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ARTICLE 1

General Provisions

S2-101 How Code is Designated and Cited. The provisions embraced in the following chapters and sections shall constitute and be designated "The Code of Chatham County, Georgia, 1989," and may be so cited.

S2-102 Rules of Construction. In the construction of this code and of all ordinances, the following rules shall be observed unless such construction would be inconsistent with the manifest intent of the commission.

1. General Rule. All words and phrases shall be construed and understood according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.
2. Gender-Singular and Plural. Every word in any code provision or ordinance importing the masculine gender shall extend to and be applied to females as well as males; and every word importing the singular number only shall extend and be applied to several persons or things as well as to one person or thing as well as to several persons or things.
3. Tenses. The use of any verb in the present tense shall include the future when applicable.
4. Joint Authority. All words purporting to give a joint authority to three or more county officers or other persons shall be construed as giving such authority to a majority of such officers or other persons unless it shall be otherwise expressly declared in the law giving the authority.
5. Delegation of Authority. Whenever a provision requires the County Manager, the head of a department or other officer of the county to do some act or perform some duty, it shall be construed to authorize subordinates to do the required act or perform the required duty unless the terms of the provision designates otherwise.
6. Computation of Time. The time within which an act is to be done as provided in any code provision or ordinance or in any order issued pursuant to any ordinance, when expressed in days, shall be computed by excluding the first day and including the last, except that if the last day be a Sunday or a holiday it shall be excluded; and when any such time is

expressed in hours the whole of Sunday, from midnight to midnight, shall be excluded.

7. Overlapping Provisions. Where any provisions of this code imposes greater restrictions upon the subject matter than any general provisions imposed by this code, the provision imposing the greater restriction or regulation shall be applicable.

§2-103 Definitions. Words and phrases used in this code shall have the following meanings, unless otherwise specified elsewhere in this code.

1. Advice and Consent. Whenever the term "advice and consent" of the county commission is used in this code it shall be construed to mean an affirmative vote of the majority of the entire county commission.
2. Chairman. The words "chairman" or "commission chairman" shall mean the Chairman of the Board of Commissioners of the County of Chatham, Georgia.
3. Commission. The words "board of commissioners" or "county commission" shall mean the Board of Commissioners of the County of Chatham, Georgia.
4. County. The words "the county" or "this county" shall mean the County of Chatham, Georgia.
5. County Manager. The term "county manager" shall refer to the chief administrative officer of the County of Chatham, Georgia.
6. Court. The word "court" shall mean the superior court of the county unless otherwise designated.
7. Governing Authority, Governing Body. The words "governing authority" or "governing body" shall mean the Board of County Commissioners of the County of Chatham, Georgia.
8. Keeper, Proprietor. The words "keeper" and "proprietor" shall mean and include persons, firms, associations, corporations, clubs and copartnerships, whether acting by themselves or as a servant, agent or employee.
9. Misdemeanor. The term "misdemeanor" shall mean a violation of the state criminal law punishable by a fine not in excess of \$1,000.00 or confinement in a county or other jail for a term not exceeding twelve months, or both such fine and imprisonment unless otherwise designated.

10. Municipality. The word "municipality" shall be construed as synonymous with the term "city," "town," or "municipal corporation."
11. Oath. The word "oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "affirm" and "affirmed" shall be equivalent to the words "swear" or "sworn."
12. Ordinance. The word "ordinance" shall mean a legislative act of the governing body of a general and permanent nature.
13. Owner. The word "owner," when applied to a building or to land, shall include any part owner, joint owner, tenant by the entirety, of the whole or part of such building or land.
14. Person. The word "person" shall include a corporation, firm, partnership, association, organization, and any other group acting as a unit, as well as an individual.
15. Personal Property. The term "personal property" shall include every species of property except real property, as hereinafter defined.
16. Preceding, Following. The words "preceding" and "following" shall mean next before and after, respectively.
17. Property. The term "property" includes real, personal, and mixed estates and interests.
18. Public Place. The term "public place" shall include any place where the public is invited to go or congregate.
19. Real Property. The words "real property" shall include lands, tenements, and hereditaments.
20. Reasonable Time or Notice. Reasonable time or notice shall be deemed to mean only such time as may be necessary for the prompt performance of the Act required.
21. Resolution.
 - a. Legislative: The term "resolution" shall mean a legislative act of the governing body of a general and permanent nature which may include the same subject matter as an ordinance. A resolution should not be a statute or law and therefore should not include the standard criminal penalty clause used for the enforcement of ordinances.

- b. Expressive: The term "resolution" shall mean a formal expression of the opinion or will of the governing body. The term is usually employed to denote the adoption of a motion, the subject matter of which would not properly constitute a statute, such as a mere expression of opinion, an alteration of the rules, a vote of thanks, or of censure, etc.
22. Sidewalk. The word "sidewalk" shall mean any portion of a street between the curb line and the adjacent property line, intended for the use of pedestrians, but shall not include any unimproved areas between the curb line and improved walkways.
23. Signature, Subscription. The word "signature" or "subscription" shall include a mark intended as such when the person cannot write.
24. State. The words "state" or "this state" shall mean the State of Georgia.
25. Street. The word "street" shall mean and include any public way, road, highway, street, avenue, boulevard, parkway alley, viaduct or bridge, and the public approaches thereto, within the city.
26. Tenant, Occupant. The word "tenant" or "occupant," applied to a building or land, shall include any person holding a written or oral lease of, or who occupies, the whole or a part of such building or land, either alone or with others.
27. Written, In Writing. The words "written" or "in writing" shall be construed to include any representation of words, letters or figures, whether by printing or otherwise.
28. Year. The word "year" shall mean a calendar year.

§2-104 Repeal or Expiration of Code Section.

1. The repeal of a code section or ordinance, or its expiration by virtue of any provision contained therein, shall not effect any right accrued or any offense committed, any penalty or punishment incurred, or any proceeding commenced before the repeal took effect or the ordinance expired.
2. When any ordinance repealing a former code section, Georgia law, ordinance, clause or provision, shall be itself repealed, such repeal shall not be construed to revive such former code section, ordinance, Georgia law, clause, or provision unless it shall expressly so provide.

§2-105 Amending Code.

1. All ordinances passed subsequent to this code which amend, repeal or in any way affect this code shall be numbered in accordance with the numbering system of this code and printed for inclusion herein. In any case of repealed chapters, sections, and subsections or any part thereof, by subsequent ordinances, such repealed portions may be excluded from the code by omission from reprinted pages affected thereby. The subsequent ordinances as numbered and printed, or omitted in the case of repeal, shall be prima facie evidence of such action taken on subsequent ordinances until such time as the code and subsequent ordinances omitted are readopted as a new code by the county commission.
2. Amendments to any of the provisions of this code may be made by specific reference to the section number of this code in the following language: "That section insert of the Code of Ordinances, County of Chatham, Georgia, 1986 hereby amended to read as follows..." The new provision may then be set out in full as desired.
3. In the event a new section not heretofore existing in the code is to be added, the following language may be used. "The Code of Chatham County, Georgia, 1986, is hereby amended by adding a section (or subsection or chapter) to be numbered insert, which section reads as follows..." The new provision shall then be set out in full as desired.
4. All sections, chapters, or provisions sought to be repealed must be specifically repealed by section, chapter, or provision number, as the case may be.

§2-106 Altering Code. It shall be unlawful for any person to change or amend by additions or deletions any part or portion of this code, or to insert or delete pages or portions thereof, or to alter or tamper with such code in any manner whatsoever, except by ordinance or resolution or other official act of the county commission.

§2-107 Penalty Where No Penalty Provided.

1. The infliction of a penalty under the provisions of this section shall not prevent the revocation of any permit or license or the taking of other punitive or remedial action where called for or permitted under the provisions of the county's home rule provisions or code.
2. Upon the local enactment of O.C.G.A. Section 36-1-20, the penalty provisions relating thereto shall become effective.

In all other cases, the penalty will be an injunction and all other remedies available under Georgia law.

§2-108 General Penalty; Continuing Violation. Whenever in this Code or in any ordinance, including violation of conditions and safe-guards established in connection with grants of variance or special exception, of the County of Chatham any act is prohibited or is made or declared to be unlawful or an offense, or whenever in such Code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefore, the violation of such provision of this Code or any such ordinance shall, upon conviction thereof, be fined not more than \$500, or imprisoned in the County jail for not more than 30 days, or labor on the work gang for not more than 60 days for any single offense, or any combination thereof, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Chatham County from taking such other lawful action as is necessary to prevent or remedy any violation of this Code or ordinance of Chatham County. (1984 Ga. Laws 5050)

§2-109 Catchlines of Sections. The catchlines of the several sections of this Code printed in boldface type or underlined are intended as mere catchwords to indicate the contents of the sections and shall not be deemed or taken to be titles of such sections nor as any part of such sections, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.

§2-110 Severability of Code Sections. It is hereby declared to be the intention of the Chatham County Commissioners that the sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this code, since the same would have been enacted by said commissioners without incorporation in this Code of any such unconstitutional or otherwise invalid phrase, clause, sentence, paragraph or section.

§2-111 Effect of Repeal of Ordinance or Resolution.

1. The repeal of an ordinance or resolution shall not revive any ordinances or resolutions in force before or at the time the ordinance or resolution repealed took affect.
2. The repeal of an ordinance or resolution shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed under the ordinance or resolution repealed.

§2-112 Continuations of Existing Ordinances and Resolutions.

The provision appearing in this Code, so far as they are the same as those ordinances and resolutions existing at the time of the effective date of this Code, shall be considered as continuations thereof and not as new enactments.

§2-113 Applicability of Code. The provisions of this Code, unless otherwise clearly specified, shall apply only in the unincorporated areas of the County.

§2-114 Attendance at Meetings of Board Appointees.

1. As used in this ordinance, "appointee" means any person who has been appointed by the board to serve on a committee, board, authority, or any group so designated by the Chatham County Board of Commissioners.

2. An appointee shall forfeit his or her appointment if the appointee fails to attend three consecutive regular meetings without being excused. (Ord. 8-11-89)

§2-115 through **§2-199** Reserved for future use.

ARTICLE II

General Provisions

Chatham County Code of Ethics

§2-201 Short Title. Ordinance will be known as and may be referred and cited as the "Ethics Code of Chatham County" ("Ethics Code").

§2-202 Declaration of Policy.

1. The Board of Commissioners of Chatham County believes that public service is a public trust. Maintaining that public trust requires Chatham County to protect against improper influence or the appearance of improper influence. The purpose of this ordinance should be to ensure that public officials will be impartial and use independent judgment in carrying out their duties. To help ensure this quality, the Board of Commissioners finds and declares the need to establish appropriate ethical standards for conduct.

2. The Board of Commissioners of Chatham County does not intend that this chapter impede the desire for those who want to seek and serve in public office. To this end, public officials should not, except as otherwise provided by law, be denied the opportunity available to all other citizens. Public service should not restrict the ability to acquire and maintain private, economic and other interests. Only in those cases in which a conflict of the public's trust and interest would result should a restriction be applied.

3. This Ethics Code follows the precedent of earlier Federal, State and Local Code. It makes clear those standards of ethical conduct that will apply to public officials in the discharge of their official duties; implements the objective of protecting the integrity of the government; and prescribes only such essential restrictions against conflict of interest so as not to impose unnecessary barriers against public service.

§2-203 Definitions. The words used in this chapter shall have their normal accepted meanings except as set-forth below:

1. "Agency or Entity" shall mean a person, sole proprietorship, partnership, limited partnership, firm, corporation, professional corporation, holding company, joint stock company, receivership, trust or any other entity recognized by law through which business may be conducted.

2. "Board of Commissioners" means the elected Chairman and the elected Board of Commissioners of Chatham County.
3. "Board of Ethics/The Board" means the Chatham County Ethics Board established pursuant to this chapter.
4. "Censure" means any expression of severe criticism or reproach.
5. "Personnel Code" means the Chatham County ordinance that governs personnel.
6. "Chatham County/County" means Chatham County, subdivision of the State of Georgia.
7. "Employee or Public Employee" means any person, employed full or part-time by Chatham County government. The County Manager, department heads and other employees exempt under the Personnel Ordinance shall be considered employees for the purpose of this chapter. The Board of Commissioners of Chatham County and appointed and elected officials shall be or be considered employees but are defined in this chapter.
8. "Employer" means any person paying or agreeing to pay compensation to another person for services rendered.
9. "Interest" shall be:
 - a. Remote interest shall mean an interest of a person or entity, including an elected official, who would be affected in the same way as the general public. The interest of an elected official in the property tax rate, general county fees, county utility charges, or a comprehensive zoning ordinance or similar decisions is incidental to the extent that the elected official would be affected in common with the general public.
 - b. Incidental interest shall be an interest in a person, entity or property which is not a substantial interest and which has insignificant value.
 - c. Substantial interest
 - i. Any source of income, direct or indirect, from which a person has received, within the past twelve (12) months, or is presently receiving more than five hundred (\$500.00) dollars per year; or
 - ii. Ownership, legal or equitable, of more than 10% of a business entity; or

- iii. Ownership of any interest having fair market value of more than twenty thousand (\$20,000.00) dollars.
- 10. "Gift" or "Gratuity" the transfer of anything of economic value, regardless of form, without adequate and lawful consideration. Gift does not include the solicitation, acceptance, receipt, or regulation of political campaign contributions. A gift shall be further defined as a subscription, membership, loan, forgiveness of debt, advance or deposit of money or anything of value, conveyed or transferred.
- 11. "Immediate Relative/Relatives" shall mean the spouse, mother, father, brother, sister, son, or daughter of any elected officials.
- 12. "Person" include any individual, employee, entity or agency.
- 13. "Public Officer or Officer or Officials" means the elected chairman and elected Commissioners.
- 14. "Reprimand" means an expression of disapproval.

§2-204 Construction, Application and Severability.

- 1. This chapter shall apply to maintain the public's trust against improper influence or conflicts of interest or the appearance of either. This chapter shall not affect any act done, liability or penalty incurred, or right accrued or vested prior to the effective date of this chapter; nor shall this chapter affect any actions or prosecution then pending, or to be instituted, to enforce any right or penalty then accrued or to punish any offense thereto committed.
- 2. The provisions of this Ethics Code are severable, and if any of its 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.
- 3. This Code of shall become effective upon adoption by the Chairman and Board of Commissioners.

§2-205 Compliance With Applicable Law. No officer shall engage in any activity or transaction that is prohibited by law, now existing or hereafter enacted, which is applicable to him or her by virtue of their office. Other provisions of law or regulations relating to this chapter shall apply when any

provisions of this chapter shall conflict with the laws of the State of Georgia or the United States of America. The laws of the State of Georgia or the United States of America shall apply when this chapter is silent.

§2-206 Impartiality.

1. Officers must not take part in any personal, business, or professional activity or receive or retain any direct or indirect financial interest that places them in a position of conflict between their private interest and public interest that relate to their responsibilities and duties as officers.
2. Officers must not use their positions to induce, coerce, or influence a person or employee (including subordinates) in a way that would provide any benefits, financial or otherwise, to themselves or others or any organization of which they are a member thereof.
3. No officer shall:
 - a. use public office for private gain;
 - b. give preferential treatment to any person;
 - c. impede government efficiency and economy.

§2-207 Conflict of Interest.

1. It shall be a violation of this Code of Ethics for any officer to participate directly or indirectly through decision, approval, disapproval, recommendation or in any other manner upon the following:
 - a. Any proceeding, application, vote, request for ruling, claim, controversy, contract or any other matter involving an immediate relative and/or any substantial interest of an immediate relative of the officer.
 - b. Any matter in which the officer has a substantial financial interest, a fiduciary substantial interest, a corporate employment substantial interest.
 - c. No officer should invest or hold any investment directly or indirectly in any financial, business, commercial or other private transaction, which creates a conflict with and/or adversely effects such official duties of the officer. However, should same exist, such officer shall either:

- i. Abstain as specified in the Enabling Act of Chatham County.
 - ii. In the event abstention is not required, disclose such interest prior to taking any action on the matter by duly noting such conflict for recording in the minutes of the meeting.
2. It is hereby declared that it is not the intent of this Code to prohibit an immediate relative of an officer from being engaged in gainful employment in Chatham County, Georgia. Chatham County, Georgia, shall not be prohibited from doing business with an entity which employs an immediate relative of an officer provided:
 - a. That such business relationship does not violate this Code;
 - b. That such business relationship is fully disclosed in writing; and
 - c. That, where applicable, the affected business entity shall be required to use the bid system when conducting business with Chatham County, Georgia.

§2-208 Financial Disclosures.

1. Financial disclosures shall be governed by Federal and State law, and this Code of Ethics shall not require any additional reports to be filed other than those required by Federal and State law.
2. A copy of the information required shall be filed with the Clerk of the Board of Commissioners under this section of the Chatham County Ethics Code and be on the same form, as is required by O.C.G.A. Section 21-5-50, et. seq., as may be now or hereafter amended.

§2-209 Zoning Application Disclosures. All disclosures with regard to zoning applications shall be governed by Federal and Georgia law and ordinances as adopted by the Board of Commissioners of Chatham County. This shall include by reference the Zoning Ordinance of Chatham County, Georgia, and its subsequent revisions, especially sections related to ex parte discussions of zoning applications.

§2-210 Incompatible Employment.

1. No officer shall engage in or accept employment with or render services for any private business or professional

activity when such is adverse to and incompatible with the proper discharge of his/her official duties. The prohibition of this section shall not apply to:

2. An officer who is appointed to a regulatory or licensing authority pursuant to a statutory requirement that persons subject to the jurisdiction of the authority be represented in appointments to it; or
3. To an officer whose government duties are ministerial, if the private employment or financial interest does not create a conflict of interest.

§2-211 Interest and Contracts Involving Officers.

1. This Code shall be consistently applied with the Chatham County Purchasing Ordinance, or any subsequent amendments to applicable sections.
2. While an official matter is pending, or an application is likely, no officer shall acquire or own an interest in any contract or transaction at a time if a reasonable basis exists that such an interest will be affected directly by his/her official act or action or by official acts or actions of the County.
3. The County shall not enter into any contract involving services or property with an officer, or with a business in which the officer has a substantial interest. Provided that such is disclosed to all parties involved, the prohibitions of this section shall not apply in case of:
 - a. The designation of a bank or depository for county funds; or a trust company as a depository for county funds; or
 - b. The borrowing of funds from any bank or lending institution which offers competitive rates for such loans; or
 - c. Contracts entered into with a business which employs a consultant, provided that such employment is not incompatible with this Ethics Code; or
 - d. Contracts for services entered into with a business which is the only available source for such goods or services; and
4. Contracts entered into under circumstances which would constitute an emergency situation, provided that such

emergency is documented and submitted to the Board of Ethics to be kept on file.

5. In the event that an officer shall be paid any remuneration under this paragraph, it shall be a violation of this chapter to earn such remuneration during times when the officer is being remunerated by the County or an agency thereof.

§2-212 Use of Prestige of Office; Harassment; Improper Influence.

1. An official shall not intentionally use the prestige of his/her office or official title or position for his/her own personal gain or that of another. The performance of usual and customary constituent services, without additional compensation, does not constitute the use of prestige of office prohibited by this section.
2. No official shall intimidate, threaten, coerce, discriminate against, or give the appearance of, of attempt to intimidate, threaten, coerce or discriminate against any employee for the purpose of interfering with that person's freedom of choice in the regular discharge of his or her official duties.
3. No official shall improperly influence any public official to violate the standards of ethical conduct set forth in this Ethics Code.

§2-213 Solicitation or Acceptance of Gifts.

1. Except as provided herein, no official, either for himself or herself, or any member of the immediate family of such official, or for any other person, may knowingly solicit, receive benefit from, accept, or agree to accept any gratuity, gift, loan, favor, promise, or thing of value for himself, herself, any other person or any member of the immediate family of such official. In addition, it shall also be a violation of this code for any such gift as defined in this code to be received by any such person as specified herein if:
 - a. It tends to influence him or her in the discharge of official duties or gives a reasonable basis for the impression of improper influence over him or her in the discharge of official duties; or
 - b. The official has financial interest which may be substantially and materially affected, by performance or non-performance of his/her official duties.

2. Unless impartiality and independence of judgment of the official would be compromised, this section shall not apply to the following:
 - a. Meals and beverages entertaining.
 - b. An occasional, nonpecuniary gift from a single source of fifty (\$50.00) dollars or less.
 - c. Ceremonial gifts or awards.
 - d. Gifts of advertising value only.
 - e. Awards presented in recognition of public service.
 - f. Reasonable expenses of food, travel, lodging and scheduled entertainment of the official for a meeting which is given in return for participation in a panel or speaking engagement at the meeting.
 - g. Courtesy tickets or free admission extended to an elected official for an event as a courtesy or for ceremonial purposes.
 - h. Gifts from relatives or members of his/her household.
 - i. Honorariums or awards for professional achievement.
 - j. Courtesy tickets or free admission to an elected official to educational seminars, educational or informational conventions or other similar events.

§2-214 Disclosure of Confidential Information. No officer or employee shall use or disclose confidential information to any one, including the media, concerning the property, governing operations, policies or affairs of the County, unless such information is generally available to the public; nor shall any officer or employee use such information to advance the financial or personal interest of the officer, employee or any other person.

§2-215 Abstention. An officer who has an interest that he or she has reason to believe either violates this Code of Ethics or may effect his or her official acts or actions shall abstain from participating in any official acts or actions related to it.

§2-216 Board of Ethics. A Board of Ethics will be established to hear and conduct review of complaints filed against elected officials of Chatham County, if such complaints

involve impropriety of elected officials and violation of the provisions of this Ethics Ordinance, and if such violations affect the elected official's ability to carry out his/her official duties.

1. Board Membership.

- a. The Chairman shall appoint one (1) member, the Commissioners shall appoint one (1) member; and the Chairman and Commissioner shall together appoint one (1) member who shall be an attorney in good standing with the State Bar of Georgia.
- b. Board members shall be residents of the County, shall be fully reflective of County residents, and shall not hold an elected public office nor any other County office or employment.
- c. Board members shall serve for four-year terms.
- d. Board members shall serve without compensation.
- e. Board members shall select their own chairman from the three (3) appointed members.
- f. Board members shall be prohibited from engaging in county election political activities and from making campaign contributions to candidates in county elections during their terms as board members.
- g. Prior to appointment of any member of this Board, the County Commission shall seek public nominations at least two weeks prior to appointment of any member to this Board, as well as those nominated by the Commission and Chairman. No person shall be eligible to serve on the Commission who has contributed any monies to any candidate for County Commissioner within the proceeding twelve months.

2. Duties of the Board.

- a. Establish written rules governing its procedures that are similar to those established by The State Ethics Commission of Georgia.
- b. Administer oaths.
- c. Conduct hearings as needed to hear and decide specific cases in which a violation of this Ordinance is alleged.

- d. When it deems appropriate, seek the production of documents and witnesses to assist the Board in the conduct of any investigation;
3. Service of Board. Board members shall each serve a term of four (4) years without compensation. If any vacancies occur, said vacancy shall be filled by the entity who appointed that person.
4. Opinions. It is the responsibility of the Board of Ethics for the interpretation of this Code. The Board shall have hearings that conform to the Open Meetings Law in regard to the accepting and hearing of evidence. The Board in its discretion and to the extent permitted by law may deliberate in private concerning the drafting of a written opinion, but the Board shall upon completion of the written decision shall publish the decision and make it readily available to the public for examination.
5. Removal of Member. The Chatham County Board of Commissioners may remove a member of the Board of Ethics on the grounds of non-attendance of meetings in accordance with county policy, misconduct in office, a disability rendering the member unable to discharge the powers and duties of the office as specified herein or engagement in political activity in violation of subsection of this section. Before initiating the removal of a member from the Board of Ethics, the Chatham County Board of Commissioners shall give the member written notice of the reason for the intended action, and the member shall have an opportunity to reply. Thereafter, the Chatham County Board of Commissioners shall afford the member an opportunity for a hearing.
6. Complaints and Reporting Violations.
 - a. Any person having a complaint against an elected official must file the complaint in writing to the Clerk of Council, who shall acknowledge receipt of the complaint and then forward the complaint simultaneously to the Chairman of the Board of Ethics, the Chairman and Commission, the person who is complained against, and the County Attorney. The written complaint shall contain the following information:
 - i. The name and address of the person or persons who filed the complaint.
 - ii. The sworn verification and signature of the complainant acknowledging that the deponent is aware that any known false statement in the

complaint is subject to criminal and civil penalties.

iii. The name and address of the party or parties against whom the complaint is filed.

iv. A clear and concise statement of acts upon which the complaint is based along with an allegation that such facts constitute one or more violations of the provisions enumerated in the County's Code of Ethics.

v. Any further information which might support the allegations in the complaint including, but not limited to, the following:

a. The name and address of all other persons who have firsthand knowledge of the facts alleged in the complaint; and

b. Any documentary evidence that supports the facts alleged in the complaint.

b. The Board shall review the complaint to determine whether the complaint is unjustified, frivolous, patently unfounded or fails to state facts sufficient to invoke the disciplinary action or is to be considered for further investigation. The Board shall be empowered to collect information concerning any complaint and to add the findings and results of its investigations to the file containing such complaint.

c. The Board shall be empowered to dismiss those complaints which are unjustified, frivolous, patently unfounded or which fail to state facts sufficient to invoke the disciplinary jurisdiction of the elected official.

d. At the conclusion of proceedings concerning an alleged violation, the Board shall determine by a majority vote of the members whether there has been a violation of this ordinance.

7. Protection for Reporting Violations. No elected official shall use or threaten to use any official authority or influence to discourage, restrain or interfere with any other person for the purpose of preventing such person from acting in good faith to report or otherwise bring to the attention of the Board of Ethics information relating to an ethics violation or investigation. No elected official shall use or threaten to use any official authority or influence to effect

any action as a reprisal against anyone who reports, initiates a complaint, or otherwise bring's to the attention of the Board of Ethics information relating to a board investigation or an ethics violation.

8. Service of Complaint: Hearings and Disposition of Complaints.

- a. The Board of Ethics as appointed herein set forth shall cause the complaint to be served on the elected official if said Board finds probable cause to believe a violation of this ordinance has occurred. The initial hearing shall determine if probable cause exists to require a hearing.
- b. Within 30 days of the receipt of the complaint the Board shall meet and conduct a hearing concerning the complaint in accordance with the procedures followed by the State provided herewith no hearing shall be necessary if a majority of the Board in writing state that the complaint is either frivolous or does not constitute a violation of this ordinance.
- c. Within 60 days of the receipt of be complaint the Board shall submit its report and findings to the Chairman and Commissioner.
- d. The Board's report and findings upon being completed, shall be rendered to immediately to the Chairman and Commissioner.

9. Ex Parte Communications. After a complaint has been filed and during the pendency of a complaint before the Board, no member of the Board may communicate directly or indirectly with any party or other person about any issue of fact or law regarding the complaint, except that

- a. the members of the Board may obtain legal advice from the County Attorney;
- b. the members of the Board may discuss the complaint at a lawfully conducted meeting. The Board shall decide by majority vote if they believe a violation of this ordinance has occurred.

10. Penalties and Rights.

- a. Any elected official of the County who knowingly violates any provision of the Code of Ethics provided in this Ordinance shall be subject to public reprimand or

censure by majority vote of the Chairman and Commissioner.

b. At any hearing held by the Board of Ethics, the elected official of the County who is the subject of inquiry shall have the right to written notice of the allegations at least 10 business days before a hearing, to be represented by an attorney, to hear and examine the evidence and witnesses, and to present evidence and witnesses in opposition or in extenuation.

c. Any final decision of the Chairman and Commissioner pursuant to this Code of Ethics shall be reviewable by the appropriate court in Chatham County.

11. Liberal Construction of Ordinance. The provisions of this Ordinance are to be construed liberally, to the end that the public interest be fully protected, and shall be construed in a manner consistent with all applicable federal and state laws and applicable provisions of the County Charter. In the event of a conflict between any provision of this Ordinance and any applicable federal, state or County Charter provision which does not expressly provide otherwise, the federal, state, or County Charter provision shall control. To the extent permitted by law, all ordinances, resolutions, or rules, and parts of ordinances, resolutions or rules inconsistent with this Ordinance are hereby repealed.

§2-217 Severability. If any provision of this Ordinance is held by any court or by any federal or state agency of competent jurisdiction to be invalid as conflicting with any federal, state or city charter provision now or hereafter in effect, or is held by such court or agency to be modified in any way in order to conform to the requirements of any such provision, the conflicting provision of this Ordinance shall be considered a separate, distinct and independent part of this Ordinance, and such holding shall not affect the validity and enforceability of this Ordinance as a whole, or any part other than the part declared to be invalid.

§2-218 Effective Date. This Ordinance shall be effective on the 8th day of July, 2005.

(Amended July 8, 2005 - Article II was stricken and replaced in its entirety)

ARTICLE III

Criminal Justice Information System Ordinance

§2-301 Title. This ordinance shall be entitled "The Criminal Justice Information System Ordinance."

§2-302 Definition of Criminal Justice Information System. "Criminal Justice Information System" is defined as all of those work flow processes, software, hardware, filing systems, and storage systems that combined are used for the administration, management and reporting of criminal cases from the time of arrest through the life cycle as defined by retention schedules adopted by the State of Georgia and its applicable subdivisions and those systems used for filing, tracking, managing and reporting of civil, domestic and child support cases from filing through the case life cycle as defined by retention schedules adopted by the State of Georgia and its applicable subdivisions.

§2-303 Creation of Criminal Justice Information System Coordinating Committee.

1. A committee known as the "Criminal Justice Information System Coordinating Committee" ("Committee") is hereby established to promote the development of the Criminal Justice Information System.
2. The Committee shall consist of a Board known as the "Criminal Justice Information Board;" a group to be known as the "Business Group;" and a group to be known as the "Technical Group."

§2-304 Members of Criminal Justice Information Board.

1. The Criminal Justice Information Board shall consist of the following persons:
 - a. Chief Judge of Superior Court;
 - b. Chief Judge of State Court;
 - c. Chief Judge of Magistrate Court;
 - d. Chief Judge of Recorder's Court;
 - e. Chief Judge of Probate Court;
 - f. District Attorney;
 - g. Public Defender;
 - h. Clerk of Superior Court;
 - I. Clerk of State Court;
 - j. Sheriff;
 - k. One County Commissioner who shall consent to being appointed by the Commission to the Committee;

1. Chief of Police Department; and
 - m. Director of ICS.
 - n. Court Administrator Superior Court
2. A judicial member of the Criminal Justice Information Board may designate another judge from the same court to represent him or her as a Board member, provided such designation is made in writing and presented to the Criminal Justice Information Board at the beginning of each calendar year.
 3. The designee of the Sheriff and Police Department shall hold the rank of Major or higher.
 4. Within 30 days of the date of adoption of this Ordinance, the Criminal Justice Information Board shall meet and select a Chairman, Vice-Chairman and Secretary who shall serve for a period of one year.

§2-305 Responsibilities of Criminal Justice Information Board.
The Criminal Justice Information Board shall be responsible for setting the policy and direction for the development of the Criminal Justice Information System. It shall be responsible for the vision and strategic direction for the Criminal Justice Information System. It shall also be responsible for appointing members of the Business Group and Technical Group of the Committee as set forth in this Ordinance. It shall have other duties and responsibilities as set forth in this Ordinance.

§2-306 Business Group.

1. The Criminal Justice Information Board shall appoint the members of the Business Group. The persons appointed may be clerks of other courts, Jail personnel, Lieutenants or Captains of the Police Department, ICS personnel, City of Savannah computer services personnel, and any other persons deemed appropriate by the Criminal Justice Information Board.
2. The Business Group shall be responsible for defining and analyzing business problems, adjusting business practices, developing ing solutions and implementing the policies of the Criminal Justice Information Board. It shall assist the Technical Group to design changes to the Criminal Justice Information System and manage justice system priorities within the structure defined by the Criminal Justice Information Board. The Business Group shall also be responsible for signing off on all technology products as completed, developing plans and budgets, and issuing papers and other materials to assist the Criminal Justice Information Board in setting policy.

§2-307 Technical Group.

1. The Criminal Justice Information Board shall appoint the members of the Technical Group. The persons appointed may be information technology or computer services personnel and any other persons deemed appropriate by the Criminal Justice Information Board.
2. The Technical Group shall be responsible for the writing and implementation of new and/or updated software. This group will consist almost exclusively of programmers, network specialist and those persons specifically trained in computer applications and record storage and preservation systems.

§2-308 Meetings. The Committee shall meet at least one time each quarter of the calendar year as determined by the Criminal Justice Information Board. The Criminal Justice Information Board may call other meetings as it deems appropriate. The Georgia Open Meetings Act and Georgia Open Records Act and all other applicable laws and regulations shall be followed.

§2-309 Modifications to Criminal Justice Information System.
No substantive changes, modifications or implementations to the Criminal Justice Information System shall be made unless the Criminal Justice Information Board provides written approval in advance.

§2-310 Budget and Funding.

1. The Criminal Justice Information Board shall be exclusively responsible for making the recommendation to the Commission for the budget requirements for the operation of the Criminal Justice Information System.
2. The Criminal Justice Information Board shall submit a proposed budget to the Commission to cover such expenses which may be necessary for the Criminal Justice Information Board to carry out its duties under this Ordinance.
3. County departments may purchase any hardware, and any sole use, specific software, out of their respective budgets in accordance with ICS policy so long as it is not inconsistent with the policies of the Criminal Justice Information Board.

§2-311 Memorandum of Understanding. A memorandum of understanding evidencing the parties' intent to abide by the terms of this Ordinance shall be entered into by Chatham County, Georgia ("County") and the members of the Criminal

Justice Information Board over whom the County does not exercise supervision and control.

§2-312 Severability. Should any section, provision, or clause of any part of this Ordinance be declared invalid or unconstitutional, or if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances be declared invalid or unconstitutional, such invalidity shall not be construed to affect portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent of the County that this Ordinance would have been adopted had any such invalid portion not been included herein.

§2-313 Effective Date. This ordinance will become effective upon adoption. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

(Chapter 2 amended August 11, 2006, by the adoption of Article III in its entirety)