



ETHICS IS EVERYBODY'S BUSINESS:

2005 Annual Report on the
Ethical Health of the City of Atlanta

October 2005

Ginny Looney
Ethics Officer

ETHICS IS EVERYBODY'S BUSINESS

EXECUTIVE SUMMARY

The long-term goal of the City of Atlanta's Board of Ethics and Ethics Office is to instill a culture of ethics in city government. Our work for the past two years has focused primarily on bringing the City into compliance with the standards set forth in the City's Code of Ethics. The Board has enforced these ethical standards by issuing advisory opinions and holding hearings on financial disclosure violations. In 2004, the Ethics Office developed employee training programs, advised individuals on the ethics code, and sought compliance with the financial disclosure process. In 2005, the major initiative has been to develop a web-based ethics e-filing system with online forms and a public search function to view the information disclosed by officials and employees. In 2006, the Ethics Office and Board will strengthen their enforcement efforts in several strategic ways: establishing the IntegrityLine, promoting this hotline with a public awareness campaign, investigating reported ethics violations, and prosecuting violators. Although it will require more education, resources, collaboration, and commitment from the City of Atlanta, a culture of ethics in city government is an attainable goal.

RECOMMENDATIONS

The Ethics Officer makes the following recommendations for action by Mayor Shirley Franklin, Council President Lisa Borders, members of the Atlanta City Council, and department heads:

1. *Launch the Year of Integrity Matters* by:
 - a. Instituting the IntegrityLine
 - b. Promoting the hotline through an Integrity Matters campaign
 - c. Establishing the City of Atlanta Public Integrity Unit with adequate staff and accessible office space
2. *Enact an ordinance requiring paid lobbyists to register* with the City of Atlanta's Ethics Office
3. *Make compliance with the City's Code of Ethics* a critical part of the performance review of department heads and other supervisors
4. *Improve the public's access to online disclosure forms* by:
 - a. Enhancing the public search function of the e-filing system
 - b. Disclosing on online forms, as required by law, conflicts of interest, gifts to the City, and expenses paid by prohibited sources
 - c. Providing access to the online forms to enable affected city employees to file online
5. *Require mandatory ethics training* within the next three years for the officials and employees required to file financial disclosure statements

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MAJOR ACHIEVEMENTS

Since the opening of the Ethics Office two years ago, the Ethics Officer has concentrated on educating and advising city officials and employees about the City's required ethical standards, bringing the City into compliance with the financial reporting requirements, and initiating a web-based filing and disclosure system for city ethics forms. During the same period, the Board of Ethics, in conjunction with the Ethics Officer, has focused on interpreting the Code of Ethics through formal advisory opinions and enforcing the financial disclosure requirements. Specifically, the Board and Ethics Office have achieved the following:

1. Launched a City of Atlanta e-filing system that permits citizens to review online the income and assets of city officials and employees, their conflicts of interests, gifts received by the City, hosting expenses paid by prohibited sources, and candidates' campaign contributions
2. Increased to 96 percent the number of persons who filed their annual financial disclosure statement in a timely manner, with an overall filing rate that exceeds 99 percent
3. Rendered 14 formal advisory opinions that have raised the standards of conduct related to conflicts of interest, doing business with the City, gratuities, outside employment, post-employment, solicitations, and use of city property
4. Advised elected officials, city employees, board members, neighborhood planning unit officers, and city contractors in 400 cases
5. Provided ethics training to more than 1,000 new employees and 600 supervisors and inspectors

CODE OF ETHICS

Four years ago, after the last city elections, Mayor-elect Shirley Franklin appointed the Ethics Task Force to recommend ways to instill a "culture of ethics" within city government. The task force recommended banning gifts to city officials and employees, restricting outside income for top managers, strengthening the disciplinary authority of the Board of Ethics, and creating a full-time salaried employee to serve as Ethics Officer. Adopting these changes, the Atlanta City Council amended the Standards of Conduct in the Code of Ordinances in 2002 and established a new, independent Board of Ethics whose members are selected by civic groups. The Board hired the inaugural Ethics Officer in 2003.

The Code of Ethics, comprising 24 sections in the Code of Ordinances, sets minimum standards of permissible behavior by city officials and employees.

Section 2-802 states three specific purposes: (1) protect the integrity of government by prohibiting conflicts of interest; (2) require public disclosure of assets and income of elected officials and certain employees; and (3) provide a fair process for addressing ethical questions and disciplining violators. The Code of Ethics gives the Board of Ethics and Ethics Office the responsibility of resolving issues that create actual or potential conflicts of interest. Their jurisdiction covers:

- Gratuities and gifts
- Travel, meals, and refreshments
- Tickets
- Use of city time, services, and property
- Outside investments
- Extra jobs and outside employment
- Doing business with the City
- Solicitations
- Use of confidential information
- Financial disclosure
- Representing private interests before city agencies
- One-year post-employment rule

To address these issues, the Board has authority to issue advisory opinions, administer the financial disclosure process, investigate allegations of ethics violations, hold hearings on ethics complaints, and impose punishment on persons found in violation of the Code of Ethics.

The duties of the Ethics Officer are to educate and train city officials and employees about ethical conduct, advise them about the provisions of the ethics code, review financial disclosure statements for compliance, investigate complaints of ethics violations, assist the Board of Ethics, and report on the financial disclosure process and ethical health of the City.

WORK OF THE BOARD AND ETHICS OFFICE

Training

The systematic incorporation of ethics training for new employees into the routines of city government has been a significant achievement of the Ethics Office. With the support of the Department of Human Resources, the Ethics Officer immediately began conducting a one-hour session on the ethics code as part of the orientation program for new employees. Since October 2003, the Ethics Officer has conducted 19 monthly training programs and taught more than 1,000 new employees. In addition, the Ethics Officer has made presentations on the Code of Ethics to more than 600 managers, supervisors, and inspectors. These presentations, which are constantly evolving, have ranged from a 15-minute overview to 300 supervisors in the Department of Watershed Management to a three-hour presentation to all Department of Corrections supervisors.

This training focuses on ethical dilemmas that city employees typically face with regard to gratuities, outside employment, and use of city property. Using case studies, the Ethics Officer presents a short vignette that raises an ethical question, leads a discussion in which participants examine the issue, and then explains how the Board or Ethics Officer decided the issue. The aim is for employees to think critically about various situations so that they can identify and resolve potential conflicts as they arise in the workplace.

Figure 1: Training Vignette Used with New Employees

The Repair Shop Owner



A supervisor who recommends when the city's motorcycles should be declared surplus operates a vehicle repair shop. May he buy the surplus motorcycles at a public auction?

While ethics training is now a routine part of the orientation program for new employees, the City has not yet incorporated ethics into training for other employees or for city officials, elected and appointed. Even after Mayor Franklin requested that each department schedule ethics training, only three departments did. Moreover, ethics training is too often included as one part in a day-long program where the allotted time allows little more than a recitation of the prohibitions listed in the ethics code. As a result, the training is not reaching the numbers of employees that it should. Its length prevents a comprehensive review of all standards, and there is no ethics training for appointed board members or neighborhood planning unit officers.

To have an effective education program, the Ethics Office plans to promote its training program more vigorously and develop an online segment, but department heads must make ethics training a higher priority for their employees, and employees and officials must commit their time to attending a training class. In addition, the City needs to establish a procedure for informing city employees at the time they are employed about the financial disclosure requirement, if applicable, and having them sign a statement in which they agree to abide by the City's Code of Ethics.

Finally, the City needs to establish, as part of the performance review of all department heads and other supervisors, an assessment of their efforts to ensure compliance in their department with the City's ethical standards. This evaluation would review their efforts to include ethics as part of the department's training program, seek guidance from the Board and Ethics Office, review employees' outside employment, discipline employees for the use of city property for personal gain, investigate and discipline other ethics violators, and routinely complete online ethics forms. Preserving ethical government is no less important than maintaining efficient government.

Public Education

In addition to training, the Ethics Officer has written two primary documents to explain the City's ethical standards. The four-page *Ethical Standards for City Employees* is distributed each month at the New Employee Orientation. The handout, *Ethical Standards for City Board Members*, was mailed in September 2004 to all members of city boards and city appointees to other public boards. Since then, the Office of the Mayor and the Atlanta City Council have distributed it to new board members at the time of their appointment. Like the ethics training programs, these standards provide examples to illustrate how each code provision applies in a practical situation.

Figure 2: Ethical Standard on Employees' Outside Employment

<p><i><u>Outside employment.</u> City employees may not engage in private employment, including self-employment, or render services for private interests when the employment is adverse to and incompatible with the proper discharge of the employee's official duties. See § 2-820 (b).</i></p>
<p><i>Example: An automotive technician supervisor who operates a private repair shop cannot purchase the city's surplus motorcycles at the city's public auction because he makes the initial recommendation about when the vehicles should be replaced rather than repaired.</i></p>

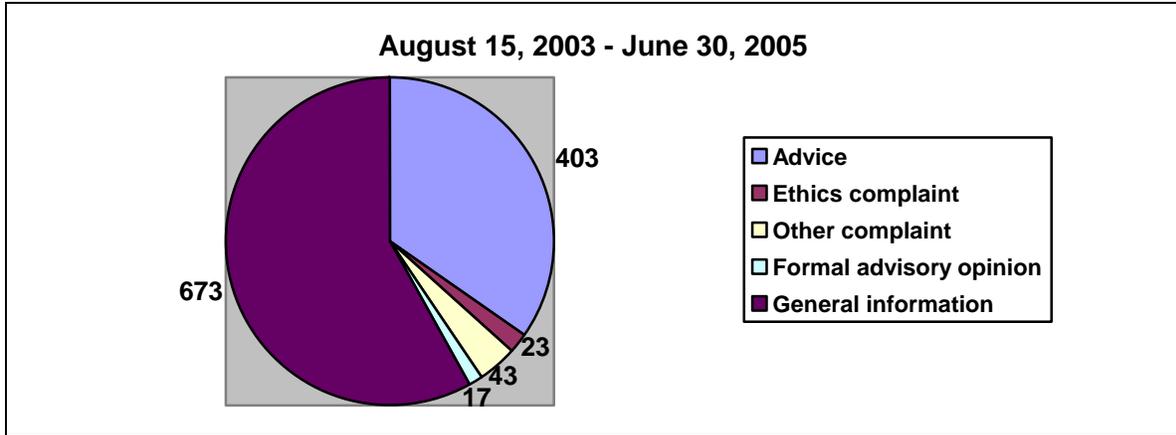
Another key way that the Ethics Office educates the public is through the Board's website and the City of Atlanta e-filing system. At the website, a person may obtain the Code of Ethics; the Board's formal advisory opinions; the Board's forms, rules, and procedures; the Ethics Office's reports; and information about the Board and the financial disclosure process. The website is located at <http://www.atlantaga.gov/government/boards/boardofethics.aspx>. The web-based e-filing system allows a citizen to search the ethics forms that employees and officials have filed online disclosing their income and assets, conflicts of interests, gifts received on behalf of the City, and expenses paid by prohibited sources; it also gives access to campaign contribution reports filed electronically by candidates. The e-filing system is located at <https://apps.atlantaga.gov/efile/>.

Advice

Ethics Officer's Informal Advice

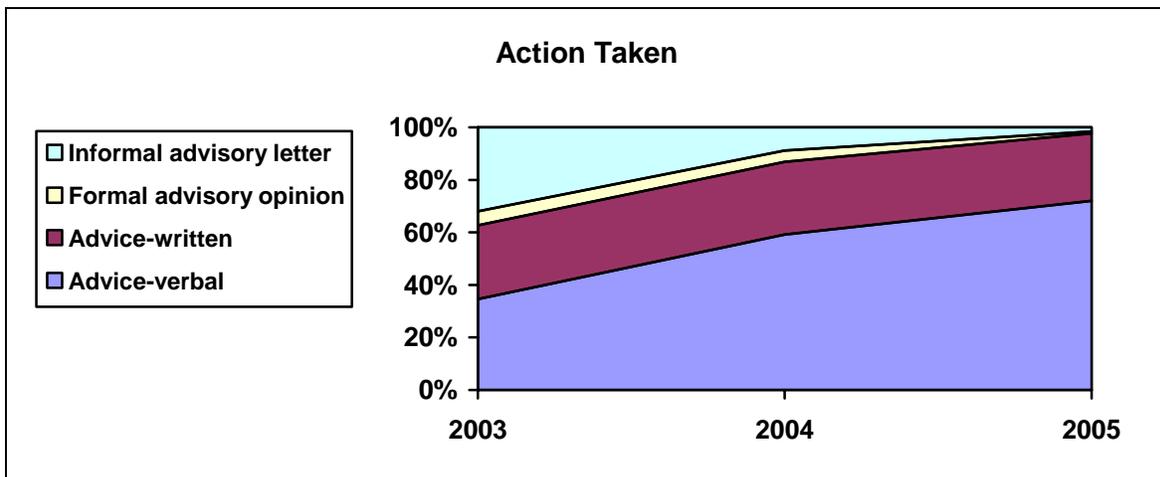
Another critical role of the Ethics Office is to provide advice and guidance to city officials and employees on the City's ethical standards. In the first two years of operation, the Ethics Office received 1,159 inquiries. See Figure 3.

Figure 3: Types of Inquiries Received



One third of the inquiries were requests for advice. The Ethics Officer wrote 45 informal advisory letters, gave written advice in 113 additional cases, and advised 245 other persons over the telephone or in person. As the Ethics Office has resolved more issues, the number of inquiries handled informally through telephone calls and emails has increased and the proportion of formal written responses has decreased. See Figure 4.

Figure 4: Types of Advice Given



Board's Formal Advisory Opinions

Another achievement of the Board and Ethics Office has been the setting of clear, fair, and reasonable rules through the formal advisory opinion process. The Board has rendered 14 formal opinions. Unlike the advice sought from the Ethics Officer, the requests for Board opinions must be in writing and come from a city official or employee who is personally involved in a matter requiring interpretation of the code. In addition, the Board's rules permit the Ethics Officer to bring any inquiry involving a novel, recurring, or unsettled issue before the Board for its consideration, which she has done seven times.

The Board's two opinions on the use of city property illustrate how its work has promoted a culture of ethics by redefining the minimum standard of acceptable conduct within City Hall. Two years ago, some city councilmembers were reserving the atrium for private weddings, park pavilions for church groups, and the old city council chambers for non-profit groups, to save them the customary rental fee charged the public. The then-acting Commissioner of Parks, Recreation, and Cultural Affairs asked the Board to address whether the department could waive the rental fee for use of its facilities when requested by members of the Atlanta City Council on behalf of their constituents, friends, family members, and non-profit organizations.

The Board concluded that a city official is not entitled to a waiver of any rental fee for the personal use of private property or for the use of any other private entity on terms that are not available to the general public. As a result of the opinion, the City stopped its practice of providing city facilities to individual citizens or groups without charge when the reservation was made by or through a councilmember or council staff.

Figure 5: Raising Ethical Standards through Board Opinions

We're going to the atrium & we're going to get married

Use of City Property

- No waiver of rental fees for personal use of city property
- Defining "official city business"

A cartoon illustration of a bride and groom in formal wedding attire, standing behind a large, multi-tiered wedding cake. The bride is on the left, wearing a white dress and veil, and the groom is on the right, wearing a suit and tie. They are both smiling and appear to be cutting the cake together. The cake is decorated with flowers and ribbons.

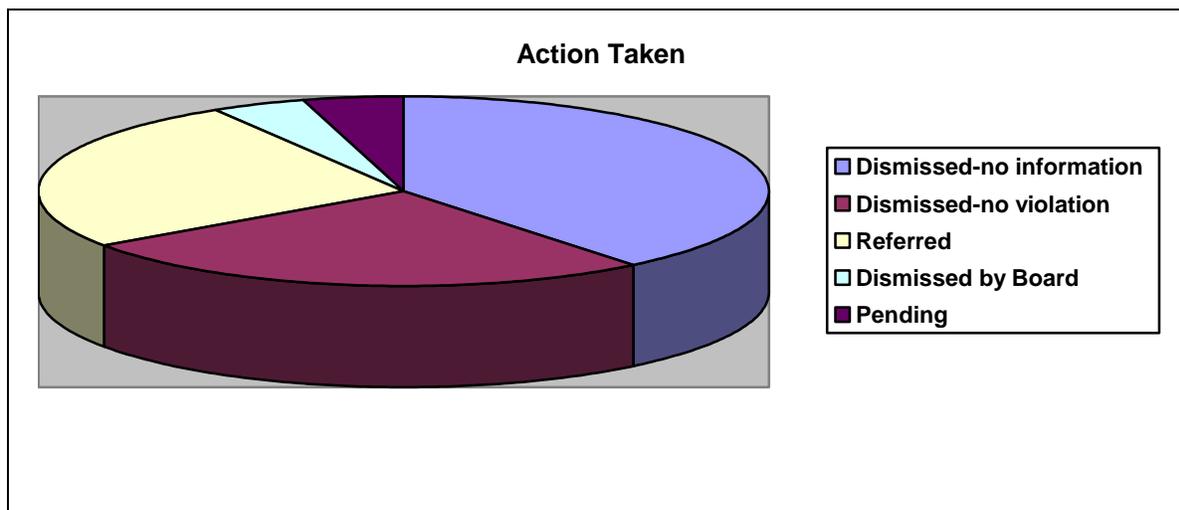
Subsequently, a councilmember requested the Board to address an exception that permits city officials to use city property for official city business. Appearing before the Board, Councilmember Derrick Boazman argued in essence that “official city business” occurred whenever the mayor or a city councilmember held a press conference, hosted a reception, or sponsored a community anti-drug rally. The Board took a more narrow approach, concluding that “official city business” means city officials acting in an official capacity and performing official duties on behalf of the City. This second opinion changed the assumption by some in City Hall that elected officials are doing the City’s business and may use city property whenever they attend a meeting or sponsor an event for the good of their district or community.

As these illustrations show, the Board’s opinions can be a useful way to raise the minimum standards of conduct expected of city officials and employees. The opinions have a more powerful effect when an official or department head requests the opinion, and the issue applies to more than one individual or case. Therefore, the Ethics Officer encourages elected officials, department heads, and board chairs to seek advisory opinions when there is uncertainty or disagreement about the best policy within their office, department, or board.

Complaints and Investigations

The Ethics Office is also responsible for investigating allegations of ethics violations. The office has not fulfilled this duty adequately due to the lack of resources and the need to develop a compliant financial disclosure program. To date, there have been 66 complaints made to the Ethics Office by letter, telephone, or email. Two-thirds of these complaints were allegations of wrongdoing that did not involve any person or matter invoking the ethics code; these allegations included complaints of employment discrimination, rude employees, unfair supervisors, closed meetings, and illegal booting of cars. Of the remaining 23 complaints, the subjects were use of city property (13), conflicts of interest (6), solicitations (2), outside employment (1), and post-employment (1). Generally there was insufficient information, resources, or wrongdoing: the Ethics Officer dismissed six complaints because there was no ethical violation and dismissed nine others due to lack of information or resources to investigate; the Board dismissed one complaint for lack of probable cause. The Ethics Office referred six complaints to departments for investigation, which resulted in two employees being disciplined. One investigation is pending.

Figure 6: Ethics Complaints



Outside the area of financial disclosure statements, the Ethics Officer has brought no enforcement action before the Board. Clearly, the City and Ethics Office need to devote more time and resources to encouraging the reporting of ethical violations, investigating those complaints, and prosecuting wrongdoers. To have a comprehensive ethics program, there must be a strong enforcement effort to complement the existing training, public education, and advisory opinions.

IntegrityLine

To remedy this weakness, the Ethics Office is working to establish an effective ethics hotline in 2006. Known as the IntegrityLine, this hotline will enable city employees and citizens to make complaints and anonymous tips on ethical violations, fraud, and employee misconduct. The calls will come to trained interviewers in a call center, operated by an outside company. Reports on each call will be reviewed and investigated or referred to the appropriate department for action. The IntegrityLine is a collaborative effort by the Ethics Officer, Internal Auditor, and Compliance Manager.

The IntegrityLine will be launched through a public awareness campaign: 'Integrity Matters.' The campaign will educate employees and the general public about the hotline through training programs and a variety of media, such as letters, brochures, posters, and wallet cards. To be most effective, the City's elected officials, especially Mayor Franklin, need to be involved in the promotional campaign to encourage the use of the hotline for reporting misconduct and to evidence the City's continuing commitment to an open, honest, and ethical government.

In addition to having an outside call center and an awareness campaign, a successful hotline program requires a prompt, appropriate, and effective response

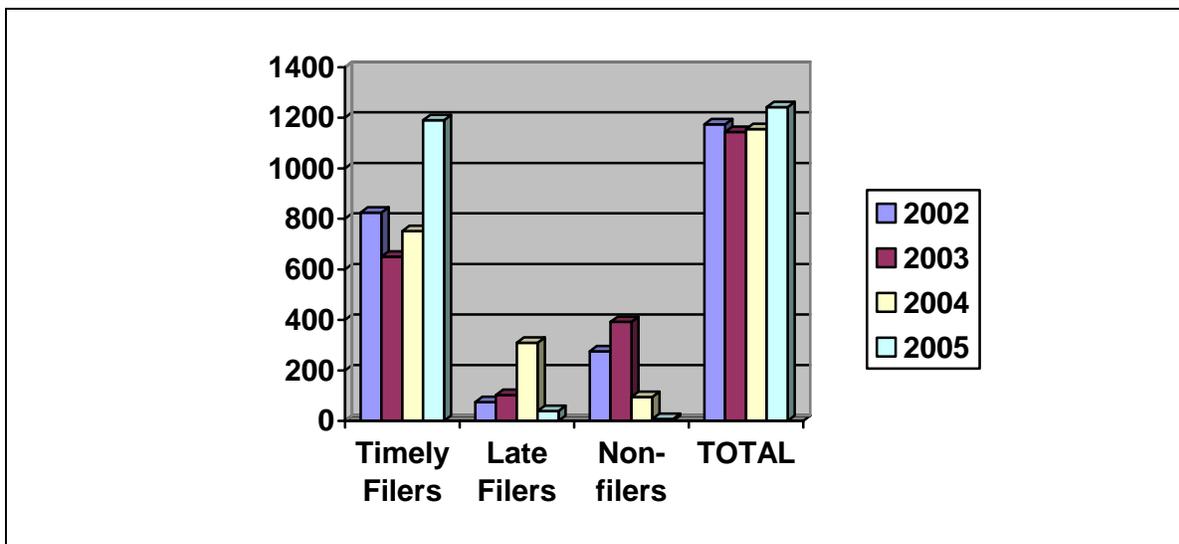
to complaints received. Towards that end, the Ethics Office is seeking funding for an Ethics and Audit Investigator to investigate ethical violations, fraud, waste, and financial mismanagement. This investigator will be shared with the Office of the Internal Auditor. Other complaints will be investigated by the Law Department or referred to other departments for their review and response.

Financial Disclosure

Improved Filing Rates

Both the Board of Ethics and Ethics Officer have worked diligently and persistently to gain compliance with filing requirements. As a result, the City has increased its rate of timely filers from 70 percent in 2002 to 96 percent in 2005, with the percentage of late filers reduced to three percent and non-filers reduced to less than one percent. During the same period, the overall filing rate has risen from 77 percent to 99 percent.

Figure 7: Comparison of Disclosure Filings



Even more significantly, the Ethics Office reviewed the financial statements for accuracy and completeness for the first time in 2005. This review revealed that too many individuals omitted critical information, such as their employment positions, income sources, and property. The Ethics Office sent correction notices to approximately 250 filers and contacted nearly 300 persons to seek more information. Because officials and employees are not yet disclosing accurate and complete information in their original filing, the Ethics Office has requested funds for the hiring of a temporary analyst again in 2006 and for the creation of a senior administrative analyst position in the Ethics Office to review the statements and help enforce the filing requirements in subsequent years.

Ethics Efiling System

The Ethics Office's top initiative for 2005 has been to implement a web-based filing system for financial disclosure forms, as recommended by the task force. The efilings system permits citizens to review the financial information disclosed by officials, employees, and candidates who file online. Included in the current system are four city forms and one state form.

Figure 8: Ethics Forms Available Online

Form	Information Disclosed
City Financial Disclosure Statements	Employment positions, income sources, family benefits derived from city transactions, property ownership
City Gift Reports	Gifts received on behalf of the City
Expense Reimbursement Forms	Hosting expenses (travel, meals, lodging) paid by prohibited sources
Conflicts of Interest Disclosure Statements	Matters in which an individual is disqualified due to financial or personal interests
State Campaign Contribution Disclosure Reports	Campaign contributions and expenditures

The efilings system was developed in conjunction with the Municipal Clerk, who is responsible for the reports required under state law; the Department of Information Technology, which provides technical support; and an outside vendor. The efilings system is located at <https://apps.atlantaga.gov/efile>.

The goal of the efilings project is to give citizens better access to ethics disclosure forms. The search feature enables the public to review online the assets and income sources of city officials and employees and the campaign contributions made to candidates and their campaign committees. For example, citizens can view in .pdf format the campaign finance data of candidates for municipal office in this year's elections, determine the candidates who have received contributions from specific developers and city contractors, and discover which city employees earned income in 2004 from companies doing business with the City. With this information, citizens are empowered to make more informed decisions in voting and to hold public officials accountable for their actions. The disclosure forms may be viewed at <https://apps.atlantaga.gov/efile/search.asp>.

While the City has achieved considerable success in obtaining the filing of annual financial disclosure statements and electronic filing of campaign reports, many more challenges remain to attain a full disclosure system. If a citizen were to conduct a search for other disclosure forms in the efilings system, he or she would currently find just two gift reports, one conflicts disclosure form, and no expense reimbursement reports. City officials and employees must help fulfill their commitment to an open and transparent government by becoming familiar with the

ethics disclosure requirements and by routinely filing these online forms which disclose gifts to the City, expense reimbursements, and conflicts of interest.

Because online forms are more complete, take less time to review, and eliminate many costs related to paper forms, the Board has voted to require mandatory online filing of city financial disclosure statements in 2006 by all city elected officials and employees who are required to file. To meet this requirement, the Ethics Office is committed to helping employees complete the form online, but will also need help from departments to ensure that all affected employees have access to computers with the online form during normal working hours.

Finally, the City needs to enhance the public search feature of the e-filing system to enable citizens to search by any criterion or multiple criteria. This feature of the e-filing system is a powerful tool that arms citizens with vital facts about the way our city operates, but improvements are needed so that all of the information disclosed on the forms is publicly available. In summary, the Ethics Office is committed to improving the e-filing system and to educating individuals about its forms, but both employees and elected officials also must assume responsibility to learn about the forms and complete them as required by law.

Lobbyist Registration

Free and open access to city government is an important matter of public interest. Due to the complexity and amount of legislation that comes before the Atlanta City Council, individuals and businesses may hire persons with knowledge about the legislative process to present their views. Lobbying is a legitimate activity. Yet, it is essential to a free and open process that elected officials and citizens know who is coming before the city council to influence legislation.

The City of Atlanta does not currently require lobbyists to register with the City or wear identification badges. State law requires lobbyists at the local level to register with the State Ethics Commission, but the commission does not require these lobbyists to identify the specific municipality, county, or school board that they intend to influence. With the establishment of the ethics e-filing system, the City now has a mechanism for requiring paid lobbyists to register and give citizens easy access to information about whom the lobbyists represent.

As a result, the Board of Ethics has voted to recommend that lobbyists at City Hall be required to register with the City's Ethics Office as part of the e-filing disclosure system. This requirement will affirm the City's commitment to an open and ethical government without placing any substantial burden on its resources.

INSTILLING A CULTURE OF ETHICS

The long-term goal of the Board of Ethics and Ethics Office is to instill a culture of ethics in city government. The work done over the past three years, however, has focused instead on establishing the system for public disclosure and bringing the City into compliance with the Code's Standards of Conduct. The City of Atlanta has "a strong and highly ethical 'tone at the top,'" as the external auditors wrote, but more than moral leadership is required.

Instilling a culture of ethics will require more discussion, further education, adequate resources, continued collaboration, and sustained commitment from the City. Mayor Shirley Franklin, Council President Lisa Borders, and members of the Atlanta City Council must lead with integrity and by example. The Board of Ethics must continue to define what is meant by "an ethical culture" in city government and seek the support of its appointing authorities in the effort. Department heads and other managers must understand the Standards of Conduct, ensure proper training for employees who report to them, ask for guidance when needed, urge employees to speak up about misconduct, and report violations to the IntegrityLine. City employees and board members must aspire to exceed the minimum standards in the code and infuse values like trustworthiness, respect, responsibility, and fairness into the daily operations of city government. Citizens must gain full access to information about the financial and personal interests of officials, employees, and candidates. In short, ethics must be everybody's business.

RECOMMENDATIONS

To support a culture of ethics, the following recommendations are made for action by Mayor Franklin, President Borders, member of the Atlanta City Council, and department heads:

1. *Launch the Year of 'Integrity Matters' by:*
 - a. Instituting the IntegrityLine
 - b. Promoting the hotline through the 'Integrity Matters' campaign
 - c. Establishing the City of Atlanta Public Integrity Unit with adequate staff and accessible office space
2. *Enact an ordinance requiring paid lobbyists to register with the City of Atlanta's Ethics Office*
3. *Make compliance with the City's Code of Ethics a critical part of the performance review of department heads and other supervisors*
4. *Improve the public's access to online disclosure forms by:*
 - a. Enhancing the public search function of the efilings system
 - b. Disclosing on online forms, as required by law, conflicts of interest, gifts to the City, and expenses paid by prohibited sources
 - c. Providing access to the online forms to enable affected city employees to file online
5. *Require mandatory ethics training within the next three years for the officials and employees required to file financial disclosure statements*

APPENDICES

A -- Members of the City Board of Ethics, 2002 to 2005

B -- Report by City Ethics Officer on First Two Years of Operation

C -- Ethics Office Work Plan for 2005 to 2007



CITY OF ATLANTA

BOARD OF ETHICS
John D. Marshall, Jr. Chairperson
Kenyatta Mitchell, Vice-Chairperson
Leah Janus
Lawrence S. Levin
Jacquee Minor
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City Ethics Officer
glooney@atlantaga.gov

Appendix A

Members of the City of Atlanta's Board of Ethics

John D. Marshall, Jr., the Board chairperson, is the Assistant Vice President for Legal Affairs at Georgia State University where he advises the university president, provost, and administrators on legal and administrative matters. He has served on various university committees, councils, and boards; on the board of the National Association of College and University Attorneys; and as president of the local division of the American Heart Association and the Morningside-Lenox Park Association. Mr. Marshall earned his Bachelor of Arts degree in political science at Clemson University and his law degree at Emory University School of Law. Serving his second term, Mr. Marshall is the nominee of the Georgia Institute of Technology, Georgia State University, Clark Atlanta University, Morehouse College, Morris Brown College, and Spelman College.

Kenyatta Mitchell, the Board's vice-chairperson, works as an International Economic Development Director for Fulton County. She previously worked as a policy analyst in the Governor's Office of Planning and Budget, legislative liaison for the Georgia Legislative Black Caucus, and director of investigations for the Georgia Real Estate Commission. Ms. Mitchell earned her Bachelor of Arts in history and Masters of Arts in political science and international politics from Clark Atlanta University.

Leah Janus is a past president of the League of Women Voters of Atlanta-Fulton County and the State of Georgia. She helped launch The Advocacy Network, a coalition of community organizations committed to social change, and has served on the boards of numerous organizations, including the Overseas Education Fund, Urban League, Atlanta chapter of the United Nations Association, Planned Parenthood, Northwest Georgia Girl Scout Council, Cohen Home for Assisted Living, and Georgia region of the National Conference for Community and Justice. Ms. Janus earned a Bachelor of Arts degree at Hunter College and a Masters of Art degree at George Washington University. Ms. Janus has served on the board since 2002.

Lawrence S. Levin, Ph.D., is president of The Levin Group LLC, an international firm that provides consulting and executive coaching for chief executive officers, senior executives, and top executive teams. He consults with companies in the pharmaceutical, health care, construction, communications, and biosciences industries and with manufacturing, financial, and governmental institutions. He is a member of the Alliance for Strategic Leadership, a frequent speaker at conferences and association meetings, a regular participant on the Atlanta Business Chronicle show, and author of many publications. Dr. Levin earned his Bachelor of Arts in psychology from the University of Florida and his masters and doctorate degrees in psychology from Georgia State University.

Jacquee Minor is president of J. Minorlogues, LLC and speechwriter to corporate executives, executive directors, business owners, and elected officials. Started in 2001, her company also develops scripts for major conferences and events. Ms. Minor has previously worked in marketing and public relations for the Southern Christian Leadership Conference, West End Medical Center, and First Class, Inc. and in journalism as a radio news editor and program director. She now serves on the American Red Cross Minority Recruitment Board, is a member of the Junior League of Atlanta, and is listed in the last three editions of *Who's Who in Black Atlanta*. Ms. Minor earned her Bachelor of Arts in broadcast journalism at Louisiana State University.

Robert B. Remar is a partner in the law firm of Rogers and Hardin. He is a Fellow in the American College of Trial Lawyers, has served on the American Civil Liberties Union Board of Directors for 17 years and on its executive committee for the past 13 years, and currently also serves on the boards of the local Federal Defender Program and the Georgia Appellate Practice and Educational Resource Center. Previously Mr. Remar served as an administrative law judge for the Georgia Public Service Commission and worked for eight years as staff attorney for legal services programs in Georgia and Massachusetts. Mr. Remar earned his Bachelor of Arts degree at the University of Massachusetts and his law degree at Boston College Law School.

**Former Board of Ethics Members
2002 - 2005**

Chuck Barlow, Atlanta Business League, 2002-2005
Michael D. Johnson, Gate City Bar Association, 2002-2004
Gloria Bromell-Tinubu, Atlanta Planning Advisory Board, 2003-2004
Seth Lynn, Metro Atlanta Chamber of Commerce, 2002-2004
Myrtle Davis, Atlanta Planning Advisory Board, 2002-2003

Appendix B

Report by City of Atlanta Ethics Officer on First Two Years of Operation

August 13, 2003 - June 30, 2005

The Ethics Officer, in conjunction with the City of Atlanta's Board of Ethics, proposed a work plan in September 2003 for the first year of operations of the Ethics Office. The work plan sought to faithfully execute the duties of the office as established by the City Code, to create a culture of ethics in the City, and to assure that the City enjoys the full credit and trust of its citizens as a government that truly conducts itself in an ethical manner.

This report chronicles the actions that the Board and Ethics Office have taken over the past two years to implement each item outlined in the work plan. During this time, the Ethics Office staff has consisted of the Ethics Officer and an Administrative Assistant, Senior.

Item 1: Establish the Ethics Office of the City of Atlanta in an appropriate place of public visibility, accessibility, and importance in City Hall to educate, advise, interpret, investigate, and enforce the Standards of Conduct in the City Code of Ordinances.

Action Taken: Moved the Ethics Office to a visible and accessible office on the third floor of the City Hall Tower; hired an administrative assistant to help staff the office; and employed an analyst as a temporary employee to review the 2005 Financial Disclosure Statements for completeness, accuracy, and conflicts of interest.

Item 2: Develop and regularly distribute public educational materials, such as flyers, handouts, and briefings, describing and explaining the Ethics Code, Ethics Office, and Board of Ethics.

Action Taken: Developed a four-page "Ethical Standards for City Employees" handout, which is given to all employees attending the monthly New Employee Orientation; developed a four-page "Ethical Standards for City Board Members" handout, which was mailed in September 2004 to all members of city boards and individuals appointed by the City to other public boards; and distributed a two-page handout on "NPU Officers and Conflicts of Interest" at a 2004 workshop for new officers of neighborhood planning units.

Item 3: Review and revise relevant sections of all existing City of Atlanta handbooks, policy manuals, and operations manuals to bring them into compliance with the conflicts of interest and other ethical provisions of the City Code.

Action Taken: Worked with the Human Resources Policy Council to establish a standard city form on outside employment to assist departments in monitoring employees' extra jobs for possible conflicts of interest; recommended changes in conflicts of interest provision in the City's Administrative Policies and Procedures manual; and reviewed proposed city policies on cell phones and gifts of public art.

Item 4: Develop and maintain the City of Atlanta web site for the Board of Ethics by:

- Explaining the ethical standards required of city officials and employees and the Ethics Board's role in city government
- Developing and maintaining electronic data and forms for access to current financial disclosure and other ethics filings
- Enabling electronic filing of ethics and disclosure forms
- Assuring public access to all public disclosure forms and ethics opinions and rulings
- Responding to online public inquiries and complaints

Action Taken: Established a Board of Ethics website featuring the Code of Ethics, the Board's advisory opinions, Ethics Office reports and publications, Board rules, and city disclosure forms; collaborated with the Office of Municipal Clerk and Department of Information Technology in establishing a web-based City of Atlanta e-filing system for city and state disclosure forms; developed online forms for employees and city officials to electronically file city financial disclosure statements, disclosure of conflicts of interest, reports of gifts to the City, and expense reimbursement forms; developed a search function to enable the public to obtain and analyze information disclosed on city forms and state campaign contribution disclosure reports; and developed an ethics complaint form for citizens and employees to download from the Board's website or complete online.

Item 5: Prepare and conduct training programs to affirmatively inform and educate all new city employees, the 6,000 current city employees, and all appointed and elected officials about the requirements and provisions of the Ethics Code, as well as recurring ethical questions and problems, such as matters involving gratuities and conflicts of interest.

Action Taken: Developed PowerPoint presentations, "*An Overview of the City's Code of Ethics*," "*There's No Such Thing as a Free Lunch: Ethical Standards for City Employees*," and "*Don't Get Conflicted Out: A Presentation for New Employees*"; conducted an hour-long ethics training program every month at the New Employee Orientation, reaching more than 1,000 new employees; and held training workshops for an additional 620 current supervisors, inspectors, and other employees in the Mayor's Cabinet and Corrections, Human Resources, Information Technology, Internal Auditor, Municipal Court, Parks, and Watershed Management Departments.

Item 6: Advise city employees and officials from nearly 100 City of Atlanta offices and bureaus by issuing written informal advisory opinions concerning permissible behavior under the Ethics Code in response to telephone calls, personal appearances, emails, and letters. These opinions shall involve:

- Establishing the specific facts of a given situation
- Reviewing the Ethics Code and relevant rulings of the Ethics Board
- Writing a finding of facts, informal ruling, and reasons for the ruling in response to each request for guidance

Action Taken: Responded to 403 calls seeking advice by writing 45 informal advisory opinions, giving written advice in 113 additional cases, and giving oral advice in response to 242 other inquiries; sent out city-wide emails on holiday gift policy in 2004 and 2005; and regularly consulted with, and reported to, Board members on advice given by the Ethics Office.

Item 7: Conduct outreach and provide training programs and educational materials to hundreds of businesses, companies, and other vendors doing business with the City of Atlanta and governed by provisions of the Ethics Code.

Action Taken: Responded to 28 inquiries about the Code of Ethics from attorneys, lobbyists, and contractors in the private sector.

Item 8: Research, draft, and present Formal Advisory Opinions, and other policy statements, for the Board of Ethics to review and act upon.

Action Taken: Researched and drafted 14 formal advisory opinions for the Board of Ethics on conflicts of interest, doing business with the City, gratuities, outside employment, post-employment, solicitations, and use of city property; distributed all formal advisory opinions to the Mayor, Council President, City Council members, and Mayor's Cabinet and posted the opinions on the Board's website; referred seven informal advisory letters to the Board for its consideration and decision as a formal advisory opinion; and drafted Board rules on formal and informal advisory opinions.

Item 9: Establish and maintain an "Ethics Hotline," as required by the Standards of Conduct, in the following manner:

- Research "Ethics Hotlines" in other major U.S. cities, as well as the current "hotlines" used by the City of Atlanta
- Prepare a paper outlining the options and the benefits and disadvantages of each
- Collaborate with the City of Atlanta Internal Auditor, Law Department, and other affected offices in developing and maintaining a coordinated, responsive, and effective "Ethics Hotline" to which individuals may anonymously report ethical violations

Action Taken: Set up a separate phone line without caller id as the interim “Ethics Hotline”; developed an online form as part of the city’s e-filing system to receive anonymous complaints beginning in July 2005; researched hotlines operating in other cities, private industry, and the City of Atlanta and prepared a paper on best practices for hotlines; and set up a hotline steering committee with the City Internal Auditor and Law Department’s Compliance Manager to establish a hotline, known as the IntegrityLine, to receive anonymous tips and complaints from employees and the general public about ethical violations, fraud, and employee misconduct.

Item 10: Analyze more than 1000 financial disclosure forms filed in 2003, and afterwards, report to the Board of Ethics about all instances of non-compliance with the City Code. In instances of non-compliance, the Ethics Officer will undertake an inquiry to bring city employees or city officials into compliance or institute enforcement proceedings.

Action Taken: In 2004, achieved 100 percent filing by city elected officials and current city employees; increased the overall filing rate of statements to 92 percent; brought three enforcement actions against non-filing current board members, which resulted in the payment of \$1,000 in fines; and issued the 2004 Financial Disclosure Report. In 2005, achieved a timely filing rate of 96 percent, reducing the percentage of late filers to three percent and non-filers to less than one percent; reviewed 1,250 statements for accuracy and completeness, sent approximately 250 correction notices, contacted nearly 300 persons by letter, email, or telephone seeking additional information, and brought seven enforcement actions; Board of Ethics issued three public reprimands and 18 letters of reprimands and fined 10 persons; and Ethics Office collected \$325 in fines from five late filers.

Item 11: Revise current financial disclosure forms to meet the requirements of the City Code of Ethics, work with the City’s Municipal Clerk and Chief Operating Officer in developing and executing a process for distributing lawful forms in 2004, and work with City’s website development team on initiating electronic filing and access to forms.

Action Taken: Developed new financial disclosure form in 2004; substantially revised the form in 2005 and developed an online form as part of the e-filing project; worked with Department of Human Resources, city departments, and other branches of government to identify by job title and classification the employees required to file city financial disclosure statements under section 2-814; reviewed the enabling legislation of city boards and commissions to identify the boards whose members are required filers; worked with the Office of Municipal Clerk and Department of Information Technology to develop a web-based e-filing system for city ethics forms and the state campaign contribution disclosure statements; and entered data from 800 paper forms into the online

database to enable the public to search information disclosed by all required filers on the 2005 financial disclosure statements.

Item 12: Develop other written and electronic forms for the City of Atlanta that are lawful and in accordance with the Ethics Code regarding disclosure of personal interests, disclosure of expense reimbursements, and the filing of complaints.

Action Taken: Developed both a paper and online version of the Disclosure of Conflicts of Interest, Report of Gift to City of Atlanta, Expense Reimbursement Report, and Ethics Complaint Form.

Item 13: Review and analyze more than 30 informal opinions on matters of ethics issued by the Legal Department since the appointment of the new Ethics Board without its oversight and bring all informal opinions into compliance with the Ethics Code and rulings of the Ethics Board.

Action Taken: Initiated Board of Ethics review and reconsideration of informal opinions issued by both the interim and Board-appointed Ethics Officer on issues related to solicitations, gifts, and travel to establish consistent and publicly known policies.

Item 14: Examine the City Code and departmental practices in the City of Atlanta to determine areas where the Ethics Office's jurisdiction overlaps with other departments, such as the Office of Contract Compliance and the Office of the Internal City Auditor, and collaborate with those offices to avoid duplication of City efforts and expenses.

Action Taken: Consulted regularly and met monthly with the Department of Law's Compliance Manager and the City Internal Auditor to share information and resources; actively participated in Compliance Committee established by Law Department; and collaborated with audit and compliance offices to establish a hotline steering committee.

Item 15: Develop and implement, in accordance with Georgia law and the City's Ethics Code, procedures whereby the Ethics Office can lawfully and fairly receive employee and citizens' complaints, notify the person who is the subject of the complaint, investigate all allegations, and report findings and recommendations to the Board of Ethics.

Action Taken: Developed formal complaint form and an online ethics complaint form; drafted Board rules on complaints, investigations, and enforcement proceedings; conducted preliminary investigations and in two cases reported findings to Board, which dismissed the complaints for lack of jurisdiction and lack of probable cause; and referred an additional six complaints to departments for investigation, resulting in disciplinary actions against two employees.

Item 16: Establish legal procedures and safeguards, in keeping with federal and state law, for enforcement proceedings in accordance with the City Code for instances where violations of the Ethics Code have occurred.

Action Taken: Developed Board rules for enforcement proceedings for violations of the standards of conduct and financial disclosure process; and Board conducted two hearings in 2004 and six hearings in 2005 related to the financial disclosure process.

Item 17: Establish and maintain a data collection system that records and tracks disclosure filings, as well as citizen and employee inquiries and complaints, to assure a timely, helpful response and to monitor patterns.

Action Taken: Established a data collection system that has recorded 1,159 calls, inquiries, and complaints to the Ethics Office during its first two years of operation; analyzed data by type caller, agency, type inquiry, subject matter, issue, and action taken; maintained a database on financial disclosure filings by name, agency, and date of filing; and contracted for administrative reports on timely, late, incomplete, and non-filers of financial disclosure statements as part of e-filing system.

Item 18: Undertake legal research to establish lawful procedures for the Ethics Office that reconciles the City Ethics Code with the Georgia Open Records Act

Action Taken: Consulted with the Law Department on the Open Records Act and exemptions related to complaints, investigations, and personal information disclosed on financial disclosure statements; and designed reports in e-filing system to protect home mailing addresses of all filers and the names of family members of certain employees.

Item 19: Set up and facilitate the appointment process for new members of the Board of Ethics, including ensuring that the citizen-appointing authorities appoint new Board members in a timely manner.

Action Taken: Established procedures for notifying appointing authorities about vacancies; worked with Human Resources to identify information required under law as part of background check on candidates; and developed a process with the Municipal Clerk for submitting names of nominees to the City Council.

Item 20: Consult with the State Ethics Commission, the Fulton County prosecutor, and the local US Attorney's Office to assure coordination and cooperation in future matters prescribed by the Ethics Code.

Action Taken: Consulted with county, state, and federal authorities as needed about possible ethics violations and enforcement of financial disclosure filing requirements; and responded to requests for information related to investigations

of the Atlanta Fulton County Recreation Authority and former Mayor Bill Campbell.

Item 21: Support and carry out the work of the Ethics Board by:

- Staffing and preparing for monthly meetings
- Reporting on complaints, opinions, developments, and activities of the Ethics Office
- Preparing monthly agendas, minutes of the meetings, and other documents necessary for the proper functioning of the Board

Action Taken: Prepared agendas, attended meetings, reported on the Ethics Office's activities, and drafted minutes of the Board's regularly scheduled monthly meetings; and prepared periodic written reports to the Board on the budget, requests for advice, complaints received, and other activities of the Ethics Office.

Item 22: Prepare and issue an annual report on the "State of Ethics in the City of Atlanta" to present to the Mayor, City Council and Atlanta citizens.

Action Taken: Report in progress; prepared a budget report with operating highlights in 2004.

This work is vital to help ensure that the City fulfills its responsibility to its citizens of conducting the City's business in an open, honest, fair, and ethical manner. It requires a large, continuing commitment from the entire city government.

9/21/2005

Appendix C

City of Atlanta Ethics Office Work Plan 2005 - 2007

The Ethics Officer, in conjunction with the City of Atlanta's Board of Ethics, proposes a work plan for the next two years to faithfully execute the duties of the office as established by the City Code, create a "culture of ethics" in the City, and to assure that the City enjoys the full credit and trust of its citizens as a government that truly conducts itself in an ethical manner.

Administrative

Establish a Public Integrity Unit in conjunction with the City's Office of Internal Auditor to provide for closer collaboration and sharing of resources between the offices to more efficiently and effectively educate, advise, interpret, audit, investigate, and enforce the Standards of Conduct in the City's Code of Ordinances.

Add additional staff in order to become more effective in promoting and enforcing ethical standards for city officials and employees by:

- abolishing the position of Administrative Assistant, Sr., and creating the position of Administrative Analyst, Sr., which will have the responsibility of managing the Ethics Office, maintaining databases, analyzing data, managing the e-filing system, and coordinating the IntegrityLine
- hiring a forensic investigator to investigate allegations of ethical violations, financial misconduct, and fraud received through the IntegrityLine and Ethics Office (position to be shared with Internal Auditor's office)
- establishing a pay grade for the Ethics Officer that is commensurate with other city employees with comparable authority and responsibilities

Develop a strong committee structure for the Board of Ethics to better use the talents and resources of every Board member to support the work of the Ethics Office to further the purpose of the Code of Ethics; and give appropriate recognition for the work of departing and former board members.

Public Education

Develop and distribute public educational materials on the Code of Ethics that address specific populations and issues, including:

- new employees
- neighborhood planning unit officers
- former employees and officials
- contractors, vendors, and companies doing business with the City
- citizen groups
- exceptions to the ban on gratuities

Establish policies and procedures to notify new employees in writing about the City's ethical standards and financial disclosure requirements; obtain written acknowledgement that new employees have received a copy of the standards and training on them; and identify a process for notifying employees who leave about the one-year post-employment rule.

Assist with the development of the proposed City of Atlanta Code of Conduct by reviewing sections of the proposed Code and developing examples related to conflicts of interest, gratuities, doing business with the City, outside employment, use of city property, the IntegrityLine, and whistleblower protection.

Write annually to city board members, hearing officers, and NPU officers about the City's ethical standards, relevant Board opinions, online forms and how they apply to board members as city officials.

Produce and distribute a bi-monthly ethics e-newsletter for announcing Board decisions, addressing commonly asked questions, and discussing everyday ethical dilemmas.

Maintain and upgrade the Board of Ethics website by:

- updating the content of the website on a monthly basis
- adding new sections, such as an annotated Code of Ethics, an "Everyday Ethics" column, and online training modules
- improving the capacity to search online city financial disclosure statements and reports
- producing reports containing analyses of information disclosed on city ethics forms

Training

Develop training programs designed specifically for board members, NPU officers, and online training of employees; annually update hypothetical scenarios presented for discussion in "*Don't Get Conflicted Out*" during New Employee Orientation; develop an ethics training program on gratuities, conflicts of interest, and disclosure for upper level managers and supervisors; and plan an "*Ethics in the Movies*" training program using film clips that raise ethical questions for public employees and elected officials.

Present training workshops for supervisors and inspectors in city departments who have not previously scheduled sessions, targeting Aviation, Finance, Planning, Procurement, and Public Works; initiate regularly scheduled training programs to be held at different city work sites for all city officials and employees who are required to file annual financial disclosure statements; host an annual ethics workshop for new board members and NPU officers; and prepare a presentation for citizens' groups.

Seek the adoption of a city policy and practice requiring mandatory ethics training every three years for the 1,200 officials and employees who are required under the Code of Ethics to disclose conflicts of interest and financial interests.

Rendering Advice

Respond to requests for advice in a timely, consistent, understandable, and persuasive manner; monitor data to identify (a) recurring questions as possible topics for advisory opinions and (b) well-settled issues as appropriate topics for “frequently asked questions”; and evaluate and report to the Board at least once a year on informal advisory letters and other written advice that the Ethics Officer gives to employees and officials.

Identify appropriate topics for the Board to resolve in formal advisory opinions and draft formal advisory opinions addressing the following code provisions:

- one-year post-employment rule
- representing private interests before city agencies
- solicitations on behalf of city programs
- use of confidential information
- exceptions to the ban on gratuities for food, travel, gifts to the City, and hosting expenses
- board members’ doing business with the City
- definitions of “prohibited sources” and city “employees”
- filing of gift, expense reimbursement, and conflicts of interest disclosure forms

Investigations and Enforcement Actions

Establish the IntegrityLine as a responsive and effective ethics hotline by:

- collaborating with the City Internal Auditor and the Compliance Manager to establish a coordinated, citywide hotline for receiving anonymous tips and complaints about ethical violations, fraud, and employee misconduct
- contracting with a third-party hotline provider to establish a call center, web-based reporting system, and case management system
- developing internal city policies and procedures for assigning calls, tracking investigations, resolving complaints, and reporting on actions taken

Promote the IntegrityLine through a well-coordinated public education campaign that launches the hotline and advertises its purpose to employees and the general public using a variety of media; and develop ways to repeat the publicity about the IntegrityLine at least once a year.

Improve ethics investigations by:

- hiring an employee to investigate calls received through the IntegrityLine
- developing better relationships with local, state, and federal law enforcement agencies, inspector generals, and ethics offices
- initiating enforcement actions, as needed, against city employees and officials for violations of the city's ethical standards

Review and analyze data generated by calls received by the Ethics Office and the IntegrityLine to identify patterns of misconduct; collaborate with the City Internal Auditor on a performance audit of one department to review policies and practices related to conflicts of interest and other ethical issues; and conduct a performance audit on outside employment by city employees in a second department.

Legislation and Lobbying

Establish a system for identifying lobbyists at City Hall; ensure they have registered with the State Ethics Commission as lobbyists at the local level; and define and consider problems with the current version of the City's Standards of Conduct that may require legislative changes in the future.

Disclosure Statements and Reports

Improve the ethics disclosure system through:

- working with departments and boards to develop accurate lists of persons required to file annual financial disclosure statements
- posting online the names of employees and boards required to file financial disclosure statements each year
- establishing an electronic means of identifying employees required to file financial disclosure statements, as part of the new software for city personnel
- revising financial disclosure forms to clarify questions
- establishing policies on filing of disclosure reports related to gifts, expense reimbursements, and disclosure of conflicts of interest

Mandate online filing of all city disclosure forms by all city elected officials and employees, beginning in 2006, and by all other filers in 2007; improve the public search function of the efilg system to allow the general public to easily review and analyze all information disclosed on the forms; and plan for a system that permits revision of questions contained in the online forms as needed.

Establish an audit process for reviewing all city disclosure statements to ensure the accuracy and completeness of the information disclosed; and write an annual report on financial disclosure statements and other city disclosure reports.

Prepare and issue an annual report on the "State of Ethics in the City of Atlanta" to present to the Mayor, Atlanta City Council, and Atlanta citizens.