

City of Atlanta Board of Ethics and Independent Compliance
Retreat Minutes of December 07, 2019

The 2019 winter retreat of the City of Atlanta Board of Ethics was held at the State Bar of Georgia, 104 Marietta Street, Atlanta, Georgia, 30303. Attending the retreat were Board Chair Kate Wasch (outgoing) and board members Chris Gilmore, Todd Gray, Matt Grosvenor, Nichola Hines (Vice Chair), Lisa Liang, Gerry Neumark, and Wesley Tharpe. Ethics Officer Jabu M. Sengova and staff members Sherry H. Dawson, Janet R. Keene, Larry Mason, Ibidapo Onabanjo, Portia Reeves and Carlos R. Santiago (Deputy Ethics Officer) also attended. Guest speaker Raymond Robinson from the City of Atlanta Department of Information Management attended a segment of the meeting to deliver a presentation.

COGEL 2019/2020

Ms. Reeves presented an update on plans for three Ethics Office Staff members and two Board members to attend the COGEL (Council on Governmental Ethics Laws) conference in Chicago December 15-18, 2019. Ms. Reeves also provided a brief update on the 2020 COGEL conference to be held in Atlanta December 13-16, 2020 and provided a list of suggested areas for Board members and Staff members to engage in the planning.

ETHICS REFRESHER

Ms. Sengova provided a review of Georgia Code Section 45-10-1 emphasizing the importance of being “ever conscious that public office is a public trust” and highlighted the works of Robert Wechsler. Ms. Sengova facilitated a discussion regarding conflicts of interest, incompatible interests and appearances of impropriety using case studies and scenarios to promote discussion of the concepts. She provided a review of the City of Atlanta Board of Ethics and Independent Compliance Code of Conduct and requested that Board members sign a current Ethics Pledge. Mr. Santiago presented a review of Robert’s Rules of Order and facilitated a discussion regarding parliamentary procedure.

TASK FORCE FOR THE PROMOTION OF PUBLIC TRUST REPORT

Ms. Onabanjo presented the October 2019 report by the Task Force for the Promotion of Public Trust. The Task Force was created through a Resolution by the Mayor and City Council to evaluate the efficiency of the City’s legislative and administrative policies and procedures related to ethics, transparency, and compliance. Ms. Onabanjo displayed a current Organizational Chart of Ethics, Compliance and Transparency Structures in the City of Atlanta and explained new legislation expanding the Board of Ethics to include an arm for Independent Compliance and creating an Independent Compliance Officer position. Ms. Onabanjo presented an overview of the Task Force’s primary recommendation to create an Office of Inspector General and to consolidate the existing investigative functions performed by all investigatory city agencies. Ms. Onabanjo also presented an overview of the Task Force’s secondary recommendation to amend Ordinance 19-O-1038 which created the position of Independent Compliance Officer to include all necessary enforcement powers that are hallmarks of an Inspector General’s office including subpoena powers and whistleblower protections. Ms. Onabanjo summarized the concerns of the Ethics Office which included whether having an Inspector General oversee the Ethics Office’s functions would cause disruption. She also summarized contradictions and gaps in the Task Force’s Report and opened the floor to discussion.

The Board engaged in a robust discussion surrounding the implications of an Inspector General for the City. The key concern voiced by members across the Board was the importance that the

Ethics Office remain separate and independent. Ms. Sengova instructed the Board members that their voices need to be heard and suggested creating a written response to the Task Force's report. She stressed that time is of the essence because the Task Force's recommendations may start to appear in the form of new City legislation as early as January 6, 2020.

Ms. Hines suggested a committee tasked with developing a written response which includes an organizational chart. The writing will be drafted by Mr. Gilmore, Ms. Liang and Dr. Neumark and then circulated to the Board for additions and edits. Points made by members to include in the written response are:

- There should be distinct separation between ethical and criminal complaints.
- It is important not to have duplicative investigations.
- It is important that Ethics remains independent.
- Consider the effect on the Ethics Office if it falls under the Inspector General in an organizational chart. This would nullify the Ethics Office's independence and should be avoided.
- A chart outlining the process and specifics of work done by the different entities to include details such as requirements for quarterly updates should be included.
- Possibly defining characteristics such as placing a dollar value on complaints such that complaints valued above or below a given dollar value will be assigned to different entities.
- The reasons that Ethics and Compliance, including the role of the Ethics Investigator are integral to the whole should be articulated.
- To facilitate clarity in written communications, Board members should write out how Ethics, Compliance and the Inspector General will work together.
- The Board should summarize what the Ethics Office currently does and how that will complement the work of an Inspector General.
- The goal of the City is to be more effective in identifying problems and self-reporting problems, detecting them and stopping them, before they are identified by outside entities such as the media and federal investigators. A risk assessment, as that done annually by healthcare organizations, contemplates where things *could* go wrong and that it is the *potential* for fraud, waste and abuse that is a key component at the risk assessment stage. Considering potential areas for risk in the City should be an underlying concept, and the process for having an annual assessment to include identifying and self-reporting potential problems should be included in communications regarding the Ethics Office's relationship with a prospective City Inspector General.
- The seven pillars of an effective Ethics and Compliance program requires having "the right tone at the top." This should be a key element in the writing; the Board of Ethics and Independent Compliance can help educate and set the tone. It can show the City the framework which includes both Ethics and Compliance, and the Inspector General separately.
- The Ethics Office's educational program and audit functions reflect a foundation for the seven pillars which should be reflected in a writing. The Ethics Office is beginning to do more self-reporting.
- Writings should reflect that an organization should have both "good guys" (Ethics and Compliance), and "the bulldog" (Inspector General).
- The Board could implement a program for an Ethics Ambassador or Ethics Champion for the City.
- The Board may need to meet again to discuss this topic before the June retreat.

NEW BOARD CHAIR NOMINATION ANNOUNCED

Kate Wasch, the Outgoing Board Chair, announced nominations for the positions of both Incoming Board Chair and Vice-Chair. Ms. Wasch stated that these positions should be presented and voted upon at the next public meeting of the Board.

E-FILE DEMO

Guest speaker Raymond Robinson unveiled the new E-Filing System for the City of Atlanta and highlighted the technical advances, the enhanced security and functions and the revised questions the new system utilizes as compared with the existing system. Ms. Dawson presented samples of the Financial Disclosure Statement, Conflict of Interest Disclosure Report, Gift to the City Report, Travel Disclosure Report, and the Public Complaint form that will be available electronically when the new System launches in 2020.

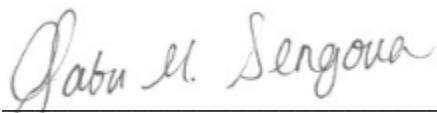
2018 FINANCIAL DISCLOSURE AUDIT REPORT

Ms. Keene presented the 2018 Financial Disclosure Audit Report marking the first year the Ethics Office conducted an audit of the City Financial Disclosure Statement resulting in a report. She stated the goal of the audit was to review compliance with Section 2-814 of the Atlanta City Code and outlined methods used to conduct testing and reviews for consistency, accuracy and potential errors and omissions. Ms. Keene illustrated some of the audit's findings, highlighted the common exceptions observed, and recommendations of the Ethics Office. She stated that the recommendations include both modifying the language of the non-city employment income question and requiring filers to affirmatively respond to all required sections before being able to proceed in the electronic system. Members of the Board discussed the verbiage of the non-city employment question. Ms. Keene stated that the 2019 Financial Disclosure Audit is in progress.

2019/2020 WORKPLAN AND OTHER BOARD MATTERS

Ms. Sengova presented the Ethics Office workplan and key goals for 2020 that include launching the e-file system, developing a second iteration of the e-learning program, continuing the annual lunch and learn series and filling the remaining open position. Ms. Sengova emphasized the importance of having Board members test the new e-file system before it goes live.

Having no further business, the meeting adjourned.



Jabu M. Sengova, Ethics Officer
Approved January 16, 2020