



AGENDA WORK SESSION CITY OF STOCKBRIDGE

TUESDAY, OCTOBER 27, 2015 6:00 PM

Mayor & City Council

Tim L. Thompson, Mayor
Alphonso Thomas, Mayor Pro Tem
Robin Buschman, Councilwoman
Anthony S. Ford, Councilman
Lakisha Gantt, Councilwoman
Regina Lewis Ward, Councilwoman

Administration

Michael Harris, City Manager
Vanessa Holiday, City Clerk
Randi Rainey, Deputy City Clerk
Michael Williams, City Attorney

I. Call to Order

II. Roll Call

Present

Absent

Councilwoman Buschman

Councilwoman Lewis Ward

Mayor Pro Tem Thomas

Mayor Thompson

Councilman Ford

Councilwoman Gantt

III. Invocation

IV. Pledge of Allegiance

V. Adoption of the Agenda

VI. Draft Minutes 9/14/2015, 9/22/2015

PUBLIC COMMENTS

All persons wishing to speak for public comment must sign in with the City Clerk prior to the beginning of the meeting. You must sign your name, address, and phone number. You will be able to address the Mayor and Council for three (3) minutes. Speakers must respect all members of the elected body, officials, and staff. Defamation, unruliness and/or swearing will not be tolerated while meetings are in session.

OLD BUSINESS

NEW BUSINESS

Item #1 – Council Consideration - 2016 Professional Services Fee

Presented by: Dale Hall, Administration and Community Services Director

Item #2– Council Consideration – Kindness Week Resolution

Presented by: Michael Harris, City Manager

DISCUSSION:

Item #3 – Council Consideration - GMA City of Ethics Resolution and Ordinance

Presented by: Michael Williams, City Attorney

Item #4 – Updates

Presented by: Michael Harris, City Manager and Dale Hall, Administration and Community Services Director

Feasibility Studies – LCI – LMIG- Zoning Code - Sign Ordinance - Annexations

RFP's/Bids – Sanitation, City Hall, Municipal Court Repairs

CITY CLERK'S COMMENTS

Vanessa Holiday

CITY MANAGER'S COMMENTS

Michael Harris

COUNCIL'S COMMENTS

Councilwoman Buschman

Councilwoman Lewis Ward

Mayor Pro Tem Thomas

Councilman Ford

Councilwoman Gantt

MAYOR'S COMMENTS

Mayor Thompson

ANNOUNCEMENT OF UPCOMING MEETINGS & EVENTS

All meetings will be held at City Hall unless otherwise noted. Meeting dates and times are subject to change. Please check the city's website www.cityofstockbridge.com or contact City Hall offices at 770.389-7900 for information.

- City Council Meeting - Monday, November 9, 2015 6pm (Includes 2016 Budget Hearing) City Hall Council Chamber 2nd Floor.
- Veterans Day Parade – Wednesday, November 11, 2015 at 10am. Deadline to register is October 30th. Visit our website: cityofstockbridge.com/events for more information

- City Council Work Session Meeting - Tuesday, November 24, 2015 6pm (Includes 2016 Budget Hearing) City Hall Council Chamber 2nd Floor.
- All City offices will be closed Thursday, November 26th and Friday, November 27th for the Thanksgiving holiday.
- Holiday Festival – Tuesday, December 1, 2015 5 – 9 p.m. at the Merle Manders Conference Center 111 Davis Dr. Stockbridge, GA. Visit our website: cityofstockbridge.com/events

EXECUTIVE SESSION (Exemptions to the Georgia Open Meetings Act)

- ☐ A. Meeting to discuss or vote to authorize the settlement of a matter covered by the attorney-client privilege as provided in Georgia Code section 50-14-2(1) and 50-14-3(b)(1)(A). The subject discussed was [identify the case or claim discussed but not the substance of the attorney-client discussion].
- ☐ B. Meeting to discuss or vote to authorize negotiations to purchase, dispose of or lease property as provided in Georgia Code section 50-14-3(b)(1)(B).
- ☐ C. Meeting to discuss or vote to authorize the ordering of an appraisal related to the acquisition or disposal of real estate as provided in Georgia Code section 50-14-3(b)(1)(C).
- ☐ D. Meeting to discuss or vote to enter into a contract to purchase, dispose of, or lease property subject to approval in a subsequent public vote as provided in Georgia Code section 50-14-3(b)(1)(D).
- ☐ E. Meeting to discuss or vote to enter into an option to purchase, dispose of, or lease real estate subject to approval in a subsequent public vote as provided in Georgia Code section 50-14-3(b)(1)(E).
- ☐ F. Meeting to discuss or deliberate upon the appointment, employment, compensation, hiring, disciplinary action or dismissal, or periodic evaluation or rating of a public officer or employee as provided in Georgia Code section 50-14-3(b)(2).
- ☐ G. Meeting to interview one or more applicants for the position of the executive head of an agency as provided in Georgia Code section 50-14-3(b)(2).
- ☐ H. Pursuant to the attorney-client privilege and as provided by Georgia Code section 50-14-2(1), a meeting otherwise required to be open was closed to the public in order to consult and meet with legal counsel pertaining to pending or potential litigation, settlement, claims, administrative proceedings, or other judicial actions brought or to be brought by or against the agency or any officer or employee or in which the agency or any officer or employee may be directly involved and the matter discussed was [identify the matter but not the substance of the discussion].
- ☐ I. Staff meeting held for investigative purposes under duties or responsibilities imposed by law as provided by Georgia Code section 50-14-3(a) (1).

Motion to Adjourn.

**DRAFT MINUTES
SPECIAL CALLED
MEETING**

09/22/2015



DRAFT MINUTES SPECIAL CALLED MEETING CITY OF STOCKBRIDGE

TUESDAY, SEPTEMBER 22, 2015 6:00 PM

Mayor & City Council

Tim L. Thompson, Mayor
Alphonso Thomas, Mayor Pro Tem
Robin Buschman, Councilwoman
Anthony S. Ford, Councilman
LaKeisha Gantt, Councilwoman
Regina Lewis Ward, Councilwoman

Administration

Michael Harris, City Manager
Vanessa Holiday, City Clerk
Randi Rainey, Deputy City Clerk
Michael Williams, City Attorney

Mayor Thompson called the Special Called Meeting to order at 6:00pm. City Clerk, Vanessa Holiday was asked to proceed with a verbal roll call. All members of Council were present in which a quorum was confirmed.

Invocation was provided by Councilman Ford.

Pledge of Allegiance was recited in unison by all in attendance.

Councilman Thomas made a motion to adopt the Special Called Meeting agenda; a second by Councilman Ford was provided; the motion passed 5-0.

Presented by: Kevin Walter, Public Works Director presented to the Council a Resolution to approve the 2015 LMIG (Local Maintenance Improvement Grant) project list. Mr. Walter noted that the City advertised for paving of 11 different roads totaling 3.5 miles. The City received three qualified bidders for the 2015 LMIG project list, and the lowest bidder was E.R. Snell. The City received a grant of \$182,678.62 from LMIG. Mr. Walter asked that the council approve the E.R. Snell bid with monies from SPLOST4 in the amount of \$489,520.00. Motion to approve made by Councilman Thomas; second by Councilwoman Gantt. The motion passed 5-0.

Councilman Ford made a motion to enter into Executive Session for A, F & H to discuss litigation and personnel matters; second by Councilman Thomas. The motion passed 4-0-1 (Councilwoman Buschman abstained).

Councilman Ford made a motion to adjourn the Executive Session; second by Councilwoman Buschman. The motion passed 5-0.

Councilman Thomas made a motion to reconvene the Special Called Meeting; second Councilman Ford. The motion passed 5-0.

Motion to Approve Mutual Release and Settlement Agreement between the City of Stockbridge and Institute for Radiation Therapy, Inc. (IRT). Councilman Ford made a motion to approve; second by Councilwoman Gantt. The motion passed 4-0-1 (Councilwoman Buschman abstained.).

Councilman Thomas made a motion to adjourn; second by Councilman Ford. The motion passed 5-0.

Respectfully submitted by:

Vanessa Holiday, City Clerk

Timothy L. Thompson, Mayor

Item #1

Council Consideration 2016

Professional Services Fee

Presented by:

**Dale Hall Administration and
Community Services Director**



MEMORANDUM

TO: Michael C. Harris, City Manager
FROM: Dale A. Hall, Administration & Community Services Director
DATE: October 22, 2015
SUBJECT: Proposed Adjustment to Business License Fees

The Administration & Community Services Department, along with the City Clerk and Business License is in the process of researching and updating our current fee schedule for the City of Stockbridge.

According to the State of Georgia O.C.G.A. § 48-13-10 (g) (2), local governments are allowed to charge an occupational tax of up to \$400 for registration of professional services (Attachment #1 – Georgia Code). Multiple neighboring jurisdictions have set their fees for occupational taxes at this maximum amount allowed by statute (Attachments #2 – Jurisdiction examples).

For the past ten years, the City has charged \$250.00 for practitioners (Attachment #3 – Stockbridge Code Excerpt).

Therefore it is the recommendation of Staff that the City Council approve amending the occupational tax fee for practitioners from \$250.00 to \$400.00.

We currently have approximately 250 practitioners within the City limits. While it is not our intention to appear counter to business development, we feel that this increase will allow our City to continue to provide the level of services expected by our Citizens.

We have drafted a letter from our Business License Department that will be sent out to each business if this recommendation is approved (Attachment #4 – Notification Letter).

Staff will continue working on the overall Fee Schedule and will present information at a future Work Session.

Pages: 4

GEORGIA CODE
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TITLE 48. REVENUE AND TAXATION
CHAPTER 13. SPECIFIC, BUSINESS, AND OCCUPATION TAXES
ARTICLE 1. GENERAL PROVISIONS

§ 48-13-10. Determining amount of occupation tax; criteria for classification of businesses and practitioners; administrative fee; exemptions or reduction in fees for economic development; election of tax by practitioner

(1) The number of employees of the business or practitioner as computed on a full-time position basis or full-time position equivalent basis, provided that for the purposes of this computation an employee who works 40 hours or more weekly shall be considered a full-time employee and that the average weekly hours of employees who work less than 40 hours weekly shall be added and such sum shall be divided by 40 to produce full-time position equivalents;

(3) Gross receipts of the business or practitioner in combination with the profitability ratio for the type of business, profession, or occupation as measured by nation-wide averages derived from statistics, classifications, or other information published by the United States Office of Management and Budget, the United States Internal Revenue Service, or successor agencies of the United States; or

(b) Local governments which classify businesses and practitioners by the criterion described in paragraph (3) of subsection (a) of this Code section are authorized but not required to limit the geographic area in which gross receipts shall be taxed to that local government's jurisdiction.

(c) Local governments which classify by the criteria described in paragraph (2) or (3) of subsection (a) of this Code section shall rank the businesses and practitioners according to the profitability ratio described in paragraph (2) of subsection (a) of this Code section. After such

Attachment #1 – Georgia Code

10/21/2015 Search - 1 Result - § 48-13-10, Determining amount of occupation tax; criteria for classification of businesses and practitioners; administrative fee; exa...

ranking, the local government shall establish profitability classifications which do not overlap before setting one or more rates of taxation for each classification. Such local governments are not authorized to apply to any classification a rate of taxation greater than the rate applied to another classification which includes a business or practitioner with a higher profitability ratio, except that local governments are authorized but not required to apply different rates of taxation within the same profitability classification by dollar range of gross receipts. Local governments using such different rates of taxation within the same profitability classification shall use the same dollar ranges of gross receipts for each profitability classification and shall not apply to any business or practitioner a rate of taxation greater than the rate applied to the same dollar range of gross receipts in another classification which includes a business or practitioner with a higher profitability ratio.

(d) Local governments which classify by the criterion described in paragraph (1) of subsection (a) of this Code section are authorized but not required to adopt more than one rate of taxation per employee.

(e) The occupation tax may include an administrative fee.

(f)(1) Notwithstanding any other provision of this article, local governments may by ordinance or resolution provide for an exemption or reduction in occupation tax or a credit against occupation tax owed to one or more types of businesses or practitioners of occupations or professions as part of a plan for economic development or attracting, encouraging, or maintaining selected types of businesses or practitioners of selected occupations or professions. Such exemptions or reductions in occupation tax shall not be arbitrary or capricious.

(2) Exemptions or reductions in occupation tax pursuant to paragraph (1) of this subsection may include but shall not be limited to the following:

(A) Absolute dollar amount limitations on the total amount of tax, either by criterion or combination of criteria used for classification or for businesses and practitioners, provided that a jurisdiction which provides an absolute dollar amount limitation on the total amount of tax shall levy and collect such maximum tax only once on each business entity or practitioner even if a business or practitioner has more than one office or location within the jurisdiction;

(B) Tax credits for the retention or creation of jobs, or for jobs of a specific description, including but not limited to entry level jobs or jobs with compensation of a specified range;

(C) Tax credits for other taxes paid to the local government, including but not limited to ad valorem taxes;

(D) A tax exemption or a lower rate of taxation for sales to customers outside the jurisdiction of the local government;

(E) A credit or rebate to businesses or practitioners who paid occupation taxes in the previous year;

(F) A limitation on the dollar or percentage amount of increase in tax from a base year to a subsequent year, provided that the limitation is made applicable to new businesses or practitioners by imputing the gross receipts, profitability ratio, or number of employees of the subsequent year to the base year in calculating tax for the base year, tax for the subsequent year, and the increase in tax; and

(G) A credit or reduction as an adjustment for seasonal fluctuations in the number of employees, other fluctuations in the number of employees, increases or decreases in the number of employees, or temporary employees.

(g) Practitioners of professions and occupations who are listed in paragraphs (1) through (18)

Attachment #1 – Georgia Code

10/21/2015 Search - 1 Result - § 48-13-10, Determining amount of occupation tax; criteria for classification of businesses and practitioners; administrative fee; exo...

of subsection (c) of Code Section 48-13-9 shall elect as their entire occupation tax one of the following:

(1) The occupation tax resulting from application of the other provisions of this article; or

(2) A fee to be set by the local government, not to exceed \$400.00 per practitioner who is licensed to provide the service, such tax to be paid at that practitioner's office or location; provided, however, that a practitioner paying according to this paragraph shall not be required to provide information to the local government relating to the gross receipts of the business or practitioner.

(h) Notwithstanding any other provision in this article, any local government levying an occupation tax is authorized to request payment of such occupation tax from and accept payment from a partnership, corporation, or other business entity composed of practitioners subject to the election set out in subsection (g) of this Code section for each such practitioner.

HISTORY: Code 1981, § 48-13-10, enacted by Ga. L. 1993, p. 1292, § 7; Ga. L. 1995, p. 419, § 1; Ga. L. 1999, p. 749, § 4.

Attachment #2 -- Jurisdiction Examples

V18/2016

Henry County, GA Code of Ordinances

Sec. 2-4-34. - Calculation of occupation taxes; tax returns; confidentiality.

- (a) Except as provided in subsections (b) and (c) of this Code section, the occupation tax provided by this article shall be calculated based upon minimum and maximum flat fees and a formula utilizing gross receipts and profitability ratios. The gross receipts of each business or occupation subject to taxation shall be determined based upon a return filed by each taxpayer, as hereinafter provided. Profitability ratios shall be determined by reference to the dominant line of business or service of the business or occupation and the standard industrial classification code for that business or occupation as published by the United States Office of Management and Budget, the Internal Revenue Service or successor agencies of the United States. The tax due from each business or occupation subject to taxation between the minimum and maximum flat fees shall be calculated by multiplying the business or occupation's gross receipts by the factors indicated in the following table, by profitability class. The minimum and maximum fees are also indicated on the table;

Tax Class by Profitability Ratio	Minimum Tax	Maximum Tax	Tax Rate
Class 1	\$50.00	\$6,050.00	\$50.00 plus .02500 per cent of gross receipts above \$200,000
Class 2	55.00	6,655.00	\$55.00 plus .02750 per cent of gross receipts above \$200,000
Class 3	61.00	7,320.00	\$61.00 plus .030300 per cent of gross receipts above \$200,000
Class 4	67.00	8,052.00	\$67.00 plus .03330 per cent of gross receipts above \$200,000
Class 5	73.00	8,857.00	\$73.00 plus .03660 per cent of gross receipts above \$200,000

Attachment #2 – Jurisdiction Examples

0/10/2015

Henry County, GA Code of Ordinances

Class <u>6</u>	81.00	9,742.00	\$81.00 plus .04030 per cent of gross receipts above \$200,000
Class <u>7</u>	89.00	10,716.00	\$89.00 plus .04433 per cent of gross receipts above \$200,000

- (b) Practitioners of professions and occupations listed in paragraphs (1) through (18) of subsection (c) of OCGA Section 48-13-9 shall elect as their entire occupation tax either the occupation tax resulting from the calculation derived according to subsection (a) of this section or a flat fee of four hundred dollars (\$400.00).
- (c) Real estate brokers shall be subject to a business and occupation tax according to the criteria specified in OCGA Section 48-13-17 and subsection (a) of this Code section.
- (d) Gross receipts data to be utilized in calculating the tax due from each business or occupation shall be submitted to the county department charged with the duty of collecting the tax on a form to be provided by the county. Said gross receipts data shall be submitted on or before January 31 in each year beginning with 1997. In 1996, the information shall be submitted no later than March 1. All such information shall be submitted under oath.
- (e) All occupation taxes levied pursuant to this article shall be calculated based on the gross receipts of the business for the calendar year for which the tax is levied. However, for the convenience of the county and the taxpayer, each business or occupation subject to the tax shall, on or before the dates indicated in the preceding subsection (d), provide the county with the required information concerning gross receipts during the preceding calendar year. This information shall be utilized to calculate the estimated tax due from each business or occupation for the current calendar year. The actual and final amount of tax levied shall be paid in accordance with the gross receipts data submitted for the succeeding calendar year. If the amount of estimated tax paid is less than the actual amount due based upon the actual gross receipts of the business for the tax year, then the difference shall be due and payable by the taxpayer on or before the deadline for payment of taxes in the succeeding year. If the estimated amount paid for a tax year exceeds the amount due based upon the actual gross receipts of the business for the tax year, then the difference shall be refunded by the county or, if the business or occupation continues to be conducted during the succeeding tax year, the overpayment for the previous year will be credited by the county against the estimated tax due for the succeeding tax year.
- (f) Information provided to the county by a business or practitioner of an occupation or profession for the purpose of determining the amount of occupation tax for the business or practitioner of a profession shall be confidential and exempt from inspection or disclosure, except that the same may

Attachment #2 - Jurisdiction Examples

8/18/2015

Henry County, GA Code of Ordinances

be disclosed to the governing authority of another local government for occupation tax purposes or pursuant to court order or for the purpose of collection of occupation tax or prosecution for failure or refusal to pay occupation tax.

- (g) If a business or a practitioner of a profession has more than one (1) location or office subject to taxation pursuant to this article, then the gross receipts of the business shall be allocated as follows:
- (1) Where the dollar amount of the gross receipts of the business or practitioner can be allocated to one (1) or more of the locations or offices on the basis of product manufactured in that location or office or service provided for compensation in that location or office, the gross receipts generated by each location or office shall be separately taxed;
 - (2) Where the dollar amount of gross receipts cannot reasonably be allocated among multiple locations or offices, the total gross receipts shall be divided by the number of locations or offices of the business or practitioner, and an equal percentage of the total gross receipts of the business or practitioner shall be allocated to each location or office;
 - (3) In no instance shall the sum of the portions of the total gross receipts of a business or practitioner exceed one hundred (100) percent of the total gross receipts of the business or practitioner.

(Ord. No. 95-03, 5-1-95; Ord. No. 96-01, § 1, 1-16-96)

Attachment #2 -- Jurisdiction Examples

3/18/2016

Jonesboro, GA Code of Ordinances

Sec. 18-44. - Professionals.

- (a) Practitioners of professions and occupations as described in O.C.G.A. § 48-13-9(c)(1)–(22) shall elect as their entire occupation tax one of the following:
- (1) The occupation tax based on gross receipts combined with profitability ratios as set forth in section 18-40; or
 - (2) A fee of \$400.00 per practitioner who is licensed to provide the service, each tax to be paid at the practitioner's office or location; provided, however, that a practitioner paying according to this subsection (a)(2) shall not be required to provide information to the local government relating to the gross receipts of the business or practitioner. The per-practitioner fee applies to each person in the business who qualifies as a practitioner under the state's regulatory guidelines and framework.
- (b) Pursuant to a settlement agreement dated June 22, 1998, attorneys, licensed by the state to practice law shall pay a fee of \$200.00 per practitioner subject to the rules listed under subsection (a)(2) of this section, or they may elect to pay based on subsection (a)(1) of this section, and an administrative fee may also be charged.
- (c) This election is to be made on an annual basis and must be done by January 1 of each year.
- (Ord. of 6-19-2000, § 1(3-2-8); Ord. of 8-14-2000(2), § 1(3-2-8))

8/18/2016

McDonough, GA Code of Ordinances

5.04.080 - Professionals as Classified In O.C.G.A. § 48-13-9(c)(1)–(c)(18).

- A. The following practitioners of professions and occupations, as described in O.C.G.A. § 48-13-9(c)(1) through (18), shall elect as their entire occupation tax either the option established in Subsection (2) or Subsection (3) of this Section, as outlined below:
1. Lawyers or attorneys-at-law;
 2. Physicians licensed under O.C.G.A. Title 43, Chapter 34;
 3. Osteopaths licensed under O.C.G.A. Title 43, Chapter 34;
 4. Chiropractors;
 5. Podiatrists;
 6. Dentists;
 7. Optometrists;
 8. Psychologists;
 9. Veterinarians;
 10. Landscape architects;
 11. Land surveyors;
 12. Practitioners of physiotherapy;
 13. Public accountants;
 14. Embalmers;
 15. Funeral directors;
 16. Civil, mechanical, hydraulic, or electrical engineers;
 17. Architects;
 18. Marriage and family therapists, social workers, and professional counselors.
- B. The occupation tax based on minimum fees and gross receipts combined with profitability ratios as set forth in Section 5.04.040 of this Chapter; or
- C. A fee of \$400.00 per practitioner who is licensed to provide the service, each tax to be paid at the practitioner's office or location; provided, however, that a practitioner paying according to this paragraph shall not be required to provide information to the City relating to the gross receipts of the business or practitioner. The per-practitioner fee applies to each person in the business who qualifies as a practitioner under the state's regulatory guidelines and framework.
- D. For purposes of this Section, a practitioner does not include an individual who is an employee of a business if such business pays an occupation tax.
- E. This election is to be made on an annual basis and must be done by January 15th of each year. If no election is made, the tax shall be levied as if Section 5.04.040 were elected.
- F. It is the intention of the Mayor and Council that no portion of this taxation plan be construed to be, or that the practical effect is the, regulation of, or operates as a precondition on the practice of state regulated professions. If any provision hereof shall be construed by a court of competent jurisdiction to be an unlawful regulation of such profession, then such provision shall be considered rescinded by the Mayor and Council as if such provision has not been adopted, and in such case, the remaining provisions of this chapter shall be applied to such practitioner.

Attachment #2 – Jurisdiction Examples

8/18/2016

McDonough, GA Code of Ordinances

- G. For those entities defined in this Chapter and in O.C.G.A. 48-13-9(c)(1) as practitioners of professions and occupations who are lawyers or attorneys engaged in the practice of law, each such occupation tax levy shall be for the preceding calendar year, beginning in 2010 and continuing in succeeding years thereafter unless otherwise specifically provided. The occupation tax return and occupation tax from lawyers shall be due and payable January 15th of each year for the 12-month period ending December 31st of the preceding year, and if not paid by April 1st of each year, such practitioners shall be subject to a ten percent (10%) penalty for delinquency. In no event will a practitioner or occupant who is a lawyer or an attorney engaged in the practice of law be subject to the one hundred dollar (\$100.00) penalty for filing a late occupation tax return with the City.

(Ord. No. 10-10-4(E), § 1, 10-4-2010)

9.01.090 - Taxation of professionals.

- A. Practitioners of professions, as defined in Section 9.01.010 of this chapter, shall elect for their occupation tax either:
 - 1. The occupation tax as set forth in Section 9.01.040 of this chapter; or
 - 2. A tax of two hundred fifty dollars (\$250.00) for each practitioner who is licensed to provide the service, such tax to be paid at the practitioner's office or location.
- B. Election of the method of assessment shall be made on or before twelve (12:00) noon on the last Friday of each year. Prior to the actual assessment.
- C. In the event practitioners of professions are engaged in a firm or group of other practitioners of professions, the firm or group may choose to pay on behalf of the associated professionals pursuant to the code section set forth in Section 9.01.040 of this chapter, or two hundred fifty dollars (\$250.00) per individual practitioner as set forth in subsection (A)(2) of this section.

(Ord. 06-163 § 3, 2006)

November 10, 2015

Dear Business Owner:

Thank you for being such a loyal and consistent business owner here in the City of Stockbridge. Your satisfaction is very important to us, and we hope we have been successful in providing you with excellent customer service.

On November 9, 2015, the City of Stockbridge approved the Professional Flat Rate of \$400 per professional for Annual Business License Certificates.

State of Georgia O.C.G.A § 48-13-10 (g) (2):

A fee to be set by the local government, not to exceed \$400 per practitioner who is licensed to provide the service, such tax to be paid at the practitioner's office or location; provided, however, that a practitioner paying according to this paragraph shall not be required to provide information to the local government relating to the gross receipts of a business or practitioner.

The fee goes into effect beginning January 1, 2016 and has been reflected on the 2016 invoice.

If you have any questions or need further assistance, please contact our Occupational Tax office for assistance.

Uneeda M. Smith-Sellers

Uneeda M. Smith-Sellers
Usmith-sellers@cityofstockbridge-ga.gov
770-389-7900 ext. 251

Item #2

Council Consideration Kindness Week Resolution

**Presented by:
Michael Harris
City Manager**

RESOLUTION NO. _____

A RESOLUTION TO PROCLAIM THE WEEK OF NOVEMBER 9, 2015, THROUGH NOVEMBER 15, 2015, AS "KINDNESS WORKS, PASS IT ON" WEEK; TO REPEAL INCONSISTENT PROVISIONS; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

WITNESSETH:

WHEREAS, the City of Stockbridge, Georgia ("City") is a public body, corporate and politic, duly chartered as a municipal corporation and existing under the laws of the State of Georgia; and

WHEREAS, Random Acts of Kindness are the expression of our empathy and compassion for one another; and

WHEREAS, the City's annual "Kindness Works, Pass It On" week-long celebration is in conjunction with National Kindness Week commencing on Monday, November 9, 2015 and continuing through Sunday November 15, 2015; and

WHEREAS, City of Stockbridge will celebrate acts of kindness by encouraging schools, churches, employees and community groups to participate in "Kindness Works, Pass It On" week.

THEREFORE, IT IS NOW RESOLVED BY THE CITY COUNCIL OF THE CITY OF STOCKBRIDGE, GEORGIA, AS FOLLOWS:

1. **Proclamation of Kindness Week.** The Council of the City of Stockbridge Georgia, do hereby proclaim the week of November 9 through November 15, 2015, as "Kindness Works, Pass It On" week and urge all of the City's residents to join us in celebrating and performing acts of kindness during the week of November 9 through November 15, 2015.

2. **Public Purpose.** The City finds that the foregoing actions constitute a major step in preserving the health, well-being and economic vitality of the community and are, therefore, consistent with its public purposes and powers.

3. **Severability.** To the extent any portion of this Resolution is declared to be invalid, unenforceable, or nonbinding, that shall not affect the remaining portions of this Resolution.

4. **Repeal of Conflicting Provisions.** All City resolutions are hereby repealed to the extent they are inconsistent with this Resolution.

5. **Effective Date.** This Resolution shall take effect immediately.

THIS RESOLUTION adopted this _____ day of _____, 2015.

ATTEST:

TIM THOMPSON, Mayor

City Clerk

Item #2

Council Consideration Kindness Week Resolution

Presented by:
Michael Harris
City Manager

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ATTEST:

TIM THOMPSON, Mayor

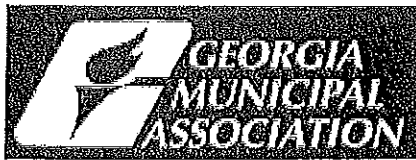
City Clerk

Item #3

DISCUSSION:

**Council Consideration
GMA City of Ethics
Resolution and Ordinance**

Presented by:
Michael Williams
City Attorney

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Cities Of Ethics

[Viewpoints](#)[Overview](#)[FAQ](#)[County/Organization of Ethics](#)[Participating Entities](#)

At-a-Glance

GMA's Cities of Ethics program is not in any way approval of past or present conduct by the city or any city official. Instead, it is an attempt to raise awareness about ethics issues at the local level and provide a local forum for the airing and resolution of legitimate concerns. The use of a local ethics ordinance allows citizens to raise their concerns and participate in the ethics investigation process at the local level, where the voice and influence of the individual citizen is strongest.

Submission Deadlines

Mayors' Day Conference (held January of each year)

Cities that would like their ordinance reviewed in time to be recognized during GMA's annual Mayors' Day Conference must submit all materials by **November 30** of each year.

Annual Convention (held in June of each year) Cities that would like their ordinance reviewed in time to be recognized during GMA's Annual Convention must submit all materials

by **April 30** of each year.

Becoming a City of Ethics

To earn a "Certified City of Ethics" designation, a city must take two actions.

Adopt a resolution establishing the five ethics principles for the conduct of your city's officials.

These principles are designed to guide the elected officials as individuals and as a governing body. These principles are:

- Serve others, not ourselves
- Use resources with efficiency and economy
- Treat all people fairly
- Use the power of our position for the well being of our constituents
- Create an environment of honesty, openness and integrity

The adopted resolution must include or at least reference the definitions of these principles. A sample resolution is available from GMA. A majority of the city's elected governing body must sign the resolution.

Adopt an ethics ordinance that meets minimum standards approved by the GMA Board.

The ordinance must contain definitions, an enumeration of permissible and impermissible activities by elected officials, due process procedures for elected officials charged with a violation of the ordinance and punishment provisions for those elected officials found in violation of the ordinance.

City officials should consult GMA's Sample Ethics Ordinance (see link at right) when considering provisions to include in a comprehensive codes of ethics. This document is the most recent and most accurately reflects the types of provisions essential to a local ethics

ordinance. For general guidance in facing ethical dilemmas on a day-to-day basis and on state ethics laws, see GMA's publication "Ethics in Government: Charting the Right Course."

Following their adoption, the resolution and ordinance should be mailed to:

Georgia Municipal Association
Attention: Legal Department
201 Pryor Street, SW
Atlanta, Georgia 30303

The resolution and ordinance will be forwarded to the GMA Ethics Certification Committee, which is comprised of the Executive Committee of the GMA City Attorneys Section, for their review. If this panel of attorneys determines that both items meet the established requirements, the city will be designated as a "Certified City of Ethics."

Recognition for Certified Cities of Ethics

Each city designated as a Certified City of Ethics will receive a plaque and a logo which can be incorporated into city stationery, road signs and other materials at the city's discretion. In addition, GMA will send press releases to the local media notifying them that the city has earned this designation.

Cities of Ethics

Acworth	Jonesboro
Adairsville	Kennesaw
Albany	Kingsland
Alma	LaGrange
Alpharetta	Lake Park
Aragon	Lakeland
Arcade	Lavonia
Ashburn	Lincolnton
Atlanta	Lithonia
Attapulgus	Locust Grove
Auburn	Loganville
Augusta	Lovejoy

Avondale Estates
Baconton
Bainbridge
Ball Ground
Barnesville
Baxley
Blackshear
Blairsville
Blakely
Bloomingdale
Blythe
Bowdon
Braselton
Bremen
Brookhaven
Brooklet
Brunswick
Buford
Butler
Byron
Cairo
Calhoun
Camilla
Canton
Carl
Carnesville
Cartersville
Cave Spring
Cedartown
Centerville
Chamblee
Clarkston
Clayton
Cleveland
Cochran
Colquitt

Luthersville
Lyerly
Macon-Bibb County
Madison
Marshallville
Maysville
McDonough
Meansville
Metter
Midway
Milledgeville
Millen
Milner
Milton
Monroe
Montezuma
Monticello
Morrow
Moultrie
Mount Airy
Mount Vernon
Mountain Park
Nashville
Nelson
Newnan
Nicholson
Oakwood
Ocilla
Patterson
Peachtree City
Peachtree Corners
Pembroke
Perry
Pine Lake
Portal
Powder Springs

Columbus	Quitman
Commerce	Ray City
Cordele	Reidsville
Cornelia	Remerton
Covington	Reynolds
Cuthbert	Riceboro
Dacula	Richmond Hill
Dahlonega	Ringgold
Dallas	Roberta
Dalton	Rochelle
Danielsville	Rockmart
Dawsonville	Rome
Decatur	Roswell
Dillard	Royston
Donalsonville	Sale City
Doraville	Sandersville
Douglas	Sandy Springs
Douglasville	Savannah
Dublin	Screven
Duluth	Senoia
Dunwoody	Sharpsburg
East Point	Sky Valley
Eastman	Snellville
Eatonton	Social Circle
Eton	Springfield
Euharlee	St. Marys
Fairburn	Statesboro
Fayetteville	Statham
Flemington	Stockbridge
Flovilla	Stone Mountain
Flowery Branch	Sugar Hill
Folkston	Suwanee
Forsyth	Swainsboro
Fort Oglethorpe	Sylvania
Fort Valley	Sylvester
Gainesville	Tallapoosa

Garden City
Glennville

Talmo
Thomaston

Good Hope

Thomson

Gordon

Thunderbolt

Grantville

Tifton

Grayson

Tiger

Greensboro

Toccoa

Griffin

Trion

Grovetown

Tybee Island

Guyton

Union City

Hahira

Union Point

Hamilton

Valdosta

Hampton

Varnell

Hapeville

Vidalia

Haralson

Vienna

Harlem

Villa Rica

Hartwell

Wadley

Hawkinsville

Waleska

Hazlehurst

Walnut Grove

Helen

Walthourville

Higgston

Warm Springs

Hinesville

Washington

Hiram

Waverly Hall

Holly Springs

Waycross

Homeland

Waynesboro

Homerville

Winder

Hoschton

Winterville

Jackson

Woodbury

Jefferson

Woodstock

Jenkinsburg

Young Harris

Jesup

Zebulon

Johns Creek

Organizations Of Ethics

Buckhead Coalition, Inc.

Central Savannah River Area Regional

Georgia Mountains Regional Commission

Northwest Georgia Regional Commission

Commission

Central Valdosta DDA

Cobb Travel & Tourism

Southern Georgia Regional Commission

Southwest Georgia Regional Commission

Counties Of Ethics

Cobb County

Paulding County

Jackson County

TAKE THE NEXT STEP

For more information about the City of Ethics program, you may contact:

- Susan Moore at (678) 686-6211.

OTHER RESOURCES

- Sample Ethics Ordinance
- Sample Resolution
- Ethics in Government: Charting the Right Course
- Establishing, Following Ethics Rules Raises the Level of Trust



P.O. Box 105377
Atlanta, GA 30348
(404) 688-0472
(888) 488-4462

MEMBER CITIES

SERVICES

ADVOCACY

TRAINING + EVENTS

NEWS + GRANTS

RESOLUTION

WHEREAS the Board of Directors of the Georgia Municipal Association has established a Certified City of Ethics program; and,

WHEREAS the City of _____, wishes to be certified as a Certified City of Ethics under the GMA Program; and,

WHEREAS part of the certification process requires the Mayor and Council to subscribe to the ethics principles approved by the GMA Board;

NOW THEREFORE BE IT RESOLVED by the governing authority of the City of _____, Georgia, that as a group and as individuals, the governing authority subscribes to the following ethics principles and pledges to conduct its affairs accordingly:

- * Serve Others, Not Ourselves
- * Use Resources With Efficiency and Economy
- * Treat All People Fairly
- * Use The Power of Our Position For The Well Being Of Our Constituents
- * Create An Environment Of Honesty, Openness And Integrity

RESOLVED this _____ day of _____, 20__.

Mayor

Councilmember

Councilmember

Councilmember

Councilmember

Councilmember

ATTEST:

Note: A copy of the approved resolution and ordinance by cities who desire to participate in the GMA "Certified City of Ethics" program should be submitted to GMA, Attention: Legal Department, 201 Pryor Street, SW, Atlanta, Georgia 30303

This sample ethics ordinance is provided only for general informational purposes and to assist Georgia cities in identifying issues to address in a local ethics ordinance. The ordinance is not and should not be treated as legal advice. You should consult with your legal counsel before drafting or adopting any ordinance and before taking any action based on this sample.

SAMPLE ETHICS ORDINANCE

City of _____

State of Georgia

ORDINANCE No. _____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF _____, GEORGIA TO PROVIDE A NEW CODE SECTION _____, 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 _____, 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 _____, 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.

NOW THEREFORE 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 well being of their constituents; and

Create an environment of honesty, openness and integrity.

NOW THEREFORE BE IT AND IT IS HEREBY ORDAINED:

Section 1.

That the Code of Ordinances of the City of _____, Georgia is hereby amended by adding sections to be numbered _____, Code of Ethics, which said sections read as follows:

"Sec. _____ 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 interest of the city;
- (c) Require disclosure by such officials of private financial or other interest in matters affecting the city; and
- (d) Serve as a basis for disciplining those who refuse to abide by its terms.

Sec. _____ SCOPE

The provisions of this code of ethics shall be applicable to all elected or appointed city officials.

Notwithstanding anything herein to the contrary, state law and the charter of the city shall be controlling 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. _____ 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 the city council, municipal court judges (including substitute judges), city manager, city clerk, 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 city council.

- (b) *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.
- (c) *Employee* means any person who is a full-time or part-time employee of the city.
- (d) *Immediate family* means the 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.
- (e) *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.
- (f) *Remote interest* means an interest of a person or entity, including a city official, which would be affected in the same way as the general public. 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.
- (g) *Substantial interest* means an interest, either directly or through a member of the immediate family, in another person or entity, where:
 - (1) the interest is ownership of five percent or more of the voting stock, shares or equity of the entity or ownership of \$5,000.00 or more of the equity or market value of the entity; or
 - (2) the funds received by the person from the other person or entity during the previous 12 months either equal or exceed
 - (a) \$5,000.00 in salary, bonuses, commissions or professional fees, or \$5,000.00 in payment for goods, products or services, or
 - (b) ten percent of the recipient's gross income during that period, whichever is less;
 - (3) the person serves as a corporate officer or member of the board of directors or other governing board of a for-profit entity other than a corporate entity owned or created by the city council; or
 - (4) the person is a creditor, debtor, or guarantor of the other person or entity in an amount of \$5,000.00 or more.

Sec. ____ **PROHIBITIONS**

- (a) No city official shall use such position to secure special privileges or exemptions for himself or herself or others, or to secure confidential information for any purpose other than official duties on behalf of the city.
- (b) No city official, in any matter before the 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.
- (c) No city official shall act as an agent or attorney for another in any matter before the city council or other city body.
- (d) No city official shall directly or indirectly receive, or agree to receive, any compensation, gift, reward, or gratuity in any matter or proceeding connected with, or related to, the duties of his office except as may be provided by law.
- (e) 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 his or her 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 city council and the city clerk.
- (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 state law.
- (h) 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) 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 city council and shall recuse himself/herself and take 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 such are lawfully available to the public.
- (k) 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) 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 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) 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) 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) No city official shall attempt to unduly influence the outcome of a case before the Municipal Court of the City of _____ nor shall any city official engage in ex parte communication with a municipal court judge of the City of _____ on any matter pending before the Municipal Court of the City of _____.

Sec. ____ **CONFLICT OF INTEREST**

- (a) 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) A city official who serves as a corporate officer or member of the board of directors of a nonprofit entity must disclose their interest 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) 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.

Sec. _____ **BOARD OF ETHICS**

Select Alternative A, B, C or D or draft another suitable alternative. If Alternative D is chosen, subsections (b) through (f) may be omitted. Alternative D can also be used in conjunction with one of the other alternatives to hear complaints against any member of the Board of Ethics or when the Board of Ethics cannot convene because appointed members of the Board of Ethics have conflicts of interest in hearing the matter.

Alternative A

- (a) The Board of Ethics of the City shall consist of three (3) residents of the City, one appointed by the mayor, one appointed by the city council, and the third appointed by the mayor and approved by a majority of the city council.

Alternative B

- (a) The Board of Ethics shall consist of three (3) residents of the City, one appointed by the mayor, one appointed by the council, and the third appointed by the two named Board members and approved by a majority of the city council. The third member of the Board of Ethics shall be a member in good standing of the State Bar of Georgia.

Alternative C

- (a) The Board of Ethics of the City shall be composed of three (3) residents of the City to be appointed as follows: the mayor and councilmembers shall each designate one (1) qualified citizen to provide a pool of ____ number of individuals who have consented to serve as a member of such Board of Ethics and who will be available for a period of two (2) years to be called upon to serve in the event a Board of Ethics is appointed. The City Clerk

shall maintain a listing of these qualified citizens. Upon receipt of a properly verified complaint and timely forwarding of that complaint to the city official charged in the complaint, the Mayor and Council, at the next regularly scheduled public meeting or at a specially called public meeting, shall draw names randomly from the listing of qualified citizens until three (3) members of the Board of Ethics have been appointed. Such Board will elect one of its members to serve as chair.

Alternative D

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

- (b) All members of the Board of Ethics shall be residents of the city for at least one (1) year immediately preceding the date of taking office and shall remain a resident while serving on the Board.
- (c) All members of the Board of Ethics shall serve a ____-year term.
- (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 years have elapsed from the date of the completion of the sentence without a 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 _____.

- (i) Upon appointment, members of the Board of Ethics shall sign an affidavit attesting to their qualification 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 city governing authority.

OR

- (j) Members of the Board of Ethics may be removed by majority vote of the city governing authority for cause including, but not limited to, failure to maintain any requirement for qualification to serve on the Board of Ethics.

Sec. _____ RECEIPT OF COMPLAINTS

Select Alternative A, B, C or D or draft another suitable alternative. If Alternative D is chosen, conform the language in the following sections by substituting "municipal court" for "board."

Alternatives A & B

- (a) All complaints against city officials shall 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.

Alternative C

- (a) All complaints against city officials shall be filed with the city clerk, who will give it to the Mayor and Council. The Mayor and Council 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. Upon receipt of a complaint in proper form, the city clerk or the clerk's designee 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.

Alternative D

- (a) All complaints against city officials shall be filed with the clerk of the Municipal Court of the City of _____. Upon receipt of a complaint in proper form, the municipal court clerk 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.

- (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 Board 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 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 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.
- (d) 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 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 Board of Ethics is empowered to conduct investigations, to take evidence, and to hold hearings to address the subject matter of a complaint.
- (f) The Board of Ethics is 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.
- (g) Findings of the Board of Ethics shall be submitted to the City Council for action.

Some elected officials raised concerns about potential misuse of the ethics complaint process for political purposes. The governing authority may elect to remain silent on this issue and allow local ethics complaints to be filed and processed at any time or the governing authority may consider Alternative A or B below or draft another suitable alternative.

Alternative A

- (h) To discourage the filing of ethics complaints solely for political purposes, complaints will not be accepted against a person seeking election as a city official, whether currently serving as a city official or not, from the date qualifying opens for the elected office at issue through the date the election results for that office are certified. The time for filing complaints will not run during this period. Properly filed complaints will be accepted and processed after the election results have been certified.

Alternative B

- (h) 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.

Sec. ____ **SERVICE OF COMPLAINT**

The city clerk or Board of Ethics 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 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 completion of the final hearing. At any hearing held by the Board of Ethics, 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 time 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 Board of Ethics or the city council to act upon any complaint.

Sec. ____ **RIGHT TO APPEAL**

- (a) Any city official or complainant adversely affected by the findings or recommendations of the Board of Ethics may obtain judicial review of such decision as provided in this Section.
- (b) An action for judicial review may be commenced by filing an application for a writ of certiorari in the Superior Court of X County within thirty (30) days after the decision of the Board of Ethics. The filing of such application shall act as supersedeas.

Sec. _____ **PENALTY**

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

- (a) Public reprimand or censure by the city council; or
- (b) Request for resignation by the city council."

Section 2.

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 3.

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

Section 4.

The adoption date of this ordinance is _____ and the effective date of this ordinance shall be _____.

ORDAINED this ____ day of _____, _____.

City of _____

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney.

Item #4

Updates

**Feasibility Studies – LCI –
LMIG- Zoning Code - Sign
Ordinance - Annexations
RFP's/Bids – Sanitation,
City Hall and Municipal
Court Repairs**

Presented by:

**Michael Harris, City Manager
and Dale Hall, Administration
and Community Services
Director**