

# Supplier Standards and Ethics

Cherokee County strives to uphold the highest levels of ethics and integrity in organizing and executing against its business needs. Since suppliers play such a critical role in accomplishing many of the County's objectives, it is important that those wishing to become Suppliers and perform work for the County understand the expectations placed on County suppliers. Suppliers are expected to conduct business with the County in a manner that demonstrates honesty, integrity and high ethical standards in its dealings.

Suppliers are expected to use appropriate due diligence to quote completely and correctly, to accurately represent their products, services and capabilities, to conform to the terms of the County's solicitations, to perform against the requirements contained in awarded contracts and purchase orders completely and thoroughly, to invoice accurately and appropriately, to meet all their commitments with their employees, sub-contractors and vendors, comply with all applicable laws, codes or regulations of the countries, states and localities in which they operate, including laws and regulations relating to environmental, occupational health and safety, and labor practices. Suppliers should never request County employees provide any confidential, privileged, or proprietary information or to inappropriately attempt to influence the outcome of a solicitation or encourage or cause a County employee to be non-compliant with the County's Code of Ethics, attached. Suppliers should hold their suppliers, business partners and subcontractors to the same standards.

Supplier actions discovered to be non-compliant with these standards will be addressed according to Sub-Article 7 Debarment or Suspension and Sub-Article 9 Ethic in Public Contracting as contained in the Cherokee County Procurement Ordinance.

Attachment

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## INTRODUCTION

The following is a reformatted version of section 7.0 of the Cherokee County Personnel Policies Manual provided as an exhibit to the Supplier Standards and Ethics statement.

## SECTION 7: CONDUCT

Employees are expected to follow the Laws of the State of Georgia and the ordinances of the County. Additionally, since County employment is a position of public trust, certain activities are specifically prohibited.

### 7.0 CODE OF ETHICS

- A. It is the policy of the Cherokee County Board of Commission to uphold, promote, and demand the highest standards of ethics from all of its employees. County employees shall maintain the utmost standards of personal integrity, truthfulness, honesty, and fairness in carrying out their public duties, avoid any improprieties in their roles as public servants including the appearance of impropriety, and never use their County position or powers for improper personal gain.
- B. It is the intention of the Board of Commission that this Section be liberally construed to accomplish its purpose of protecting the public against decisions that are affected by undue influence, conflicts of interest, or any other violation of this Code of Ethics.

7.0.1 **Definitions.** The following words and phrases as used in this chapter, unless the context clearly indicates otherwise, shall have the following meanings:

- A. **"Business"** means any corporation, partnership sole proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, consultant, holding company, joint stock company, receivership, trust, or any legal entity organized for profit.
- B. **"Commercially reasonable loan"** means any loan between a person and employee that does not provide the employee with significant benefit, such as an unusual discount.
- C. **"County employee"** means every individual hired to an office or position with the County - under the jurisdiction of the Board of Commission, whether such individual is paid or unpaid, or receives taxpayer funding appropriated by the Board of Commission. Volunteer Board/Committee Members appointed by a Commissioner or the Board of Commission are considered "county employee" for the purpose of Section 7.1, Code of Ethics.
- D. **"Compensation"** means payment in any form for real or personal property or services of any kind.
- E. **"Gift"** means a voluntary transfer of real or personal property of any kind or the voluntary rendition of services of any kind without consideration of equal or greater value, but not including any reasonable hosting, including travel expenses, entertainment, meals, or refreshments furnished in connection with appearances, ceremonies, and occasions reasonably relating to official County business, where otherwise permitted by law.
- F. **"Immediate family"** shall mean spouse, child, parent, brother, sister, grandparent, parent-in-law, daughter-in-law, son-in-law, or grandchildren. The definition also includes any other person living in the employee's household who is recognized by state law as the employee's dependent, and any individual who stands in loco parentis to an employee when the employee was a child.
- G. **"Interest"** means direct or indirect pecuniary or material benefit accruing to a County employee as a result of a contract or transaction which is or may be the subject of an official act by an employee, committee, or Board of Commission, or action by or with the County. For the purpose of this ordinance, an employee is deemed to have an interest in the affairs of:

1. Any partner in the joint ownership of real estate with another person, excluding immediate family member;
2. The counterparty in any purchase or sale of real estate within one year before or after the employee's interaction with that counterparty on behalf of the county;
3. Any person of the employee's immediate family;
4. Any business entity in which the stock of, or legal or beneficial ownership of, excess of one percent of the total stock or total legal and beneficial ownership, is controlled or owned directly or indirectly by the employee;
5. Any person with whom a contractual relationship exists with the employee; provided, that a contractual obligation of less than \$500.00, or a commercially reasonable loan made in the ordinary course of business or a contract for a commercial retail sale at prices available to the general public shall not be deemed to create an interest in violation of this ordinance.

H. **"Legislation"** means any ordinance, resolution, or official approved action on the part of the Board of Commissioners.

I. **"Person"** means any individual or corporation, business, or other entity, however constituted, organized, or designated.

7.0.2 **Prohibited Conduct** The following shall constitute violations of this Code of Ethics:

A. **General Prohibition Against Conflicts of Interest.**

In order to avoid becoming involved or implicated in a conflict of interest or impropriety, or an appearance of conflict of interest or impropriety, no County employee should be involved in any activity that might be seen as conflicting with the conduct of official County business or as adverse to the interests of the County.

B. **Beneficial Interests in Contracts Prohibited.**

No County employee shall participate in his or her capacity as a County employee in the making of a contract in which he or she has a financial interest, direct or indirect, or performs in regard to such a contract some function requiring the exercise of discretion on behalf of the County. Except, that this prohibition shall not apply where the County employee has only a remote interest in the contract, and where the fact and extent of such interest is disclosed and noted in the official minutes or similar records of the County prior to formation of the contract, and thereafter the governing body authorizes, approves, or ratifies the contract in good faith.

For purposes of this section, a "remote interest" means:

1. That of a non-salaried officer of a nonprofit corporation;
2. That of an employee or agent of a contracting party where the compensation of such employee or agent consists entirely of fixed wages or salary;
3. That of a landlord or tenant of a contracting party;
4. That of a routine purchaser or seller of residential real estate within one year before or after the county employee's interaction on behalf of the county with the counterparty to that purchase or sale, where such real estate is used by the employee or his/her immediate family;
5. That of a holder of less than 1 percent of the shares of a corporation, limited liability company, or other entity which is a contracting party.

C. **Beneficial Influence in Contract Selection and Other County Business Prohibited.**

No County employee shall influence the County's selection of, or its conduct of business with, a person having or proposing to do business with the County if the County employee has a financial interest in or with the person, unless such interest is a remote interest and where the fact and extent of such interest is disclosed and noted in the official minutes or similar records of the County prior to formation of the contract, as defined in the preceding section. "Conduct of business" includes, and is not limited to, a county employee's exercise of judgment with regard to approving plans, making inspections, considering or approving of variances, and granting waivers. Delegation of decisions to a subordinate does not relieve a county employee's disclosure obligations under this ordinance in circumstances where it is reasonable to believe that the employee would have influence over the subordinate's decisions.

**D. Representation of Private Person at County Proceeding Prohibited.**

No County employee shall appear on behalf of a private person, other than himself or herself or an immediate family member or except as a witness under subpoena, before any regulatory governmental agency or court of law in an action or proceeding to which the County or a County employee in an official capacity is a party, or accept a retainer or compensation that is contingent upon a specific action by the County.

**E. Certain Private Employment Prohibited.**

No County employee shall engage in or accept private employment, or render services for, any private interest when such employment or service is incompatible with the proper discharge of official duties or would tend to impair independence of judgment or action in the performance of official duties.

**F. Beneficial Interest in Legislation Prohibited.**

No County employee, in appearing before the Board of Commissioners or when giving an official department or individual opinion, recommendation or stating a position before the Board of Commissioners, shall have an interest in any legislation coming before the Board of Commissioners and participate in discussion with or give an official opinion to the Board of Commissioners, unless such interest is a remote interest and where the fact and extent of such interest is disclosed and noted on the record of the Commission, or similar records of the County, prior to consideration of the legislation by the Board of Commissioners.

**G. Disclosure of Confidential Information Prohibited.**

No County employee shall disclose or use any confidential, privileged, or proprietary information gained by reason of his or her official position for a purpose which is for other than a County purpose; provided, that nothing shall prohibit the disclosure or use of information which is a matter of public knowledge, or which is available to the public on request.

**H. Improper Use of Position Prohibited**

No County employee shall knowingly use his or her office or position to secure personal benefit, gain or profit, or use his or her position to secure special privileges or exceptions for himself, herself, or for the benefit, gain, or profits of any other persons.

**I. Improper Use of County Personnel Prohibited.**

No County employee shall employ or use any person under the employee's official control or direction for the personal benefit, gain, or profit of the employee, or another.

**J. Improper Use of County Property Prohibited.**

No County employee shall unreasonably use County-owned vehicles, equipment, materials, money, or property for personal or private convenience or profit. Use is restricted to such services as are available to the public generally, for the authorized conduct of official business, and for such purposes and under such conditions as are approved by administrative order of the County Manager; provided, the use of a County vehicle by a County employee participating in a carpooling program established by the County, and for a purpose authorized under such program, shall not be considered a violation of this section or of any other provision of this section.

**K. Acceptance of Compensation, Gifts, Favors, Rewards, or Gratuity Prohibited.**

No County employee may, directly or indirectly, give or receive, or agree to give or receive, any compensation, gift, favor, reward, or gratuity for a matter connected with or related to the employee's services with the County of Cherokee, except this prohibition shall not apply to:

1. Attendance of a County employee at a hosted meal when it is provided in conjunction with a meeting directly related to the conduct of County business or where official attendance by the officer or employee as a County representative is appropriate;
2. An award publicly presented in recognition of public service; or
3. Any gift valued at \$100 or less, which cannot reasonably be presumed to influence the action, judgment of the employee, or be considered as part of a reward for action or inaction.