

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 January 8, 2014, at 9:00 a.m.

Call to Order

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

Roll call

Assistant City Clerk Kelly Bogner called the roll.

Board Members Present: Kevin King, Stuart Steinmark, Ted Sandler, David Price, and Lorrie Mell. Cindy Johnson arrived late.

Staff and Representatives Present: Staff Attorney Kathy Williams, City Clerk Michael Casey, and Assistant City Clerk Kelly Bogner were present.

Ruling on a Quorum

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

New Business

- a) Discuss election of new officers

City Clerk Michael Casey stated David Evans is no longer on the board. The new Mayor and Councilmembers were elected in November 2013. The Mayor wants to review all City board and commission appointees to see if he would like to make any changes for those who have expired or expiring terms. The boardmembers will continue to serve until replacements are appointed. Hopefully, by the next board meeting the appointments will be in place. Typically, at the first meeting of the year the board elects officers. The board can also postpone the election of officers until the next meeting once the boardmembers have been fully identified.

Motion and Vote: Ted Sandler moved to hold the election of new officers at the next board meeting. Stuart Steinmark seconded the motion. The motion carried unanimously.

Approval of minutes from October 9, 2013 Regular Board Meeting

Motion and Vote: David Price moved to approve the October 9, 2013, meeting minutes. Stuart Steinmark seconded the motion. The motion carried unanimously.

Old Business

There was no old business.

New Business

- b) Review Board member terms

1 **Assistant City Clerk Kelly Bogner** stated two member's terms are expiring or have expired. David
2 Price's term expired November 1, 2013 which is his first term. Cindy Johnson's term expired November
3 1, 2013, and that is her first term as well.

4
5 **Lorrie Mell** asked when her term expires.

6
7 Assistant City Clerk Bogner stated her term expires on November 1, 2014.

8
9 **David Price** stated he received a letter from Mayor Paul that states the Mayor will review all appointees
10 and ask whether or not they would like to continue on the board they are serving on. He will be happy to
11 serve at the pleasure of the Mayor or resign, if he chooses to appoint a new member.

12
13 **Ted Sandler** stated he was at a Planning Commission meeting in November because of an application he
14 had an interest in. There was an application that was introduced and one of the Planning Commission
15 members stated that he has a relationship with the applicant, that both their companies are sister
16 companies and they previously did business together. One of the companies is a real estate company and
17 the other is a financial investment company with the same parent company. The Planning Commission
18 member provided information about the relationship, but did not recuse himself. He made the motion for
19 approval. He believes this is a conflict of interest, even though the Planning Commission member did not
20 complete this specific deal. He spoke to the chairman of the Planning Commission after the meeting and
21 asked if this was common practice and the answer he received was yes. Boardmembers feel that if they
22 are not involved in the actual project that is being presented, as long as they make everyone aware of the
23 relationship, it is not a conflict.

24
25 **Staff Attorney Kathy Williams** asked if the boardmember would benefit financially from this
26 transaction.

27
28 Ted Sandler stated he is not sure. The boardmember was not involved in the project that was the subject
29 of the application. He understands the by-laws of the Board of Ethics to also interpret conflict as an
30 appearance of impropriety. It may be worthwhile reminding all that are associated with the City what the
31 ethics by-laws are for informational purposes.

32
33 **Chairman Kevin King** stated that appearance is the lowest point of threshold where the Board will take
34 an interest in a particular transaction.

35
36 Staff Attorney Williams stated the ethics ordinance is based on the premise anything improper should not
37 be done, or anything that would appear to be improper. In that particular situation, if this is common
38 practice, the Planning Commission standard needs to be reviewed. It sounds as if the boardmember
39 should have recused himself. If this is the standard practice, the Planning Commission needs to be
40 reminded of the City's ethics ordinance, since the boards and commissions are subject to it.

41
42 **David Price** asked if the matter of whether the ethics board looks into an issue is precipitated by a
43 complaint or notification, which is being made now, and this provides a forum for further investigation.

44
45 Ted Sandler stated he is not making a complaint, but posing a question. If this is common practice with
46 the Commission, then the conversation can occur with just the chairman.

47
48 David Price stated the practice of the issue with the Planning Commission being unchecked or
49 unchallenged is not acceptable.

Board of Ethics Meeting Minutes

January 8, 2014

Page 3 of 3

1 Cindy Johnson arrived at this time.

2
3 Chairman King asked how the Board can move forward on this.

4
5 **City Clerk Michael Casey** stated periodically the City Attorney meets with the various boards and
6 commissions to review their responsibilities and roles. Perhaps it is time to meet with the Planning
7 Commission to discuss what is appropriate and what is not.

8
9 Chairman King asked if every member of the Planning Commission has received a copy of the City's
10 ethics ordinance.

11
12 Ted Sandler stated he is not sure, but he would guess not. He is a member on the Board of Appeals and
13 this has never been discussed and he has not been given a copy of the ethics ordinance.

14
15 Chairman King recommended that a copy of the City's ethics ordinances be provided to each member of
16 every board and commission.

17
18 Ted Sandler stated he believes there are three new appointees to that commission and the boardmember
19 being referred to is a new appointee.

20
21 David Price stated he agrees with distributing the ethics ordinance to board and commission members, but
22 this incident requires additional action. The Planning Commission is highly visible and extremely
23 sensitive to the citizens.

24
25 Staff Attorney Williams stated she will speak to City Attorney Willard to see what is the best approach.
26 Every new boardmember should have a copy of the ethics ordinance.

27
28 City Clerk Casey stated the City Clerk's office will take care of getting the ethics ordinance to the boards
29 and commissions.

30
31 c) Review dates of Regular meetings scheduled for 2014

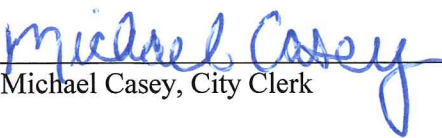
- 32
33 i. Jan 8
34 ii. April 9
35 iii. July 9
36 iv. October 9
37

38 **Adjournment**

39
40 **Motion and Vote:** Ted Sandler moved to adjourn the meeting. David Price seconded the motion. The
41 motion carried unanimously. The meeting adjourned at 9:25 a.m.

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43
44 Date Approved: April 9, 2014

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Kevin King, Chairman


Michael Casey, City Clerk