

- (4) To deliver to the accused party written notice of the allegations at least ten business days before a hearing. Service may be by personal service or by certified mail, return receipt requested;
- (5) To make such investigation and response to a complaint as it deems necessary to determine whether any person has violated any provisions of this article;
- (6) To hold such hearings and make such inquiries as deemed necessary to investigate and rule upon complaints; and
- (7) To report its findings along with proposed sanction.

(Ord. No. 00-7-3, art. VII, 7-17-00)

Sec. 2-108. Enforcement procedure.

Enforcement. Any person having a complaint against any city official for an alleged ethics violation under this article shall file in writing a verified complaint setting forth the particular facts and circumstances which constitute the alleged violation. The complaint shall be filed with the chairman of the city commissioners, or in the event the complaint regards the chairman of the city commissioners, shall be filed with the chairman pro-tem of the city commissioners. Upon receipt of a complaint, the chairman, or in the event the complaint regards the chairman, the chairman pro-tem shall notify the accused official of the complaint. The accused official shall provide a written response to the chairman concerning the allegation within three days. The chairman (or chairman pro-tem) shall appoint three members of the city commission to serve as an investigating committee. The chairman (or chairman pro-tem) shall serve as one of the three members. The committee shall be assisted by the city attorney. The committee shall determine whether the complaint sets forth significant facts and circumstances so as to warrant a hearing before the full city commission.

In the event investigating committee determines that the complaint does not set forth sufficient facts to constitute an alleged violation and is found unjustified, frivolous or patently unfounded, it shall be dismissed and the complainant and accused official notified immediately. In the event

the complaint is found to state sufficient facts to warrant a hearing before the city commission, the commission chairman shall schedule a hearing into the complaint. The city commission shall call any witness or request any evidence it deems necessary to consider the complaint. Six of the remaining eight city commissioners must be present in order for the hearing to be held. The accused official shall have the right at such hearing to present evidence or call witnesses, and the accused official shall have the right to be represented by an attorney.

Although held to the same standards of conduct as the city commission, any ethics complaint against the municipal court judges or the city attorney shall be investigated, and the provisions of this article enforced by the city manager. (Ord. No. 00-7-3, art. VIII, 7-17-00)

Sec. 2-109. Penalties.

(a) *Penalties.* Any persons violating any provisions of this policy are subject to:

- (1) Written and oral reprimand by the commission.
- (2) Request for resignation by the commission.

(Ord. No. 00-7-3, art. IX, 7-17-00)

Sec. 2-110. Miscellaneous.

Severability. The provisions of this article are severable. If any provision of this article or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this article which can be given effect without the invalid provisions or application.

(Ord. No. 00-7-3, art. X, 7-17-00)

PROPOSED

Sec. 2-108. Enforcement procedure.

(a) **Complaint.** Any person having a complaint against any city official for an alleged ethics violation under this article shall file in writing a complaint setting forth the particular facts and circumstances which constitute the alleged violation. The complaint shall be filed with the City Clerk, who shall forward it to the Mayor, or in the event the complaint regards the Mayor, shall be forwarded to the Mayor pro-tem of the city commission. Upon receipt of a complaint, the Mayor shall notify the accused official of the complaint. The accused official shall provide a written response to the Mayor concerning the allegation within three days. In the event the complaint regards the Mayor, the Mayor pro-tem shall assume the responsibilities of the Mayor under this Section.

(b) **Investigating Committee.** The Mayor shall randomly select three, qualified, elected officials to serve as an investigating committee. The selection process shall be monitored and recorded by the City Clerk. Qualified elected officials shall include elected representatives of municipalities from Georgia Municipal Association's District One, which are also Certified Cities of Ethics. Three qualified municipalities shall be identified initially. The Mayor shall contact the chief elected official of the elected body that municipality. If the chief elected official cannot or will not serve on the investigating committee, then he or she will be asked to randomly select another member of such municipality's governing body until a member agrees to serve. In the event no elected official from a chosen municipality can or will serve on the investigating committee, then another municipality will be randomly chosen and the process repeated. Members of the committee shall not be paid for their time, but shall be entitled to reimbursement for reasonable travel expenses under the City of Rome's existing policy.

(c) **Investigation.** The committee shall determine whether the complaint sets forth significant facts and circumstances so as to warrant a hearing before the investigating committee. Upon request, the committee shall be assisted by the city attorney. If the committee determines that the complaint does not set forth sufficient facts to constitute an alleged violation, it shall be dismissed and the complainant and accused official notified immediately.

(d) **Hearing.** In the event the complaint is found to state sufficient facts to warrant a full hearing, the investigating committee shall schedule a hearing into the complaint. The committee shall call any witness or request any evidence it deems necessary to consider the complaint. All three committee members must be present at the hearing. The accused official shall have the right at such hearing to present evidence or call witnesses, and shall have the right to be represented by an attorney.

(e) **Recommendation.** Upon conclusion of the hearing, the investigating committee shall make a written report to the city commission. The written report should make a determination of whether or not a violation has occurred. The written report may include a suggested penalty.

(f) **Other enforcement/investigations.** Any ethics complaint against the municipal court judges or the city attorney shall be investigated and enforced by the city manager.