

City of Atlanta Board of Ethics Retreat Minutes of December 13, 2014

The December retreat of the City of Atlanta Board of Ethics was held at the law offices of Holland & Knight, 1201 West Peachtree Street, N.E., One Atlantic Center, Suite 2000, Atlanta, Georgia, 30309. Attending the retreat were Caroline Johnson Tanner, Carol Snype Crawford, Shukura Ingram Millender, Patricia Upshaw-Monteith and Kathleen Wasch. Board members Brent Adams and Kai Williamson were absent. Also attending were staff members Nina R. Hickson, Jabu M. Sengova, Sherry H. Dawson and Carlos R. Santiago. Ms. Hickson facilitated the retreat.

Ethics Officer Ms. Hickson opened up the discussion by presenting the agenda which was unanimously adopted.

2014-2016 Work Plan

Ms. Hickson reviewed the Ethics Office's work plan accomplishments over the past two years and outlined the 2014-2016 work plan with references to earlier work plans dating back to 2010. She then posed an open question to the Board Members to encourage candid discussion about what each person expected when becoming a board member, and whether their expectations thus far were the same or different than what they have actually experienced. Responses include the following:

- Ms. Tanner stated that she had expected the Board to hear more cases and complaints and that more of the work would be litigation related; however, it has involved more administrative related tasks than she would have thought.
- Ms. Millender stated that she was surprised by how the Ethics Code was perceived or failed to be perceived by the different departments based on some of the scenarios that the Board had dealt with.
- Ms. Crawford stated that she was surprised that the Board was not getting more support from the Solicitor's Office because ethics cases were given last priority.

Auditing of Financial Disclosure Statements

Ms. Hickson briefly discussed potential audits of financial disclosure statements by the City Auditor's Office in 2015. It has not yet been determined if the statements that are audited will be chosen at random or using a targeted approach. Initially the audits will be limited to the Executive Offices and the Council and Mayor's staff.

Adding a Full-time Investigator/Attorney to Staff

The Ethics Office currently has a part-time Investigator/Attorney working thirty hours per week. Ms. Hickson advised the Board that her plans were to convert the position to a regular full-time staff position which would enable the office to seek out cases that it currently does not have the staff to pursue. It would also enable the office to complete independent investigations within a six month time period. Ms. Hickson indicated that resolving cases more expediently should become a value of the Ethics Office and the Board.

Public Education and Outreach

Ms. Hickson discussed that she would like to see more development in the area of public education and outreach.

- Ms. Hickson reported that the ethics e-learning course has been completed and is ready to launch but the City's Department of Information Technology has a new Chief Information Officer. Therefore, Ms. Hickson advised the Board that she wished to meet with the new CIO and obtain his support of the ethics e-learning course prior to launching.
- The Ethics Officer has successfully obtained a legislative mandate requiring ethics training for all City Council staff.
- Ms. Hickson proposed an event for city officials and citizens of Atlanta to come together to talk about the City and where it is in terms of ethics. This event would be called "State of Ethics" and include a panel discussion held in City Council Chambers with a moderator and broadcasted on Channel 26. Board members recommended that the Office seek coverage on GPBA and other commercial stations.
- Ms. Hickson discussed a review of the Ethics Code and making recommendations for improvement. She recommended a review of existing sanctions and whether other sanctions and mechanisms can be employed. Ms. Hickson also recommended strengthening the enforcement provisions and seeking a resolution with the Solicitor's Office about proceeding with enforcement of ethics cases. She indicated that this is critical since support from that Office is needed. For example, concerning sanctions for not filing a financial disclosure statement, the Board can only recommend that an employee not be hired until the fine is paid. Ms. Hickson recommended that the law should be codified so an employee who fails to file may not be rehired prior to paying the assessed fine.

Advice

The Ethics Office continues to respond to 90% of requests for informal advice within a week. Ms. Hickson stated that certain councilmembers have requested to have formal advisory opinions published and distributed to them in hard-copy format. The Board discussed whether the request would be feasible and determined that it was best to maintain all formal advisory opinions online and print and distribute an index of the formal advisory opinions as well as update any new formal advisory opinions which are issued.

Financial Disclosure

Ms. Hickson stated that she hopes to increase the timely filing rate to 98%. The percentage has increased slightly each year and she is confident that this goal can be achieved. Ms. Hickson also indicated that she hopes to improve the Transparent Diamond Award Ceremony and for it to continue to be held at the beginning of a City Council meeting.

Budget Goals and Advocacy

Ms. Hickson is recommending an annual budget based on .1 % of the City's General Fund of no less than \$500,000. Because the Ethics Office is an independent office, Ms. Hickson believes that the budget for operations should not have to be justified to the Mayor's office annually. She stated that the Ethics Office provides a city-wide function for city officials and employees as well as citizens and volunteers. She also recommended that the Office should receive revenue directly from the Enterprise Funds. Ms. Hickson explained that just as the City Attorney and the Auditor's Office obtain direct appropriations as a part of their budget directly from Watershed and Aviation, the Ethics Office should get direct appropriations from the Enterprise Funds. She advised that both Watershed and Aviation utilize a lot of the time and resources of the Ethics Office.

Ms. Hickson is seeking a bottom line of at least \$500,000 as a guaranteed minimum annual budget based on .1% of the General Fund. It does not matter if direct appropriations from the Enterprise Funds are used to meet this amount. Additionally, Ms. Hickson seeks to allocate at least 5% of the office's budget for professional development of the staff, including the Ethics Officer.

Formal Advisory Opinions

Tickets, Admissions (Formal Advisory Opinion 2004-7). Ms. Hickson discussed comments that she had received from City Council staff asserting that they did not understand that they could not accept tickets to events. This is a continuing issue in the Ethics Office and the question is whether people in general are not aware of this rule or if they are ignoring it and pleading ignorance. Ms. Tanner states that it is not reasonable for a person to assert ignorance of the law because of all the public education efforts of the Ethics Office.

Ms. Hickson asked the Board if this is an issue that needs to be clarified through a formal advisory opinion and/or should the consequences be more severe. Ms. Tanner indicated that the issue should be actively pursued by the Ethics Office. Further, the segment of the rule that allows officials and employees to accept tickets if done so by virtue of their "official capacity" leaves room for varied interpretation and abuse. This is a "soft part" of the rule and it should not exist. The rule should be very clear that absolutely no tickets may be accepted.

Ms. Millender suggested issuing a new formal advisory opinion with some factual scenarios to clarify what is and what is not allowed.

Use of City Property and Facilities. Ms. Hickson next discussed whether there should be a distinction made between council members using city facilities on behalf of their constituents or for a non-profit entity. A related question is whether the City can pay for refreshments for the event if this is for a non-profit entity. Board members generally discussed the potential for abuse if this is allowed.

Nominations and Selection of New Board Chair

Ms. Tanner, the outgoing Chair, gave remarks about her six years serving as the Ethics Board Chair.

Shukura Ingram Millender was nominated and unanimously voted in as the new Chair of the City of Atlanta Board of Ethics.

Having no further business, the meeting adjourned.

Jabu M. Sengova, Associate Ethics Officer
Approved January 15, 2015