

Ethics Advisory Board Minutes - Draft

April 23, 2007

Members Present: Randi Bryan, Fretwell Crider, Roma Harper, Anne Miller, and Carolyn Smith

Ex-Officos Present: Janice Elliott, Bubba Hughes, and Paul Wolfe

Members Absent: Charlie Brewer, Linda Gladin, and Sue Off

Anne Miller called the meeting to order and called roll.

Anne Miller suggested placing Article 5 in alphabetical order. Paul stated that he was trying to look up some of the references to some of the terms and he could not find them because they were not alphabetical. He felt that it would help people and it would make it easier for people if they were alphabetical. All members were in consensus. There was a motion by Carolyn to place Article 5 in alphabetical order - Seconded by Fretwell. Motion approved unanimously. Anne will arrange Article 5 in alphabetical order. Anne questioned since council had already received a copy of the ordinance prior to this meeting how were they going to get the corrected version. Bubba stated that he would get the corrected copy to council by email with a warning that it will not match what's in the agenda package. Anne wanted Bubba to stress to the council that the subject matter had not changed.

Anne stated that once it is finished can the pages be numbered. Bubba stated that this can be done in house, but the page numbers will be change when sent to Municode. Anne was considering an index for the ordinance with the page number and section. Bubba felt that an index with the section would work since page numbers will change when sent to Municode. Bubba stated that this would be an excellent part to have.

Roma asked why some of the words had dots and other had slashes. Bubba stated that words that were defined are the ones that are underlined. All should be consistent either dots or slashes or completely underlined.

Fretwell was concerned about the bullets in 2.04. He stated that this was part of the same sentence. It was discussed that each was emphasized and so bullets were used. Fretwell seemed to think that the sentence should be recognized without the bullet. Randi brought up her concern and the email that she had sent everyone concerning simplifying the entire document because it seems wordy. Randi stated that at one point Linda stated she would talk with Lynn Hamilton about editing the final product, but we never heard anything and all of a sudden it is written and sent to Council. Bubba stated that Linda was going to take out the legal terms out of it and make it easy to read. Randi stated that she was going to edit and clean up the grammatical errors etc. Randi stated that was the point of her email that she sent the other day. It was discussed that the document was not going to be shorten by correcting the grammatical errors. Randi stated not only grammatical errors, but the commentary portions that were repetitious and the rules and violations. Randi felt that it was now too late to do. Bubba stated that it is never too late. Paul stated that the primary thing is to cover every possible situation. Paul agreed that some parts were redundant. Randi stated that the model was Cobb County's ordinance and it is 12 pages. Randi did not disagree with any thing in our ordinance, but just felt that it was wordy and repetitious. She would like to see something sent to council that was more polished and refined. Paul polled the group about understandability of the ordinance. Randi felt that the ordinance was very readable except for the additions that were added to Article 4 such as the auxiliary members etc. It was discussed that is lengthy and it would take more than one sitting to read. Paul agreed with Randi, but his biggest fear is if we start cutting it down that we would leave something out. Janice stated that once sent to council that they may want it shorten and send it back to the committee. Also once it becomes an ordinance; it may be amended from time to time for clarity. Roma stated that if council feels that it needs to be cleaned up that they will send it back to this committee. Until the ordinance is actually utilized will we know how effective the ordinance really is and what may be eliminated or expanded upon.

Randi brought up the fact that in Section 4.11 (Counsel) it was discussed at a past meeting that Bubba should not be the legal advisor. Bubba stated that in the event that an ethical compliant dealt with him

or a council member then the Ethics Commission would need to hire their own attorney. There was much discussion concerning who Bubba would represent. There was also discussion on how this section was inadvertently changed from the previous meeting. The committee decided they were comfortable with the changes and Randi made a motion to accept what was currently written in section 4.11 with Board being changed to Commission and otherwise be added at the end. This was seconded by Roma. Motion approved by all. This section should read: The City Attorney is to be the legal advisor for the Ethics Commission except in circumstances where doing so would result in the City Attorney's conflicting interests in a compliant involving a Council member as respondent, complainant, or otherwise.

Anne would like to make the document uniform with the word "and" instead of back slashes (/). There are some cases where "or" should be used. Bubba stated that changes will occur on his end and then to Vivian. Such changes are: 5.02 – Participate "or" Act, 4.06 Voting "or" Auxiliary Members.

Again there was discussion on the changes that occurred on Article 4 from the previous meeting to what was sent to council. Different parts of the section from the last meeting to the current meeting were compared. Anne stated that if you have looked over this document all along changes have occurred from meeting to meeting. Bubba stated that what we are dealing with and what has been sent to council is what we are concerned with now and if things need to be brought up to council that the body as a whole wants changed then so be it. Bubba stated that this is a work in progress until second reading. Everyone feels that we have worked so hard to get this point and there will always be some room for improvement. As much as everyone wants to get something on the books, let's make it as good of product as we can. Ann asked the committee if everyone was happy with Article 4. There was discussion, but it was the general consensus that it was acceptable. Fretwell wanted clarity on the purpose of the committee meeting. Anne stated that we are supposed to clean the ordinance up and have it ready for council. The committee started with grammatical errors: In Section 3.04-A-1 under Benefit SECTION 5.08 has changed to 5.03. Section 3.04-A-3 should read: accepted by self, relative, family member, significant other person or household member. Section 3.4 B – Rules "and" Violation, 3.05 – Commentary "and" Terminology. It was determined by the committee that the word "and" or "or" should be used instead of the back slash through out the document depending on which fits. Anything to make the document more uniform such as keeping sub-title alphabetical such as: Commentary and Terminology vs Terminology and Commentary. Paul suggested that the work accord be changed to accordance. Bubba stated that change had occurred in his working draft. Section 3.11-B-2 remove the word "that", 3.12-2-B change Section 5.07 changed to Section 5.05, Section 3.21-B-1a add " 's " to servant, 4.03-4 in the statement box should read: I meet the qualifications set forth in the Ethics Code Section 4.03, Section 4.05-1 change to {Section 4.04 above}, 4.06-3 add s to discharge, 4.14-E-5 accord to accordance line 3 & 4, Section 5.05 Real Property change 0 to 3.13, 5.06 line 4 change attempt to attempting and at the Abstention definition: See Section 3.07, Recusal: See Section 3.08, Section 5.07 under the definition of Conflicting Interests: See Section 3.06, add a period at the end of Associative Property Interest (iv) section, Section 5.03 correct spelling of gratuities. Janice asked if anyone had checked to see if all underlined words were defined. Paul stated that he had scanned and it seemed that all were there. In section 5.03 under the definition of Aggregate Benefit Amount correct the spelling of guaranteed. Change Section 5.03 Title Section to: Benefits, Gifts and Gratuities. In that same Section 5.08 anything should be one word. It was discussed that the Actual Source of Benefit should be defined. The State Law Section Symbol should be used through out the document. Under 5.09 under City Official (b) should read: any compensated person reporting directly to Council, including the City Attorney, City Manager, Clerk of Council as well as a person reporting directly to one of these.

Meeting adjourned