

Ethics Commission Minutes
April 21st Meeting

Members Present: Walker Beeson, Danny Hill, Pam O'Brien, Steven Palmer, and Julian Toporek

Members Absent: Nancy Anderson, Donna Rumsey, and Frances Strickland

Ex-Officis Present: Janice Elliott, Recording Clerk

Invited Guests:

Roll:

Danny Hill called the meeting to order. Roll was taken.

Minutes:

Pam O'Brien motioned for the minutes of the February 17, 2009 meeting be approved with the change that Walker Beeson recommended that "affective" be changed to "affected". Julian Toporek seconded. Minutes were approved as amended.

Revision of the Ethics Commission By-Laws:

There was discussion on the draft of the Ethics By-laws changes. Only change that Pam saw was that "section" needed to be deleted in the first paragraph.

Julian Toporek was concerned about Section 4. Removal/Vacancies which reads, "City Council may remove a member at any time, at will, with or without cause. He felt that the City Council should remove a member with cause only and the By-Laws should be changed. There was discussion that the By-laws reflected the Ethics Ordinance, Article B, Section 4, Number 4 which states, "Council may remove a member at any time, at will, with or with out cause." It was discussed that the Ordinance needed to be amended before the By-Laws could be changed.

Julian Toporek motioned to request the Council to amend the Ethics Ordinance, Article B, Section 4-4 to read, "Council may remove a member at any time for cause."

Walker Beeson seconded. Motion carried unanimously.

It was agreed that the Chair would write a letter to the Mayor and Council requesting this change.

Danny called for the question on the By-Laws. References to the previous ordinance such section 2.09, 4.08, 3.06 were omitted or changed to reflect the new ordinance. The Ethics Commission voted unanimously to accept the revisions to the By-Laws.

Old Business:

Discussion on having legal assistance ready and available in the event the City Attorney cannot provide or is not available to provide assistance to the Commission. There is provision in the Ethics Ordinance for this.

Julian motioned to request of Council that they appoint an attorney of their choosing to be available to the Commission in the event that the City Attorney has a conflict when a complaint is filed pursuant to Article B, Section 10-2.

Pam seconded the motion. Vote was unanimous.

New Business:

The Commission discussed asking the Council to remove Donna Rumsy from the Ethics Commission. Since being appointed, she has been unreachable by phone despite numerous calls, she has never been sworn, and she has never shown up for a meeting.

Walker Beeson motioned to ask Council to remove Donna Rumsy from the Commission and appoint a new member. Pam seconded the motion. Vote was unanimous.

It was brought to the attention of the Commission that a Council member was taking part in a discussion of a matter during the Council meeting where the Council member should have recused himself. When a member recuses himself, he should not take part in the discussion. He did, however, not vote. It was felt by the Commission that they should provide training as to what recusal means. It not only means not to vote, but also not participating in the discussion.

Motion was made for the Chair to contact the Mayor and request a meeting with the City Attorney and Council member who appeared to be in violation of rules of recusal according to our ordinance and review the rules of recusal as soon as possible. Julian seconded the motion. Vote was unanimous.

No meeting scheduled.

Adjournment:

Walker Beeson motioned to adjourned. Julian seconded. Motion carried.
Meeting adjourned.

04/22/2009je