



Standards of Ethical Conduct

A. **Declaration of Policy.** It is the policy of the Atlanta Regional Commission that Board members, Committee members, and employees will adhere to the highest standards of ethical conduct in the discharge of their official acts. In order to ensure the proper administration and operation of the Commission in pursuit of the public interest, Board members, Committee members, and employees will avoid any action, whether or not specifically prohibited in the following sections, which might result in, or create the appearance of:

1. Using public office for private gain.
2. Giving preferential treatment to any organization or person.
3. Impeding governmental efficiency or economy.
4. Making decisions outside official channels.
5. Losing independence or impartiality of action.
6. Denying any citizen or group access to the decision making process of the Commission.
7. Affecting adversely the confidence of the public in the integrity of the Commission.

The provisions which follow must be interpreted and understood so as not to deny unreasonably the persons covered by these standards, the opportunities available to all other citizens to acquire and maintain private interests not in conflict with their Commission duties and responsibilities.

B. **Definitions.** As used in this article:

1. "Business" means any enterprise engaged in by a person or organization for livelihood or profit.
2. "Commission" means the Atlanta Regional Commission including its Board members, Committee members, and employees.
3. "Board member" means a public or at-large member of the Commission as defined in the Commission ByLaws.
4. "Committee member" means any member of the Committees established under the Commission ByLaws.
5. "Confidential information" means any information, which, by law is not available to the public.
6. "Consultant" means any person, business or agency, not a Commission member, a Committee member, or employee, who is retained, designated, or specially employed to render services of a technical or professional nature, whether paid or unpaid, and who has other personal or private employment.

7. "Contract" means any arrangement or agreement between two or more parties, whether expressed or implied, executed or executory, verbal or in writing, that results in, or may result in, a direct or indirect material pecuniary benefit to one or more of the parties.
8. "Employee" means any person not a Board member or a Committee member holding an appointive position in the service of the Commission, whether part-time or full-time, temporary or regular, probationary or permanent. Unless otherwise provided, the term employee includes consultants.
9. "Ethics Committee" means the committee of the same name described in the Commission ByLaws.
10. "Immediate family" means an individual and his spouse and their parents, children, brothers and sisters, by blood or by law.
11. "Interest" means any direct or indirect material pecuniary benefit, which will or may accrue to a person as a result of a contract or transaction. A material pecuniary benefit is a benefit, which in the view of most members of the general public would have more than insignificant or incidental value. Unless otherwise provided, the term interest does not include a remote interest. For the purpose of this article, a Board member, committee member or employee may be deemed to have an interest in a contract or transaction in which any of the following have an interest:
 - a. Any person in his immediate family.
 - b. His employer, business associate, or a principal customer or client.
 - c. A business in which he owns five percent or more of the ownership interests or in which he takes an active part in the management of the business.
 - d. A business in which he is a creditor, whether secured or unsecured.
12. "Official act or action" means, with respect to the Commission or a committee of the Commission, an action taken by the members of such body at an official meeting of same to adopt, reject or refuse to consider a resolution, recommendation, request or statement of policy or position brought before such body; and with respect to a Commission member, a Board member or an employee, an action taken in the exercise of his authority, or in the performance of his duties, on behalf of the Commission.
13. "Remote interest" means an interest arising solely from:
 - a. Being a non-salaried director, officer or employee of a non-profit corporation.
 - b. Being a holder of less than five percent of the ownership interests of a business in which such holder takes no active part in the management thereof.
 - c. Serving in a representative capacity, such as a receiver, trustee, or executor or administrator of an estate.
 - d. Being a member of a significant class of persons benefiting generally from an official act or action of the Commission but personally taking no special action to bring the matter before the Commission.
 - e. Owning an interest directly or indirectly, in real estate or a business that is located farther than one mile from a project included or proposed for inclusion in a Commission approved or adopted plan, or otherwise approved, adopted or proposed for approval or adoption by the Commission.
 - f. Being an employee of a business benefiting from an official act or action of the Commission, provided the employee's compensation or other pecuniary benefits are not directly or indirectly affected by the benefit received by the business. Continued prosperity of a business shall not be considered a direct or indirect effect on the employee's compensation or other pecuniary benefits.

- g. Owning an interest directly or indirectly, in real estate or a business that is located within one mile of a project included or proposed for inclusion in a Commission approved or adopted plan, or otherwise approved, adopted or proposed for approval or adoption by the Commission, where such project would not materially affect the value of such real estate or business. For purposes of this subsection, a transportation project which does not materially increase access to such real estate or business, a utility project which does not materially increase the availability of service to such real estate or business, and a public improvement of any other nature which does not materially increase the utilization of such real estate or business, shall be deemed not to materially affect the value of such real estate or business.
 - h. Such other circumstances which may be determined by the Ethics Committee to constitute a remote interest.
14. "Transaction" means the conduct of any activity that results in, or may result in a direct or indirect material pecuniary benefit to one or more parties to the activity.
 15. "Senior Staff" of the Commission means Center Directors and the Executive Director.

C. Gifts and Favors. No Board member, or Committee member, or employee shall solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan or any other thing of monetary value from any person, corporation or group which:

1. Has, or is seeking to obtain contractual, business or financial relationships with the Commission.
2. Conducts operations or activities, which are reviewed or regulated by the Commission.
3. Has an interest, which may be substantially, affected by the performance or non-performance of the Board member's or Committee member's or employee's duties.

This section shall not apply in the case of:

1. An occasional gift, gratuity, favor, or entertainment, of insignificant value. For the purpose of this provision, insignificant value means \$75.00 or less.
2. An award publicly presented in recognition of public service.
3. A commercially reasonable loan made in the ordinary course of business by an institution authorized by the laws of Georgia to engage in the making of such a loan.
4. Political contributions made to a candidate or a candidate's campaign.

D. Incompatible Employment. An employee shall not engage in any outside employment, which might result in a conflict, or apparent conflict, between the private interest of the employee and his official Commission duties and responsibilities. For the purpose of this article, the employment of a consultant by another client involving matters unrelated to any contract or transaction by or with the Commission shall not be deemed incompatible with such consultant's official duties.

E. Acquiring an Interest. No Board member, or Committee member, or employee, shall acquire an interest in any contract or transaction at a time when he believes, or has reason to believe, that such interest will be affected directly or indirectly by his official act or actions or by the official acts or actions of the Commission.

- F. Confidential Information.** A Board member, or Committee member, or employee may not directly or indirectly make use of, or permit others to make use of, for the purpose of furthering a private interest, confidential information acquired by virtue of his position or employment with the Commission.
- G. Review By Ethics Committee.** A Board member, Committee member, or employee, who has reason to believe that he has an interest which may be affected by his official acts or actions or by the official acts or actions of the Commission, shall disclose the precise nature and value of such interest by written statement to the Ethics Committee and ask for its opinion as to whether said interest is covered by this article and what action is required to be taken hereunder.
- H. Disclosure of Prior Position.** Prior to taking an official act or action on a matter to be acted upon by the Commission or a committee of the Commission, a Board member, or Committee member, as applicable, shall disclose to the Board or committee of the Board, as applicable, in public session, any prior public position taken on such matter within the twenty-four (24) month period preceding such official act or action by a group or organization to which such member shall belong or otherwise be actively involved in as an officer, board member, advisor or employee. This provision does not include positions taken by public, elected bodies.
- I. Disqualification.** A Board member, Committee member or employee shall disqualify himself from participating in any official act or action directly affecting a matter in which he has an interest.
- J. Contracts With Board Members, Committee Members, and Employees.** The Commission shall not enter into any contract involving services or property with a Board member, Committee member, or employee (as used in this section, employee shall not include consultants) or with a business in which a Board member, Committee member, or employee has an interest. This section shall not apply in the case of the following:
1. Designation of a bank or trust company as a depository for Commission funds.
 2. Borrowing of funds from any lending institution offering the lowest available rate of interest for such a loan.
 3. Contracts entered into with a business, which employs a consultant, likewise under contract with the Commission, provided that such employment is not incompatible with the consultant's obligations to the Commission.
 4. Contracts for goods or services entered into with a business, which is the only available source for such goods or services.
 5. An employee's employment contract with the Commission.
- K. Contracts Involving Former Board Members, Committee Members, and Employees.** The Commission shall not enter into any contract with, or take any official act or action favorably affecting any person, or business represented by or employing any person, who has been within the preceding twelve (12) months, a Board member, Committee member, or employee in the grade of Division Manager or higher, and who by virtue of his knowledge of Commission affairs and operations, would give the person or business unfair advantage over its competitors.

- L. Disclosure of Business Transactions with Local Governments.** Each employee shall comply with the provisions of Georgia Code Section 50-8-63, which provide that business transactions with any local government in excess of \$100 or any aggregate transactions in excess of \$2,000 shall be reported to the Commission and to the Commissioner of the Department of Community Affairs by January 31st of each year succeeding the year in which such business transactions took place.
- M. Ethics Committee.** The Chair of the Board shall appoint an Ethics Committee in accordance with the Commission ByLaws.
- N. Disclosure of Financial Interests.** Each Member at Large of the Commission, within 30 days of his or her appointment to the Commission and no later than January 31st of each year in which he or she is a member of the Commission, shall file with the Georgia Government Transparency and Campaign Finance Commission, an annual affidavit swearing that the director or member did not take any official action from which he or she derived personal gain in the previous calendar year. Each Public Member of the Commission shall file the required Personal Financial Disclosure Statement with the Georgia Government Transparency and Campaign Finance Commission on an annual basis. This annual filing may be done no earlier than January 1st and no later than July 1st each year. (O.C.G.A. § 21-5-50).
- O. Key Contact.** The Chair of the Ethics Committee is the Commission's key contact on ethics issues. As such, the Chair of the Ethics Committee will receive inquiries and complaints from the public, present the issues surrounding such inquiries and complaints to the Ethics committee for resolution and respond in writing to every inquiry and complaint received.
- P. Severability.** The provisions of this policy are severable and if any of the provisions shall be held unconstitutional or invalid by a court of competent jurisdiction, the decision of the court shall not affect or impair any of the remaining provisions.

I do hereby certify that the foregoing Standards of Ethical Conduct was adopted by the Atlanta Regional Commission on October 22, 2014; effective on January 1, 2015.



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