



CITY of POOLER
— GEORGIA —

STATE OF GEORGIA }
 }
COUNTY OF CHATHAM }

ORDINANCE R2026-01.A
Code of Ethics

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF POOLER, GEORGIA, TO PROVIDE A NEW CODE SECTION CHAPTER 3, ETHICS AND BOARD OF ETHICS; TO PROVIDE FOR PENALTIES; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the duly elected governing authority of the City of Pooler, Georgia, is authorized by O.C.G.A. § 36-35-3 to adopt ordinances relating to its property, affairs and local government; and

WHEREAS, the duly elected governing authority of the City of Pooler, Georgia, is the Mayor and Council thereof; and

WHEREAS, the governing authority deems it essential to the proper operation of democratic government that the public officials be, and give the appearance of being, independent, impartial, and responsible to the people; that governmental decisions and policies be made in the proper channels of the governmental structure; and that public office not be used for personal gain; and

WHEREAS, such measures are necessary to provide the public with confidence in the integrity of its government.

WHEREAS, it is the policy of the city that its officials, employees, appointees, and volunteers conducting official city business:

- Serve others and not themselves;
- Be independent, impartial, and responsible;
- Use resources with efficiency and economy;
- Treat all people fairly;
- Use the power of their position for the wellbeing of their constituents; and
- Create an environment of honesty, openness and integrity.

NOW THEREFORE, BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF POOLER, GEORGIA, THAT THE CODE OF ORDINANCES OF THE CITY OF POOLER, GEORGIA, ARE HEREBY AMENDED AS FOLLOWS:

Section I.

That the Code of Ordinances of the City of Pooler, Georgia, is hereby amended by adding Chapter 3. Ethics and Board of Ethics, which shall read as follows:

Sec. 3.1 PURPOSE

The purpose of this code of ethics is to:

- (a) Encourage high ethical standards in official conduct by city officials;
- (b) Establish guidelines for ethical standards of conduct for all such officials by setting forth those acts or actions that are incompatible with the interests of the city;
- (c) Build public trust and confidence in city officials;
- (d) Provide clear guidance to officials when dealing with ethical issues; and
- (e) Serve as a basis for disciplining those who fail to abide by the terms of this ordinance.

Sec. 3.2 SCOPE

The provisions of this code of ethics shall be applicable to all elected and appointed city officials. Notwithstanding anything herein to the contrary, state law and the charter of the city shall control in the event of an actual conflict with the provisions of this code of ethics. This ordinance shall be interpreted to supplement, and not replace, said provisions of state law and the charter.

Sec. 3.3 DEFINITIONS

Solely for the purpose of this code of ethics:

- (a) *City Official* or *Official*, unless otherwise expressly defined, does not include city employees, but does mean the mayor, members of council, city manager, city clerk, chief finance officer, city attorney, and all other persons holding positions designated by the city charter, as amended. The term "city official" also includes all individuals, including city employees, appointed by the mayor and/or city council, as appropriate, to city authorities, commissions, committees, boards, task forces, or other bodies which can or may vote, or take formal action, or make official recommendations to the mayor and/or council.
- (b) *Decision* means any ordinance, resolution, contract, franchise, formal action, or other matter voted on by the mayor, council, 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.
- (c) *Employee* means any person who is a full-time or part-time employee of the city.
- (d) *Gift* means any money, property, loan, advance, service, travel,

lodging, food, entertainment, gratuity, subscription, membership, forgiveness of debt, promise, or anything else of monetary value given to, received by, or accepted by a city official or immediate family member without receipt of equal or greater consideration.

- (e) *De Minimis Gift* means a non-monetary gift of nominal value not reasonably expected to influence official action.
- (f) *Prohibited Source* means any person or entity that: (a) does business with the city or has a matter pending before the city; (b) is seeking to do business with the city; (c) is registered to lobby the city or has an interest that could be substantially affected by the performance of the official's duties; or (d) is otherwise economically or legally interested in a city decision.
- (g) *Immediate Family* means a city official's spouse or domestic partner, parent, grandparent, sibling, child, aunt, uncle, niece, or nephew related by blood, adoption, or marriage. The relationship by marriage shall include in-laws. The term "immediate family" shall also include any person who resides in the same household as the city official, any person who receives, directly or indirectly, more than half of their support from a city official, and any person claimed by a city official or the official's spouse as a dependent under the United States Internal Revenue Code.
- (h) *Qualified Ethics Complaint* is a complaint that meets the following criteria: (1) it is filed in proper form, signed under oath, and legibly drawn, with allowances for alternative formats such as audio or video recordings or oral submissions for those who need different communication methods; (2) it clearly addresses alleged conduct by a city official that falls within the scope of this ordinance; (3) it states specific facts that, if proven, may constitute a violation of the ethical standards outlined herein; and (4) it is filed by an individual with standing, including residents, business owners, property owners, or senior officers of nonprofit organizations operating within city limits.
- (i) *Board of Ethics* means the body authorized by this ordinance to receive, hear, evaluate, and make determinations regarding qualified ethics complaints in the City of Pooler. Unless otherwise provided by ordinance, amendment, or resolution, the board of ethics shall consist of the chief judge of the municipal court of the city, acting in a quasi-judicial capacity and vested with all powers and duties assigned to the board under this ordinance. References in this ordinance to the "board of ethics" shall be deemed to include the municipal court judge when serving in this capacity. The designation of the municipal court judge as the board of ethics shall not be construed to expand or diminish the jurisdiction of the municipal court, but solely to assign adjudicatory responsibility under this ordinance.
- (j) *Incidental Interest* means a de minimis interest that is trivial in value and not reasonably likely to influence the official's judgment.

- (k) *Remote Interest* means an attenuated interest where any benefit to the official is no greater than that realized by a broad class of persons, or the general public, or arises solely from ownership of $\leq 1\%$ of a publicly traded company through diversified holdings (e.g., mutual/index funds) with no control over specific investments. For example, the interest of an official in the property tax rate, general city fees, city utility charges, or a comprehensive zoning ordinance or similar matters is deemed remote to the extent that the official would be affected in common with the general public.
- (l) *Substantial Interest* means a financial or fiduciary interest of a city official or the official's immediate family that is direct and particularized to the person, and that meets any one of the following tests:
 - i. Ownership test. Beneficial ownership of five percent (5%) or more of the voting stock, shares, membership interests, or other equity of an entity, or beneficial ownership with a market value of at least five thousand dollars (\$5,000).
 - ii. Compensation test. Aggregate payments received from a person or entity within the preceding twelve (12) months equal to or exceeding five thousand dollars (\$5,000) or ten percent (10%) of the recipient's gross income for that period, whichever is less. Payments include salary, wages, bonuses, commissions, consulting or professional fees, and payments for goods or services.
 - iii. Position test. Service as an officer, director, general partner, manager, trustee, or member of a governing board of any entity, including a nonprofit corporation, foundation, or charitable trust, when the entity is a party, applicant, contractor, grantee, or otherwise has a direct and reasonably foreseeable financial or leg interest in the matter.
 - iv. Credit relationship test. Status as a creditor, debtor, or guarantor of a person or entity with an outstanding principal amount of five thousand dollars (\$5,000) or more, other than ordinary consumer credit on standard terms from a regulated financial institution.

Sec. 3.4 PROHIBITIONS

- (a) Use of Position and Privilege. No city official shall use such position to secure special privileges or exemptions for themselves or others, or to secure confidential information for any purpose other than official duties on behalf of the city.
- (b) Substantial Interest. No city official, in any matter before council or 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. The official is not required to disclose the amount, valuation, or other terms of interest. The city clerk shall note the disclosure and recusal in the minutes. An official who is uncertain may request a written advisory opinion; good-faith reliance on that opinion is a defense under this ordinance.

- (c) Representing Other Interests. No city official shall act as an agent or attorney for another in any matter before the mayor or council or other city body.
- (d) Gifts and Gratuities. No city official shall directly or indirectly solicit, accept, or agree to accept any gift in connection with the performance of the official's duties if the gift is intended to influence the official's actions or could reasonably create the appearance of impropriety, except as may be provided by law.
 - i. Prohibited-source rule (no de minimis). Gifts from a prohibited source are prohibited irrespective of value, except where the gift is a de minimis gift as defined above and where acceptance would not create an appearance of impropriety or a conflict under this ordinance. For avoidance of doubt, hospitality, meals, tickets, or travel provided by a prohibited source are generally disallowed.
- (e) Contracts with the City. No city official shall enter into any contract with, or have any interest in, either directly or indirectly, the city except as authorized by state law.
 - i. This prohibition shall not be applicable to the professional activities of the city attorney in their work as an independent contractor and legal advisor on behalf of the city.
 - ii. This prohibition shall not be applicable to an otherwise valid employment contract between the city and a city official who is not elected (such as, by way of example, a city manager, city administrator, or chief of police).
 - iii. Any official who has a proprietary interest in an agency doing business with the city shall make that interest known in writing to the mayor and council, and the city clerk.
 - iv. Disclosure and recusal. A city official who has, or whose immediate family has, a substantial interest in a prospective or existing city contractor shall disclose on the record that a substantial interest exists and identify the person or entity before any city action on the matter, and shall recuse from deliberation, discussion, vote, and any attempt to influence the outcome. The amount or terms of the interest need not be disclosed.
- (f) Funds for General Welfare. All public funds shall be used for the general welfare of the people and not for personal economic gain.

- (g) Property Disposal. Public property shall be disposed of in accordance with state law.
- (h) Employment Impairing Judgment. No city official shall solicit or accept other employment to be performed, or compensation to be received, while still a city official if the employment or compensation could reasonably be expected to impair such official's judgment or performance of city duties.
- (i) Employment of Substantial Interest. If a city official accepts or is soliciting a promise of future employment from any 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 mayor and council and shall recuse himself/herself and take no further action on matters regarding the potential future employer.
- (j) Use of City Resources for Private Purpose. No city official shall use city facilities, personnel, equipment, or supplies for private purposes, except to the extent such are lawfully available to the public.
- (k) Treatment and Favors. No city official 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) Insider Knowledge. 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) Coercion. A city official shall not use their position in any way to coerce, 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) Orders and Obligations. A city official shall not order any goods and services for the city without prior official authorization for such an expenditure. No city official shall attempt to obligate the city nor give the impression of obligating the city without proper prior authorization.
- (o) Travel. No city official shall draw travel funds or per diem from the city for attendance at meetings, seminars, training, or other educational events and fail to attend such events without promptly reimbursing the city therefore.
- (p) Case Influence. No city official shall attempt to unduly influence the outcome of a case before the Municipal Court of the City of Pooler, Georgia, shall any city official engage in ex parte communication with a municipal court judge of the City of Pooler on any matter pending before the municipal court of the City of Pooler.

- (q) Executive Sessions - Confidentiality & Disclosure Exception. Executive sessions are confidential. The substance of an executive session may not be shared or disclosed unless disclosure is required by law.
- (r) Conduct. No official shall knowingly engage in conduct that disrupts, obstructs, or materially impairs the lawful operations of council, boards, authorities, commissions, or any of its duly authorized proceedings.

Sec. 3.5 CONFLICT OF INTEREST

- (a) Substantial Financial or Personal 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 official has a substantial interest.
- (b) Disclosure of Affiliation. A city official who serves as a corporate officer or member of the board of directors of a nonprofit entity must disclose their affiliation in said entity to the mayor and council prior to participating in a vote or decision regarding funding of the entity by or through the city.
- (c) Remote or Incidental Interest. Where the interest of a city official in the subject matter of a vote or decision is remote or incidental, the city official may participate in the vote or decision and need not disclose the interest.
- (d) Prohibited Misuse. The city discourages and will summarily dispose of complaints that attempt to use the ethics process to pursue political grievances or to penalize lawful campaign activity. To discourage the filing of ethics complaints solely for political purposes, ethics complaints against a person seeking election as a city official, whether currently serving as a city official or not, which are filed between the date of qualifying for municipal office and the date of certification of the election results will be held and will not be processed until the election results for that office have been certified.
- (e) Intake Sufficiency. A complaint shall be dismissed at intake unless it is:
 - i. is sworn under the oath required by §3.7(d);
 - ii. alleges specific, material facts that, if true, would constitute a violation of this Code within the board's jurisdiction; and
 - iii. identifies the section(s) of this Code allegedly violated.

- (f) Filing Windows During Elections. To prevent the misuse of the ethics complaint process for political purposes, the following rules apply:
- i. Election period procedures. These procedures apply when the respondent is a candidate on the ballot for a city municipal election.
 - ii. Election period. The election period runs from the close of the municipal qualifying week through the fifth (5th) business day after certification of results for that election. For purposes of this section, "qualifying week" means the officially designated timeframe during which candidates may legally declare to run for the office, as set by the municipal election superintendent.
 - iii. Intake and screening. The filing officer shall accept, timestamp, and docket complaints during the election period, and apply the standard sufficiency and probable-cause screens. Preservation notices and non-hearing investigative steps may proceed. Filing dates are preserved.
 - iv. Hearings scheduled after certification. Absent exigent circumstances, evidentiary hearings, and final determinations are scheduled after certification. This does not affect any limitations under this ordinance.
 - v. Notice of procedures. At the close of qualifying week, the city clerk shall post a public notice on the city's website and at city hall describing these election-period procedures and advising that hearings ordinarily occur after certification. The notice shall not characterize filings as suspended or refused.
 - vi. Non-interference with other authorities. Nothing in this section restricts or duplicates the authority of the State Ethics Commission over campaign-finance matters or the authority responsible for election administration.
- (g) No Claim Based Solely on Lawful Campaign Contributions. A complaint predicated solely on the fact that an elected official accepted a lawful campaign contribution within the limits of the Georgia Government Transparency and Campaign Finance Act fails to state a claim and shall be dismissed. Where the donor has business pending, the disclosure and participation standards in § 3.5(b) apply; those provisions govern transparency and any recusal analysis.
- (h) Probable-Cause Screening. If the intake criteria are met, the board of ethics shall determine whether the complaint establishes probable cause to believe a violation occurred. Absent probable cause, the complaint shall be dismissed with a brief written explanation.
- (i) Bad-Faith or Knowingly False Complaints. Knowingly false statements made under oath may be referred for investigation and prosecution under O.C.G.A. § 16-10-71 (false swearing) or O.C.G.A. § 16-10-20 (false statements). This ordinance does not limit the board of ethics's

ability to dismiss repetitive complaints arising from the same facts.

- (j) Good-Faith Protection. Nothing in this section shall deter or sanction good-faith complaints supported by specific, material facts, nor shall it restrict protected speech.

Sec. 3.6 BOARD OF ETHICS

- (a) The City of Pooler Municipal Court shall hear and render decisions on all proper verified complaints filed under this ordinance.

Sec. 3.7 RECEIPT OF COMPLAINTS

- (a) All complaints against city officials shall be filed with the municipal court clerk. Upon receipt of a complaint in proper form, the municipal court clerk shall forward a copy of the complaint to the city official(s) charged in the complaint within no more than seven (7) calendar days.
- (b) All complaints shall be submitted and signed under oath, shall be legibly drawn and shall clearly address matters within the scope of this ordinance.
- (c) Upon receipt of a complaint in proper form, the municipal court 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 mayor and council. The municipal court 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 mayor and council; provided, however, that a rejection of such complaint by the municipal court shall not deprive the 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 municipal court 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.
- (d) Upon completion of its investigation of a complaint, the municipal court 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 municipal court ; provided, however, that a rejection of such complaint by the board of ethics shall not deprive the complaining party of any action such party might otherwise have at law or in equity against the city official.
- (e) The municipal court is empowered to conduct investigations, to take evidence, and to hold hearings to address the subject matter of a complaint.
- (f) The municipal court is empowered to adopt forms for formal

complaints, notices, and any other necessary or desirable documents within its jurisdiction where the mayor and council have not prescribed such forms.

- (g) Findings of the municipal court shall be submitted to the mayor and council for action.

Sec. 3.8 SERVICE OF COMPLAINT

- (a) The municipal court clerk, as appointed herein set forth, shall cause the complaint to be served on the city official charged as soon as practicable but in no event later than seven (7) calendar days after receipt of a proper, verified complaint. Service may be by personal service, by certified mail, return receipt requested or by statutory overnight delivery. A hearing shall be held within sixty (60) calendar days after the filing of the complaint. The municipal court 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 municipal court shall be rendered to mayor and council within seven (7) calendar days after completion of the final hearing. At any hearing held by the municipal court, the city official 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 subject to the inquiry shall have also have the right but not the obligation of submitting evidence and calling witnesses. Failure to comply with any of the deadlines in this section of the ordinance shall not invalidate any otherwise valid complaint or in any way affect the power or jurisdiction of the municipal court or the mayor and council to act upon any complaint.

Sec. 3.9 RIGHT TO APPEAL

- (a) Judicial Review. Any city official or complainant adversely affected by the findings or recommendations of the municipal court may obtain judicial review of such decision as provided in this section.
- (b) Jurisdiction of Review. A party aggrieved by a final decision of the municipal court may seek review by filing a petition for review in the Superior Court of Chatham County pursuant to the Superior and State Court Appellate Practice Act, O.C.G.A. §§ 5-3-1 et seq. Filing a petition for review acts as supersedeas; no supersedeas bond is required unless otherwise provided by law.

Sec. 3.10 PENALTY

Any person violating any provision of this article is subject to:

- (a) Public reprimand or censure by the mayor and council; or

- (b) Request for resignation by the mayor and council; or
- (c) Termination of contract; or
- (d) Termination of employment; or
- (e) Removal from appointment; or
- (f) Revocation of committee membership; or
- (g) Other penalties that the mayor and council deem appropriate within their jurisdiction and authority.

Section II.

The sections, subsections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any section, subsection, paragraph, sentence, clause or phrase shall be declared illegal by the valid judgment or decree of any court of competent jurisdiction, such illegality shall not affect any of the remaining section, subsections, paragraphs, sentences, clauses and phrases of this ordinance.

Section III.

All ordinances and parts of ordinances in conflict herewith are expressly repealed.

Section IV.

If any section, clause, or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, the said holding shall in no way affect the validity of the remaining portions of this ordinance.

Section V.

The effective date of this ordinance shall be _____.

FIRST READING: _____

SECOND READING: _____

ADOPTION: _____

CITY OF POOLER, GEORGIA

Karen L. Williams, Mayor

ATTEST:

Kiley Fusco, City Clerk