

Board of Ethics Meeting Minutes

October 13, 2010

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City of Sandy Springs Board of Ethics Meeting was held at Sandy Springs City Hall, 7840 Roswell Road, Building 500, Sandy Springs, Georgia, 30350, on October 13, 2010, at 9:00 a.m.

City Clerk Michael Casey reminded everyone to please identify themselves before they speak. This will help with the transcription of the recording for the minutes.

Call to Order

Chairman Kirk Childs called the meeting to order at 9:02 a.m.

Roll call

City Clerk Michael Casey called the roll.

Board Members Present: Kirk Childs, Charles Maddrey, Kevin King, and Stuart Steinmark. Andrew Heyward and Dick Isenberg were absent. Ted Sandler joined the meeting later.

Staff and Representatives Present: Wendell Willard and Michael Casey

Ruling on Quorum

Chairman Childs ruled a quorum was in place for the meeting.

Chairman Childs stated alternate Stuart Steinmark would serve in a member position for today's meeting.

Approval of Meeting Agenda

Motion and Vote: Kevin King moved to approve the agenda as submitted. Charles Maddrey seconded the motion. The motion carried unanimously.

Approval of Board Meeting Minutes

Motion and Vote: Stuart Steinmark moved to approve the July 15, 2010, meeting minutes. Kevin King seconded the motion. The motion carried unanimously.

Old Business

Stuart Steinmark asked about the conclusion from the discussion at the last meeting regarding the dissemination of informal opinions rendered by the City Attorney.

Chairman Kirk Childs stated he believes the issue should remain tabled for now.

Stuart Steinmark stated the Georgia Code of Judicial Conduct covers the issue regarding disclosure of potential conflict of interest by a Judge.

City Attorney Wendell Willard stated the canon of Judicial Ethics addresses what a Judge should do. The City's Ethics Ordinance cannot really give direction to a Judge on how he conducts himself.

Charles Maddrey stated the greater question was the distribution of informal opinions. Does the Ethics Board have oversight or not? The By-Laws and the Ordinance do not address this issue. He suggests the

Board look at the By-Laws and Ethics Ordinance to see if an amendment needs to be made to cover this issue.

Charles Maddrey stated in the July 15, 2010, minutes there is discussion on the indexing and recording of informal opinions. He is not sure what final decision was reached.

City Attorney Willard stated a copy of the informal opinions will be maintained by the City Clerk's office and indexed apart from the meeting minutes.

New Business

a. Discuss possible items to include in report for Mayor and City Council next month

Chairman Kirk Childs stated a report will be sent to Mayor and City Council next month with an overview of what has been accomplished this past year. He invited Board members to provide items that should be included in the report. The ideas can also be emailed to him later.

City Attorney Wendell Willard stated the past reports that have come from the Ethics Board dealt primarily with whether or not there were hearings on any issues before the Board. He does not think there is much more than that.

Charles Maddrey stated one item that should be placed in the report to Council is how many Board meetings there were and the attendance. He would like to go back through the meeting minutes to see if there is anything else that should be added to the report. This year the Board worked under the new Ordinance and the new By-Laws, so there is not much to recommend for review besides the disposition of informal opinions.

b. Other new business

Chairman Kirk Childs stated Charles Maddrey wrote a letter to Chairman Childs and the Mayor indicating that his tenure on the Board ends effective November 1, 2010. Chairman Childs would like to review all of the Board members tenure. He believes Andrew Heyward's tenure is going to be ending soon as well.

City Clerk Michael Casey stated the oldest set of minutes referencing Charles Maddrey as a Board member are from December 20, 2006. He assumes this was not the first Board meeting. He asked if the Board members have a recollection of when the first meeting was held.

Charles Maddrey stated there were five members on an Ethics Committee formed in May 2006. The Committee prepared the Ethics Ordinance and City Council approved the Ordinance in October 2006, which formed the Ethics Board. He believes the first meeting was in December 2006. The first year on the Board there were five members appointed with staggered terms. Two of the members had a one year term, two members had a two year term, and one member had a three year term. Andrew Heyward and Charles Maddrey had one year terms. Jim Langlais and Nancy McCord had two year terms. Glen Moffett had a three year term.

City Attorney Wendell Willard stated the members terms should be reflected in the City Council minutes.

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Charles Maddrey and Andrew Heyward were both renewed for three years by the Council after their first year. Thereafter, every Board member will serve a term of three years, with staggered terms.

City Attorney Willard stated Charles Maddrey and Andrew Heyward's terms are up November, 2010.

Charles Maddrey responded correct. According to the By-Laws, until a replacement is made for the two open Board member positions, the previous two members are available to serve on the Board.

City Attorney Willard said what is being described is the Board member terms according to the Ordinance. The official date for the start of office for the Board members was November 1, 2006.

City Clerk Casey stated that means Charles Maddrey and Andrew Heyward's three year terms expire on November 1, 2010. The By-Laws state the Board members should serve staggered terms of no more than three years. No person shall serve more than two consecutive terms.

Stewart Steinmark asked if there is anything in the By-Laws to prohibit a former member from being appointed in an advisory capacity. He believes Charles Maddrey would be an asset to the group as a resource.

Charles Maddrey stated the Ethics Board meetings are open to the public. He could attend the Board meetings as a member of the public.

Ted Sandler joined the meeting at this time.

City Attorney Willard stated two Board member positions are coming open in November. Mayor and City Council will need to appoint the new Board members. The alternate Board members have terms as well.

Charles Maddrey stated the January, 2011, Board meeting will be the time for election of new officers.

City Clerk Casey stated he printed out a 2011 calendar to look at the Board meeting dates for next year. The meeting dates are January 12, April 13, July 13, and October 12.

Ted Sandler asked about making recommendations in the annual report on the relationship of the role of the Board in regards to ethics complaints that may arise with City staff.

Charles Maddrey stated the report from last year's Chairman, Glenn Moffett, outlined the opinion of the Board that the change in the Ordinance was not in the best interest of the City. He does not know if this is a good time to bring this issue up again. There was no interest from City Council on considering this issue. The Board's feeling was if someday the City has a weak City Manager, then the system should work, not the people. He believes the Board should continue to review the Ordinance. At the first opportunity, the Board should recommend revisiting this issue. He feels very strongly it was a mistake to change the Ordinance.

City Attorney Willard stated the City Manager's belief is the contract employees working for the City are controlled through their employer, which is CH2M HILL. If a City employee does something unethical in their work performance, they will answer to the City Manager. The City Manager has the say so about what actions should be taken because of their conduct. City Council agreed with the City Manager that the Ordinance should apply to elected and appointed officials.

Ted Sandler asked if the Police and Emergency services are employees of the City.

City Attorney Willard stated they are employees of the City. The Police and Fire Department employees are answerable first to their Chief and then through the Chief to the City Manager.

Charles Maddrey stated the revision the Board asked for is the Board should have the ultimate oversight in each case. This was not acceptable to the City Council.

Ted Sandler stated the difference here is that they are all City employees. There is no independent body to look at whatever situation might arise and potentially have a non-biased opinion.

c. Other new business

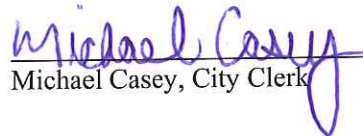
There was no other new business.

Adjournment

Motion and Vote: Charles Maddrey moved to adjourn the meeting. Kevin King seconded the motion. The motion carried unanimously. The meeting adjourned at 9:34 a.m.



Kirk Childs, Chairman



Michael Casey, City Clerk

City of Sandy Springs Ethics Board 2010 Annual Report

This report is prepared for the Mayor and City Council of the City of Sandy Springs to list the actions and activities of the Ethics Board for the year of 2010.

- The only meetings held were the 4 regularly scheduled meetings. There were no unscheduled meetings this year.
- There have been no ethics complaints filed with the Board during the year of 2010.
- City attorney Wendell Willard submitted an informal opinion regarding whether a City of Sandy Springs municipal court judge representing an individual who is a Sandy Springs police officer would constitute an ethics violation. The Board discussed this Opinion at length and determined that there was no need to distribute this Opinion to city employees but to file it with the proceedings of the Ethics Board as part of the public record.
- Stuart Steinmark was appointed as an Alternate Board member and Kevin King was appointed as a member of the Board.
- The terms of both Charles Maddrey and Andy Heyward have ended and thus the Mayor needs to appoint 2 new members. It is my recommendation that the Mayor make both of the current alternates (Ted Sandler and Stuart Steinmark) into members of the Board and appoint 2 new alternates.
- Meetings for 2011 have been set for January 12, April 13, July 13, and October 12.

Respectfully submitted on behalf of the City of Sandy Springs Ethics Board.

Kirk Childs – Chairman

November 26, 2010