

City of Atlanta Ethical Standards for Contractors, Vendors, Customers, and Other Prohibited Sources

The City of Atlanta has a duty to promote public trust and protect the integrity of city government. Our Code of Ethics sets the standard for ethical conduct that, when followed, ensures that city officials and employees act in the best interest of the City of Atlanta. City contractors, vendors, and customers also have a role to play in building an ethical culture in city government by adhering to these standards when dealing with city officials and employees.

Key Gift Rules that Apply to Prohibited Sources

The Gift Ban

City contractors, vendors, customers, and other prohibited sources are not allowed to give personal gifts or anything of value to a city official or employee. Likewise, city officials and employees cannot accept anything of value, unless the gift falls under one of 11 exceptions. When in doubt about a gift, consider whether it is given with the intent to obtain special consideration, to influence the person performing an official duty, or to reward official action by the recipient. The best way to thank a city employee is to write a note, email, or letter of praise to the employee's supervisor.

Example: The cashier who assists a water customer with his accounts cannot accept \$20 for lunch in appreciation for the employee's services.

Example: A group of employees cannot accept a sales representative's offer to pay for their lunch, nor can a potential vendor provide lunch at a "Lunch and Learn" session hosted to demonstrate its latest product.

Example: An employee may not accept a city contractor's invitation to play in a charity golf tournament as the contractor's guest.

Prohibited Sources

How do you know if you're a prohibited source? Prohibited sources fall into several categories. They include a person, business, or entity that is:

- Seeking official action
- Doing or seeking city business
- Representing a client doing business, seeking business, or seeking official action
- Registered as a lobbyist with the Georgia Government Transparency and Campaign Finance Commission or
- Has an interest that could be substantially affected by an official or employee performing his or her official duties.

Example: The Metro Atlanta Chamber of Commerce, Central Atlanta Progress, and Atlanta Housing Authority are all registered lobbyists and, therefore, prohibited sources.

Example: Both a neighborhood civic association that frequently opposes rezoning and an advocacy group that receives a grant under the Community Block Grant Program are prohibited sources.

Example: A store owner whose building is undergoing an inspection is a prohibited source to the employees conducting the inspection.

Solicitations

City officials and employees may not solicit anything from you that might influence their vote, decision, or exercise of their official duty. They also should not make any one-on-one solicitations from companies doing business with their department. However, employees may solicit and receive donations from those engaged in city business when they do the following:

- Solicit in an official capacity for a city purpose, project, or program
- Make a broad public appeal for support (a mass mailing, press conference, newsletter, press release, public notice, or media interview)
- Accept the gift on behalf of the City
- Disclose the gift on an online Gift to the City Report

Example: An employee may not send emails or make telephone calls to department contractors and vendors to raise funds for an employee picnic during National Public Works Week.

Exceptions to the Gift Ban

For every rule, there is an exception. In this case, the most frequently used exceptions to the gift ban allow for meals at a public event, conference-related expenses, awards given in recognition of public service, and gifts to the City. There is also a holiday gift rule for perishable items and an official duty exception to the ban on tickets.

Food at Public Events

You are allowed to provide reasonable meals and refreshments to city officials and employees appearing in an official capacity at a ceremony, reception, fundraiser, annual meeting, conference, convention, or similar public event. To qualify as a public event, at least 20 persons must attend and the gathering must include persons besides city officials, employees, and the hosts.

Example: A pension board member may attend a customer appreciation event at the High Museum of Art as the guest of the board's financial advisor.

Example: A Municipal Court judge may accept an invitation from a city contractor to attend a \$250 per plate fund-raising dinner for an affordable housing advocacy group.

Conferences and Seminars

On some occasions, vendors may ask city officials and employees to participate on a professional or civic panel, appear at a speaking engagement, or attend a conference in an official capacity. City officials and employees are allowed to accept reasonable hosting expenses for these activities. Reasonable hosting expenses may include travel, meals, lodging, and registration fees as allowed under the city's travel policies and procedures. The official or employee must file a Travel Disclosure Report within 30 days of the event.

Example: An engineer may accept a city contractor's offer to pay his air fare to participate in a panel discussion at a professional conference on a city project that used the contractor's electronic switching equipment.

Example: An employee cannot agree to a company's offer to fly on a corporate jet to attend the company's two-hour customer briefing as part of a weekend trip to Las Vegas.

Awards Given for Public Service

You can acknowledge city officials and employees with awards, plaques, certificates, mementos, novelties, and other similar items in recognition of their civic, charitable, political, professional, or public service.

Example: A neighborhood association can name a parks employee as an honorary member of the neighborhood in appreciation of the work she did in designing a new neighborhood park.

Gifts to the City

City officials and employees may accept gifts from you when the gift is offered and accepted on behalf of the City, and the gift is disclosed on a Gift to the City Report.

Example: Under a resolution adopted by the Atlanta City Council, the Department of Planning and Community Development may accept 300 computers from the Metro Atlanta Chamber to upgrade the building permit process.

Example: The Police Department may receive 500 circus tickets offered to the department so long as it distributes the tickets fairly and without favoritism to staff.

Example: The Executive Offices may agree to an offer from Central Atlanta Progress to pay for the travel of five officials and employees to examine streetcar systems in other cities when the department chooses who travels, the expenses are reasonable, the department files a Gift to the City Report, and the travelers file a Travel Disclosure Report.

Holiday Gift Rule

The holiday gift rule allows city officials and employees to accept a gift from a city contractor when the gift is perishable, of modest value, and shared with the public or others in the office.

Example: The accounting firm that performs the city's external audit sends a box of oranges to the Chief Financial Officer. She may accept the fruit if she shares it with other employees in the office.

Example: A city contractor sends a gift card to an employee. The employee should return the non-perishable gift to the contractor or donate it to a charity, but without taking a tax deduction.

Official Duty Exception to the Ticket Ban

Tickets to concerts, plays, athletic, or other entertainment events generally are not allowable as gifts. To accept, city officials must be performing an official duty at the event.

Example: An elected official may not receive a free or reduced-price ticket from a lobbyist to attend a professional basketball game at Phillips Arena.

Example: A department head may attend opening day of the baseball season as the guest of the Atlanta-Fulton County Recreation Authority, if similar officials from other local governments will also attend as guests of the authority.

Other Things of Value that May Be Accepted

The following gifts are allowable: (1) campaign contributions, (2) nominal gifts from representatives of other governments, and (3) gifts from family members.

Use of Public Property

City facilities and resources can only be used for a public purpose. City property, vehicles, equipment, labor, or services are not available for the personal use of city employees, nor can they provide them for your private advantage.

Example: The Mayor may not use the city's letterhead to raise funds on behalf of a non-profit organization. He can, however, use his official title in signing a letter on the non-profit's stationery.

Example: A membership warehouse club cannot use city facilities to host a complimentary reception for city employees to answer questions about the company's product and services.

Conflicts of Interest

It is a conflict of interest when an agent of the city engages in any activity that compromises his independent judgment. A city official or employee may not participate in any city business in which they have a personal or financial interest.

Participation in Contracts

City officials and employees may not participate in contract decisions in which they might benefit financially or personally. If you are a family member, an employer, prospective employer, or a business in which a city agent serves as an officer, director, stockholder, creditor, trustee, or partner, that official cannot make decisions regarding you.

Example: An employee in the airport's concessions office cannot develop or approve the specifications for the request for proposal for food and beverage concessions when she is discussing future employment with a concessionaire that plans to submit a bid.

Example: A member of a public authority board cannot participate in a decision about a proposed development when her law partner presents the developer's proposal to the authority.

Outside Employment

You may not employ city officials or employees in any position that could be adverse to and incompatible with the proper discharge of their official duties.

Example: The city's fire marshal with oversight authority over fire safety inspectors and permits at public venues may not be hired as an in-house fire marshal at one of those venues.

Doing Business with the City

Unless done through a sealed competitive bid process, city officials and employees should not have any *business connection or ownership interest in a company that does business with the City of Atlanta*. This rule does not apply when an employee owns less than ten percent of any publicly traded stock.

Example: A firefighter cannot own or work for a company that seeks to provide a hazardous materials training program to his department when the training is awarded through an informal bid process.

Representation

You may not engage city officials and employees to represent your private interests before any city agency. They also can not represent private interests when there is a conflict with city interests or the City is involved in litigation or certain court proceedings.

Example: A subcontractor may not hire a member of the City Council to represent it in a meeting with city employees to discuss a contract dispute between a city contractor and the subcontractor.

Example: A company that is bidding on a Department of Watershed Management construction project is permitted to hire a member of the Atlanta Development Workforce Board to represent it before the department since his service as a board member is unrelated to the department or its project.

One-Year Cooling-Off Period

Post-employment

The cooling-off period for former city officials and employees is one year. During this time, you cannot hire former employees to appear before any city agency on your behalf or compensate them for services rendered in matters in which they had responsibilities or participated in while working as a city employee.

Example: A former budget analyst in the Department of Aviation may not represent her new employer at weekly construction meetings at the Atlanta Hartsfield-Jackson International Airport for one year after leaving her city job.

Related Ethics Issues under State Law

Campaign Contributions

State law limits the contributions that can be made to local candidates. The Georgia Government Transparency and Campaign Finance Commission each year publishes the campaign contributions permitted during each election cycle.

Lobbyist Registration

State law requires local lobbyists to register with the commission. The City of Atlanta does not have a separate lobbyist registration requirement. For information on campaign finance and lobbyist registration, visit the commission's website at <http://www.ethics.ga.gov/>.

This publication is a summary of key provisions in the Code of Ethics, sections 2-801 to 2-824 of the Code of Ordinances and is not intended as a guide in any specific situation. For questions about how these rules apply to a particular situation, contact the Ethics Office.

City of Atlanta Board of Ethics
68 Mitchell St., SW, Suite 12130
Atlanta, Georgia 30303
Phone: (404) 330-6286
E-mail: ethicsofficer@atlantaga.gov
Web: <http://www.atlantaethics.org>