

Ethics Commission Minutes

October 22, 2007

Members Present: Walker Beeson, Randi Bryan, Fretwell Crider, Danny Hill, Pam O'Brien, Carolyn Smith, Michael Sullivan

Ex-Officos Present: Janice Elliott; Recording Clerk, Bubba Hughes; City Attorney

Members Absent:

Visitors:

Fretwell Crider called the meeting to order. Roll was called.

Corrections to the by-laws (Section 4 – Article 2):

Pam stated that “regular” needed to be added to the by-laws and it should read:

Written notice of all regular meetings stating the place, day and hour shall be delivered not less than seven (7) or more than thirty (30) days before the date of the meeting and shall be posted at Tybee City Hall.

Corrections to the minutes (last paragraph next to the last page):

Strike “that the Commission did not feel that a declaration is needed that fully describes the circumstances.”

Danny Hill made a motion to approve the minutes as corrected. Walker Beeson seconded. Minutes were approved as corrected.

Complaint Policy/Complaint Procedure

It was discussed to modify the outline Complaint Policy that Carolyn Smith had written.

Changes discussed and made to the Complaint Policy:

“**Readers are encouraged to consult the Ethics Ordinance**” was added prior to Roman numeral I.

Remove the asterisks and reference each term:

- A. Public Servants (**defined in Section 5.09 – (12) of the Code of Ethics**)
- II. The Complaint Policy shall apply to all complaints brought before the Ethics Commission, but especially to any violation of Article III of the Code, Compliance. (**Article III attached**)

Changes discussed and made to the Complaint Procedure:

There should be direction on whether the complaint involved a City employee, Public Servant, or other. It was decided to add to Roman numeral II, “**with indication on the envelope if the accused is a City employee.**”

Under Roman numeral II, another duty for the Clerk of Council was added - **Report to the Ethics Commission designee if a complaint has been delivered to the City Manager.**

Under part A of Roman number III - City Manager – employee complaints add – **reviews the complaint in accordance with the complaint policy**

Carolyn will make the changes to the Complaint Policy and Complaint Procedure.

Check list

It was discussed that the check list to be included into the process.

Changes discussed and made to the Check list:

Strike the last paragraph, “We are enclosing a copy of the City of Tybee Island Code of Ethics Ordinance for your information.

Strike in paragraph 4, “**and you will be notified of the results.**” It will read: Additional proceedings will occur as required by the ordinance.

It was discussed whether “signed under oath by a notary” was needed. Bubba stated that the Code states that complainant is subject to penalty of perjury and perjury only applies when it under oath and the only way to place a statement under oath is to have an affidavit notarized. Carolyn stated that the Code states “under penalty of perjury.” Pam stated that it did not need to be notarized; a person would only need to swear to it. Bubba suggested pre-printed complaint forms that have that recitation on there. He stated that someone had to administer an oath before it is subject to the penalty of perjury and often times this is done by a notary. There is no specific notary requirement, but there is a requirement for it to be done under the penalty of perjury and to do it under the penalty of perjury you have to have an oath.

It was decided to add to the second question on the check list “**under penalty of perjury.**” The question should read: Is the statement/declaration/complaint in writing and signed under penalty of perjury?

Paragraph two, strike, “**then someone from the Commission will contact you to discuss resolving the matter**” and add “**the complaint will be returned to complainant to correct any deficiencies.**”

Pam made a motion not to require a specific code reference in the written complaint and if there is any doubt, it is up to the Commission to go back to the individual. Danny seconded the motion.

The vote in favor: Pam, Michael, and Danny. Those opposed: Randi, Carolyn, and Walker. Fretwell voted in favor. Motion passed.

Pam will make the changes to the Complaint Check list.

Pam made a motion to accept Check list, Policy, and Procedure as amended and subject to confirmation. Danny seconded. Motion approved.

Fretwell will meet with Janice on Friday to put together a packet to give to the City Clerk.

Meeting adjourned.