



City of Atlanta Ethics Office 2010 Report on Activities in Work Plan

The Ethics Officer, in conjunction with the City of Atlanta's Board of Ethics, proposes a two-year work plan for the calendar years 2010 and 2011. This work plan seeks to execute faithfully the duties of the office as established by city law, create a culture of ethics in the City, and assure that the City enjoys the full credit and trust of its citizens as a government that conducts itself in an ethical manner.

Operations

1. Adopt a Code of Conduct for the Board of Ethics, including the filing of an annual statement of personal interest.

Action Taken: Adopted Code of Conduct and Annual Statement of Interest, which board members completed in March.

2. Develop a leadership transition plan for both the Board of Ethics and Ethics Office staff.

Action Taken: Identified appointment process for new board members, outlined considerations for the chair's position, and developed a succession process for the ethics officer's position; one new board member appointed and two current members reappointed.

3. Institute a formal orientation for newly appointed members of the Board of Ethics on its jurisdiction, substantive provisions of the Code of Ethics, and its role as a quasi-judicial body in enforcement proceedings and encourage all new members to attend an ethics workshop during the initial year of their three-year term of office.

Action Taken: Two board members attended an ethics workshop for board members.

4. Clarify the role of the Board of Ethics in setting the ethics officer's term of office.

Action Taken: Board members met with the Mayor and City Council President on clarifying the board's authority to set the ethics officer's term of office.

5. Improve knowledge and skills of staff by attending professional conferences related to ethics, investigations, and office software; researching policies and practices in other jurisdictions; and participating in local and national ethics organizations.

Action Taken: Two staff members attended the annual Council on Governmental Ethics Laws conference in December and the local Atlanta Compliance and Ethics seminar in November; administrative staff received Excel Training.

6. Establish the position of Ethics Officer at the senior management level to make it commensurate with other city employees with comparable authority and responsibilities and

upgrade the associate ethics officer position to a pay grade equivalent to the assistant city attorney position.

Training

7. Conduct ethics workshops within twelve months for the newly elected City Council and for senior management in every city department in the executive branch.

Action Taken: Conducted a one-hour ethics workshop for the Mayor and City Council, a 45-minute briefing to the Mayor's cabinet on gift policies, and a two-hour ethics workshop for 40 employees in the Police Department's senior management.

8. Hold citywide ethics training workshops twice a year for city employees, board members, appointed city officials, and neighborhood planning unit officers.

Action Taken: Conducted three city-wide workshops attended by 82 employees and two workshops attended by 25 volunteer city officials; gave three ethics presentations to an additional 76 persons.

9. Update ethics training workshops for new employees, *Don't Get Conflicted Out*, and current employees, *There's No Such Thing as a Free Lunch*, based on advice sought, complaints filed, and employee evaluations of the workshops.

Action Taken: Revised workshop content for new and active employees, adding an exercise on an ethical culture, questions for break-out groups, the signing of ethics pledges, and evaluations. Presented *Atlanta's Code of Ethics: Promoting the Public Trust* to 449 new employees and *Doing the Right Thing: Compliance Isn't Enough* to 304 active employees.

10. Develop an online ethics training course for employees.

Action Taken: Discussed training needs with online training companies and viewed their courses, short ethics videos, and online training courses by other cities.

11. Develop a continuing ethics education series, *Ethics at the Movies*, using film clips to illustrate ethical dilemmas.

Action Taken: Identified scenes from movies to use in a lunch-and-learn series on integrity and gifts.

12. Attend city-sponsored workshops for developers and vendors to explain how the Code of Ethics applies to companies seeking to do business in and with the City.

13. Seek enactment of a city policy requiring mandatory ethics training for all city officials and employees:
 - a. Requiring every city employee to attend an ethics workshop in person within three years and
 - b. Requiring new city employees and board members to attend a workshop within six months of their appointment.

Action Taken: Aviation agreed to recommend ethics training for all of its employees in response to the Ethics Report on the Aviation General Manager's Farewell Party. Staff provided ethics training to 950 city officials and employees, including 178 Aviation employees.

Rendering Advice

14. Continue to respond to requests for advice in a timely, consistent, understandable, and persuasive manner with a target of answering 75 percent of all requests within one week and 90 percent within one month.

Action Taken: Gave written advice to 122 persons and verbal advice to 70 persons; met target dates for responding to requests for advice: answered 72 percent (138) of all questions within one day, 87 percent (167) within one week, and 96 percent (184) within one month.

15. Report to the Board annually on informal advisory letters and other written advice given by the Ethics Office to employees and officials; evaluate that advice to identify recurring questions to address in training, possible topics for publications, and changes needed in city-wide policies and practice; and establish an internal database of opinions.

Action Taken: Prepared annual report on advice for the Board and briefed the Advice Committee twice a year on advice given.

16. Identify appropriate topics for Board to address in formal advisory opinions and ethics advisories, including an ethics advisory on gifts and gratuities.

Action Taken: Board issued two formal advisory opinions on contract participation and recusals due to personal interests and met with a former board chair to discuss the previous board's investigation and report on free tickets.

Public Education and Outreach

17. Update the Integrity Matters public education campaign that encourages officials and employees to act with honesty and integrity; research current knowledge and attitudes of city employees about ethics; design new posters; and use other media, such as public service announcements and online quizzes, to encourage decisions in the best interest of the City.

18. Establish a process for informing and educating new employees about the Code of Ethics:
- a. Institute policies and procedures for new employees to acknowledge and sign the Employee Pledge to Abide by the Ethics Code and
 - b. Identify and notify new employees who are required to file a financial disclosure statement about the filing requirement.

Action Taken: Worked with the HR Policy Council to institute a policy requiring new employees to receive and sign the Ethics Pledge when first hired or at New Employees Orientation and maintained a database of employees signing the pledge; received 780 signed pledges, including 746 employees, 28 board members, and 6 elected officials.

Establish a process for notifying departing employees about the post-employment rule and financial disclosure filing requirement:

- a. Establish a citywide procedure for departing employees to review and sign the Employee Pledge to Abide by the One-Year Cooling Off Period and financial disclosure law and
- b. Identify and notify employees leaving city employment about the Ethics Advisory on Post-Employment and the financial disclosure filing requirement.

Action Taken: Worked with HR Policy Council to institute a policy requiring departments to notify departing employees about the post-employment rule and have them sign the Ethics Pledge on the Post-Employment Rule.

19. Draft and disseminate literature on the conflicts of interest prohibited in the Code of Ethics that addresses specific populations and issues, including:

- a. Ethical Guidelines for Prohibited Sources
- b. Ethics Advisory on Gifts and Gratuities
- c. Key Ethics Rules for City Employees
- d. Key Ethics Rules for Elected City Officials.

Action Taken: Wrote “Key Gift Rules You Should Know” and disseminated to the cabinet.

20. Publish the enewsletter, *Ethics Matters*, three times a year.

Action Taken: Published a spring, summer, and fall issue of *Ethics Matters*.

21. Create a new website for the Board of Ethics to enable better public access to information, searchable databases of advice and enforcement cases, and a private site to post materials for board meetings.

Action Taken: Developed a new Atlanta Ethics website at www.atlantaethics.org.

22. Create an annual ethics award to recognize extraordinary acts by employees, elected officials, and board members who comply with city’s ethical standards and avoid conflicts of interest.

23. Issue a guide on conflicts of interest for neighborhood and civic groups that seek to influence city policy, planning, and development within the City of Atlanta.

Action Taken: Spoke on the state of ethics in the City of Atlanta to members of the Atlanta Planning Advisory Board and neighborhood planning units.

24. Report each year to the Mayor, City Council, and Atlanta citizens on the state of ethics in city government, the handling of complaints received on the ethics and compliance hotline, and the actions taken to implement this work plan.

Action Taken: Prepared “2009 Highlights by the Numbers” reporting on ethics activities.

Investigations and Enforcement Actions

25. Conduct timely, thorough, and fair investigations of all ethics complaints by:

- a. Initiating and amending complaints, as needed, against city employees and officials for violations of the city's standards of conduct
- b. Establishing a standard procedure for investigating complaints in areas of joint jurisdiction with departments, including misuse of city property
- c. Completing investigations of ethics complaints within six months in 75 percent of all cases and resolving all new ethics cases within two years of the filing of the complaint and
- d. Eliminating the existing backlog of four ethics cases that are more than two years old.

Action Taken: Completed 13 ethics investigations and found violations in eight cases, collected \$7,345 in administrative sanctions, issued three warning letters, and rendered two informal advisory letters. The Ethics Office closed four of the five cases that were more than two years old, and closed seven of the other nine cases within six months.

26. Continue to improve the ethics enforcement process by:

- a. Using the board's subpoena power to obtain necessary appearances, testimony, and documents
- b. Establishing guidelines to assist the Board in imposing fair and consistent punishment for ethics violations
- c. Seeking a test case involving an ethics violator who has failed to comply with a Board opinion or decision and hiring, as needed, a pro hac vice solicitor to file an accusation and prosecute the case in Municipal Court
- d. Strengthening relations with internal investigators and local, state, and federal law enforcement agencies and
- e. Seeking amendments to the code that strengthen the board's authority to impose appropriate penalties, enforce its decisions, and collect fines.

Action Taken: Met with the Mayor and Council President to discuss the need for amendments to the Code of Ethics to provide a mechanism for enforcing board decisions.

27. Encourage timely and thorough investigations of Integrity Line complaints and consistent and fair discipline among departments by:

- a. Referring complaints to departments for investigation within one week of receipt
- b. Seeking completion of investigations by departments within 90 days in two-thirds of the cases
- c. Reporting to department heads on any complaints pending for more than 180 days and
- d. Investigating any conflict of interest questions raised in Integrity Line calls

Action Taken: Received 119 Integrity Line calls and closed 126 cases, with allegations sustained in 30 cases; 28 percent of all investigations completed within 90 days and 59 percent completed within 180 days. Ethics Office investigated three complaints involving conflicts of interest.

28. Report to the Board annually on complaints, investigations, and enforcement actions received by the Ethics Office and Integrity Line and evaluate closed cases to identify

patterns of misconduct and recurring problems to address in training classes and publications and changes needed in city-wide policies and practices to detect and deter similar unethical or illegal conduct.

Action Taken: Prepared quarterly and annual reports on complaints and investigations for the Board and briefed the Enforcement Committee twice a year on the status of cases.

29. Establish a system for monitoring compliance with the city's laws on conflicts of interest, including the following actions:
- a. Develop a checklist for departments to review and evaluate their policies and practices on avoiding conflicts of interest and a scorecard for rating their compliance with the rules
 - b. Seek an annual review by departments of outside employment forms for conflicts of interest and
 - c. Audit one department's policies and practices on outside employment.

Financial Disclosure

30. Continue efforts to increase filing rates of financial disclosure statements by:
- a. Educating new and departing employees and board members employees about the filing requirement in advance of the filing season
 - b. Sending reminder notices about the filing deadline by letter, postcard, and email to nonfilers
 - c. Bringing enforcement cases against violators in a timely matter with a target of resolving all cases involving late filers and nonfilers by July each year and
 - d. Seeking a test case of a current employee who fails to file and hiring, as needed, a pro hac vice solicitor to prosecute the case in Municipal Court.

Action Taken: Initiated the Ethics Pledge program to inform departing employees about the filing requirement the year after they leave and began sending a reminder postcard in December to former employees and board members; sent notices by postcard and email about the filing deadline and by letter about the grace period deadline; held 19 enforcement hearings; issued three public reprimands and 12 private letters of reprimand, collected \$1,475 in fines, and referred four cases to the Office of the Solicitor for possible prosecution.

31. Audit city financial disclosure statements to ensure the accuracy and completeness of the statements and notify filers and department heads about potential conflicts of interest disclosed in reports.

32. Report to the Board annually on timely filers, late filers, and nonfilers of the financial disclosure statements and the gift, travel, and conflict of interest reports.

Action Taken: Reported to the Board in March on timely, late, and nonfilers of the financial disclosure statements and posted the reports online, along with the Roll of Delinquent Filers.

33. Increase the filing of other city disclosure forms by notifying employees and officials about the filing requirements for disclosure reports involving gifts, travel, and conflicts of interest.

Action Taken: Established a process to notify City Councilmembers about the online conflict-of-interest disclosure requirement and sent email reminder notices to them after their

abstentions; filing increased to 24 Conflict of Interest Disclosure Reports, 17 Travel Disclosure Reports, and 17 Gift to the City Reports filed.

34. Enhance the Ethics Disclosure System by posting online, if not otherwise available, the campaign contribution disclosure reports filed by candidates for municipal office as required under state law.

Action Taken: The Georgia Transparency and Campaign Finance Commission assumed responsibility in 2011 of all campaign finance reports filed by local elected officials.

Legislation and Lobbying

35. Strengthen ethics enforcement laws to provide adequate civil remedies for enforcing Board decisions, including:
- a. Collection of fines imposed by the Board in a civil action
 - b. Automatic removal from office of any board member who fails to file an annual financial disclosure statement and
 - c. Full compliance with all financial disclosure laws as a precondition to a person's appointment or election to a board or NPU.

Action Taken: One board member removed from office after failing to file the required financial disclosure statement; met with the Mayor and Council President to discuss the need for code amendments to provide a mechanism for enforcing board decisions.

36. Seek compliance with the state law requiring registration of local lobbyists.

37. Seek mandatory ethics training through legislation or an administrative order.

38. Seek Charter status for the Board of Ethics and ethics officer.

Action Taken: Board members met with the Mayor and City Council President on granting Charter status to the Board of Ethics.