

ORDINANCE NO. 2024-

12-2

AN ORDINANCE AMENDING THE TOWN CODE OF THE TOWN OF OCHLOCKNEE BY ADOPTING A NEW ADMINISTRATION ORDINANCE; REPEALING ALL PRIOR ORDINANCES IN CONFLICT HERewith; AND FOR OTHER PURPOSES.

WHEREAS, the Town of Ochlocknee desires to conduct the business of the Town and provide services to its citizens in the most efficient and effective manner possible; and

WHEREAS, in order to achieve the highest degree of efficiency in the administrative functions of the Town and carrying out services to its citizens, it is necessary to make certain amendments to the Code of Ordinances of the Town of Ochlocknee;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Ochlocknee, and it is hereby ordained by authority of the same:

Section 1. An Administration Ordinance, a copy of which is attached hereto as "Exhibit A," is hereby adopted.

Section 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SO ORDAINED, this 2 day of December, 2024.

TOWN OF OCHLOCKNEE

By:

Mayor, Ronell Searcy

Attest:

Clerk, Ashley Love

(SEAL)

First: 11/4/24
Second: 12/2/24

Chapter 2.

ADMINISTRATION

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ARTICLE I. IN GENERAL

Section 2.1 **Mayor-Duties.**

The Mayor shall have the following duties:

- a. Preside at all meetings of the Town council, participate in the discussion of all matters brought before the Town council, count toward a quorum of members, and vote in the event of a tie vote of the councilmembers;
- b. Be the head of the Town for the purpose of service of process and for ceremonial purposes, and be the official spokesperson for the Town and the chief advocate of policy;
- c. Have the power to administer oaths and to take affidavits;
- d. Sign as a matter of course on behalf of the Town all written and approved contracts, ordinances, and other instruments executed by the Town which by law are required to be in writing;
- e. Appoint all committees, commissions, and authorities of the Town unless otherwise provide by law or ordinance; and
- f. Fulfill such other executive and administrative duties as the Town council shall establish by ordinance.

Section 2.2 **Candidate Qualification Fees.**

The qualification fee for candidates filing a notice of candidacy for Council shall be \$5.40 and for candidates filing a notice of candidacy for Mayor shall be \$10.80 in any general or special election, which fees shall be paid to the Elections Superintendent at the time of the filing of such notice of candidacy.

Section 2.3 **Official Bonds.**

Except as otherwise provided by law, the Council may require any Town official, department head, or employee, before entering upon the discharge of official duties, to give good and sufficient bond in any amount decided by the Council. Such bond shall be payable to the Town for the faithful performance of such duties and to secure against corruption, malfeasance, misappropriations, or unlawful expenditures in office. Such surety bonds shall be obtained from a surety company licensed to do business in the state and approved by the Council. The premiums thereon shall be paid by the Town.

Section 2.4 **Reserved.**

Section 2.5

Grounds for Removal from Office of Mayor or Council Member.

The Mayor or any Council member shall be subject to removal from office for any one or more of the following causes:

1. Incompetence, misfeasance, or malfeasance in office;
2. Conviction of a crime involving moral turpitude;
3. Failure at any time to possess any of the qualifications of office as provided by Charter or by law;
4. Willful violation of any express prohibition of the municipal Charter;
5. Abandonment of office or neglect to perform the duties thereof; or
6. Failure for any other cause to perform the duties of office as required by Charter or by law.

Sections 2.6 - 2.19

Reserved.

ARTICLE II. COUNCIL MEETINGS

Section 2.20 **General Rules for the Conduct of Business.**

Except as otherwise provided in this article, Robert's Rules of Order shall govern the conduct of Council meetings.

Section 2.21 **Day and Time of Regular Meetings; Calling Special Meetings.**

The Town Council shall hold regular meetings on the first Monday of each month at 5:30 p.m. unless otherwise ordered by the Council. The Mayor may convene the Council whenever in such official's opinion the public business requires it, and such official shall do so upon the application of three members of the Town Council. All meetings at which official actions are to be taken shall be open to the public.

Section 2.22 **Notice of Special Meetings; Duty to Attend.**

a. Notice: Notice of any special or called meeting shall be given to the Mayor and all Council members by the Town Clerk.

b. Duty to attend: It shall be the duty of each member of the Town Council to attend each meeting of the Town Council unless such member is prevented by some unavoidable circumstance.

Section 2.23 **Open Meetings; Call to Order.**

a. All meetings of the Council shall be open to the public.

b. The Mayor, or in the Mayor's absence the Mayor Pro Tempore, shall take the chair at the hour appointed for any regular, adjourned, special, or called meeting and shall immediately call the Council to order.

Section 2.24 **Executive Session.**

The Town Council may, at any time, upon call therefor by the presiding officer or upon motion, duly carried, by a Council member, meet in executive session. Attendance at such sessions shall be limited to the Mayor and members of Council and such invitees as shall be invited with the unanimous consent of the Council.

Section 2.25 **Approval of Minutes Without Reading.**

Unless a reading of the minutes of a Council meeting is requested by a Council member, such minutes may be approved without a reading if the Town Clerk has previously furnished each member a copy thereof.

Section 2.26**Order of Business.**

The business of the Council shall be taken up for consideration and disposition in the following order:

1. Call to order by presiding officer.
2. Approval of minutes of previous meeting.
3. Approval of the agenda.
4. Persons appearing before Council as stated on the agenda.
5. Payment of current invoices.
6. Reports of standing committees.
7. Reports of special committees.
8. Old business.
9. New business.
10. Adjournment.

Section 2.27**Reference to Committees; Duties; Reports By.**

a. Any business coming before the Town Council concerning the subject matter of which any standing or special committee has jurisdiction may be referred to the proper committee for investigation and report. It shall be the duty of each standing or special committee, whenever required by the Mayor, the Town Council, or any member of the Town Council, to examine any matter referred to such committee and make a report thereof at the next regular meeting of the Town Council or show good cause that no report is made. Such reports shall not be in writing unless so directed by the presiding officer.

b. Each standing committee shall examine the condition of the matters within its jurisdiction and make such reports and recommendations from time to time as may be necessary.

Section 2.28**Manner of Addressing Council by Member.**

No member, while the Town Council is in session, shall speak on any subject unless recognized by the presiding officer. Every speaker shall address the chair, and no member shall interrupt another while speaking, except to call such speaker to order or for explanation.

Section 2.29**Limitations on Addressing Council by Non-member.**

Any person not a member of Town Council who desires to address the Council shall first secure the permission of the presiding officer to do so, and then shall give such person's name and address in an audible tone of voice for the record, and direct such person's remarks to the Council as a body rather than to any particular member, limiting such remarks to five minutes unless additional time is granted by Council.

Section 2.30**Standing Committees.**

The following may be the standing committees of the Town Council:

1. Finance.
2. Town Properties (Recreation).
3. Public Works (Road Committee).
4. Public Safety (Police and Fire Department)

Section 2.31**Recording Vote.**

Whenever any member shall request it, the yeas and nays of the members present shall be recorded on the minutes on any question taken.

Section 2.32**Questions of Order.**

The presiding officer shall decide all questions of order, but any Council member who is dissatisfied with the decision may appeal to the Town Council in the manner provided by Robert's Rules of Order for appealing from decisions of presiding officers.

Section 2.33**Elections.**

All elections by the Town Council shall be by a majority vote of the whole Council.

Section 2.34**Legislation—Authority Generally.**

The Town Council shall exercise the legislative functions of the Town and may pass any ordinance or resolution that it deems best for the government of the Town in the manner set forth in this article, provided that the same is not in conflict with the Charter of the Town, the constitution or laws of the state, or the constitution or laws of the United States.

Section 2.35**Same--Adoption of Ordinances, Resolutions and Contracts.**

All ordinances, resolutions, and contracts of the Town shall be prepared, approved, introduced, and adopted in the following manner:

a. Preparation: Ordinances may be prepared by the Town Attorney. No ordinance shall be prepared for presentation to the Council by any person or agency except the Mayor or a Council member without prior approval of the Town Attorney.

b. Introduction and adoption:

1. Ordinances, resolutions, and other matters or subjects requiring action by the Council must be introduced and sponsored by a member of the Council, except that the Town Attorney may present ordinances, resolutions, and other matters or subjects to the Council, and any Council member may assume sponsorship thereof by moving that such ordinances, resolutions, matters, or subjects may be adopted.
2. No ordinance shall be put on its final passage on the same day on which it is introduced, except by unanimous consent of the members present.
3. Except for emergency ordinances all ordinances shall have two separate readings; the Council may dispense with the second reading with unanimous consent of the members present.
4. No ordinance shall relate to more than one subject, which shall be clearly expressed in its title, and no ordinance or section thereof shall be amended or repealed unless the new ordinance contains the title of the ordinance or section amended or repealed, and when practicable all ordinances shall be introduced as amendments to this Code.
5. An ordinance, resolution, or contract shall be deemed adopted or approved when it receives the affirmative vote of four Council members as provided in Section 2.21 of the Town Charter of the Town of Ochlocknee. The Mayor shall vote only in the event of a tie or then an affirmative or negative vote of the Mayor constitutes a majority of four votes.

c. Effective date: No ordinance shall take effect until five days after the date of its publication, except that an ordinance passed by a majority plus one of the whole membership of the Council, designated therein as a public emergency ordinance necessary for the protection of public health, public safety, public property, or the public peace, may be made effective upon adoption.

Sections 2.36 - 2.39**Reserved.**

ARTICLE III. OFFICERS

Section 2.40

Administrative Service-Policy and Procedures.

a. Officers: Each officer shall perform all duties required of such person's office by state law, the Charter, and this Code and such other duties not in conflict therewith as may be required by the executive officer.

b. Departments: Each department shall cooperate with every other department and shall furnish, upon the direction of the executive officer and request of the other department, such service, labor, and materials as may be requisitioned by the head of each department, as its own facilities permit.

c. Department heads: All department heads shall:

1. Be immediately responsible to the executive officer for the effective administration of their respective departments and all activities assigned thereto;
2. Keep informed as to the latest practices in their particular field and inaugurate, with the approval of the executive officer, such new practices as appear to be of benefit to the service and to the public;
3. Establish and maintain a system of filing and indexing records and reports in sufficient detail to furnish all information necessary for proper control of departmental activities and to form a basis for the periodic reports to the executive officer;
4. Have power, when authorized by the executive officer, to appoint and remove, subject to personnel regulations, all subordinates under such department head; and
5. Be responsible for the proper maintenance of all Town property and equipment used in their respective departments.

Section 2.41

Same-Operation.

All units in the administrative service shall:

a. Office hours: Be open between the hours of 8 a.m. and 5 p.m., Monday through Friday.

b. Make daily deposit: Make a daily deposit with the Town Treasurer of any monies received directly from the public.

c. Payment of monies: Pay out monies belonging to the Town only in the manner prescribed herein.

Section 2.42 **Same-Duties of Clerk-Treasurer as Clerk.**

The Town Clerk-Treasurer shall have the following duties in the capacity of Town Clerk:

1. To attend all meetings of the Town Council;
2. To keep correct and full minutes of the proceedings of Town Council, together with all ordinances and resolutions passed by it, in a properly indexed book or register kept for that purpose;
3. To receive all applications or petitions made to the Town and to place them before the Town Council at the meeting next succeeding the receipt thereof;
4. To issue all licenses, and keep a record thereof, and to issue all badges and permits authorized by the Council;
5. To keep an execution docket in which shall be entered the names of all persons tried and fined by the Municipal Court, the nature of the offense, date of trial, amount of fine, and return of the police officer thereon;
6. To issue all summonses, processes, and subpoenas to witnesses that may be necessary in the enforcement of this Code or other rules, resolutions, and ordinances of the Town;
7. To be the custodian of the Town seal and affix its impression on documents whenever required; and
8. To carefully preserve the records and documents belonging to the Town which are not assigned to the custody of some other office and to maintain a proper index to all such records and documents so that ready access thereto and use thereof may be had.

Section 2.43 **Same--Duties of Clerk-Treasurer as Treasurer.**

The Town Clerk-Treasurer shall have the following duties in the capacity of Town Treasurer:

1. To receive all money due the Town, including taxes, and pay out the same only upon orders passed by the Town Council and signed by the Mayor, or in the Mayor's absence the Mayor Pro Tempore;

2. To keep a book of accounts showing all money received on behalf of the Town and the source and disposition thereof, which book shall be open for inspection by the public, the Mayor, and Town Council members;
3. To keep such other records and accounts as may be required by statute or ordinance;
4. To furnish the Council with monthly statements detailing all receipts and payments of funds for the month.

Section 2.44

Town Attorney-Appointment and Qualifications.

The Town Attorney may be appointed by the Mayor, by and with the advice and consent of the Town Council, and shall serve until a successor is appointed and has qualified. No person shall be so appointed unless such person is a member in good standing of the State Bar.

Section 2.45

Same-Oath.

Before entering upon the duties of office, the Town Attorney shall take the oath prescribed by this Code for Town officers.

Section 2.46

Same-Powers and Duties.

The Town Attorney shall be the legal advisor and representative of the Town and in such capacity shall:

1. Advise the Mayor, the Council, the Council committees, or any Town officer, when requested, upon all legal questions arising in the conduct of Town business;
2. Prepare or revise ordinances when so requested by the Mayor or the Council or any Council committee and keep the Code of the Town up-to-date and properly indexed;
3. Give an opinion upon any legal matter or question submitted to such attorney by the Mayor, Council, any of the Council committees, or by any Town officer;
4. Attend Council meetings upon request of the Mayor or any Council member, for the purpose of giving any legal advice requested by the Mayor or a Council member;
5. Prepare for execution all contracts and instruments to which the Town is a party and approve, as to form, all bonds required to be submitted to the Town;

6. Prepare, when required by the Council, all charges and complaints against any person and see to the full enforcement of all judgments or decrees rendered or entered in favor of the Town in any court;
7. Defend all suits and actions at law or equity brought against the Town, unless otherwise directed by the Town Council;
8. Make immediate report to the Mayor and Council of the outcome of any litigation in which the Town has an interest;
9. Make an annual report to the Mayor and Council of all pending litigation in which the Town has an interest and the status thereof;
10. Have the power to adjust, settle, compromise, or submit to arbitration any action, cause of action, account, debt, claim, demand, dispute, and matter in favor of or against the Town or in which the Town is concerned as debtor or creditor, now existing or which may hereafter arise, subject to specific approval of the Council;
11. Keep complete and accurate records of the following, which records shall forever remain the property of the Town:
 - (a) All suits in which the Town had or has an interest, giving the names of the parties, the nature of the case, or its status, if pending, and the briefs of counsel; and
 - (b) All written opinions prepared by the Town Attorney and all certificates or abstracts of title furnished by the Town Attorney to the Town; and
12. Render such other legal services as may be required by the Mayor or Council.

Section 2.47

Same-Compensation.

The Town Attorney may submit to the Council a bill for legal services, itemizing the type of work performed for the Town and the number of hours engaged in each type of work during the month.

Sections 2.48 - 2.49

Reserved.

ARTICLE IV. CODE OF ETHICS.

Section 2.50

Intent.

It is essential to the proper administration and operation of the Town of Ochlocknee that the members of its governing authority be, and give the appearance of being, independent and impartial; that public office not be used for private gain; and that there be public confidence in the integrity of the governing authority. The governing authority finds that the public interest requires that they protect against such conflicts of interest by establishing appropriate ethical standards with respect to the conduct of the members of the governing authority in situations where a conflict may exist.

Section 2.51

Definitions.

As used in this ordinance, the term:

(a) "Complaint" means a written sworn statement filed with the Mayor containing specific allegations of misconduct by a member; provided, however, such allegations must be filed within six months of discovery of the alleged misconduct.

(b) "Interest" means any direct pecuniary benefit, which is not a remote interest held by or accruing to a member of the governing authority as a result of a contract or transaction that is or may be the subject of an official act or action by or with the Town. A member of the governing authority shall be deemed to have interest in transactions involving:

- (1) Any person in the member's immediate family;
- (2) Any person with whom a contractual relationship exists whereby the member may receive any payment or other benefits unless the member is receiving a benefit for goods or services in the normal course of business for which the member has paid a commercially reasonable rate;
- (3) Any business in which the member is a director, officer, employee, agent, or shareholder, except as otherwise provided herein; or
- (4) Any person of whom the member is a creditor, whether secured or unsecured.

(c) "Governing Authority" or "member of the governing authority" means the Mayor or any member of the Town Council and any member appointed to any Board or Commission of the Town.

Section 2.52

Prohibitions.

No member of the governing authority shall:

(a) By conduct give reasonable basis for the impression that any person can improperly influence him/her or unduly enjoy his/her favor in the performance of official acts;

(b) Directly or indirectly request, exact, receive, or agree to receive a gift, loan, favor, promise, or thing of value for himself/herself or another person if it could reasonably be considered to influence the member in the discharge of official duties; provided, however, prohibition under this sub-paragraph (b) shall not apply in the case of:

- (1) An occasional non-pecuniary gift of insignificant value;
- (2) An award publicly presented in recognition of public service;
- (3) A commercially reasonable loan or other financial transaction made in the ordinary course of business by an institution or individual authorized by the laws of Georgia to engage in the making of such a loan or financial transaction;
- (4) Campaign contributions made and reported in accordance with Georgia law;

(c) Disclose or otherwise use confidential information acquired by virtue of his/her official position for his/her or another person's private gain;

(d) Use his/her official position to attempt to secure privileges that are not available to the general public;

(e) Engage in, accept employment with, or render services for any private business or professional activity when such employment or rendering of services is adverse to and incompatible with the proper discharge of official duties; provided, however, prohibition under this sub-paragraph (e) shall not apply to a member of the governing authority who is a licensed professional and appears on behalf of any applicant in such professional capacity so long as disclosures required by Sec. 2-433 hereof are made to the Board or Commission Chairperson 30 days prior to any action being taken and the member is associated with the project at the time the initial application is filed;

(f) Engage in any activity or transaction that is prohibited by law now existing or hereafter enacted which is applicable to him/her by virtue of being a member of the governing authority;

(g) Use his/her position to request or require an employee to:

- (1) Do clerical work on behalf of the member's family, business, social, church, or fraternal interest when such work is not furthering a Town interest;

- (2) Perform any work outside the employee's normal course of municipal employment;
- (3) Purchase goods or services to be used for personal, business, or political purposes; and
- (4) Work for the member personally without paying the employee just compensation;

(h) Use government property of any kind for other than officially approved activities, nor shall he/she direct employees to use such property for any purposes other than those officially approved;

(i) Use his/her position in any way to coerce, or give the appearance of coercing, another person to provide any financial benefit to himself/herself or persons having an interest.

Section 2.53 **Disclosure of Conflicts of Interest.**

An appointed member of the governing authority who has an interest that he/she has reason to believe may be affected by his/her official acts or actions or by the official acts or actions of the governing authority shall disclose the precise nature of such interest by written or verbal statement 30 days prior to the governing authority's taking official action on a matter affecting such interest and abstain from discussion and voting. An elected member of the governing authority shall disclose the nature of any interest he/she has at the time such matter is presented to the Mayor and Council for discussion. Such written or verbal statements shall be recorded into the minutes of the meeting and thus become part of the public record. Following any disclosure made pursuant to this section, the member shall refrain from all ex-parte communications with other members regarding the application in which he/she has an interest.

Section 2.54 **Disqualification.**

A member of the governing authority shall disqualify himself/herself from participating in any official act or action of the Town which results in a pecuniary benefit to the member or a business or activity in which he/she has an interest, when such benefit is not available to the public at large.

Section 2.55 **Prohibited Contracts.**

The Town shall not enter into any contract involving services or property with a member of the governing authority or with a business in which a member of the governing authority has an interest; provided, however, this sub-paragraph shall not apply in the following cases:

- (a) The designation of a bank or trust company as a depository for Town funds;
- (b) The borrowing of funds from any bank or lending institution which offers the

lowest available rate of interest in the community for such loan;

(c) Contracts entered into in accordance with the Official Code of Georgia Annotated § 16-10-6;

(d) Contracts entered into under circumstances that constitute an emergency situation, provided that the Mayor prepares a written record explaining the emergency;

(e) Contracts entered into with a member of the governing authority, or with a business in which a member of the governing authority has an interest, provided that such contract is the result of a competitive bid, disclosure of the nature of such member's interest is made prior to the time any bid is submitted, and a waiver of the prohibition contemplated by this section is issued by the Town Manager following disclosure.

Section 2.56 **Governance Structure and Role of Council Members.**

Part A: General

All Town officials, including Mayor and Councilmembers, hereby agree that he/she will:

(a) Recognize that the authority of the Council rests only with the Council as a whole and not with individual Councilmembers, and act accordingly.

(b) Support the delegation of authority for the day-to-day administration of the Town to the Town Manager, and act accordingly.

(c) Honor the chain of command and refer problems or complaints consistent with the chain of command.

Part B: Council Meetings

All Town officials, including Mayor and Councilmembers, hereby agree that he/she will:

(a) Attend and participate in regularly scheduled and called council meetings.

(b) Be informed and prepared to discuss issues to be considered on the agenda.

(c) Work with other Councilmembers in a spirit of harmony and cooperation in spite of differences of opinion that may arise during the discussion and resolution of issues at Council meetings.

(d) Vote for a closed executive session of the Council only when Georgia law allows consideration of a matter in executive session.

(e) Maintain the confidentiality of all discussions and other matters pertaining to the County and the Town, during executive session.

(f) Make decisions in accordance with the interests of the Town as a whole and not any particular segment thereof.

(g) Abide by all decisions of the Council.

Part C: Contact as a Councilmember.

All Town officials, including Mayor and Councilmembers, hereby agree that he/she will:

(a) Devote sufficient time, thought, and study to the performance of the duties and responsibilities of a Councilmember.

(b) Become informed about current issues by individual study and through participation in programs providing needed education and training.

(c) Communicate in a respectful professional manner with and about fellow Councilmembers.

(d) Take no private action that will compromise the Town's administration.

Section 2.57 **Restrictions on Contracts with Former Members of the Governing Authority.**

The Town shall not enter into any contract with any person or business represented by such person, who has been within the preceding 12-month period a member of the governing authority, unless the contract is awarded by a competitive bid or a committee selection process.

Section 2.58 **Complaints.**

Any person having a complaint against any member of the governing authority for an alleged ethics violation shall file in writing a verified complaint setting forth the particular facts and circumstances which constitute the alleged violation against the governing authority. The complaint shall be filed with the Mayor unless the complaint regards the Mayor in which case it shall be filed with the Mayor Pro Tem. Upon receipt of a complaint, the Mayor (or the Mayor Pro Tem if the complaint regards the Mayor) shall appoint three members of the Town Council, who, along with the Town Attorney, shall constitute an investigating committee to determine whether the complaint sets forth significant facts and circumstances so as to warrant a hearing before the Board of Ethics. In the event 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 notified immediately. In the event the complaint is found to state sufficient facts to warrant a hearing before the Board of Ethics, the Board shall be appointed as provided herein.

Section 2.59

Board of Ethics.

(a) Composition of the Board of Ethics:

- (1) The Board of Ethics of the Town shall be composed of five residents of the Town to be appointed as provided in sub-paragraphs (2) and (3) of this sub-section. Each member of the Board of Ethics shall have been a resident of the Town for at least three years immediately preceding the date of taking office and shall remain a resident of the Town while serving as a member of the Board of Ethics. No person shall serve as a member of the Board of Ethics if the person has, or has had within the preceding one-year period, any interest in any contract, transaction, or official action of the Town.
- (2) The Mayor and members of Council shall each designate two qualified citizens to provide a pool of 10 individuals who have consented to serve as a member of the Board of Ethics and who will be available for a period of two years to be called upon to serve in the event a Board of Ethics is appointed.
- (3) The Town Manager shall maintain a listing of these 10 qualified citizens. Should the investigating committee determine a complaint warrants a hearing before the Board of Ethics, the Town Manager, at the first public meeting after such determination, choose from the listing of qualified citizens until the specified five members of the Board of Ethics have been appointed. The five-member Board will elect one of its members to serve as Chairman.
- (4) The members of the Board of Ethics shall serve without compensation. The governing authority of the Town shall provide meeting space for the Board of Ethics. Subject to budgetary procedures and requirements of the Town, the Town shall provide the Board with such supplies and equipment as may be reasonably necessary for it to perform its duties and responsibilities.

(b) The constituted Board of Ethics shall have the following duties and powers:

- (1) To establish procedures, rules, and regulations governing its internal organization and conduct of its affairs;
- (2) To hold a hearing within 60 days after the receipt of complaint. Failure to hold a hearing within the specified time shall result in dismissal of the complaint as to the transaction and shall prevent refiling if a complaint arises in the same incident for at least a period of six month;

- (3) To prescribe forms, approved by the Town Attorney, for the disclosure required in this ordinance and to make available to the public the information disclosed as provided in this section.
- (4) To receive and hear complaints of violations of the standards required by this ordinance;
- (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 ordinance;
- (6) To hold such hearings and make such inquiries as deemed necessary to investigate and rule upon complaints;
- (7) To report its findings to the governing authority for such action as the governing authority deems appropriate.

Section 2.60

Service of Complaint; Hearings and Disposition of Complaints.

The Board of Ethics, appointed as herein set forth, shall cause the complaint to be served as soon as practicable on the member of the governing authority charged in such complaint. Service may be by personal service or by certified mail, return receipt requested. A hearing shall be held within 60 days after filing of the complaint. The Board shall conduct the hearing in accordance with the procedures and regulations it establishes, but **in all circumstances** the hearing shall include the taking of testimony and the cross-examination of witnesses.

Section 2.61

Penalty and Member Rights.

(a) Any member of the governing authority who knowingly violates any provision of the Code of Ethics provided in this ordinance shall be subject to public reprimand or censure by the governing authority of the Town.

(b) At any hearing held by the Board of Ethics, the member of the governing authority who is the subject of inquiry shall have the right to written notice of the allegations at least 10 business days before a hearing, to be represented by legal counsel, to hear and examine the evidence and witnesses, and to present evidence and witnesses in opposition or in extenuation.

Section 2.62

Appeals.

(a) Any member of the governing authority or the complainant adversely affected by these findings of the Board of Ethics may obtain judicial review of such decision as provided in this section.

(b) An action for judicial review may be commenced by filing an application for a writ of certiorari in the Superior Court of Stewart County within 30 days after the decision of the Board of Ethics. The filing of such application shall act as supersedes.

Sections 2.63- 2.65

Reserved.