

DIVISION 5. CODE OF ETHICS¹

Sec. 2-261. Responsibilities and conduct of public officials generally.

Public officials and employees are agents of public purpose and hold office for the benefit of the public. They are bound to uphold the Constitution of the United States and the constitution of this state and to carry out impartially the laws of the nation, the state and the city and thus to foster respect for all government. They are bound to observe in their official acts the highest standards of morality and to discharge faithfully the duties of their office regardless of personal considerations, recognizing that the public interest must be their primary concern. Their conduct in both their official and private affairs should be above reproach.

(Code 1985, § 1-6-1; Code 1997, § 2-261)

Sec. 2-262. Dedicated service required; standards for work and performance.

All officials and employees of the city should be loyal to the political objectives expressed by the electorate and the programs developed to attain those objectives. Appointive officials and employees should adhere to the rules of work and performance established as the standard for their positions by the appropriate authority. Officials and employees should not exceed their authority or breach the law or ask others to do so, and they should work in full cooperation with other public officials and employees, unless prohibited from doing so by law or by officially recognized confidentiality of their work.

(Code 1985, § 1-6-2; Code 1997, § 2-262)

Sec. 2-263. Soliciting preferential treatment regarding appointment to municipal service.

Canvassing of members of the city council, directly or indirectly, in order to obtain preferential consideration in connection with any appointment to the municipal service shall disqualify the candidate for appointment, except with reference to positions filled by appointment by the city council or except if done without the candidate's knowledge or permission.

(Code 1985, § 1-6-3; Code 1997, § 2-263)

Sec. 2-264. Use of city-owned property.

No official or employee shall request or permit the use of city-owned vehicles, equipment, materials or property for personal convenience or profit except when such services are available to the public generally or are provided as city policy for the use of such official or employee in the conduct of official business.

(Code 1985, § 1-6-4; Code 1997, § 2-264)

¹State law reference(s)—Ethics, conduct, campaign practices and disclosures, S.C. Code 1976, § 8-13-10 et seq.

Sec. 2-265. Fair and equal treatment of citizens.

No official or employee shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen.

(Code 1985, § 1-6-5; Code 1997, § 2-265)

Sec. 2-266. Conflict of interest generally.

No councilmember or other official or employee, whether paid or unpaid, shall engage in any business or transaction or shall have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his official duties in the public interest or would tend to impair his independence of judgment or action in the performance of his official duties. Personal, as distinguished from financial, interest includes an interest arising from blood or marriage relationships or close business or political association. In such instances, he shall disclose on the records of the city council or other appropriate authority such involvement, or disqualify himself from acting in an official capacity on the matter, or both, as appropriate.

(Code 1985, § 1-6-6; Code 1997, § 2-266)

Sec. 2-267. Incompatible employment.

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

(Code 1985, § 1-6-7; Code 1997, § 2-267)

Sec. 2-268. Disclosure of confidential information.

No councilmember or other official or employee shall use or disclose confidential information gained in the course of or by reason of his official position or activities in any way that would result in financial gain for himself or for any other person.

(Code 1985, § 1-6-8; Code 1997, § 2-268)

State law reference(s)—Similar provisions, S.C. Code 1976, § 8-13-440.

Sec. 2-269. Accepting gifts; granting improper favor or thing of value.

No councilmember or other official or employee shall accept any valuable gift, whether in the form of a service, loan, thing or promise, that may tend to unduly and improperly influence him in the discharge of his duties, or grant in the discharge of his duties any improper favor, service or thing of value.

(Code 1985, § 1-6-9; Code 1997, § 2-269)

Sec. 2-270. Representing private interests before city agencies or courts.

- (a) No councilmember or other official or employee whose salary is paid in whole or in part by the city shall appear in behalf of private interests before any agency of the city. He shall not represent private interests in

any action or proceeding against the interests of the city in any litigation to which the city is a party, except his own personal cause after disclosure of such.

- (b) A councilmember may not appear before city agencies on behalf of constituents in the course of his duties as a representative of the electorate or in the performance of public or civic obligations. Furthermore, no councilmember or other official or employee shall accept a retainer or compensation that is contingent upon a specific action by a city agency.

(Code 1985, § 1-6-10; Code 1997, § 2-270)

Sec. 2-271. Interest in contract with city.

- (a) Any councilmember or other official or employee who has a substantial or controlling financial interest in any business entity, transaction or contract with the city, or in the sale of real estate, materials, supplies or services to the city, shall make known to the proper authority such interest in any matter on which he may be called to act in his official capacity. He shall refrain from voting upon or otherwise participating in the transaction or the making of such contract or sale.
- (b) A councilmember or other official or employee shall not be deemed interested in any contract or purchase or sale of land or other thing of value, unless such contract or sale is approved, awarded, entered into or authorized by him in his official capacity or voted upon by him, as the case may be.
- (c) No employee and no business with which a councilmember or other official or employee is associated shall enter into any contract with a governmental agency or department which is to be paid in whole or in part out of governmental funds, where such a contract is normally awarded through a process of public notice and competitive bidding, unless the contract has been awarded through a process of public notice and competitive bidding.

(Code 1985, § 1-6-11; Code 1997, § 2-271)

Sec. 2-272. Disclosure of interest in legislation.

- (a) A councilmember who has a financial or other private interest in any legislation shall disclose on the records of the city council or other appropriate authority the nature and extent of such interest. This provision shall not apply if the councilmember disqualifies himself from voting.
- (b) Any other official or employee who has a financial or other private interest, and who participates in discussing with or gives an official opinion to the city council, shall disclose on the records of the city council or other appropriate authority the nature and extent of such interest.

(Code 1985, § 1-6-12; Code 1997, § 2-272)

Sec. 2-273. Political activity.

- (a) *Generally.* No paid appointive official or employee in the administrative service shall use the prestige of his position on behalf of any political party. Such appointive officials and employees shall not take an active part in the political campaigns for candidates for municipal office in the city. No city official or employee, whether elected or appointed, shall promise an appointment to any municipal position as a reward for political activity, or use his official authority or influence for the purpose of interfering with or affecting the result of voting in any election by any appointive official or employee of the city.

(b) *Prohibitions under federal law.* Any city employee who, as a normal and foreseeable incident to his principal job or position, performs duties in connection with an activity financed in whole or in part by federal loans or grants, comes under the federal Hatch Act, which prohibits the following:

- (1) Use of official authority or influence for the purpose of interfering with an election or nomination for office, or affecting the result thereof.
- (2) Directly or indirectly coercing, attempting to coerce, commanding or advising any other such officer or employee to pay, lend or contribute any part of his salary or compensation or anything else of value to any party committee, organization, agency or person for political purposes.
- (3) Active participation in political party management or in political campaigns.

(Code 1985, § 1-6-13; Code 1997, § 2-273)

Sec. 2-274. Intoxication interfering with discharge of duties.

It shall be unlawful for any officer or employee of the city or any other person holding any office of trust under the city government to be drunk or intoxicated to the extent that he is disabled and unable to properly discharge his duties.

(Code 1985, § 1-6-14; Code 1997, § 2-274)

Sec. 2-275. Applicability of division; advisory decisions by city attorney regarding applicability.

When a councilmember or other official or employee has doubt as to the applicability of a provision of this division to a particular situation, he should apply to the city attorney for an advisory opinion and be guided by that opinion when given, provided that the city attorney may, if necessary, refer any such question to the state ethics commission for the rendering of an advisory opinion pursuant to S.C. Code 1976, § 8-13-210(G). The councilmember or other official or employee shall have the opportunity to present his interpretation of the facts at issue and of the applicable provisions of this division before such advisory decision is made. This division shall be operative in all instances covered by its provisions, except when superseded by an applicable statutory or ordinance provision or when the application of a statutory or ordinance provision is discretionary, but determined to be more appropriate or desirable.

(Code 1985, § 1-6-15; Code 1997, § 2-275)

Sec. 2-276. Disciplinary actions.

Violation of any provisions of this division may constitute a cause for suspension, removal from office or employment or other disciplinary action.

(Code 1985, § 1-6-16; Code 1997, § 2-276)

Secs. 2-277—2-308. Reserved.