

City of Sandy Springs Board of Ethics Meeting held July 8, 2009.

Call to Order

Chairman Moffett called the meeting to order at 9:00 a.m.

Roll call and establishment of quorum

City Clerk Michael Casey called the roll.

Board Members Present: Glenn Moffett, Charles Maddrey, Andrew Heyward, Kirk Childs, and Richard Isenberg. **Alternate(s):** Ted Sandler, Kevin King

Staff and Representatives Present: Michael Casey and City Attorney Wendell Willard.

City Attorney Wendell Willard administered the Oath of Office to Ted Sandler as Alternate to the Board of Ethics.

Chairman Moffett welcomed Mr. Sandler to the board and asked him to tell the Board about himself.

Mr. Sandler stated I am originally from the Baltimore, Washington area. I went to school at the University of Maryland. I came down to Atlanta in 1972 to do graduate work at Georgia Tech. After graduating I spent ten (10) years working for Fulton County as a County Engineer. I went to law school at Georgia State, when Georgia State first opened, and was in the first graduating class. I was working during the day at Fulton County and going to law school at night. I have been with the same law firm, originally Altman, Kritzer and Levick. About seven (7) years ago we reformed and changed names to Hartman, Simons, Spielman and Wood. One of the owners and I practice real estate, but my primary area is in land use, zoning, environmental law and construction law. I've known Nancy Leathers since we worked together at Fulton County before I left to get my law degree.

Approval of Meeting Agenda

Motion and Vote: Mr. Heyward moved to approve the Agenda as submitted. Mr. Maddrey seconded the motion. The motion carried unanimously.

Approval of Board of Ethics meeting minutes: January 14, 2009 and April 8, 2009.

Chairman Moffett questioned if there were any changes to the minutes of January 14, 2009.

Charles Maddrey stated I had a chance to review the minutes yesterday. I think the substance of the minutes is correct, but there are slight grammatical changes I would like to make that do not in any way change the substance of the minutes.

Chairman Moffett added I found a few references to committee instead of board.

Motion and Vote: Mr. Maddrey moved to approve the January 14, 2009 meeting minutes with grammatical changes. Mr. Childs seconded the motion. The motion carried unanimously.

Chairman Moffett questioned if there were any changes to the minutes of April 8, 2009.

Motion and Vote: Mr. Childs moved to approve the April 8, 2009 meeting minutes with a 24 hour delay. Mr. Isenberg seconded the motion. The motion carried unanimously.

Mr. Sandler asked for verification that alternates don't vote unless need for a meeting.

Chairman Moffett stated that is correct.

City Attorney Wendell Willard stated that the Bylaws address this. You have an Alternate One and an Alternate Two. If a member is absent, then Alternate One would come in place as a designated member during that meeting; and the same thing with Alternate Two.

Committee Reports

Update on the City Council approval of the revised Ethics Ordinance and Bylaws

City Attorney Wendell Willard stated that the changes to the Ordinance were approved by City Council at the February 17, 2009 City Council Meeting. The Bylaws were approved at the June 2, 2009 City Council Meeting. The Bylaws, as modified, have been approved as well as the amendments to the Ordinance.

Chairman Moffett stated that this Board will annually take a look at the Bylaws and if necessary make recommendations for revisions, based on the year's experience.

Education Committee

Charles Maddrey stated that the City's website has been updated with the latest version of the Ordinance, as approved by City Council on February 17, 2009. This version of the ordinance can be found on the home page under the Certified City of Ethics icon. It can also be found on the City Clerk's page.

I am working on a question and answer page for public servants. Public Servant, as defined in the revised Ordinance, does not include the City's employees. I put together questions and answers for the City Attorney to review and he approved the wording. I sent it to each of you ahead of time and asked you to take a look at it. I would like to do this in three steps, Mr. Chairman. First of all, I would like approval for the wording of the Question and Answer brochure that was sent out to you this week.

Motion and Second: Mr. Maddrey moved to accept the wording of the Question and Answer brochure of the Ethics Ordinance as presented to the Board. Mr. Heyward seconded the motion.

Discussion on the Motion:

Mr. King questioned the word "descriptors." He asked how long the definitions are in Section 2-102 and if it would be possible to put some of the definitions in the brochure.

Chairman Moffett stated the ordinance has about five pages of definitions. The committee put together a glossary when putting the ordinance together.

City Attorney Wendell Willard stated we could attach the actual Ordinance as a document which can be referred to from these Questions and Answers.

Vote: The motion carried unanimously.

Mr. Maddrey stated the second thing I would like to bring up now, since we have approved the Question and Answer wording, is one of the methods of distribution could be a collateral piece put together by Judy Parker, who is the Communications Director for the City. According to Judy, she has taken the language approved by the City Attorney and has prepared this collateral piece as one of the things to give to the public servants. Judy said that her department will be responsible for printing this.

Mr. Maddrey stated I wanted to get the wording approved, because we may or may not want to distribute all of this by way of the collateral piece. We may also want to do it electronically.

Motion and Vote: Mr. Maddrey moved to accept the collateral piece (flyer) as presented with a 24 hour review. Mr. Heyward seconded the motion. The motion carried unanimously.

Motion and Second: Mr. Maddrey moved to provide this collateral piece to the Ethic's Ordinance by mail (hard copy) and email (electronic version) to all public servants. The motion was seconded.

Mr. Maddrey stated I have a list for the Boards and Commissions but do not have a list for the Municipal Judges and staff.

City Attorney Wendell Willard stated that it does not apply to judges, because they come under the State judicial qualifications for their standards.

Mr. Maddrey stated that on page 7 of the Ordinance it lists "municipal judges" as public servants.

City Attorney Wendell Willard stated that we have had discussions on this and have come to recognize that because they are judges, they are answerable to the judicial qualification commission for what they do in their tenure as a judge.

Mr. Maddrey questioned if this would include solicitors as well.

City Attorney Wendell Willard stated it would not, only the judges.

Mr. Maddrey asked how this would be worded.

City Attorney Wendell Willard stated "all of those involved in the municipal court exclusive of judges".

Chairman Moffett stated that this is a revision we should enact next year.

Chairman Moffett asked if there were any other questions or discussion.

City Clerk Casey stated I took the liberty of talking to the Community Development Department about their monthly mail outs to the Boards and Planning Commission. I asked if they could include whatever

materials you end up approving and they said definitely. If we take this option, we would not have to incur the postage cost to send out hard copies to the Board and Commission members.

Chairman Moffett asked how many people this would be sent out to.

Mr. Maddrey stated that it is about 50. I have the list of email addresses from the City Clerk.

Vote: The motion carried unanimously.

Chairman Moffett stated we are missing the appointees to the Municipal Court.

City Attorney Wendell Willard stated the appointees would be the Solicitor and all the Assistant Solicitors.

Mr. Casey will provide a list.

Old Business

Ted Sandler questioned what the City Council's opposition was to not including the employees under the Ethics Ordinance.

Chairman Moffett stated that the City Manager basically opposed this and wanted to make sure that all employees of the City are answerable to the City Manager. Then the City Manager said he is answerable to the Council and that everybody is covered. We argued to the contrary, but lost. Concerns of double jeopardy came up that some department might be admonishing or trying to penalize an employee and at the same time the Ethics Board might be trying to enforce some ethical penalty. That would be double jeopardy, so the Board said if a department is dealing with an ethical issue, then the Ethics Board won't. For a while that seemed to be acceptable, but after more consideration, City Council decided they didn't like that. This is one of the things we will revisit in the future. Most large cities cover all employees.

New Business

Presentation award

Chairman Moffett presented a plaque to Charles Maddrey for his contributions to the City and to the Ethics Board.

Other new business

City Attorney Wendell Willard stated for the record, this week we have received a request of "Informal Opinion" with concern about being involved in a campaign. We took this concern and issued an informal opinion. We will make this a part of the record.

Mr. Maddrey explained that he is being considered for a volunteer position of Treasurer for the re-election of a City Council member. Since he is a member of the Ethics Board, he wanted to verify that accepting this position would not constitute a violation of the Ordinance.

Adjournment

Motion and Vote: Mr. Childs moved to adjourn the meeting. Mr. Isenberg seconded the motion. The motion carried unanimously. The meeting adjourned at 9:38 a.m.


Glenn Moffett, Chairman


Michael Casey, City Clerk