

City of Sandy Springs Board of Ethics Meeting was on Wednesday, October 09, 2024 at 9:00 a.m.  
Raquel D. González, City Clerk and Nathifa Cunningham, Assistant City Clerk presiding.

**I. Call to Order**

Member **Bethany Diamond** called the meeting to order on Wednesday, October 09, 2024 at 9:03 a.m.

**II. Roll Call**

**Members present:** Member Bethany Diamond; Member Eric Tillery; Member Evan Barron; Member Joshua Heller; and Alternate Member Heather Craytor

**Members absent:** Member Bill Murray

**Staff present:** City Clerk Raquel Gonzalez; Assistant City Clerk Nathifa Cunningham; and City Attorney Dan Lee

**III. Ruling on a Quorum**

Assistant City Clerk Nathifa Cunningham confirmed there was a quorum.

**IV. Approval of Meeting Agenda**

**Motion and Vote.** Member **Evan Barron** made a motion, seconded by **Member Joshua Heller**, to approve the meeting agenda. The motion carried unanimously.

**V. Approval of Meeting Minutes**

**BOE2024-05** April 10, 2024 Board of Ethics Meeting Minutes

**Motion and Vote.** Member **Evan Barron** made a motion, seconded by **Member Eric Tillery**, to approve the April 10, 2024 Board of Ethics meeting minutes.

**VI. New Business**

**BOE2024-06** Overview of the City's Ethics Ordinance

**Dan Lee, City Attorney**, said **City Clerk, Raquel Gonzalez**, thought it would be helpful to discuss the role of the Board of Ethics as a whole and the individual members. I have thirty-nine years of experience in practicing law and dealing with a lot of ethics boards in local government. In general, the role of an ethics board is to set a higher standard than what statutes require. In Sandy Springs, that means federal, state, and local ordinances, and they govern issues and actions of elected officials and appointed personnel in the City, over and above what the law mandates or prohibits. Like most cities, the Sandy Springs Charter oversees the adjudication of that and allows for Mayor and Council to appoint an Ethics Board. Mayor and Council pick quality individuals that love their community and want to do more and be actively involved. It is great that the City of Sandy Springs has not had any cases in the seven years I have been here.

The Ethics Board sits in a capacity that the law recognizes as a quasi-judicial body which has two main

meanings. One is you only act when something is filed or presented to you, and you cannot act until something happens. For example, there was a city with a zoning board where an overzealous member decided that somebody was breaking the rules, and he started surveilling that person, and was arrested for stalking. In many cities, the zoning board is a quasi-judicial body, like the ethics board, and cannot get involved prior. If someone does not like the decision of the zoning officer, they appeal it the board of zoning appeals, and that body must sit collectively and hear the evidence from both sides and make a judicial decision about who is right. This is a severe case and not a spot you want to be in.

**Member Bethany Diamond** said this addresses some the frustrations that we discussed in the previous Board of Ethics meeting.

**City Attorney Dan Lee** said it is part of my job to make certain that nothing comes here. The City of Sandy Springs has been fortunate. We have fine elected officials, and some of the best city managers who hire good people. This makes for a better operation and a lack of ethical consideration.

**Member Bethany Diamond** asked what are some examples of ethics violations in other cities?

**City Attorney Dan Lee** said in my thirty-nine years of being a lawyer, I have seen people have a hard time representing something other than their interest. There is an art to representing somebody, and lawyers today are challenged with putting the interest of clients ahead of their own. This is sometimes why a partnership does not make it as they are use to doing things for themselves. It is very difficult. This is generally the basis for all the ethical problems I see. In today's world, some people do not look to see if what they are doing is ethical. Self-reflection is the best way to look at it, and if you have to ask, you probably should not do it.

**Member Joshua Heller** said on the flipside, often it is the people who do not ask me that I am more worried about. Even if it is not pointing in the right direction, you at least have a moral compass.

**City Attorney Dan Lee** said one thing that stifles a lot of ethical claims is people are being watched, by cameras for example, and there is a lot of scrutiny. That is a good thing. Review is something we favor at the City. Some ethics boards like the State Ethics Commission have a different Charter. Their Charter receive disclosures from candidates and lobbyists, and they also act in a judicial function and eventually hear complaints that people file.

**Member Bethany Diamond** asked if there were ever an ethics violation, what would the protocol be? How would it go through the system and what would our role be?

**City Attorney Dan Lee** said it would be filed with the City Clerk's Office, and the Clerk would provide notice to the Board of Ethics. The Board would form a hearing and set a date to hear the evidence from both sides, and decide if someone committed a violation.

**Member Joshua Heller** asked are there any recent times when this committee met to do that?

**City Clerk Gonzalez** said the last time may be in 2009 or 2012.

**Alternate Member Heather Craytor** said I recall that discussion from last year's meeting.

**City Attorney Dan Lee** said there may have been two, and one of them was self-reported. The citizenry reflects what I mentioned about the operation of the City. The complaints received are conscientious. I received one yesterday and it looked like four lawyers did it. It impresses me that the general populous of the City is like that. With a populous like that, inappropriate conduct would not be allowed because

there are many great observers out there.

**Member Evan Barron** said I was not present at the last quarterly Board of Ethics meeting. Like a zoning board, I want to be technically capable when a matter comes. If I were sitting on a zoning board, would I be capable of overseeing a hearing? What would I technically do if that happens?

**City Attorney Dan Lee** said I do not understand the question.

**Member Joshua Heller** said if in the three months a hearing is received, what information do we need to have to do our job if we must do it?

**City Attorney Dan Lee** said every case is driven by the evidence. It will be hard to say that every case is alike. It is as complicated as if a case accuses an employee for example, of something and the employee presents evidence that they did not do it. Then there is a determination of if what they are accused of is a rule in the City. For example in a zoning case, when someone submits an application, Staff thoroughly reviews the application and makes a recommendation most of the time. If a lot of people were against it and find out Staff recommended it, and for example, accuses the planner of being first cousins of the applicant, it would be a question of if they are first cousins and if there was participation, and why was this not disclosed. It is that simple.

**Member Joshua Heller** said we would be looking at the ethics code or potentially other legal material that we would review in advance.

**City Attorney Dan Lee** said yes.

**Member Joshua Heller** asked would we conduct the hearing ourselves?

**City Attorney Dan Lee** said yes.

**Member Bethany Diamond** asked would the City Attorney's Office provide support.

**City Attorney Dan Lee** said yes.

**Member Joshua Heller** said if a case is presented, we would need to look at the code carefully and consider the evidence. Are there rule of evidence for what is admissible and what is not?

**City Attorney Dan Lee** said generally yes.

**Member Bethany Diamond** asked would that be vetted through the City Attorney's Office?

**City Attorney Dan Lee** said in consultation with the Board of Ethics. Many times the application of rules and laws is made complicated when the goal is to simplify it. You have to look at every case on its own merits and facts. It is hard to talk about how you would hypothetically handle it, but it is as simple as hearing both sides with some guidance of what can and cannot be. For example, if a family member is involved, does a statute say that it is a conflict? In that case, it is probably not because the recommendation is just that. It is not the decision. An ethical violation would be if somebody who made the decision had a familial relationship or monetary interest in it. A recommendation is not one of those. Disclosure is a wonderful thing and it lets everyone know. The good news is the Mayor picks people who know what they are doing, and will recognize if they do not know something. The most dangerous people are ones that think they know something and do not. I have no doubt that you can handle it if it happens.

**Member Bethany Diamond** said this information has been helpful. It was a scary thought of what we would do if something came to us.

**City Attorney Dan Lee** said the City has a lot of resources and assets that will help. You can find confidence that the Mayor chooses well and we will be there to help you. If you have questions, please contact the City Attorney's office, and the City Clerk's Office is also a great resource.

**City Clerk Gonzalez** said the Board of Ethics meets annually in January and at that time you can set your regular meeting schedule for the calendar year. You will receive notice in the next thirty to forty-five days to set your January annual meeting. You will be presented to meet quarterly and then decide whether or not there is business coming up, and if you want to keep or forgo those meetings.

**Member Bethany Diamond** said if we are going to function as a board and have to deal with possible ethics violations, it is important we have a relationship with one another. Meeting quarterly, even for a few minutes, is something we need to consider maintaining.

**City Clerk Gonzalez** said if there are other resources you want or other things we can bring to the meeting to support the work you, please let me know.

**Member Bethany Diamond** said we are open to suggestions.

**Member Evan Barron** said it would be nice to get to know some of the other board members in the other various departments such as the zoning board. How often do they meet?

**City Clerk Gonzalez** said there are two boards under the City's zoning category. The Board of Appeals and Planning Commission. Each of them meet monthly as cases appear before them. The Mayor hosted annual meetings with all his appointees to the various boards, and it has been a while since this was done, but it may be done in 2025. It would be an opportunity to meet everybody who is appointed to the various City's boards and hear from him directly. We would need full Staff resources to support the idea.

## **VII. Old Business**

There was no old business.

## **VIII. Adjournment**

**Motion and vote.** A motion was made by **Member Evan Barron**, seconded by **Alternate Member Heather Craytor** to adjourn the meeting. The motion carried unanimously.

The meeting adjourned at 9:26 a.m.

Approved: January 8, 2025

  
Bethany Diamond, Chair

  
Raquel D. González, Recording Secretary