

ethics case study

EXECUTIVE SUMMARY

During the past decade, the issue of ethics emerged as a major challenge to the City of Atlanta. Broadly speaking, ethics in local government means that those who work for the city in any capacity avoid conflicts of interest and comply with laws that regulate gifts, use of public property and disclosure of financial interests that might affect operational decisions. Without ethics, citizens lose their faith that government is acting in their best interests. Cynicism replaces trust and confidence in public officials.

A pivotal issue in the 2001 campaign to replace Mayor Bill Campbell was ethics in city government. During his administration, allegations of corruption overshadowed accomplishments. Ten city officials and contractors who conducted business with the city were indicted and convicted, while the Mayor himself was eventually convicted and sentenced to federal prison for income tax evasion. The results of this scandal not only damaged the city's reputation, but also caused a loss of confidence in the city's integrity. Vigorous action was needed to restore openness, honesty and transparency to Atlanta city government.

In order to rebuild confidence in local government, Mayor-elect Shirley Franklin appointed an Ethics Task Force charged with recommending changes in the city's ethics ordinances. The Task Force considered three policy alternatives. The first option was, of course, to do nothing; however, the status quo was unacceptable since it had failed to prevent the corruption of the previous administration. Responding to the request from Franklin for a stronger policy, as a second option, the Task Force might have recommended modest, incremental changes in the city's ethics policy. This would have provided at least the appearance of reform in the aftermath of the scandals of the Campbell

administration. Finally, the Task Force could seize the opportunity to recommend substantial change in ethics policy. When the Ethics Task Force delivered its report to Mayor Franklin in February 2002, she described the proposals as "sweeping reforms that will usher in a new 'culture of ethics' in city government."

Many of the seven newly elected members of the city council shared Mayor Franklin's desire for a stronger ethics policy for Atlanta's government. Several veteran members of the council opposed the proposal, suggesting it would allow political enemies to file damaging but frivolous complaints. These veteran council members thought the proposal went "a little overboard" and objected to requirements prohibiting gifts, including accepting lunches from people who do business with the city. Under the proposal, all gifts to people working for the city would be banned and fines of up to \$1,000 could be imposed on violators. The new ethics policy would allow "zero tolerance for any gifts and gratuities" from prohibited sources. The proposed ordinance defined a prohibited source as "any person or entity (1) doing business with the city or seeking to do business with the city, (2) regulated by the city, (3) seeking official action from the city, (4) having an interest that could be substantially affected by an official's performance or non-performance, (5) representing a client in any of the aforementioned situations or (6) that is a registered lobbyist with a contractual arrangement with the city." Exemptions from the ban allow gifts of nominal value or perishable items, which may be shared with public visitors or other employees.

The final ordinance passed by the council in April 2002 firmly established the independence of the city's new seven-member Ethics Board, which was given the author-

ethics policy

ISSUES FOR CONSIDERATION

- What role does the City's ethics policy play in maintaining the trust of citizens in their local government? In what ways do individual leaders in city government set the tone to maintain a strong culture of ethics and to prevent or reduce the severity of misconduct?
- The Ethics Office of the City of Atlanta should remain strong and independent of both the mayor and city council. What threats could compromise this independence in the future?
- What would it take to make ethics training mandatory for all city employees, elected officials, and board, committee and NPU leaders involved with city government? What are the costs associated with non-mandatory training?
- More vigorous enforcement of existing ethics policy may be needed to ensure compliance. This might include an annual audit process of financial disclosure forms and civil remedies for collecting fines imposed by the Ethics Board.
- The Ethics Office could issue ethics "report cards" on each department of city government that are made available for public review.
- Every three to five years, the ethics code could be reviewed by an independent auditor.

ity to hire the city's first Ethics Officer. Local bar associations and other citizens' groups, not the mayor or city council, make appointments to the Ethics Board. The Ethics Board conducted interviews and hired Virginia Looney as Atlanta's first Ethics Officer. Her responsibilities are fourfold: educate city employees on the ethics policy, provide advice on how to make decisions in accordance with the ethics code, investigate reports of ethics violations and prosecute ethics violations.

The City of Atlanta has made considerable progress during the last eight years in changing the climate of corruption that characterized local government during the previous administration. The Ethics Office educates city employees on the responsibilities of ethical conduct in regard to gifts and the required filing of annual financial disclosure forms. The Ethics Officer provides guidance on appropriate standards of conduct to all employees in private conversations and on publicly posted advisory opinions. Any citizen or city employee can report possible violations through the ethics hotline or other means of contact with the Ethics Office. These reports trigger investigations and, if violations are found, the Ethics Board can issue reprimands or impose fines. All actions taken by the Ethics Board and Office become matters of public record.

Are there changes that can be made in order to make the current ethics policy better, and what are some of the challenges to maintaining the current climate

of ethics in Atlanta's government? First, ethics training could become a mandatory requirement for all persons representing or conducting business on behalf of the City of Atlanta. By the end of 2008, only half of all city employees had received ethics training. Although this represents a significant improvement over past administrations, it also suggests the need for a stronger focus on mandatory ethics education. Efforts to make ethics training more consistent and effective require both a commitment to ethics and the resources to accomplish the task.

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More vigorous enforcement of existing policies may also be required. Although the Ethics Board has referred several cases to the Solicitor's Office, none have been prosecuted in Municipal Court. This indicates a possible need for a policy change to provide civil remedies for collecting fines imposed by the Ethics Board. Another change to consider is the automatic removal of board members or employees who fail to file the required annual financial disclosure statement.

There is agreement that the strength of the current ethics policy is the independence of the Ethics Office and Board. While this independence and the ethics code are among the strongest in the state of Georgia, both can be eroded by legislative or budgetary actions. Budget cuts in response to declines in revenue available to city government could erode the staff positions in the Ethics Office. The independence of the Ethics Office not only depends upon continued annual budget support, it is also based on legislation that can be amended by the city council. In 2006, the council voted to weaken the ethics policy to permit all city personnel to accept gifts of hospitality, private meals and tickets to sporting and entertainment events. Only the Mayor's

veto and a public outcry caused two council members to change their votes, which kept the current policy intact. While this effort to weaken the city's ethics policy failed, future mayors and council members may not recall the scandals of the past and seek to change the strong independent operation of the Ethics Office and Board.

What can Atlanta do to make its ethics policy the best in the nation? The city is already a Certified City of Ethics, recognized by the Georgia Municipal Association for meeting its standards. Like other local governments throughout the U.S., the city's current policy was developed in response to the scandal of a corrupt administration. Atlanta's ethics policy provides for all of the elements identified as part of a comprehensive municipal ethics code. The challenge is to maintain the independence of the current

Ethics Office and Board. According to the Ethics Resource Center, four components are required for a strong culture of ethics in government: (1) ethical leadership with the tone set at the top so that employees and the public believe leaders can be trusted to do the right thing; (2) supervisors who reinforce the ethics policy by modeling ethical behaviors and leading by example; (3) peer commitment to ethics so that the actions of peers support everyone who "does the right thing"; and (4) embedded ethical values to promote ethics through informal communication channels.

As Mayor Franklin leaves office, her successor must be aware of the importance of leading the city to maintain the culture of ethics that has changed the way Atlanta operates. Whoever follows Shirley Franklin as mayor needs to remember her words, "Ethics is a big deal. . . . [I]t is the only deal. . . . We cannot accomplish anything, not economic development, not clean water or better sewers if we lose the public's trust."

The research team for this case study consisted of Glenda Crunk, Hunter Kellett, Mari McCoy and Sanchita Sarkar.

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STUDIES

ethics case study

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During the first decade of the new century, the issue of ethics emerged as a major challenge to the City of Atlanta. Broadly speaking, ethics in local government means that those who work for the city in any capacity avoid conflicts of interest and comply with regulations related to gifts, use of public property and disclosure of financial interests that might affect operational decisions. Without ethics, citizens lose their faith that government is acting in their best interests. Cynicism replaces trust and confidence in public officials.

Background

In the fall of 2001, a pivotal issue in the campaign to replace Mayor Bill Campbell was ethics in city government. During his administration, allegations of corruption overshadowed accomplishments. Ten city officials and contractors who conducted business with the city were indicted and convicted, while the Mayor himself was the target of a federal investigation. Mayor Campbell was eventually convicted and sentenced to federal prison for income tax evasion. The results of this scandal not only damaged the city's reputation, but also caused a loss of confidence in the integrity of local government. Vigorous action was needed to restore openness, honesty and transparency to the government of the City of Atlanta and to regain the trust of its citizenry.

Within this climate, all three candidates seeking to replace Campbell as mayor pledged to make ethics in government a focus of their administrations. The winner of the November 2001 election, Shirley Franklin, used the campaign slogan "I'll make you proud" as a way of promising to clean up city government. While campaigning, Franklin announced her intention to appoint groups of experts and citizens to work on problems facing city government. The first of these was the Ethics Task Force, which Franklin appointed in December 2001, less than a month after winning the election. Franklin established a goal for the Ethics Task Force to instill a "culture of ethics" within city government and charged the members to recommend changes in the city's ordinances.

The Ethics Task Force, chaired by former acting U.S. Attorney Dorothy Kirkley, held its meetings away from city hall and without the Mayor's presence. In its review of the ethics ordinance the Task Force faced three policy alternatives. The first option was, of course, to do nothing; however, the status quo was unacceptable since it had failed to prevent the corruption of the previous administration. Responding to the request from Franklin for a stronger policy, as a second option, the Task Force might have recommended modest, incremental changes in the city's ethics policy. This might have provided at least the appearance of reform in the aftermath of the scandals of the Campbell administration. Finally, the Task Force could seize the opportunity to recommend substantial change in ethics policy. Since the existing policy of the city was considered too weak, the Task Force reviewed codes from other U.S. cities and sought suggestions on how to revise the city's ethics policy. When the Task Force sent its report outlining proposed ethics policy reform to Mayor Franklin in February 2002, she described the proposals as "sweeping reforms" that will bring a new culture of ethics in city govern-

ment. The policy proposed by the Ethics Task Force Report called for the creation of an independent, five-member Board of Ethics. This board would administer the financial disclosure process, initiate investigations, sanction ethics violators and have subpoena power. The board would include four members appointed by outside organizations: the Atlanta Bar Association, the Gate City Bar Association, the Metro Atlanta Chamber of Commerce and the Atlanta Business League. The mayor would appoint the final member with approval by the city council.

In response to issues emerging from the investigation of Mayor Campbell, his staff and associates, the proposed ordinance would bar city employees and council members from receiving gifts and gratuities from outside sources, including any person or company in business with the city, seeking business with the city or regulated by the city. The proposal also

According to Mayor Franklin, the city faced a “crisis in belief” that government operated honestly, and the new rules showed that “integrity is first and foremost in our operations and thoughts.”

prohibited the mayor, commissioners, deputy commissioners and bureau chiefs from accepting outside income and fees for speeches. The report proposed tougher financial disclosure rules and required all city officials, including the mayor, members of the city council and judges, to file an annual report of all income and assets. The Ethics Task Force also suggested hiring an Ethics Officer for the city; their recommendation was that this position be appointed by the mayor, but not report to the mayor. The new Ethics Officer would be an experienced attorney responsible for educating city employees on ethics rules, enforcing financial disclosure requirements and assisting investigations. As Task Force member Adam Smith said, the goal of the report was “to restore openness, honesty and transparency to the city.”

On February 19, 2002, Mayor Franklin held a press conference announcing the report of the Ethics Task Force and turning it over to the city council for consideration. The Mayor said, “The city had lost faith and confidence in city government.” Substantial changes were needed in ethics policy because of the serious concerns among city residents about the conduct of city officials. Mayor Franklin added, “I am not sure what I expected to find when I came in office, but people on the outside believed there were low ethical standards. This will clearly establish a different way to operate.”

Mayor Franklin was not the only elected public official interested in change in the city’s ethics policy. There were seven (of fifteen) newly elected members of the city council, many of whom were committed to changing the conditions that had contributed to corruption. During the following weeks, the Ethics Task Force held a series of work sessions with members of the city council to explain the proposed changes in ethics policy. On March 4, the new ethics code was introduced to the city council and referred without objections to the Committee on Council, chaired by Anne Fauver. At the meeting of the Committee on Council two days later, several veteran members voiced opposition to the proposed ordinance changing the city’s ethics policy. Criticism of the ordinance fell into three categories. First, council member Debbie Starnes suggested that the proposal would make it easier for political enemies to file damaging but frivolous complaints. The second category of criticism was summed up in the comment by council member Felicia Moore that the proposal went “a little overboard.” In this group was another council veteran, Jim Maddox, who objected to requirements prohibiting gifts, including accepting lunches from people who do business with the city. Under the proposal, all gifts to people working for the city would be banned and fines of up to \$1,000 could be imposed on violators. The new ethics policy would allow “zero tolerance for any gifts and gratuities” from prohibited sources. The proposed ordinance defined a prohibited source as “any person or entity (1) doing business with the city or seeking to do business with the city, (2) regulated by the city, (3) seeking official action from the city, (4) having an interest that could be substantially affected by an official’s performance or non-performance, (5) representing a client in any of the aforementioned situations or (6) that is a registered lobbyist with a contractual arrangement with the city.” Exemptions from the ban allow gifts of nominal value or perishable items which may be shared with public visitors or other

employees. The third group of newly elected council members favored the proposed ordinance, but wanted more independence for the ethics office and board.

While the city council debated the proposal, Mayor Franklin issued an executive order imposing stricter ethics regulations on city employees. The executive order included appointing an Ethics Officer to investigate complaints, establishing an ethics hotline and a ban on accepting gifts. The new policy only covered members of the executive branch of city government and did not apply to the city council, city judges or the people who worked for them. According to Mayor Franklin, the city faced a “crisis in belief” that government operated honestly and the new rules showed that “integrity is first and foremost in our operations and thoughts.” In an effort to move the ethics reform ahead, the Mayor named Deputy City Attorney Robert Godfrey as the interim city Ethics Officer.

Members of the city council complained about Mayor Franklin's appointment of the Ethics Officer. Council member Anne Fauver said, “It is not that we didn't want an Ethics Officer. We just want one that is independent.” Mayor Franklin explained that she was attempting to move the policy revisions forward aggressively. According to Council Member Howard Shook, the delay in approving the revised ethics policy was due to the nature of the city council itself. He said, “We are fifteen people; we can't move as quickly as she can. My feeling is that the council will strengthen this legislation rather than weaken it.” Shook proved correct in his estimate of the delay in council approval and the final decision on the ethics policy. At a special called meeting on April 10, 2002, the council adopted an ethics ordinance that was stronger than that proposed by the Ethics Task Force.

The 2002 City Ethics Policy

In contrast to the Ethics Task Force Report, the final ordinance firmly established the independence of a seven-member Ethics Board, which was given the authority to hire the Ethics Officer. The new Ethics Board was also empowered to initiate investigations, issue subpoenas and impose fines of up to \$1,000 for ethics violations. Local bar associations and other citizens' groups, not the mayor or city council, made appointments of members to the Ethics Board. John Marshall, the first chair of the new board, recalled that at the start there was no office, staff or budget for the Ethics Office or the Ethics Board. Nonetheless, the board moved forward, conducted interviews and hired Virginia Looney as the first Ethics Officer for the city.

According to Looney, the Ethics Office has four responsibilities: to educate on ethical codes of conduct, provide advice on how to make decisions in accordance with the ethics code, investigate reports of ethics violations and prosecute ethics violations. As the city's first Ethics Officer, Looney has clarified and interpreted the ethics code. She has issued formal advisory opinions that were posted for review by city officials and any interested member of the public. The Ethics Board and those facing ethics inquiries use these opinions as guidelines. Additionally, Looney engages in ethics trainings for newly hired city employees and elected officials.

Looney has four main tools of enforcement at her disposal when ethics code violations are found. She may issue a public reprimand, which appears on televised city council meetings; issue fines to violators; require the return of any gratuities received; and make recommendations to departmental human resource offices regarding appropriate reprimands. Though Looney feels the current ethics code is strong, she believes developing more stringent ethical standards for city contractors, making ethics training mandatory for all city employees and increasing ethics training from a one-hour session to a three-hour session would aid the development and sustainability of a “culture of ethics” in Atlanta city government. Further, Looney notes the Ethics Office has no formal means of requiring the collection of any fines imposed or ensuring violators comply with any measure of enforcement the Ethics Office puts forth. This, she feels, simply was not something the Ethics

Task Force considered when formulating the ethics code. Looney expressed hesitation about proposing revisions to the city's ethics code, as she does not wish to open it up to potential threats to weaken the current strong ethics policy.

Georgia State Representative Stacey Abrams served on the Ethics Task Force and was involved in the formulation of the ethics code from its inception. She shared Looney's concerns that though the intent of the code is clear, challenges remain in terms of enforcement. According to Abrams, the very existence of an ethics code, however, instilled in city employees and officials a sense of "pride of being involved in a city administration that did something to alleviate stigmas" of unethical behavior. This sense of pride, Abrams notes, began with the "nature of the person at the top," Mayor Franklin. Abrams recalls that the Mayor "came in under a cloud" providing "sunshine as a great disinfectant" and that these early efforts to show the importance of ethical behavior created a "culture of integrity" which made it easier for employees to recognize what was acceptable and what was unacceptable behavior.

Mayor Franklin assigned Greg Giornelli, Chief Operating Officer for the City of Atlanta, to work with the original Ethics Task Force. Giornelli notes this task force was allowed to formulate policy recommendations with no interference from the Mayor's Office or the City Council, allowing for a truly independent formulation of the ethics code. The major success of the current ethics code, according to Giornelli, lies in the creation of the position of an independent Ethics Officer "with real authority to impose sanctions, which did not exist before." Additionally, Giornelli believes the disclosure requirements mandated by the ethics code and the limitations placed on gratuities have heightened awareness of these issues in city government and, thereby, generated a heightened culture of ethics. The ethics code exists, for Giornelli, "under the umbrella of an open, honest and transparent operating profile in city government" and in direct response to the previous administration, which was seen as insular.

Mayor Franklin views the establishment of the independent Ethics Office and Board as "a cornerstone to the proposal" she received from the Ethics Task Force. She remembers that during her two-year mayoral campaign ethics was on the forefront of the minds of the voting public. "The public was interested in who they could trust," she recalls, which strengthened her resolve to make ethics reform her first priority. Though the ethics code and independence of the Ethics Office and Board are considered significant contributions to Atlanta city government's increased "culture of ethics," many regard a primary impetus to instill a new sense of ethical conduct to be Mayor Franklin's support for this reform and the attention she paid to ethical issues.

How Well is the New Ethics Policy Working?

Though most regard the current ethics code as sound, Mayor Franklin suggests revisions in the policy to enhance methods of oversight. For example, she believes the Ethics Office could increase its level of oversight by taking a random sample of financial disclosure forms filed with the Ethics Office and verifying them for accuracy. Mayor Franklin has also suggested that "report cards" could be issued by the Ethics Office every two years to assess departments' and elected officials' compliance with ethics regulations. Lastly, Mayor Franklin has also suggested that an independent review of ethics policy every three to five years could ensure that the policy remains in touch with ethics issues as they evolve over time.

The City of Atlanta has made considerable progress during the last eight years in changing the climate of corruption that characterized local government during the Campbell administration. In contrast to the weak ethics policy that existed in 2001, the Ethics Task Force appointed by Mayor-elect Shirley Franklin developed the outline for a tougher policy that would create the position of Ethics Officer and an Ethics Board that was stronger and more independent of both the mayor and the city council since all the members of the board were appointed by outside citizens' groups.

Currently, the Ethics Office educates city employees on the responsibilities of ethical conduct in regard to gifts and the required filing of annual financial disclosure forms. New city employees and elected public officials who participate in orientation programs receive training on the ethical standards required by the new policy. Educating everyone that works in city government helps to promote a culture of ethics in the whole organization and reduces the number of violations of ethics requirements. Another way the incidence of ethics violations has been reduced is by the Ethics Officer; in private conversations and publicly posted advisory opinions, providing guidance to all employees as she advises them of appropriate standards of conduct. Any citizen or city employee can also report possible violations through the ethics hotline or other means of contact with the Ethics Office. These reports trigger investigations by the Ethics Office. Finally, if violations are found, the Ethics Board issues reprimands or imposes fines, both of which are publicly reported on the Ethics Office Web site.

Interviews with a variety of people involved with the city's ethics policy indicate several improvements that may be needed to improve upon the current climate of ethics in Atlanta's government. First, it was suggested that ethics training could be made mandatory for all persons representing or conducting business on behalf of the City of Atlanta. Newly elected city officials are required by law to receive ethics training every four years, and new city employees who participate in the orientation program receive one hour of ethics training. However, training is not currently mandated for other groups working for the city, including top-level appointees, the members of city boards and commissions, and Neighborhood Planning Unit officers. In spite of strong efforts by the Ethics Officer, with the support of the Mayor's Office and the Department of Human Resources, it is estimated that by the end of 2008, only half of all city employees had received any ethics training. Although this represents a significant improvement over past administrations, it also suggests that a stronger focus on mandatory ethics education could help strengthen the culture of ethics in Atlanta's government. Training periods longer than one hour could also be helpful in providing focused instruction on ethical issues facing a particular department of city government. A good example of this is the Department of Watershed Management that has worked with the Ethics Office to develop a multi-layered ethics training program tailored to the needs of that department.

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Efforts to make ethics training longer and stronger would require both a commitment to ethics and the resources to accomplish the task. Although the Ethics Office was authorized for three budgeted positions, there are currently only two staffed positions in the office. An extra person could be responsible for training activities if longer and more extensive ethics education was mandated.

While the training of city employees is important in promoting a culture of ethics, enforcement of existing policies is another aspect of the current ethics policy that may need to be strengthened. During the first five years of its existence, the Ethics Office investigated 66 cases of failure to file financial disclosure statements and 88 cases of alleged ethics violations. In the financial disclosure cases, there were nearly \$7,925 in fines and late fees imposed, 36 Ethics Board reprimands issued and eight cases referred to the Solicitor's Office for prosecution. The Solicitor's Office has not prosecuted any of these financial disclosure cases. Of the 88 cases of alleged ethics violations, the Ethics Office or Board found 15 ethics violations resulting in \$10,432 in fines or recovered gratuities and one case referred to the Solicitor for prosecution. (Sixty-three of the cases of alleged ethics violations were dismissed and 10 cases remain open.) The results of all these enforcement proceedings are posted for public review on the Web site of the Ethics Office.

The city could also strengthen its enforcement of ethics ordinances by providing civil remedies for collecting fines imposed by the Ethics Board. In addition, another change worth considering would be the automatic removal of a member of a city board who fails to file the required annual financial disclosure statement. Last of all, candidates for a position on a city board or as a Neighborhood Planning Unit officer could be required to be in full compliance with all financial disclosure regulations as a precondition to assuming the position. Each of these changes offers simple refinements to the current policy that is in effect. However, the refinements could have lasting impact in ensuring that changes that were initiated under the Franklin administration will continue under future administrations.

There is agreement that the greatest strength of the current ethics policy is the independence of the Ethics Office and Board. External citizens' groups such as local bar associations appoint all seven of the members of the board, and the members of the board appoint the Ethics Officer with independence from both the mayor and city council. While this independence and the ethics policy that is in place are among the strongest in the state of Georgia, both can be eroded by legislative or budgetary actions. Budget cuts in response to declines in revenue available to city government could erode the staff positions in the Ethics Office. In a climate of budget austerity, future city officials in the mayor's office or on the city council could potentially reduce support for the positions in the Ethics Office, which could starve the operations of the office. In a report on the operation of the Ethics Office between 2003 and 2008, Virginia Looney wrote, "In the midst of a budget crisis, committing limited resources to ethics may be seen as a luxury that the city cannot afford. The failure to follow the city's ethical standards, however, can prove costly in terms of money, reputation, and goodwill."

While this independence and the ethics policy that is in place are among the strongest in the state of Georgia, both can be eroded by legislative or budgetary actions.

The continued independence of the Ethics Office not only depends upon continued annual budget support, it also is based on legislation that can be amended. For example, on May 15, 2006, the city council amended the city's ethics policy to permit all elected city officials, appointed board members and city employees to accept gifts of hospitality, private meals and tickets to sporting and entertainment events. The 11-2 vote by the city council came only four years after the corruption of the previous administration prompted strengthening the ethics policy to exclude gifts and free meals given by people doing business with the city. Council member Cleta Winslow said,

"Our intent was to get our privileges back so that we would be able to take people to events." Council member Jim Maddox justified his support for weakening the ethics policy saying, "You are not going to be able to buy my vote for a hamburger." The council member who initiated the move to amend the ethics policy was C.T. Martin. He was quoted as saying, "It doesn't make sense to me if someone wants to meet with me that I have to buy my lunch."

Ethics Officer Virginia Looney spoke to the city council in opposition to the changes in the city code. She indicated that the weakening of the ethics policy would permit the gifts of meals to every elected and appointed city official as well as every city employee. Gifts to public officials could also be made in secret with no requirements for disclosure. Looney added, "In short, it means that factors other than price and performance could affect how the city does business." Mayor Franklin vetoed the proposed change saying that efforts to weaken the ethics ordinance "is simply bad policy, and I will not support it." The Ethics Board issued a resolution urging the council to sustain the veto. The chair of the Ethics Board, John Marshall, said that he was offended by remarks made by council members that they were entitled to privileges such as free tickets when they run the risk of violating the trust that comes with public service. Marshall also suggested that if council members wanted to meet over meals and did not want to pay, they should expense the meals to the city. The Ethics Board stated that the council had weakened the policy without any consultation with the Board. There was also a strong public reaction to the city council's action with newspaper stories and editorials as well as letters to the editor and comments made to city council members about their vote on the weakening of the ethics policy.

Two city council members, Anne Fauver and Mary Norwood, changed their position on the weakening of the ordinance and the council sustained Mayor Franklin's veto by the margin of a single vote. While the 2002 ethics policy survived this attempt at change, council member C.T. Martin indicated he would be interested in another attempt to amend the ethics ordinance depending on the mood of his colleagues. This episode reveals the threat to the current city ethics code through changes in legislation.

Future mayors and council members may not recall the scandals of the past and seek to weaken the strong independent operation of the Ethics Office and Board. Guaranteeing the independence of the Ethics Office and Board from budgetary or legislative threats would require changes in the city's charter and approval by the Georgia General Assembly. Given the array of policy issues facing the city and state, this is unlikely to occur unless it is part of a comprehensive review of the city's charter. Such a review might provide the opportunity to embed the culture of ethics more deeply into the city's charter; taking the current rules-based statements of prohibitions and turning them into a values-based code of ethics. Short of a comprehensive charter revision, Mayor Franklin has suggested that an ethics report card could be issued by the Ethics Office every two years. In addition, she has also suggested that a periodic review of ethics policy could be initiated every three to five years by the Ethics Office and Board. Such an approach might be a good alternative to pursuing changes to the city's charter through the Georgia General Assembly.

Best Practices

Are there steps that the City of Atlanta could take that would improve its ethics policy to become the best among cities in the nation? At the state level, the Georgia Municipal Association (GMA) has developed a Model Code of Ethics for Georgia City Officials and a Certified City of Ethics Program. The Certified City of Ethics Program requires that cities must adopt an ethics ordinance that meets minimum standards approved by the GMA Board. The ordinance must contain definitions, an enumeration of permissible and impermissible activities by elected officials, due process procedures for elected officials charged with a violation of the ordinance and punishment provisions for elected officials who have been found in violation of the ordinance. Atlanta's 2002 ethics ordinance meets the requirements of the GMA Certification program and the city is recognized as a City of Ethics.

How does Atlanta's ethics program compare to the best practices of other cities in the nation? In a 2006 study of four local government ethics programs, Donald Menzel observed that in each instance ethics reform was done in the aftermath of scandals caused by corruption in the local government. The situation in Atlanta in 2002 was certainly similar to the other local governments in Menzel's study. Manske and Frederickson did a more comprehensive overview of municipal ethics policy in 2004. They concluded that a comprehensive ethics policy depends upon four pillars: (1) the code of ethics; (2) the ethics education program; (3) the oversight of the ethics commission; and (4) the office of the ethics administrator. Atlanta's program has all four of these elements in place. The challenge is maintaining the present strong independent Ethics Board and Office in the face of budget cuts and opposition from many members of the city council. Only the mayor's veto prevented the effort to weaken the Atlanta ethics ordinance in 2006.

What changes would make Atlanta's current ethics policy even better? Several possibilities that were explored in the previous section include: (1) an increase in the level of oversight by reviewing a sample of the financial disclosure forms to verify them for accuracy; (2) more comprehensive and longer ethics training sessions of city employees, elected public officials and members of boards and commissions; (3) stronger enforcement of existing ethics policy to ensure compliance; (4) an ethics "report card" for each department in city government; (5) an independent review of the ethics code every three to five years; (6) maintaining a strong and independent Ethics Board and Office; and (7) keeping a strong culture of ethics to prevent or reduce the severity of misconduct and to promote public trust in government.

Efforts to maintain a strong culture of ethics could be enhanced by a revision of the city charter to move from the current rules-based ethics policy toward a values-based ethics code. This process has been underway in several California cities during the past ten years. Examples of these values-based codes of ethics from three California municipalities are appended to this case study. The advantage of this approach is its simplicity as a positive affirmation of good conduct. This provides easier training and compliance, although sanctions for misconduct will need to remain in place.

Since 2002, the goal of the city's ethics policy was to create a climate of ethics in Atlanta's government. According to the Ethics Resource Center, four components are required for a strong culture of ethics in government: (1) ethical leadership with the tone set at the top so that employees and the public believe leaders can be trusted to do the right thing; (2) supervisors who reinforce the ethics policy by modeling ethical behavior and leading by example; (3) peer commitment to ethics so that the actions of peers support everyone who "does the right thing"; and (4) embedded ethical values to promote ethics through informal communication channels.

As Mayor Franklin leaves office her successor must be aware of the importance of leading the city to maintain the culture of ethics that has changed the way Atlanta operates. Whoever follows Shirley Franklin as mayor needs to remember her words, "Ethics is a big deal. . . . [I]t is the only deal. . . . We cannot accomplish anything, not economic development, not clean water or better sewers if we lose the public's trust."

Resources

INTERVIEWS

Virginia Looney, Ethics Officer, City of Atlanta – Interviewed on May 12, 2009

Jabu Sengova, Associate Ethics Officer, City of Atlanta – Interviewed on May 12, 2009

Rob Remar, first Vice-Chair of revised Ethics Board, City of Atlanta – Interviewed on May 13, 2009

John Marshall, first Chair of revised Ethics Board, City of Atlanta – Interviewed on May 17, 2009

David Edwards, Senior Policy Advisory, City of Atlanta – Interviewed on May 18, 2009

Greg Giornelli, Chief Operating Officer, City of Atlanta – Interviewed on May 18, 2009

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