



STANDARDS OF ETHICAL CONDUCT AND CONFLICT OF INTEREST POLICY



ONE **great** REGION

1.0 Policy Overview

1.1 Purpose:

The Atlanta Regional Commission (hereinafter referred to as "the Commission") is committed to upholding the highest standards of integrity, transparency, and ethical conduct in all its operations. As a public agency and instrumentality of its local government members funded by state and federal grant funds, with a governing board comprised of elected officials from around the region, the Commission recognizes its profound responsibility to the public trust.

1.2 Scope:

This policy establishes clear guidelines for the ethical behavior of all Commission Members, employees, and agents, and outlines procedures for identifying, disclosing, and resolving conflicts of interest. It is designed to prevent even the appearance of impropriety, ensure impartial decision-making, and promote public confidence in the Commission's mission and operations.

1.3 Definitions:

For the purpose of this policy, the following definitions apply:

- **Commission:** Refers to the Atlanta Regional Commission, which operates as a regional commission under OCGA 50-8-30 et seq. and a metropolitan area planning and development commission under OCGA 50-8-80 et seq. This includes its governing board, and its operational staff.
- **Commission Member (or Member):** Any individual serving on the governing board of the Commission. Provisions applying to Commission Members apply to all members of official committees and subcommittees of the ARC Board, including Technical Advisory Committees.
- **Employee:** Any individual employed by the Commission, whether full-time, part-time, temporary, or permanent.
- **Conflict of Interest:** A situation in which the personal interests of a Commission Member or employee, or those of their immediate family, may influence, or appear to influence, the objective and impartial exercise of their official duties or decisions. This includes, but is not limited to, situations where an individual's private interest (financial or otherwise) conflicts with their official duties and responsibilities.
- **Confidential Information:** Non-public information obtained by reason of one's official position, which, if disclosed, could have a detrimental effect on the Commission or confer a private benefit. This specifically includes, but is not limited to, information protected under OCGA 50-8-88.

- Gift: Anything of monetary value, including, but not limited to, cash, goods, services, discounts, entertainment, food, lodging, or transportation, given without equivalent exchange.
- Financial Interest: Any direct or indirect ownership, investment, or prospective economic gain, including but not limited to, stock ownership, partnership interests, or employment relationships. This does not include a set salary at a company where added business will have no impact on pay of the individual in review.
- Immediate Family: Spouse, children (including step-children and adopted children), parents, siblings, or any other relative sharing the same household.
- Official Duties: All responsibilities, tasks, and functions inherent in a Commission Member's board service or an employee's employment with the Commission, including duties related to regional planning, development, and land use as defined by OCGA 50-8-30 et seq. and OCGA 50-8-80 et seq.
- Participate: To take part in any action, decision, approval, disapproval, recommendation, investigation, or rendering of advice regarding a particular matter.
- Region/Area: The geographic area of operation for the Commission, as defined by OCGA 50-8-31 for a Regional Commission or OCGA 50-8-81 for a Metropolitan Area Planning and Development Commission, respectively. For purposes of this document, this is the 11 county area.

2.0 Policy Statement

2.1 Policy Requirements:

This policy is developed in compliance with, and shall be interpreted consistent with, all applicable federal, state, and local laws, including but not limited to, OCGA 45-10-1 (Interests in Contracts; Sales of Property), OCGA 45-10-3 (Incompatible Employment), OCGA 50-8-30 et seq. (Regional Commissions), OCGA 50-8-60 through 50-8-67 (Conflicts of Interest for members of Regional Commissions), and OCGA 50-8-80 et seq. (Metropolitan Area Planning and Development Commissions). The Commission is committed to full compliance with all applicable federal, state, and local laws, regulations, and grant requirements, including but not limited to:

- All laws governing the expenditure of state and federal grant funds.
- Open records and open meetings laws.
- Anti-discrimination laws.

- Procurement laws and regulations.
- OCGA 50-8-30 et seq. (Regional Commissions).
- OCGA 50-8-80 et seq. (Metropolitan Area Planning and Development Commissions).
- Any other statutes or regulations relevant to the Commission's operations.

2.2 Professionalism Standards:

All Commission Members and employees are expected to adhere to the highest standards of professionalism, integrity, and ethical conduct:

- **Public Service Ethic:** Serve the public interest with dedication, integrity, and impartiality.
- **Respect and Civility:** Treat all individuals, including colleagues, constituents, and the public, with courtesy, respect, and dignity.
- **Accountability:** Be accountable for actions and decisions and strive for excellence in the performance of duties.
- **Fairness and Impartiality:** Make decisions and take actions based on merit and the best interests of the Commission and the public, without favoritism or prejudice, especially in matters of regional planning, development, and resource allocation.
- **Stewardship of Resources:** Exercise prudence and efficiency in the use of Commission resources and public funds.
- **Confidentiality:** Protect confidential information, using it only for authorized purposes and never for personal gain or to benefit another. This specifically includes compliance with OCGA 50-8-88 regarding the confidentiality of information.

Transparency: Conduct Commission business openly, subject to legal limitations on confidentiality.

2.3 Representation of the Commission

Commission Members and employees serve in positions of public trust and are representatives of the Commission.

2.3.1 Official Capacity: Commission Members are deemed to be acting on behalf of the Commission when participating in official board meetings, committee meetings, or activities authorized by the Board Chair directly related to their duties as board members. Employees are acting on behalf of the Commission when performing their assigned job duties and responsibilities, which includes activities related to regional planning and development.

2.3.2 Public Statements: When speaking or acting in an official capacity, Commission Members and employees must ensure their statements and actions accurately reflect the policies, positions, and interests of the Commission. Press releases may only be released by the ARC Office of External Affairs, and official statements from the agency should be reviewed by that same Office. When expressing personal views, they should clearly distinguish between personal opinions and official Commission positions, particularly when those personal views might be mistaken for official policy or create a conflict of interest. See the ARC Social Media Policy for more detail on how to express personal views on social media sites.

2.3.3 Authority: No Commission Member or employee shall purport to represent the Commission, or bind the Commission to any agreement or commitment, unless explicitly authorized to do so by the Commission's bylaws, resolutions, or the Executive Director.

2.4 Incompatible Employment for Employees

In accordance with OCGA 45-10-3, and to prevent conflicts of interest or the appearance thereof, no employee of the Commission shall engage in any outside employment, activity, or enterprise that is incompatible with the employee's official duties or the mission of the Commission. Incompatible employment includes, but is not limited to, situations where the outside employment:

- Requires the employee to disclose or use confidential information obtained through their employment with the Commission, including information protected under OCGA 50-8-88.
- Involves work that the employee performs, or is subject to review by the employee, as part of their official duties for the Commission.
- Requires or induces the employee to act in a manner contrary to the best interests of the Commission.
- Requires or induces the employee to use Commission resources, equipment, or time for personal gain.

- Creates an actual or apparent conflict of interest or causes the employee to be biased in the performance of their official duties, especially concerning planning, zoning, or development matters within the Region/Area.
- Is with any entity that conducts business with, is regulated by, or has a direct or indirect financial interest in matters before the Commission, unless express written approval is granted by the Executive Director after a review by the General Counsel.

Employees must disclose any outside employment or business interests to the Office of Human Resources through the reporting process outlined in the ARC Personnel Policy. The Chief Human Resources Officer, in consultation with the General Counsel, shall determine if such employment is incompatible.

2.5 Political Activity Limitations

2.5.1 Commission employees, as public servants, are subject to certain limitations on political activities, particularly concerning the use of public resources. Commission Members, while often elected officials themselves, must observe these limitations when acting in their official capacity as board members.

- **No Use of Commission Resources:** No Commission Member or employee shall use Commission time, property, equipment, or resources (including vehicles, supplies, or email systems) for political activities, including campaigning for any political office, advocating for or against any political party, candidate, or ballot measure.
- **Official vs. Personal Capacity:** When engaging in political activities outside of official duties and hours, employees and Commission Members must make it clear that they are acting in their personal capacity and not as representatives of the Commission.
- **Fundraising:** No employee or Commission Member shall solicit political contributions while on Commission property or during Commission working hours.

2.5.2 Compliance with Hatch Act Employees involved with federally funded programs must also adhere to the provisions of the Hatch Act, which restricts political activities of federal, state, and local government employees in programs that receive federal funds. The following actions are prohibited:

- Using official authority or influence to interfere with or affect the result of an election, by for example:
 - Using official titles or positions while engaged in political activity

- Inviting subordinate employees to political events or otherwise suggesting to subordinates that they attend political events or undertake any partisan political activity
- Soliciting, accepting or receiving a donation or contribution for a partisan political party, candidate for partisan political office, or partisan political group by for example:
 - Hosting a political fundraiser
 - Collecting contributions or selling tickets to political fundraising functions*
- Being candidates for partisan political office
- Knowingly soliciting or discouraging the participation in any political activity of anyone who has business pending before their employing office
- Engaging in political activity – i.e., activity directed at the success or failure of a political party, candidate for partisan political office, or partisan political group – while the employee is on duty, in any agency room or building, while wearing a uniform or official insignia, or using any federally owned or leased vehicle. For example, **while at work** employees may not:
 - Distribute campaign materials or items
 - Display campaign materials or items
 - Perform campaign related chores
 - Wear or display partisan political buttons, t-shirts, signs, or other items
 - Make political contributions to a partisan political party, candidate for partisan political office, or partisan political group
 - Post a comment to a blog or a social media site that advocates for or against a partisan political party, candidate for partisan political office, or partisan political group
 - Use any email account or social media to distribute, send, or forward content that advocates for or against a partisan political party, candidate for partisan political office, or partisan political group

2.6 Essential Disclosures of Business Transactions

In adherence to OCGA 45-10-1, OCGA 50-8-62 through 50-8-67, and implicitly OCGA 50-8-85 which cross-references these provisions for metropolitan area commissions, Commission Members and employees have an affirmative duty to disclose certain financial interests and business transactions.

2.6.1 Disclosure Requirements (OCGA 50-8-62 through 50-8-67):

Financial Interests: Each Commission Member and designated employee shall file a statement of financial interest annually, or upon appointment/employment, and within 30 days of any significant change in financial interest. This statement shall include:

- Any direct or indirect ownership of 10% or more of any business entity.
- Any employment by or contractual relationship with any business entity.
- Any financial interest in real property within the geographic Region/Area served by the Commission, or which is the subject of a matter before the Commission, particularly concerning any zoning, land use, or development decisions.
- Any gifts received (as defined in Section XI) that exceed the stated limit.

Recusal and Non-Participation (OCGA 50-8-64): A Commission Member or employee having a conflict of interest in a matter under consideration by the Commission shall:

- Immediately disclose the nature of the conflict on the record (for Members, during the meeting; for employees, to their supervisor and General Counsel).
- Refrain from participating in any discussion or deliberation concerning the matter.
- Recuse themselves from voting or making recommendations on the matter.
- Absent themselves from the room during any deliberation and vote on the matter if they are a Commission Member.

2.6.2 Transactions with the Commission (OCGA 45-10-1): No Commission Member or employee, or any business in which they or their immediate family have a substantial interest (as defined by OCGA 45-10-1), shall enter into any contract with the Commission or sell any property to the Commission, except as provided by law. Any such transaction, if permitted by law, must be fully disclosed and approved by the Ethics Committee and the full Board, with the interested party abstaining from discussion and vote.

All disclosures shall be made in writing to the General Counsel, who will maintain a record of all disclosures and recusals.

2.7 Contracting and Conflicts

To ensure fair competition and prevent the misuse of public office for private gain, the following rules apply to contracting:

- No Commission Member or employee shall use their official position or confidential information (including information protected under OCGA 50-8-88) to secure a contract or other benefit for themselves, their immediate family, or any business in which they or their immediate family have a substantial financial interest.
- Any current or prospective vendor, contractor, or consultant to the Commission who has a relationship with a Commission Member or employee that could give rise to a conflict of interest must disclose such relationship to the Commission prior to or upon submission of a bid, proposal, or commencement of services.
- Commission Members and employees are prohibited from negotiating or approving contracts on behalf of the Commission where they, their immediate family, or any business entity in which they have a substantial financial interest, are a party to the contract.
- All procurements shall follow established procurement policies and procedures, ensuring open and fair competition.

The above clauses shall be included in all procurements with a certification disclosure. Any contracts awarded in violation of this clause are subject to immediate termination at the discretion of the Executive Director.

2.8 Accepting Gifts

To avoid the appearance of impropriety and prevent undue influence, the following rules apply to gifts:

2.8.1 Prohibition on Soliciting/Accepting Gifts: Commission Members and employees shall not solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan, or anything of monetary value from any person or entity that:

- Has or is seeking to obtain contractual or business relations with the Commission.
- Conducts activities that are regulated by the Commission, particularly related to planning, zoning, or development within the Region/Area.
- Has interests that may be substantially affected by the performance or non-performance of the individual's official duties.

2.8.2 Reasonable Gift Limit: Gifts of nominal value, not exceeding \$100.00 (one hundred dollars) per single item and not exceeding \$500.00 (five hundred dollars) per calendar year from any single source, may be accepted, provided that such gifts are not part of a pattern of frequent acceptance of gifts from the same source and are not offered in exchange for official action. This limit does not apply to widely available promotional items of de minimis value (e.g., pens, calendars, notepads).

2.8.3 Exceptions:

- Gifts from immediate family members or personal friends where the relationship is independent of official duties.
 - Bona fide awards or recognition for public service, provided they are not intended to influence official action.
 - Attendance at public events as part of official duties, where the cost of attendance is borne by the Commission or is part of a widely attended gathering with a legitimate program purpose.
- Any gift exceeding the stated limit that cannot be refused or returned (e.g., perishable items) shall be reported to the General Counsel and, if practical, donated to a charitable organization or shared among all employees.

2.9 Prohibition on Commission Giving Gifts

2.9.1 The Commission, as a public entity, is subject to the limitations of the Gratuities Clause of the Georgia Constitution. This clause generally prohibits the state, and by extension its political subdivisions and instrumentalities, from making donations or grants of gratuities or extra compensation to any person, corporation, or association.

2.9.2 Specifically, Article III, Section VI, Paragraph VI(a) of the Georgia Constitution states: "The General Assembly shall not authorize any donation or gratuity or the suspension of the collection of any tax due the state; nor shall the General Assembly authorize the grant of any extra compensation to any public officer, agent, or contractor after the service has been rendered or the contract entered into."

2.9.3 This provision means that the Commission shall not use public funds or resources to give gifts, donations, or grants of extra compensation to private individuals or entities unless explicitly authorized by law, for a public purpose, and in exchange for adequate consideration. All expenditures of Commission funds must serve a legitimate public purpose and be made in accordance with statutory authority and procurement rules. This prohibition ensures that public funds are used solely for the public good and prevents the use of taxpayer money for private benefit or to confer an undeserved favor.

3.0 Enforcement

3.1 Reporting and Review Process.

3.1.1 Duty to Report:

- All Commission Members and employees have a duty to report any known or suspected violations of this policy, applicable laws, or regulations. Reports should be made promptly and in good faith.
- Reports should generally be made to the Executive Director or the General Counsel. If the alleged violation involves the Executive Director or General Counsel, the report should be made directly to the Chair of the Ethics Committee (or the Board Chair if no Ethics Committee is yet formed).

3.1.2 Whistleblower Protections:

- The Commission strictly prohibits retaliation against any Commission Member or employee who, in good faith, reports a suspected violation of this policy or any law, or who participates in an investigation related to such a report.
- Any individual found to have engaged in retaliation will be subject to disciplinary action, up to and including termination of employment or removal from the board, as appropriate.
- "Good faith" means having a reasonable belief that a violation has occurred or is about to occur. It does not require that the reporter be correct in their belief, only that the belief is reasonable.

3.1.3 Investigation Process:

- Upon receiving a report of a suspected violation, the General Counsel shall be responsible for initiating and conducting a thorough, impartial, and timely investigation.
- The General Counsel may engage external counsel or investigators if deemed necessary to ensure objectivity and expertise.
- The investigation will include, but not be limited to, interviewing relevant parties, reviewing documents, and gathering evidence.
- All individuals involved in an investigation are expected to cooperate fully and provide truthful information.
- The General Counsel will prepare a confidential report of findings and recommendations.

3.1.4 Review and Decision:

- The General Counsel's report will be submitted to the Board-created Ethics Committee.

- The Ethics Committee shall review the findings, consider any additional information, and determine whether a violation of this policy or applicable law has occurred.
- The Ethics Committee will make recommendations to the full Board regarding appropriate action, if any.
- The accused individual will be given an opportunity to respond to the allegations before a final decision is made by the Ethics Committee or the full Board.
- All Ethics Committee deliberations and decisions regarding specific violations shall remain confidential to the extent permitted by law

3.2 Violations and Consequences: Any violation of this policy may result in disciplinary action, up to and including:

- For Employees: Verbal warning, written reprimand, suspension without pay, demotion, or termination of employment.
- For Commission Members: Formal censure, request for resignation, or initiation of legal proceedings for removal from office, consistent with applicable laws and bylaws.

Violations that also constitute violations of federal or state law (e.g., fraud, embezzlement, or specific ethics statutes like those referenced herein) may be referred to the appropriate law enforcement or regulatory authorities for further investigation and prosecution, potentially resulting in civil penalties, fines, or criminal charges.

The Commission reserves the right to seek restitution for any financial losses incurred as a result of a policy violation.

3.3 Acknowledgement

This Standards of Ethical Conduct and Conflict of Interest Policy is effective upon adoption by the Board.

3.3.1 Distribution and Accessibility:

This policy shall be distributed to all Commission Members and employees upon its adoption and to new Commission Members and employees upon their appointment or hiring. It shall also be readily accessible to all personnel on the Commission's Board Portal and employee intranet.

3.3.2 Responsibility for Understanding:

All Commission Members and employees are responsible for familiarizing themselves with the contents of this policy and understanding their obligations hereunder. The Commission will provide training and resources to assist in this understanding. It is each individual's responsibility to proactively seek clarification on any aspect of this policy about which they are unsure. Adherence to these standards is a fundamental expectation of all Commission Members and employees; therefore, a lack of familiarity with policy provisions will not excuse a violation.

3.3.3 Acknowledgment by Commission Members:

Each Commission Member shall be required to formally acknowledge their understanding of, and commitment to comply with, this policy by signing the statement below. This acknowledgment shall be renewed upon any significant revision to the policy.

Acknowledgment of Standards of Ethical Conduct and Conflict of Interest Policy

I, the undersigned, acknowledge that I have received, read, and understand the Standards of Ethical Conduct and Conflict of Interest Policy of the Atlanta Regional Commission. I understand that as a Commission Member, I am responsible for adhering to the ethical standards and conflict of interest provisions set forth in this policy and all applicable laws and regulations. I further understand that failure to comply with this policy may result in disciplinary action as outlined therein.

I agree to comply fully with this policy and to promptly disclose any actual, apparent, or potential conflicts of interest as required.

Name of Commission Member (Printed):

Signature:

Date:

4.0 References

- 4.1 Related Policies: ARC Personnel Policy, ARC Procurement and Contracting Policy
- 4.2 Applicable Laws and Regulations:

- OCGA 45-10-1 (Interests in Contracts; Sales of Property)
- OCGA 45-10-3 (Incompatible Employment)
- OCGA 50-8-30 et seq. (Regional Commissions)
- OCGA 50-8-60 through 50-8-67 (Conflicts of Interest for members of Regional Commissions)
- OCGA 50-8-80 et seq. (Metropolitan Area Planning and Development Commissions)
- 5 U.S.C. §§ 7321-7326 (Hatch Act)

5.0 Revision History

5.1 Versioning: Adopted [Proposed 11/2025]

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