

**ORDINANCE 4425**

**AN ORDINANCE AMENDING THE CITY OF HARTSVILLE CODE BY THE ADDITION OF CHAPTER 2 ARTICLE I DIVISION 2 "CODE OF CONDUCT" SECTIONS 2-2 THROUGH 2- 30.**

**WHEREAS**, the City of Hartsville, South Carolina (the "City") is a municipal corporation of the State of South Carolina, located in Darlington County, South Carolina, and as such possesses all general powers granted to municipal corporations;

**WHEREAS**, City Council would like to amend the current city code to add sections on code of conduct for elected officials, public employees, volunteers, board, commission, and committees members; and

**WHEREAS**, these sections have been reviewed and are being considered as shown below.

**NOW THEREFORE BE IT ORDAINED**, by the Mayor and Council of the City of Hartsville that the Hartsville City Code is hereby amended by the addition of Chapter 2, Article I, Division 2 "Code of Conduct" Sections 2-2 through 2-30 to read as follows:

Chapter 2. Administration.  
Article I. In General.  
Division 2. Code of Conduct.  
Section 2- 2 through 2-30.

*In compliance with the South Carolina Ethics Act ("the Act") Title 8 Chapter 13, nothing herein shall conflict with "the Act "in its current form or any future amendments.*

Sec. 2-2. Responsibilities and conduct of elected officials, city employees, volunteers, boards, commission, or committee members generally.

High moral and ethical standards are an essential element of good government. The City of Hartsville believes that a code of ethics is necessary to help elected officials, City employees, volunteers, and appointed board, commission, and committee members avoid conflicts of interests in the performance of their duties and will strengthen the trust and confidence of its citizens. They are bound to uphold the Constitution and laws of the United States and the State of South Carolina, and the City of Hartsville in the performance of their duties and responsibilities. They should not exceed their lawful authority or ask others to do so. They should work in cooperation with other public officials and employees, unless prohibited from doing so by the laws or by the confidentiality of their work.

Sec. 2-3. Use of city-owned property.

No official or employee shall request or permit the use of city-owned vehicles, equipment, materials, technology, 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.

Sec. 2-4. 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.

Sec. 2-5. 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 their 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, they shall disclose on the record of the city council or other appropriate authority such involvement, or disqualify themselves from acting in an official capacity on the matter, or both, as appropriate

Sec. 2-6. 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 their official duties or would tend to impair their independence of judgment or action in the performance of their official duties.

Sec. 2-7. 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 their official position or activities in any way that would result in financial gain for themselves or for any other person.

Sec. 2-8. 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 them in the discharge of their duties, or grant in the discharge of their duties any improper favor, service or thing of value.

Sec. 2-9. Representing private interests before city agencies or courts.

(a) No councilmember, employee, volunteer, or board, commission, or committee member shall appear on behalf of private interests before any agency of the city. They 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 their own personal cause after disclosure of such.

(b) A councilmember may not appear before city agencies on behalf of constituents in the course of their 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.

Sec. 2-10. 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 they may be called to act in their official capacity. Any financial interests for an elected or appointed official or public employee of one hundred thousand dollars or more and five percent of stock or ownership must be disclosed. They 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 them in their official capacity or voted upon by them, 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.

Sec. 2-11. 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 themselves 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.

Sec. 2-12. 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 they are disabled and unable to properly discharge their duties.

Sec. 2-13. Applicability of division; advisory decisions by state ethics commission.

When a councilmember or other official or employee has doubt as to the applicability of a provision of this division to a particular situation, they should apply to the state ethics commission for an advisory opinion and be guided by that opinion when given. The councilmember or other official or employee shall have the opportunity to present their 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.

Sec. 2-14. Disciplinary actions.

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

Secs. 2-15—2-30. Reserved.

**ORDAINED IN MEETING DULY ADVERTISED AND ASSEMBLED** on the \_\_\_\_ day of \_\_\_\_\_, 2021 and to become effective immediately upon final reading.

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Carl M. (Mel) Pennington IV, Mayor.

ATTEST: \_\_\_\_\_  
Sherron L. Skipper, City Clerk

First Reading: October 12, 2021  
Public Hearing:  
Final Reading: