

Ethics Commission Minutes
September 15, 2008 Meeting

Members Present: Walker Beeson, MaryAnn Bramble, Danny Hill, Pam O'Brien, Sue Off, Julian Toporek

Members Absent: Nancy Anderson

Walker Beeson called the meeting to order. Roll was taken.

Minutes of the August 6, 2008 meeting were approved upon motion by Pam O'Brien provided they are modified to delete the "visitors" line, which, going forward, shall be reserved for invited guests. Danny Hill seconded. Minutes were approved.

The chairman made opening remarks and restated the group's motion from last month in which the city attorney was "instruct(ed) to incorporate Frank Jenkins' comments in the current ordinance and bring a draft to the Commission and check the draft for simplicity. If it is not enough, then the Commission will deal with it at that time."

Group discussed the fact that what was requested, was not what was received. Instead, on August 29, 2008, the city attorney shared an ordinance based on Cedartown's ordinance. Pam O'Brien made a motion to send a brief letter to Mayor & City Council, pointing out to them that the city attorney's letter of August 29, 2008 to the Commission (and sent to Mayor & Council) incorrectly interpreted the motion/request from the Ethics Commission's meeting on August 6, 2008. The letter requested assistance from council before going forward with any revisions. Danny Hill seconded.

Group discussed the pros/cons of sending a letter to council, or the chairman appearing before council to explain the miscommunication/seek further guidance, or just going ahead with working on the draft which the city attorney shared. The chairman called for a vote on the motion. Motion failed with a vote of 4 to 2 : Against.

The chairman asked the group what their pleasure was ... to adjourn? Meet again? Begin working with current draft? Other motions? The group agreed to start review of the draft shared as there were items which should be addressed. Further, it was agreed that the chairman would ask the city attorney why he did not produce what was requested of him at the August 6 meeting; and that the minutes would reflect this miscommunication.

The following modifications to the draft ordinance shared by the city attorney on August 29 (which is based on the Cedartown ordinance) were discussed and agreed upon:

- (1) On page 1, strike "WHEREAS, the existing ordinance is thought to be too cumbersome and difficult to comprehend and interpret by all to whom it applies;"
- (2) On page 2, item (c), "immediate family" should be better defined, using page 5 of Frank Jenkins' letter, and also including parents, siblings;

- (3) On page 2, section 2, items (1), (2) and (3) should have the word “or” between them (rather than implied “and”); and the sentence shall be modified to read, “...any person, corporation, or group which has, or is seeking: (1) contractual or other business...”
- (4) On page 4, section 13, the following sentence shall be added, “This not to include cancellation fee(s) for good cause.”
- (5) On page 4, section 14 is too ambiguous and “code” is not well defined; rewrite is needed;
- (6) On page 4 & 5, Article B shall be deleted and replaced with Article IV from the current ordinance (excluding section 4.05 The First Ethics Commission and section 4.14 (D) Complaints Against Employees);
- (7) On page 5, section 4 of the former Article B, Right to Appeal, shall be retained and included with the new Article IV (after section 4.15 Final and Concluding Action on Complaint Cases);
- (8) On page 6, Article C shall be deleted;
- (9) Document shall be made gender neutral.

Group agreed that the chairman would update Mayor Buelterman on the status of Commission efforts with the ordinance.

Sue Off motioned to adjourn. Danny Hill seconded. Meeting adjourned.