

CODE OF ETHICS
NEWTON COUNTY, GEORGIA
(As Approved March 15, 2016)

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**CODE OF ETHICS
NEWTON COUNTY, GEORGIA**

**ARTICLE 1
“IN GENERAL”**

SECTION 1-101. FINDINGS.

- (a) The Constitution of the State of Georgia, approved by the voters of the state in November 1982 and effective July 1, 1983, provides in article IX, section II, paragraph I thereof, that the governing authority of the County may adopt clearly reasonable ordinances, resolutions, and regulations.
- (b) O.C.G.A. § 36-1-20 authorizes counties to enact ordinances for protecting and preserving the public health, safety, and welfare of the population of the unincorporated areas of the County.
- (c) The Board of Commissioners desires to exercise its authority in adopting this article.
- (d) It is essential to the proper operation of democratic government that public officials be independent and impartial, that governmental decisions and policy be made in the proper channels of the governmental structure, that public office not be used for private gain other than the remuneration provided by law, and that there be public confidence in the integrity of government.
- (e) The attainment of one or more of these ends is impaired whenever there exists a conflict between the private interests of an elected official or a governmental employee and his duties.
- (f) The public interest, therefore, requires that the law protect against such conflicts of interest and establish appropriate ethical standards with respect to the conduct of elected officials and government employees in situations where conflicts exist.
- (g) It is also essential to the proper operation of government that those best qualified be encouraged to serve the government. Accordingly, legal safeguards against conflicts of interest must be so designed as not unnecessarily or unreasonably to impede the recruitment and retention by the government of those men and women who are best qualified to serve it.
- (h) An essential principle underlying the staffing of our government structure is that its elected officials and employees should not be denied the opportunity, available to all other citizens, to acquire and retain private economic and other interests, except where conflicts with the responsibility of such elected officials and employees to the public cannot be avoided.

- (i) In recognition of these goals and principles, it is the policy of the Board of Commissioners to institute, establish, promote, and enforce standards of ethical conduct for all of the County's officers and employees.
- (j) It is a further policy of the Board of Commissioners that the proper administration of the County's government and the promotion and enforcement of standards of ethical conduct for the County's officers and employees would be best served by the creation of a County Ethics Panel for the investigation of complaints related to ethical standards.

SECTION 1-102. DEFINITIONS.

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

- (a) "Business" means any organization carrying on an enterprise for profit, regardless of how designated or formed, including, but not limited to, sole proprietorships, partnerships, joint ventures, associations, trusts, corporations, limited liability companies, and any other type of business enterprise.
- (b) "Confidential information" means any information that, by law or practice, is not reasonably available to the public.
- (c) "County official" and "official" mean the members of the Board of Commissioners, the Chairman of the Board, constitutional officers, any member of a Board or authority appointed by the Board of Commissioners, the County Manager, the County Attorney and any of his assistant County Attorneys, and any other elected or appointed officer or employee of the County, including those employees who are exempt from the County civil service system, except to the extent prohibited by law.
- (d) "Employee" means all those persons employed on a regular or part-time basis by the County, as well as those persons whose services are retained under the terms of a contract with the County, including those employees who are exempt from the County civil service system, except to the extent prohibited by law.
- (e) "Ethics Panel" means any County Ethics Panel as formed and described in this Code of Ethics.
- (f) "Family" means the spouse, parents, children, brothers and sisters, whether related by blood or marriage, of a County official or employee.
- (g) "Interest" means direct or indirect pecuniary or material benefit accruing to a County official or employee as a result of a contract or transaction which is or may be the subject of an official act or action by or with the County, except for such contracts or transaction which, by their terms and by the substance of their provisions, confer the opportunity and right to realize the accrual of similar benefits to all other persons and/or property similarly situated. The term "interest" shall not include any remote interest. For purposes

of the Code of Ethics, a County official or employee shall be deemed to have an interest in the affairs of:

- (1) Their family;
 - (2) Any business entity in which the County official or employee is currently or will, in the reasonably foreseeable future, receive compensation for their services as a member, officer, director, consultant, agent, representative, or employee;
 - (3) Any business entity in which the stock, legal ownership, or beneficial ownership held by the County official, employee, or their family is in excess of five percent of the total stock or total legal and beneficial ownership, or which is controlled or owned directly or indirectly by the County official or employee.
- (h) “Official act” and “official duties” mean any legislative, administrative, appointive, or discretionary act of any official or employee of the County or any agency, Board, committee, authority, or commission thereof.
- (i) “Remote interest” means the interest of:
- (1) A nonsalaried director, officer, or employee of a nonprofit corporation;
 - (2) A holder of less than five percent of the legal or beneficial ownership of the total shares of the business;
 - (3) Any person in a purely representative capacity, such as a receiver, trustee, or administrator; or
 - (4) Any person who has been determined by the Ethics Panel to have such an interest.

SECTION 1-103. CODE OF ETHICS FOR COUNTY SERVICE GENERALLY AND FOR EMPLOYEES

This section is intended to adopt and incorporate in this section for local enforcement the ethical standards of O.C.G.A. § 45-10-1, as it may be amended from time to time.

- (a) Any person in County service shall:
- (1) Put loyalty to the highest moral principles and to country above loyalty to persons, party, or government department;
 - (2) Uphold the Constitution, laws, and legal regulations of the United States and the state and of all governments therein and never be a party to their evasion;
 - (3) Give a full day’s labor for a full day’s pay and give to the performance of his duties his earnest effort and best thought;

- (4) Seek to find and employ more efficient and economical ways of getting tasks accomplished;
- (5) Never discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not, and never accept, for himself or his family, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of his governmental duties;
- (6) Make no private promises of any kind binding upon the duties of office, since a government employee has no private word that can be binding on public duty;
- (7) Not engage in any business with the government, either directly or indirectly, which is inconsistent with the conscientious performance of his governmental duties;
- (8) Never use any information coming to him confidentially in the performance of governmental duties as a means for making private profit;
- (9) Expose corruption wherever discovered; and
- (10) Uphold these principles, ever conscious that public office is a public trust.

SECTION 1-104. CODE OF ETHICS FOR MEMBERS OF BOARDS, COMMISSIONS, AUTHORITIES, ELECTED OFFICIALS AND COUNTY DEPARTMENT HEADS.

This section is intended to adopt and incorporate in this section for local enforcement the ethical standards of O.C.G.A. § 45-10-3, as it may be amended from time to time.

- (a) Any member of a County Board, Commission, or Authority, and elected officials and County department heads shall:
 - (1) Uphold the Constitution, laws, and regulations of the United States, the state, the County, and all governments therein and never be a party to their evasion;
 - (2) Never discriminate by the dispensing of special favors or privileges to anyone, whether or not for remuneration;
 - (3) Not engage in any business with the government, either directly or indirectly, which is inconsistent with the conscientious performance of his governmental duties;
 - (4) Never use any information coming to him confidentially in the performance of governmental duties as a means for making private profit;
 - (5) Expose corruption wherever discovered;

- (6) Never solicit, accept, or agree to accept gifts, loans, gratuities, discounts, favors, hospitality, or services from any person, association or business under circumstances from which it could reasonably be inferred that a major purpose of the donor is to influence the performance of the member's official duties;
- (7) Never solicit, accept, or agree to accept gifts, loans, gratuities, contributions, discounts, favors, hospitality, or services from a business or the representative or agent of a business that provides services to the County, or is known to be seeking, bidding on or otherwise pursuing County business or contracts;
- (8) Never accept any economic opportunity under circumstances where he knows or should know that there is a substantial possibility that the opportunity is being afforded him with intent to influence his conduct in the performance of his official duties;
- (9) Never engage in other conduct which is unbecoming to a member or which constitutes a breach of public trust; and
- (10) Never take any official action under circumstances in which he knows or should know that he has a direct or indirect interest in in the outcome of such official action.

SECTION 1-105. SOLICITATION OR ACCEPTANCE OF GIFTS

- (a) Consistent with the provisions set forth in Sections 1-103 and 1-104, there shall be no violation of this article in the following circumstances:
 - (1) Meals and beverages given in the usual course of entertaining associated with normal and customary business or social functions.
 - (2) An occasional gift from a single source of \$101.00 or less in any calendar year.
 - (3) Ceremonial gifts or awards.
 - (4) Gifts of advertising value only or promotional items generally distributed to public officials.
 - (5) Awards presented in recognition of public service.
 - (6) Reasonable expenses of food, travel, lodging and scheduled entertainment for a meeting that is given in return for participation in a panel or speaking engagement at the meeting.
 - (7) Courtesy tickets or free admission extended for an event as a courtesy or for ceremonial purposes, given on an occasional basis, and not to include season tickets of any nature.

- (8) Gifts from relatives or members of the official or employee's household.
- (9) Honorariums or awards for professional achievement.
- (10) Courtesy tickets or free admission to educational seminars, educational or information conventions, or other similar events.

ARTICLE 2

“CONFLICT OF INTEREST TRANSACTIONS AND DISCLOSURES”

SECTION 2-101. APPLICATION OF DIVISION

- (a) The following provisions of this division related to conflict of interest transactions and disclosures are intended to supplement and elaborate upon the Code of Ethics set forth in Article 1, and all such provisions shall be read and interpreted in accordance therewith.

SECTION 2-102. COMPLIANCE WITH APPLICABLE LAW

- (a) No official or employee shall engage in any activity or transaction that is prohibited by law, now existing or hereafter enacted, which is applicable to him by virtue of his office or employment. Other provisions of law or regulations shall apply when any provisions of this article shall conflict with the laws of the state or the United States, except to the extent that this article permissibly sets forth a more stringent standard of conduct. The laws of the State or the United States shall apply when this article is silent.

SECTION 2-103. CONFLICT OF INTEREST TRANSACTIONS

- (a) No official or employee shall acquire or maintain an interest in any business, contract, or transaction if a reasonable basis exists that such an interest will be affected directly by his official act or action, except consistent with the disclosure and abstention provisions set forth in this article.
- (b) No candidate for election or appointment to any elective office shall enter into any prior agreement or understanding with any person or business as to the award of contracts, the purchase of goods, or subsequent employment or appointment within the County.
- (c) The County shall not enter into any contract or transaction involving services or property with an official or employee or with a business entity in which the official or an employee has an interest, where the official or employee is obligated or authorized to take an official act or duty related to the awarding or approving of such contract. This prohibition shall apply even if the official or employee abstains from taking an official act or duty with respect to the contract. The County may enter into a contract with a business where an official or employee has an interest therein, so long as (i) the official or employee has no obligation or authorization to take an official act or duty awarding or approving the contract, (ii) the contract is or was awarded by way of a competitive

procurement process, (iii) the employee or official discloses to procurement personnel his or her affiliation with the County, (iv) the employee or official affirms in writing to procurement personnel that he or she has neither solicited nor received any advantage, favor or influence with respect to the contract due to affiliation with the County, and (v) the contract is not otherwise prohibited by law. Provided that the disclosure and abstention provisions set forth in this article are followed, this subsection shall not apply to the following:

- (1) The designation of a bank or trust company as a depository for County funds;
- (2) The borrowing of funds from any bank or lending institution which offers competitive rates for such loans;
- (3) Contracts for services entered into with a business which is the only available source for such goods or services; and
- (4) Contracts entered into under circumstances that constitute an emergency situation, provided that a record explaining the emergency is prepared by the Board and submitted to the County Manager to be kept on file.

SECTION 2-104. CONFLICT OF INTEREST EMPLOYMENT OR APPOINTMENT

- (a) No official or employee shall appoint or hire any member of their family to fill an office, position, employment, or duty when the salary, wages, pay, or compensation is to be paid out of public funds.

SECTION 2-105. FINANCIAL DISCLOSURES

- (a) Financial disclosures shall be governed by federal and state law as it may be amended from time to time, and this article shall not require any additional reports to be filed other than those required by federal and state law.

SECTION 2-106. ZONING APPLICATION DISCLOSURES

- (a) All disclosures with regard to zoning applications shall be governed in their entirety by the conflict of interest in zoning actions provisions contained in O.C.G.A. § 36-67A-1 et seq., as it may be amended from time to time.

SECTION 2-107. DISCLOSURES RELATED TO SUBMISSION OF BIDS OR PROPOSALS FOR COUNTY WORK OR CONTRACT

- (a) Persons submitting bids or proposals for County work who have contributed \$250.00 or more to a County official must disclose on their bid or proposal the name of the County official to whom the contribution was made and the amount contributed. Such a disclosure must also be made prior to a request for any change order or extension of any contract awarded to the person who submitted the successful bid or proposal.

SECTION 2-108. WITHHOLDING OF INFORMATION

- (a) No official or employee shall knowingly withhold any information or otherwise impair the proper decision making of the Ethics Panel, Board of Commissioners, or any of the County's Boards, agencies, authorities, or departments.

SECTION 2-109. INCOMPATIBLE SERVICE

- (a) No official or employee shall engage in or accept private or public employment or render service for any private or public entity, when such employment or service is incompatible with the proper discharge of his official duties or would tend to impair his independence of judgment or action in the performance of his official duties, unless otherwise permitted by law and unless public disclosure is made.

SECTION 2-110. UNAUTHORIZED USE OF PUBLIC PROPERTY

- (a) No official or employee shall request or permit the unauthorized use of County services or County owned property, including but not limited to, vehicles, equipment, materials, computers, and cellular telephones, for personal convenience or profit.

SECTION 2-111. POLITICAL RECRIMINATION AND ACTIVITY

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

SECTION 2-112. APPEARANCE BEFORE COUNTY ENTITIES

- (a) No official or employee shall appear on behalf of any private person, other than himself, his spouse, or his minor children, before any County agency, authority or Board. However, a member of the Board of Commissioners may appear before such groups on behalf of his constituents in the course of his duties as a representative of the electorate or in the performance of public or civic obligations.

SECTION 2-113. TIMELY PAYMENT OF DEBTS TO THE COUNTY

- (a) All officials and employees shall pay and settle, in a timely and prompt fashion, all accounts between them and the County, including the prompt payment of all taxes.

SECTION 2-114. DISCLOSURE OF INTEREST

- (a) The Chairman and each member of the Board shall immediately disclose publicly the nature and extent of any financial or personal interest in any proposed legislation or action before the Board.
- (b) Any other official or employee who has a financial or personal interest in any proposed legislation or action before the Board and who participates in discussion with or gives an official opinion or recommendation to the Board in connection with such proposed legislation or action shall disclose publicly the nature and extent of such interest.

SECTION 2-115. ABSTENTION TO AVOID CONFLICTS OF INTEREST

- (a) Except as otherwise provided by law, no official or employee shall participate in the discussion, debate, deliberation, vote, or otherwise take part in the decision-making process on any item before him in which the official or employee has a conflict of interest as set forth in this article.
- (b) To avoid the appearance of impropriety, if any official or employee has a conflict of interest or has an interest that he has reason to believe either violates this article or may affect his official acts or actions in any matter, the official or employee shall immediately leave the meeting room, except that if the matter is being considered at a public meeting, the official or employee may remain in the meeting room.
- (c) In the event of a conflict of interest, the official or employee shall announce his intent to abstain prior to the beginning of the discussion, debate, deliberation, or vote on the item, shall not participate in any way, and shall abstain from casting a vote.

ARTICLE 3

“ETHICS PANEL”

SECTION 3-101. ETHICS PANEL

- (a) An Ethics Panel shall be assembled on a case-by-case basis for the sole purpose of considering a single ethics complaint.

SECTION 3-102. APPOINTMENT AND PANEL SELECTION PROCEDURES

- (a) The Ethics Panel Clerk shall be an individual designated by the Newton County Manager to serve in that capacity.
- (b) Each Ethics Panel shall consist of three randomly selected members from a list maintained by the Ethics Panel Clerk.

- (c) The Clerk shall maintain a list of not less than nine nor more than fifteen qualified individuals from which to draw members of the Ethics Panels. The Clerk shall confirm the qualifications and willingness of each such individual to serve on an Ethics Panel not less than once per year.
- (d) Individuals shall be deemed qualified to serve on an Ethics Panel for so long as they:
 - (1) Are attorneys at law in good standing with the State Bar of Georgia;
 - (2) Have at least five years experience in the practice of law, with no less than three of those years dedicated to general civil litigation practice;
 - (3) Do not reside or maintain an office within Newton County, Georgia;
 - (4) Are not, and have never been, a County employee or County official, and no member of their family is an existing or former County employee or County official; and
 - (5) Have no, and the members of their family have no, business or contractual relationship with Newton County, Georgia, have not provided monetary or in-kind campaign contributions or support to sitting members of the Board of Commissioners, Constitutional Officers or any other Newton County elected official; and
 - (6) Have no other conflict of interest in providing service on the Ethics Panel.
- (e) Upon the Clerk determining that an ethics complaint meets the facial requirements of section 3-110 of this Chapter, the Clerk shall conduct a blind drawing of three names from the list of members and contact each member to determine their availability to serve on the Ethics Panel. The drawing of names by the Clerk shall be witnessed by either the County Manager and/or the County Attorney to ensure the integrity of the selection process. Upon selection of three qualified members who are available to serve on the Ethics Panel, the Clerk shall prepare a document identifying panel membership and both the Clerk and the County Manager and/or County Attorney that witnessed the selection process shall attest on that document as to the legitimacy of the selection process.
- (f) No member shall be qualified to serve on more than one Ethics Panel at any given time unless all other qualified members are either serving on an Ethics Panel or have expressed their unavailability to so serve. Service on an Ethics Panel shall be deemed to have terminated upon the entry of the written dismissal or decision of the Ethics Panel after the conclusion of an ethics hearing.
- (g) An individual Ethics Panel member shall cease to be qualified to serve immediately upon the third consecutive refusal (whether by choice or unavailability) to serve on an Ethics Panel after being randomly drawn from the list and contacted by the Clerk to serve.

SECTION 3-103. VACANCIES

- (a) If any vacancy occurs on an Ethics Panel reducing its membership below three, the Clerk shall at that time choose an alternate member using the same methodology as provided in section 3-102.

SECTION 3-104. REMOVAL OF MEMBER

- (a) The Board of Commissioners, upon receipt of a written complaint from two members of any Ethics Panel, may remove a member of any Ethics Panel on the grounds of nonfeasance or malfeasance during the member's term of service. Before initiating the removal of a member, the Board of Commissioners shall give the member written notice of the reason for the intended action, and the member shall have the opportunity to reply. Thereafter, the Board of Commissioners shall afford such member an opportunity for a hearing before the Board of Commissioners.

SECTION 3-105. ORGANIZATION AND INTERNAL OPERATING REGULATIONS

- (a) Members of Ethics Panels shall be paid a per diem for each meeting or hearing they are required to attend. If a hearing lasts multiple days, then the Ethics Panel member shall receive a separate per diem for each day of hearing attendance. The per diem shall be the same for each Ethics Panel member and shall be approved by the Board of Commissioners.
- (b) Each Ethics Panel shall elect one of its members to act as chair to serve during the pendency of that Ethics Panel.
- (c) All meetings of Ethics Panels shall be conducted in a room supplied by the Board of Commissioners, shall be duly publicized, and shall be otherwise conducted in accordance with open meeting requirements under state law.
- (d) No official action concerning complaints shall be taken by an Ethics Panel, except by the affirmative vote of at least two members of the Ethics Panel.

SECTION 3-106. DUTIES AND POWERS

- (a) Each Ethics Panel shall have the following duties and powers:
 - (1) Receive and hear complaints of violations of standards required by this Chapter.
 - (2) Take such action as provided in this Chapter as deemed appropriate.
 - (3) Perform any other function authorized by this Chapter.
 - (4) Issue advisory opinions as provided in this Chapter.

SECTION 3-107. STAFFING AND EXPENSES

- (a) The Ethics Panels shall be provided sufficient meeting space and other reasonable supportive services to carry out their duties required under this Chapter. The County Manager shall designate an administrative employee who shall serve as the filing Clerk for the Ethics Panels and who shall be authorized to receive all filings before the Ethics Panels, to publish notices of all meetings upon request of an Ethics Panel chair, and to serve as the recording Clerk for the Ethics Panels.

SECTION 3-108. LIMITATION OF LIABILITY

- (a) No member of an Ethics Panel, or any person acting on behalf of an Ethics Panel, shall be liable to any person for any damages arising out of the enforcement or operation of this Chapter, except in the case of willful or wanton conduct. This limitation of liability shall apply to the County, the members of the Ethics Panels, and employees of the Ethics Panels, and any person acting under the direction of an Ethics Panel.

SECTION 3-109. ADVISORY OPINION

- (a) An Ethics Panel shall be assembled, using the same assembly process as set forth in section 3-102, to render an advisory opinion based on a real or hypothetical set of circumstances when requested to do so in writing by a County official or employee related to that County official's or employee's conduct or transaction of business. Such advisory opinions shall be rendered pursuant only to a written request, fully setting forth the circumstances to be reviewed by the Ethics Panel. The proceedings of the Ethics Panel pursuant to this section shall be held in public to the extent consistent with state law, and the opinions of the Ethics Panel shall be made available to the public.

SECTION 3-110. COMPLAINTS

- (a) Ethics Panels shall be responsible for hearing and deciding any complaints filed regarding alleged violations of this Chapter by any person. The following procedures shall be followed when filing a complaint:
- (b) Any person may file a complaint alleging a violation of any of the provisions of this Chapter by submitting it to the Ethics Panel Clerk. A copy of such complaint shall be immediately delivered by hand, facsimile or email to the County official or employee against whom the complaint was filed with a second copy being provided to the County office or employee by registered mail. The complaint must be supported by affidavits based on personal knowledge, shall set forth such facts as would be admissible in evidence, and shall show affirmatively that the affiant is competent to testify to the matters stated therein. All documents referred to in an affidavit should be attached to the affidavit. The person filing the complaint shall verify the complaint by his signature thereon. Every ethics complaint shall be signed and notarized, and shall contain the following statement:

"I have read the ethics complaint and aver that the facts contained therein are true to the best of my knowledge and belief."

- (c) The complaint must contain the full legal name of the complainant along with a current valid mailing address, phone number, and, if applicable, an email address.
- (d) A complaint must be filed within six months of the date the alleged violation is said to have occurred, or in case of concealment or nondisclosure within six months of the date the alleged violation should have been discovered after due diligence. If the Ethics Panel Clerk makes an initial determination that a complaint is technically deficient, the Ethics Panel Clerk shall submit a list of the deficiencies to the complainant and offer the complainant the opportunity to correct the deficiencies within seven days prior to the complaint being dismissed on technical grounds. For purposes of this Chapter, “technical deficiencies” shall mean that the complaint is not supported by affidavits based on personal knowledge, is not signed and notarized, pertains to conduct occurring more than six months prior to the complaint being filed or contains no statement that the conduct was concealed or non-disclosed, or does not contain the full legal name, mailing address, or phone number of the complaining party. Unremedied technical deficiencies shall authorize the Ethics Panel Clerk to dismiss the complaint.
- (e) Upon receipt of a complaint alleging misconduct, the County official or employee against whom the complaint was filed may reply to the complaint within 30 days, unless such time for reply is extended by the Ethics Panel upon good cause shown. The response of the County official or employee must be supported by affidavits based on personal knowledge, must set forth such facts as would be admissible in evidence, and must show affirmatively that the affiant is competent to testify to the matters stated therein. All documents referred to in an affidavit should be attached to the affidavit.
- (f) Within 60 days of receipt of a complaint, the Ethics Panel shall conduct an investigatory review to determine whether specific substantiated evidence from a creditable source(s) exists to support a reasonable belief that there has been a violation of this Chapter. In addition to any notice required under the Georgia Open Meetings Act, the Clerk shall provide written notice to the party tendering the complaint, and the official or employee that is the subject of the complaint, of the date, time and location of the Ethics Panel meeting where the investigatory review is to be conducted. This notice shall be provided via statutory overnight or certified mail delivered to the residence or other provided address of the respective party, with said notice to be received a reasonable time and in no event less than two days prior to the date of said meeting. The above notice notwithstanding, neither the complaining nor responding party shall be entitled to make a presentation or otherwise address the Ethics Panel during the investigatory review meeting. The opportunity for presenting evidence and otherwise addressing the Ethics Panel shall occur in accord with subparagraph (g) of this section. If after reviewing the complaint the Ethics Panel by majority vote determines that no specific, substantiated evidence from a credible source(s) exists to support a reasonable belief that there has been a violation of this Chapter or determines that no violation occurred, it may dismiss the complaint without further proceedings. In the event a complaint is dismissed based upon the merits of the complaint or after the formal public hearing, the complaint may not be re-filed.

- (g) If the Ethics Panel determines that specific, substantiated evidence from a creditable source(s) exists to support a reasonable belief that there has been a violation of this Chapter, certified written notice of a hearing, containing the time, date and place of such hearing, shall be given to each party by the Ethics Panel, and a formal public hearing shall be conducted and both parties afforded an opportunity to be heard. Any formal public hearing shall be conducted in accordance with the requirements of due process. The Ethics Panel is authorized to swear witnesses.
- (h) Any final determination resulting from the hearing shall include written findings of fact and conclusions of law. The Ethics Panel shall determine if clear and convincing evidence shows any violation of this Chapter.
- (i) In the event an ethics complaint brought against a County official or employee (both hereafter referred to as "Respondent") arising out of their official duties is dismissed based upon the merits of the complaint or after the formal public hearing, the Respondent shall be entitled to reimbursement for reasonable attorney's fees and costs incurred in defending said ethics complaint. Upon securing a final determination by the Ethics Panel of the complaint being dismissed, the Respondent shall submit a copy of the order making such findings to the Newton County Manager along with a copy of all applicable itemized attorney's fees and costs incurred in defending same. The itemized attorney's fees and costs shall have attorney time and tasks broken down in 1/10 of an hour increments along with the attorney's hourly fee, and all other itemized costs coupled with a sworn statement by the attorney that the amount submitted for repayment is the same amount for which the Respondent would otherwise have been responsible. No paralegal or other expenses shall be subject to reimbursement.
- (j) The County Manager shall submit, within three business days of receipt, the attorney fee statement to the County Attorney for a determination of reasonableness, of which determination shall be provided in writing (or email) to the County Manager and Respondent within ten business days. Upon the fees being deemed reasonable, the County Manager shall submit all documentation to the Finance Department for issuance of a reimbursement check to the Respondent or Respondent's attorney, at Respondent's sole discretion, with reimbursement payment occurring within ten days from the date of the County Attorney's determination notification. In no event shall reimbursement under this paragraph exceed \$10,000.00.

SECTION 3-111. DISCIPLINARY ACTION

- (a) Employees are subject to the following penalties and actions for a violation of this Chapter:
 - (1) Written warning or reprimand;
 - (2) Suspension without pay;

- (3) Termination of employment; and
 - (4) Repayment to the County of any unjust enrichment.
- (b) County officials are subject to the following penalties and actions for a violation of this Code of Ethics:
- (1) Written warning, censure, or reprimand;
 - (2) Removal from office to the extent provided by state law; and
 - (3) Repayment to the County of any unjust enrichment.
- (c) Upon direction of an Ethics Panel, a petition may be filed for injunctive relief, or any other appropriate relief, in the Newton County Superior Court, or in any other court having proper venue and jurisdiction, for the purpose of requiring compliance with the provisions of this Chapter. In addition, the court may issue an order to cease and desist from the violation of this Chapter. The court may also void an official action that is the subject of the violation, provided that the legal action to void the matter was brought within 90 days of the occurrence of the official action, if the court deems voiding the action to be in the best interest of the public. The court, after hearing and considering all the circumstances in the case, may grant all or part of the relief sought. However, the court may not void any official action appropriating public funds, levying taxes or providing for the issuance of bonds, notes or other evidences of public obligation under this Chapter.
- (d) In addition to any other remedy provided in this Chapter, upon determination of a violation of this Code of Ethics, an Ethics Panel may recommend to the Board of Commissioners in writing that any contract, bid, or change order that was the subject of the violation should be cancelled or rescinded. The Board of Commissioners, however, shall retain the discretion to determine whether such a cancellation or rescission would be in the best interest of the County and shall not be bound in any way by a recommendation of an Ethics Panel.
- (e) An Ethics Panel may also forward its findings of fact and conclusions of law to the County District Attorney's office for appropriate action.

SECTION 3-112. JUDICIAL REVIEW

- (a) Any party against whom a decision of an Ethics Panel is rendered may obtain judicial review of the decision by writ of certiorari to the Newton County Superior Court. The application for the writ must be filed within 30 days from the date of the written decision. Judicial review shall be based upon the record. No party shall be entitled to a de novo appeal.

- (b) Upon failure to timely request judicial review of the decision by writ of certiorari as provided in this section, the decision shall be binding and final upon all parties.
- (c) The appellate rights afforded under this Chapter shall be in lieu of any right to appeal an adverse employment action under the County's personnel appeal processes, to the extent the County official or employee may be subject to the same.