

Ethics Commission Minutes
November 12, 2008 Meeting

Members Present: Nancy Anderson, Walker Beeson, Danny Hill, Pam O'Brien, Sue Off, and Stephen Palmer

Members Absent: Marianne Bramble and Julian Toporek

Ex-Officis Present: Bubba Hughes, City Attorney

Invited Guests:

Roll:

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

Minutes:

Minutes of the October 21, 2008 meeting were approved with the date correction (Nov. 12 to Nov. 13) upon the motion by Sue Off. Dan Hill seconded. Minutes were approved.

Membership:

Nancy Anderson (regular member, term ending in 2010) and Stephen Palmer (auxiliary member, term ending in 2010) were sworn in by the Mayor as official members of the Ethics Commission. Two positions continue to be vacant – Regular for a 2009 Term and Auxiliary for a 2009 Term).

Request of an Attorney for the Ethics Commission:

Richard Darden was suggested to represent the Ethics Commission by Julian Toporek at the last meeting.

Danny Hill made a motion that in lieu of Mr. Hughes not being able to advise the Ethics Commission on items that concern the council and that the Ethics Commission needs representation which is called for by the current ordinance that Richard Darden be the representative when needed. Sue seconded. Motion passed unanimously.

Bubba will ask the council at the request of the Ethics Commission that Mr. Darden be able to represent the Ethics Commission at the Council Meeting.

Ethics Commission Members Qualifications:

Danny Hill made a motion to address the Council concerning the Ethics Commission members qualifications. Pam O'Brien seconded the motion. There was discussion. Pam asked the newest member sworn in, Stephen Palmer, what was required of him to be on the Commission. He stated that he sent a letter of intent to serve on this committee along with the paper work and oath that was required of City Hall. Walker stated that writing a resume after the fact is not necessary. It was discussed to wait on a formal request from Council. Sue Off asked Bubba about the training of the Council members. Bubba stated that they are required by State Law to attend training on the ethical obligations of elected officials within a certain amount of time being sworn in as council member. In light of the council having to have that training, it was

brought up to the possibly of the Ethics Commission Members to have the same training. Bubba stated that the ordinance in itself required that everyone be trained – not just on ethics itself but on the ordinance. After the discussion, Danny withdrew the motion, but still feels if the Council has any questions about the integrity or the qualifications of this Commission that they need to ask for such from the members as to what their background are and why each member felt that should be on the Ethics Commission.

Review of the Complaint:

Pam O'Brien disclosed that she was the Postle's real estate agent when they purchase their house on Tybee about 5 years ago. Pam no longer practices real estate. Her license is on inactive. Also when she was employed by Tybee Island Realty, several months ago they exited the rental business and had a business agree with Sandy's By the Shore (Mrs. Brewer's Company) that dealt with the transfer of that rental business. Pam did not benefit in anyway from that transaction. She is no longer with the company. She felt that she had to disclose those relationships. Bubba stated that this is the same thing that comes up with Council frequently. The issue is whether or not either the transaction regarding the realty business or representing the Postle's on the real estate transaction leave a feeling that would be other than impartial in connection on preceding on a matter involving them. Pam stated that it would not affect her decision.

Everyone has read the response of Mr. Brewer's attorney concerning the Ethics charge. Walker stated that at this point, the Commission needed to decide whether this needed to go to the next stage or not or table until the Commission had legal represented. Bubba stated that Mr. Brewer's attorney could not be at the meeting and only recently learned that this meeting was occurring, but he would want to be present if there was going to be consideration on the charge against Mr. Brewer or any evidence presented. Bubba explained to him that this was not **the hearing**, but Mr. Brewer's attorney felt that if the charge was going further or if any public discussion was going to be conducted or evidence presented that he would want the opportunity to be present. Bubba stated that this is an issue that can be discussed in executive session - whether or not to go further with the evidence that has been presented.

Danny Hill made a motion to table until the Ethics Commission could be represented by an attorney. Walker seconded.

Pam O'Brien moved to go into Executive Session. Walker Beeson seconded the motion. The Commission vote to go into Executive Session.

Pam O'Brien moved to back into Regular Session. Sue Off seconded the motion. Vote was unanimous to return to Regular Session.

Walker Beeson called the Regular Meeting to order.

Danny Hill withdrew his earlier motion to table until the Ethics Commission could be represented by an attorney.

Sue Off motioned to dismiss the complaint. Nancy Anderson seconded. No discussion. Vote was taken. Motion carried with 4 member voting to dismiss – Walker Beeson, Danny Hill, Nancy Anderson, and Sue Off. 1 Opposed – Pam O'Brien, 1 Abstention – Stephen Palmer

New Complaint:

Complaint delivered to City Hall on November 12, 2008. Complaint was opened by the Chair and read to the Ethic Commission members. The ethics violations complaint was against Planning Commission member, David Postle by Ronald Callaway. The letter listed several alleged violations and dates concerning the Michael Godbee variance issue: Section 3.02, 6 – Appearance of Impropriety, Section 3.03, 1 – Impartiality Required, Section 3.06,B-5b – Conflicting Interests, Section 3.07, 1 – Recusal.

There was discussion. It was decided that it was not a deficient complaint. Sue made a motion to send a letter to Mr. Postle with the complaint and give him the allotted time to comply. Danny Hill seconded the motion. Motion carried.

Walker Beeson will send a cover letter with a copy of the complaint via registered mail. A complaint procedure will be enclosed.

Adjournment:

Sue motioned to adjourned. Danny Hill seconded. Motion carried

11/21/2008je