

Senate Bill 178

By: Senators Kennedy of the 18th and Lucas of the 26th

AS PASSED SENATE

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act known as the "Macon Water Authority Act," approved March 23, 1992
2 (Ga. L. 1992, p. 4991), as amended, so as to provide a code of conduct for board members,
3 officers, and employees; to provide for prohibited actions; to provide for punishments; to
4 provide for related matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 An Act known as the "Macon Water Authority Act," approved March 23, 1992 (Ga. L. 1992,
8 p. 4991), as amended, is amended by adding a new section to read as follows:

9 "SECTION 26.1.

10 Conduct of members, officers, and employees

11 (a) Board members, officers, and employees of the authority shall demonstrate by their
12 example the highest standards of ethical conduct, so that the public may justifiably have
13 trust and confidence in the integrity of the authority. As agents of public purpose, the
14 members, officers, and employees of the authority shall hold their offices or positions for

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15 the benefit of the public, shall recognize that the public interest is their primary concern,
16 and shall faithfully discharge the duties of their office regardless of personal consideration.

17 (b) No board member, officer, or employee of the authority shall knowingly:

18 (1) Engage in any business or transaction in which that person has a financial interest
19 which is incompatible with the proper discharge of official duties;

20 (2) Disclose confidential information concerning the property, governance, or affairs of
21 the authority by which such person is engaged without proper legal authorization or use
22 such information to advance the financial or other private interest of such person or
23 others;

24 (3) Accept any valuable gift from any person, firm, or corporation which to his or her
25 knowledge is interested, directly or indirectly, in business dealings with the authority;
26 provided, however, that an elected official who is a candidate for public office may
27 accept campaign contributions and services in connection with any campaign;

28 (4) Represent private interests, other than his or her own, in any action or proceeding
29 against the authority; or

30 (5) Vote or otherwise actively participate in the negotiation or the making of any contract
31 between the authority and any business or entity in which he or she has a substantial
32 financial interest.

33 (c) Any board member, officer, or employee of the authority who possesses or who
34 acquires any financial interest shall at the time a conflict becomes apparent make full
35 disclosure of such in writing to the authority's board, and for any member who is also a
36 member of the Macon-Bibb County Commission, to such commission. Any such
37 disclosure statement shall be a matter of public record and shall be filed with the executive
38 director of the authority. Furthermore, any member of the authority who has any personal
39 or private financial interest, direct or indirect, on any proposal before the authority shall
40 disclose such interest in writing to the Macon-Bibb County Commission, and such

41 disclosure shall be made a matter of public record prior to any vote of the authority on such
42 proposal.

43 (d) No board member nor any company or business in which such member, or such
44 member's immediate family member, presently has a direct or indirect interest which is
45 incompatible with the proper discharge of the board member's official duties, or which
46 would tend to impair such member's independence of judgment or action in the
47 performance of his or her official duties, shall do business with the authority.

48 (e) No board member, officer, or employee of the authority shall use any property owned
49 by the authority for his or her financial benefit, convenience, or profit except in accordance
50 with the adopted policies or procedures of the authority.

51 (f) Any violation of this section which occurs with the knowledge, express or implied, of
52 another party to a contract or sale shall render such contract or sale voidable at the option
53 of the board, and may be rescinded as to such parties by the authority.

54 (g) Employees of the authority may individually exercise their right to vote and may
55 privately express their views as citizens, but no employee of the authority shall:

56 (1) Use his or her office or status as an employee of the authority to interfere with or
57 affect the results any election or nomination for a public office; or

58 (2) Directly or indirectly coerce, attempt to coerce, or command any state or local officer
59 or employee to pay, lend, or contribute anything of value to a party, committee,
60 organization, agency, or person for political purposes.

61 (h)(1) The board may reprimand, put on probation, demote, suspend, or discharge any
62 employee or appointed officer found to have violated any provision of this section.

63 (2) Any board member of the authority who violates this section may be removed from
64 office as provided by law."

65

SECTION 2.

66 All laws and parts of laws in conflict with this Act are repealed.