

FORSYTH COUNTY, GEORGIA
ORDINANCE NUMBER 77-B
CONSOLIDATED PROVISIONS
AS AMENDED THROUGH June 19, 2014

WHEREAS, the Constitution of the State of Georgia, approved by the voters of the State in November of 1982, and effective July 1, 1983, provides in Article IX, Section II, Paragraph I thereof, that the governing authority of the county may adopt clearly reasonable ordinances, resolutions, and regulations;

WHEREAS, O.C.G.A. § 36-1-20 authorizes counties to enact ordinances for protecting and preserving the public health, safety, and welfare of the population of the unincorporated areas of the County;

WHEREAS, the governing authority of Forsyth County, to wit, the Board of Commissioners, desires to exercise its authority in adopting this Ordinance;

WHEREAS, it is essential to the proper operation of democratic government that public officials be independent and impartial, that governmental decisions and policy be made in the proper channels of the governmental structure, that public office not be used for private gain other than the remuneration provided by law, and that there be public confidence in the integrity of government;

WHEREAS, the attainment of one or more of these ends is impaired whenever there exists a conflict between the private interests of an elected official or a governmental employee and his duties as such;

WHEREAS, the public interest, therefore, requires that the law protect against such conflicts of interest and establish appropriate ethical standards with respect to the conduct of elected officials and government employees in situations where conflicts exist;

WHEREAS, it is also essential to the proper operation of government that those best qualified be encouraged to serve the government. Accordingly, legal safeguards against conflicts of interest must be so designed as not unnecessarily or unreasonably to impede the recruitment and retention by the government of those men and women who are best qualified to serve it;

WHEREAS, an essential principle underlying the staffing of our government structure is that its elected officials and employees should not be denied the opportunity, available to all other citizens, to acquire and retain private economic and other interests, except where conflicts with the responsibility of such elected officials and employees to the public cannot be avoided;

WHEREAS, in recognition of these goals and principles, it is the policy of the Board of Commissioners to institute, establish, promote, and enforce standards of ethical conduct for all of Forsyth County's officers and employees; and

WHEREAS, it is a further policy of the Board of Commissioners that the proper administration of Forsyth County's government and the promotion and enforcement of standards of ethical conduct for Forsyth County's officers and employees would be best served by the creation of a Forsyth County Ethics Panel for the investigation of complaints related to ethical standards;

ARTICLE ONE: GENERAL PROVISIONS

Section One. Short Title.

This Ordinance shall be known as "The Forsyth County Ethics Ordinance," and may be cited and referred to as such.

Section Two. Definitions.

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

- (A) **“Board”** means the Forsyth County Board of Commissioners.
- (B) **“Business Entity”** means any business of whatever nature regardless of how designated or formed, whether a sole proprietorship, partnership, joint venture, association, trust, corporation, limited liability company, or any other type of business enterprise, and whether a person acting on behalf of, or as a representative or agent of, the business entity.
- (C) **“Confidential Information”** means any information that, by law or practice, is not reasonably available to the public.
- (D) **“County Official” or “Official”** means the Forsyth County Board of Commissioners, any member of a board or authority appointed by the Board, the County Administrator and Assistant Administrator, the County Attorney and any of his or her assistant county attorneys, any other elected or appointed officer or employee of Forsyth County, including those employees who are exempt from the Forsyth County Civil Service System, except to the extent prohibited by law.
- (E) **“Employee”** means all those persons employed on a regular or part-time basis by the County, as well as those persons whose services are retained under the terms of a contract with the County, including those employees who are exempt from the Forsyth County Civil Service System, except to the extent prohibited by law.
- (F) **“Ethics panel”** means any county ethics panel as formed and described in this Code of Ethics.
- (G) **“Family”** means the spouse, parents, children, brothers and sisters, related by blood or marriage, of a county official or employee.
- (H) **“Interest”** means direct or indirect pecuniary or material benefit accruing to a county official or employee as a result of a contract or transaction which is or may be the subject of an official act or action by or with the County, except for such contracts or transactions which, by their terms and by the substance of their provisions, confer the opportunity and right to realize the accrual of similar benefits to all other persons and/or property similarly situated. The term "interest" shall not include any remote interest. For purposes of this Ordinance, a county official or employee shall be deemed to have an interest in the affairs of:
 - (1) His or her family;
 - (2) Any business entity in which the county official or employee is a member,

officer, director, employee, or prospective employee;

(3) Any business entity as to which the stock, legal ownership, or beneficial ownership of a county official or employee is in excess of five percent (5%) of the total stock or total legal and beneficial ownership, or which is controlled or owned directly or indirectly by the county official or employee;

(I) **“Official Act” or “Official Duties”** means any legislative, administrative, appointive, or discretionary act of any official or employee of the County or any agency, board, committee, authority, or commission thereof.

ARTICLE TWO: CODE OF ETHICS FOR COUNTY SERVICE GENERALLY AND FOR EMPLOYEES

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

Any person in County service shall:

Section One.

Put loyalty to the highest moral principles and to country above loyalty to persons, party, or government department.

Section Two.

Uphold the Constitution, laws, and legal regulations of the United States and the State of Georgia and of all governments therein and never be a party to their evasion.

Section Three.

Give a full day's labor for a full day's pay and give to the performance of his duties his earnest effort and best thought.

Section Four.

Seek to find and employ more efficient and economical ways of getting tasks accomplished.

Section Five.

Never discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not, and never accept, for himself or his family, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of his governmental duties.

Section Six.

Make no private promises of any kind binding upon the duties of office, since a government employee has no private word that can be binding on public duty.

Section Seven.

Engage in no business with the government, either directly or indirectly, which is inconsistent with the conscientious performance of his governmental duties.

Section Eight.

Never use any information coming to him confidentially in the performance of governmental duties as a means for making private profit.

Section Nine.

Expose corruption wherever discovered.

Section Ten.

Uphold these principles, ever conscious that public office is a public trust.

**ARTICLE THREE: CODE OF ETHICS FOR MEMBERS OF BOARDS,
COMMISSIONS, AND AUTHORITIES, ELECTED OFFICIALS, AND COUNTY
DEPARTMENT HEADS**

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

Any member of a County Board, Commission, Authority, Elected Officials, and County Department Heads shall:

Section One.

Uphold the Constitution, laws, and regulations of the United States, the State of Georgia, the County of Forsyth, and all governments therein and never be a party to their evasion.

Section Two.

Never discriminate by the dispensing of special favors or privileges to anyone, whether or not for remuneration.

Section Three.

Not engage in any business with the government, either directly or indirectly, which is inconsistent with the conscientious performance of his governmental duties.

Section Four.

Never use any information coming to him confidentially in the performance of governmental duties as a means for making private profit.

Section Five.

Expose corruption wherever discovered.

Section Six.

Never solicit, accept, or agree to accept gifts, loans, gratuities, discounts, favors, hospitality, or services from any person, association or corporation under circumstances from

which it could reasonably be inferred that a major purpose of the donor is to influence the performance of the member's official duties.

Section Seven.

Never accept any economic opportunity under circumstances where he knows or should know that there is a substantial possibility that the opportunity is being afforded him with intent to influence his conduct in the performance of his official duties.

Section Eight.

Never engage in other conduct which is unbecoming to a member or which constitutes a breach of public trust.

Section Nine.

Never take any official action with regard to any matter under circumstances in which he knows or should know that he has a direct or indirect monetary interest in the subject matter of such matter or in the outcome of such official action.

**ARTICLE FOUR: SPECIFIC PROVISIONS RELATED TO CONFLICT
OF INTEREST TRANSACTIONS AND DISCLOSURES**

The following provisions related to conflict of interest transactions and disclosures are intended to supplement and elaborate upon the code of ethics set forth in Articles Two and Three above, and all such provisions shall be read and interpreted in accordance therewith.

Section One. Compliance with Applicable Law.

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

Section Two. Conflict of Interest Transactions.

- (A) No official or employee shall acquire or maintain an interest in any contract or transaction if a reasonable basis exists that such an interest will be affected directly by his or her official act or action, except consistent with the disclosure and abstention provisions set forth in this Ordinance.
- (B) The County shall not enter into any contract involving services or property with an official or employee or with a business entity in which the official or an employee has an interest, where the official or employee is obligated or authorized to take an official act or duty related to the awarding or approving of such contract. This prohibition shall apply even if the official or employee abstains from taking an official act or duty with respect to the contract. The County may enter into a contract with a business entity where an official or employee has an interest in the entity, so long as (i) the official or employee has

no obligation or authorization to take an official act or duty awarding or approving the contract, (ii) the contract is or was awarded by way of a competitive procurement process, (iii) the employee or official discloses to the procurement personnel his or her affiliation with the County, (iv) the employee or official affirms in writing to procurement personnel that he or she has neither solicited nor received any advantage, favor or influence with respect to the contract due to affiliation with the County, and (v) the contract is not otherwise prohibited by law. Provided that the disclosure and abstention provisions set forth in this Article are followed, this subsection shall not apply to the following:

- (1) The designation of a bank or trust company as a depository for county funds;
- (2) The borrowing of funds from any bank or lending institution which offers competitive rates for such loans;
- (3) Contracts entered into with a business which employs a consultant, provided that the consultant's employment with the business is not incompatible with this Article;
- (4) Contracts entered into with a business which is the only available source for such goods or services; and
- (5) Contracts entered into under circumstances that constitute an emergency situation, provided that a record explaining the emergency is prepared by the Board and submitted to the County Manager to be kept on file.

Section Three. Financial Disclosures.

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

Section Four. Zoning Application Disclosures.

All disclosures with regard to zoning applications shall be governed in their entirety by the Conflict of Interest in Zoning Actions provisions contained in O.C.G.A. § 36-67A-1, et seq., as it may be amended from time to time.

Section Five. Disclosures Related to Submission of Bids or Proposals for County Work or Contract.

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

Section Six. Withholding of Information.

No Official or Employee shall knowingly withhold any information that would impair the proper decision making of the Board or of any of the County's boards, agencies, authorities, or departments.

Section Seven. Incompatible Service.

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

Section Eight. Unauthorized Use of Public Property.

No Official or Employee shall request or permit the unauthorized use of county- owned vehicles and equipment, including but not limited to computers, pagers, and cellular telephones, materials or property for personal convenience or profit.

Section Nine. Political Recrimination and Activity.

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

Section Ten. Appearance Before County Entities.

No Official or Employee shall appear on behalf of any private person other than himself or herself, his or her spouse, or his or her minor children, before any county agency, authority or board. However, a member of the Board of Commissioners may appear before such groups on behalf of his constituents in the course of his duties as a representative of the electorate or in the performance of public or civic obligations.

Section Eleven. Timely Payment of Debts to the County.

All Officials and Employees shall pay and settle, in a timely and prompt fashion, all accounts between them and Forsyth County, including the prompt payment of all taxes.

Section Twelve. Solicitation or Acceptance of Gifts.

Consistent with the provisions set forth in Articles Two and Three above, there shall be no violation of this Ordinance in the following circumstances:

- (A) Meals and beverages given in the usual course of entertaining associated with normal and customary business or social functions.
- (B) An occasional gift from a single source of \$101.00 or less in any calendar year.
- (C) Ceremonial gifts or awards.
- (D) Gifts of advertising value only or promotional items generally distributed to public officials.
- (E) Awards presented in recognition of public service.
- (F) Reasonable expenses of food, travel, lodging and scheduled entertainment for a meeting that is given in return for participation in a panel or speaking engagement

at the meeting.

- (G) Courtesy tickets or free admission extended for an event as a courtesy or for ceremonial purposes, given on an occasional basis, and not to include season tickets of any nature.
- (H) Gifts from relatives or members of the Official or Employee's household.
- (I) Honorariums or awards for professional achievement.
- (J) Courtesy tickets or free admission to educational seminars, educational or information conventions, or other similar events.

Section Thirteen. Disclosure of Interest.

Any member of the Board who has a financial or personal interest in any proposed legislation or action before the Board shall immediately disclose publicly the nature and extent of such interest.

Any other Official or Employee who has a financial or personal interest in any proposed legislation or action before the Board and who participates in discussion with or gives an official opinion or recommendation to the Board in connection with such proposed legislation or action shall disclose publicly the nature and extent of such interest.

Section Fourteen. Abstention to Avoid Conflicts of Interest.

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

ARTICLE FIVE: THE BOARD OF ETHICS

Section One. Ethics panel.

An ethics panel shall be assembled on a case by case basis for the sole purpose of considering a single ethics complaint.

Section Two. Appointment and panel selection procedures.

- (A) Each ethics panel shall consist of three randomly selected members from a list

maintained by the ethics panel clerk.

- (B) The ethics panel clerk shall be an individual designated by the Forsyth County Manager to serve in that capacity.
- (C) The clerk shall maintain a list of not less than nine nor more than 15 qualified individuals from which to draw members of the ethics panels. The clerk shall confirm the qualifications and willingness of each such individual to serve on an ethics panel not less than once per year.
- (D) Individuals shall be deemed qualified to serve on an ethics panel for so long as they:
 - (1) Are attorneys at law in good standing with the State Bar of Georgia;
 - (2) Have at least five years experience in the practice of law, with no less than three of those years dedicated to general civil litigation practice;
 - (3) Do not reside or maintain an office within Forsyth County, Georgia;
 - (4) Are not, and have never been, a county employee or county official, and are not the spouse, parent child, or sibling of an existing or former county employee or county official;
 - (5) Have no, and the members of their family have no, business or contractual relationship with Forsyth County, Georgia, have not provided monetary or in-kind campaign contributions or support to sitting members of the Board of Commissioners, Constitutional Officers or any other Forsyth County elected official; and
 - (6) Have no other conflict of interest in providing service on the ethics panel.
- (E) Upon the clerk determining that an ethics complaint meets the facial requirements of Section 14 of this Code of Ethics, the clerk shall conduct a blind drawing of three names from the list of members and contact each member to determine their availability to serve on the ethics panel. The drawing of names by the clerk shall be witnessed by either the county manager and/or the county attorney to ensure the integrity of the selection process. Upon selection of three qualified members who are available to serve on the ethics panel, the clerk shall prepare a document identifying panel membership and both the clerk and the County Manager and/or County Attorney that witnessed the selection process shall attest on that document as to the legitimacy of the selection process.
- (F) No attorney shall be qualified to serve on more than one ethics panel at any given time unless all other qualified members are either serving on an ethics panel or have expressed their unavailability to so serve. Service on an ethics panel shall be deemed to have terminated upon the entry of the written dismissal or decision of the ethics panel after the conclusion of an ethics hearing.
- (G) An individual ethics panel member shall cease to be qualified to serve immediately upon the third consecutive refusal (whether by choice or unavailability) to serve on an ethics panel after being randomly drawn from the list and contacted by the clerk to serve.

Section Three. Reserved.

Section Four. Vacancies.

If any vacancy occurs on an ethics panel reducing its membership below three, the clerk shall at that time choose an alternate member using the same methodology as provided in section 2.

Section Five. Removal of member.

The Board of Commissioners, upon receipt of a written complaint from two (2) members of any ethics panel, may remove a member of any ethics panel on the grounds of nonfeasance or malfeasance during the member's term of service. Before initiating the removal of a member, the Board of Commissioners shall give the member written notice of the reason for the intended action, and the member shall have the opportunity to reply. Thereafter, the Board of Commissioners shall afford such member an opportunity for a hearing before the Board of Commissioners.

Section Six. Organization and internal operating regulations.

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

Section Seven. Duties and powers.

Each ethics panel shall have the following duties and powers:

- (A) Receive and hear complaints of violations of standards required by this Code of Ethics.
- (B) Take such action as provided in this Code of Ethics as deemed appropriate because of any violation of this Code of Ethics.
- (C) Perform any other function authorized by this Code of Ethics.
- (D) Issue advisory opinions as provided in this Code of Ethics.

Section Eight. Staffing and expenses.

The ethics panels shall be provided sufficient meeting space and other reasonable supportive services to carry out their duties required under this Code of Ethics. The County Manager shall designate an administration employee who shall serve as the filing clerk for the ethics panels and who shall be authorized to receive all filings before the ethics panels, to publish

notices of all meetings upon request of an ethics panel chair, and to serve as the recording clerk for the ethics panels.

Section Nine. Reserved.

Section Ten. Reserved.

Section Eleven. Reserved.

Section Twelve. Limitation of liability.

No member of an ethics panel, or any person acting on behalf of an ethics panel, shall be liable to any person for any damages arising out of the enforcement or operation of this Code of Ethics, except in the case of willful or wanton conduct. This limitation of liability shall apply to the County, the members of the ethics panels, employees of the ethics panels, and any person acting under the direction of an ethics panel.

Section Thirteen. Advisory opinion.

An ethics panel shall be assembled, using the same assembly process as set forth in Section 2, to render an advisory opinion based on a real or hypothetical set of circumstances when requested to do so in writing by a county official or employee related to that county official's or employee's conduct or transaction of business. Such advisory opinions shall be rendered pursuant only to a written request, fully setting forth the circumstances to be reviewed by the ethics panel. The proceedings of the ethics panel pursuant to this section shall be held in public to the extent consistent with state law, and the opinions of the ethics panel shall be made available to the public.

Section Fourteen. Complaints.

Ethics panels shall be responsible for hearing and deciding any complaints filed regarding alleged violations of this Code of Ethics by any person. The following procedures shall be followed when filing a complaint:

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

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

The complaint must contain the full legal name of the complainant along with a current valid mailing address, phone number, and, if applicable, an email address.

A complaint must be filed within six months of the date the alleged violation is

said to have occurred, or in case of concealment or nondisclosure within six months of the date the alleged violation should have been discovered after due diligence. If the ethics panel clerk makes an initial determination that a complaint is technically deficient, the ethics panel clerk shall submit a list of the deficiencies to the complainant and offer the complainant the opportunity to correct the deficiencies within seven days prior to the complaint being dismissed on technical grounds. For purposes of this Code of Ethics, "technical deficiencies" shall mean that the complaint is not supported by affidavits based on personal knowledge, is not signed and notarized, pertains to conduct occurring more than 6 months prior to the complaint being filed or contains no statement that the conduct was concealed or non-disclosed, or does not contain the full legal name, mailing address, or phone number of the complaining party. Unremedied technical deficiencies shall authorize the ethics panel clerk to dismiss the complaint.

- (2) Upon receipt of a complaint alleging misconduct, the county official or employee against whom the complaint was filed may reply to the complaint within 30 days, unless such time for reply is extended by the ethics panel upon good cause shown. The response of the county official or employee must be supported by affidavits based on personal knowledge, must set forth such facts as would be admissible in evidence, and must show affirmatively that the affiant is competent to testify to the matters stated therein. All documents referred to in an affidavit should be attached to the affidavit.
- (3) Within 60 days of receipt of a complaint, the ethics panel shall conduct an investigatory review to determine whether specific substantiated evidence from a credible source(s) exists to support a reasonable belief that there has been a violation of this Code of Ethics. In addition to any notice required under the Georgia Open Meetings Act, the clerk shall provide written notice to the party tendering the complaint, and the official or employee that is the subject of the complaint, of the date, time and location of the ethics panel meeting where the investigatory review is to be conducted. This notice shall be provided via statutory overnight or certified mail delivered to the residence or other provided address of the respective party, with said notice to be received a reasonable time and in no event less than two days prior to the date of said meeting. The above notice notwithstanding, neither the complaining nor responding party shall be entitled to make a presentation or otherwise address the ethics panel during the investigatory review meeting. The opportunity for presenting evidence and otherwise addressing the ethics panel shall occur in accord with subsection (4) of this section. If after reviewing the complaint the ethics panel by majority vote determines that no specific, substantiated evidence from a credible source(s) exists to support a reasonable belief that there has been a violation of this Code of Ethics or determines that no violation occurred, it may dismiss the complaint without further proceedings. In the event a complaint is dismissed based upon the merits of the complaint, the complaint may not be re-filed.
- (4) If the ethics panel determines that specific, substantiated evidence from a credible source exists to support a reasonable belief that there has been a violation of this Code of Ethics, certified written notice of a hearing, containing

the time, date and place of such hearing, shall be given to each party by the ethics panel, and a formal public hearing shall be conducted and both parties afforded an opportunity to be heard. Any formal public hearing shall be conducted in accordance with the requirements of due process. The ethics panel is authorized to swear witnesses.

- (5) Any final determination resulting from the hearing shall include written findings of fact and conclusions of law. The ethics panel shall determine if clear and convincing evidence shows any violation of this Code of Ethics.
- (6) In the event an ethics complaint brought against a county official or employee (both hereafter referred to as "Respondent") arising out of their official duties is dismissed, the Respondent shall be entitled to reimbursement for reasonable attorney's fees and costs incurred in defending said ethics complaint. Upon securing a final determination by the ethics panel of the complaint being dismissed, the Respondent shall submit a copy of the order making such findings to the Forsyth County Manager along with a copy of all applicable itemized attorney's fees and costs incurred in defending same. The itemized attorney's fees and costs shall have attorney time and tasks broken down in 1/10 of an hour increments along with the attorney's hourly fee, paralegal costs and all other itemized costs coupled with a sworn statement by the attorney that the amount submitted for repayment is the same amount for which the Respondent would otherwise have been responsible. No paralegal or other expenses shall be subject to reimbursement.

The county manager shall submit, within (3) three business days of receipt, the attorney fee statement to the County Attorney for a determination of reasonableness, of which determination shall be provided in writing (or email) to the county manager and Respondent within (3) business days. Upon the fees being deemed reasonable, the County Manager shall submit all documentation to the department of finance for issuance of a reimbursement check to the Respondent or Respondent's attorney, at Respondent's sole discretion, with reimbursement payment occurring within (10) ten days from the date of the County Attorney's determination notification. In no event shall reimbursement under this paragraph exceed \$10,000.00.

Section Fifteen. Disciplinary action.

- (A) Employees are subject to the following penalties and actions for a violation of this Code of Ethics:
 - (1) Written warning or reprimand;
 - (2) Suspension without pay;
 - (3) Termination of employment; and
 - (4) Repayment to the County of any unjust enrichment.
- (B) County officials are subject to the following penalties and actions for a violation of this Code of Ethics:
 - (1) Written warning, censure, or reprimand;

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

Section Sixteen. Judicial review.

- (A) Any party against whom a decision of an ethics panel is rendered may obtain judicial review of the decision by writ of certiorari to the superior court of the county. The application for the writ must be filed within 30 days from the date of the written decision. Judicial review shall be based upon the record. No party shall be entitled to a de novo appeal.
- (B) Upon failure to timely request judicial review of the decision by writ of certiorari as provided in this section, the decision shall be binding and final upon all parties.
- (C) The appellate rights afforded under this Code of Ethics shall be in lieu of any right to appeal an adverse employment action under the county civil service system, to the extent the county official or employee may be subject to the civil service system.

Section Seventeen. Reserved.