to report or otherwise bring to the attention of the interim ethics officer information relating to an ethics violation or investigation. No official or employee shall use or threaten to use any official authority or influence to effect any action as a reprisal against an official or employee who reports, initiates a complaint, or otherwise brings to the attention of the interim ethics officer information relating to an ethics violation.

Section 10. Interim ethics officer.

There is hereby created the position of interim ethics officer for the City of Atlanta. The position of interim ethics officer and shall be staffed by a city employee selected at the discretion of the mayor or her designee and until such time as the permanent, full-time, salaried position of ethics officer is created by city ordinance. The duties of the interim ethics officer shall include, but not be limited to, the following:

(1) Educating and instilling in all city employees an awareness and understanding of the mandate for ethical conduct and of the provisions of the code of ethics of the city;

(2) Consulting with employees and members of authorities, boards, commissions, and councils concerning any ethics issues;

(3) Notifying the board of ethics of any alleged failure to comply with this Administrative Order or the code of ethics of the city that the interim ethics officer believes should be investigated by the board of ethics so that the board of ethics may take such action as it deems appropriate; and

(4) Reporting, as appropriate, serious suspected ethical or criminal violations to state or federal law enforcement agencies and officers.

Section 11. Mandatory ethics training.

All officials and employees at the level of bureau head, office director, and above shall undergo a course of mandatory ethics training provided by the interim ethics officer. Such training will be completed within sixty (60) days of the date of this Administrative Order.

Shirley Franklin
Shirley Franklin
Mayor

3/11/02
Date

ATTEST

MUNICIPAL CLERK
DEPUTY MUNICIPAL CLERK

RECEIVED
MAR 11 2002
MUNICIPAL CLERK