

Integrity at Work



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City of Atlanta | Board of Ethics

Ethics Matters

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New Ethics Legislation Shelved

Ethics legislation introduced by Councilmember H. Lamar Willis on March 5, 2012, sought oversight of the process for appointment of the new ethics officer. Councilmember Willis asserted that the current law did not give City Council the ability to stop a bad selection process or to have input on this important position. The current city code allows the Ethics Board to appoint an ethics officer, subject to confirmation by City Council and approval of the Mayor. The Ethics Board believed the proposed revisions would negatively impact the Ethics Board and the City. "The paper would fundamentally change and jeopardize the independence of the Ethics Office and the Ethics Board," said Caroline Johnson Tanner, Chair of the Board of Ethics, "as well as erode eight years of good work." Other board members agreed that the legislation would politicize the process and impair the objectivity of the Ethics Officer. The proposed revisions would require the Ethics Board to submit the names of the top three finalists, along with "all materials relied upon by the board in making the selections." A City Council subcommittee would then determine the finalist, subject to approval by full Council. Watchdog group Common Cause opposed the new law, stating that it would significantly undermine the independence of the Ethics Board.

On March 19, 2012, lawyers, watchdog activists, and City Council members debated over the proposed ethics legislation at a subcommittee meeting. Former board chair John Lewis, Jr. appeared before the subcommittee to address the changes, urging City Council not to insert politics into the selection of the ethics officer. The subcommittee voted to file the Councilmember's legislation so it did not pass.

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Integrity at Work Campaign Launched

The Board of Ethics officially launched its new *Integrity at Work* Campaign in March 2012. The new campaign focuses on educating employees on the core values of an ethical culture, while continuing to encourage officials and employees to comply with the Ethics Code. The core values that the Board is promoting are honesty, integrity, trust, accountability, transparency, and respect. The underlying goal is to promote an ethical culture among city employees that will define and mold how employees work with one another and with citizens of Atlanta. Ethics and integrity issues are at the forefront of the news, and it is critical that the city promote the public's trust through adoption of these core values. Honesty requires city employees to use city resources only for official business; integrity challenges employees to act for the public good and have the courage to do what is right; trust signifies being reliable and building a good reputation as a city employee; accountability indicates a willingness to accept responsibility for one's actions and to consider the consequences of bad decisions; transparency promotes making government operations open and accessible to the public and disclosing potential conflicts of interest; and finally, respect defines the way city employees should treat the public and each other.

Other key elements of the campaign's kickoff included new posters and publications for employees, officials and vendors; humorous ethics awareness videos used in ethics workshops; an Ethics Bulletin spot on local Channel 26 that promotes the six core values; and a powerful, public service announcement from Mayor Kasim Reed officially launching the program. As part of the ongoing campaign, the Ethics Office is planning a press conference and kick-off celebration for city employees this summer and has invited the Mayor to bring remarks to the press conference. An ethics lunch and learn series for city employees is also slated for kick-off in June 2012.

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Board Honors Ten Departments

Ten Departments were honored at the Board's sixth annual Transparent Diamond awards ceremony on March 15, 2012. The Ethics Board gives these awards each year to honor city departments and boards with the best financial disclosure filing records.

Eight city departments made the Honor Roll this year: the Department of Law, Department of Procurement, Department of Information Technology, Municipal Court, Department of Human Resources, Office of City Auditor, Public Defender's Office, and the Department of Corrections.



2012 Transparent Diamond Award recipients with Ethics Board members and Ethics Office staff

The Atlanta Police Department earned the Honorable Mention Award for the best filing record among departments with more than 50 filers; and the Department of Watershed

Management earned the Honorable Mention Award for the first time for the best filing record for departments with more than 100 filers.

Four boards, including the Taxicabs & Vehicles for Hire Hearing Officers, Lindbergh SPI-15 Development Review Committee, Atlanta Housing Authority Board, and the Atlanta Workplace Development Agency, made the Honor Roll for the first time. The repeat winners for the award were the Atlanta Citizen Review Board, the Atlanta Development Authority, Board of Ethics, Board of Zoning Adjustment, Water & Sewer Appeals Board, and the Atlanta-Fulton County Recreation Authority.

The percentage of timely filers is 95 percent this year, consistent with 2008 and 2011, which were the best filing years. Only 22 individuals did not file on time this year; that number is slightly higher than last year, but still low compared to prior years. The percentage of late filers is the lowest in five years at 3.5 percent.

To review the financial disclosure reports for 2012, visit the [Reports](#) webpage.

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Ethics News in Brief

- The Six Major Universities have nominated Kate Wasch to serve on the Board and fill former board member Cathy Daniel's unexpired term. Ms. Wasch is the Managing Attorney for Georgia Tech's Office of Legal Affairs where she provides legal counsel to the administration and faculty, concentrating in the areas of employment and litigation. She manages and trains attorneys and staff in employment law and litigation issues. Ms. Wasch was formerly an adjunct professor in the School of Public Policy at Georgia Tech, and currently serves on the Committee on Legal Education for the National Association of College and University Attorneys.
- Caroline Johnson Tanner, the Board's chair, has been reappointed by the Atlanta Bar Association to a second three-year term of office, and her term runs until 2014. The Gate City Bar Association reappointed board member Shukura Ingram to a second three-year term of office which expires in 2014.
- The search for the new ethics officer has ended. In December 2011, the Search Committee recommended two top candidates for the Ethics Officer position to the Ethics Board for final selection. The two finalists were Stacey D. Kalberman and Nina R. Hickson. Ms. Kalberman was selected as the new ethics officer, subject to confirmation by Council and approval by the Mayor.

Ms. Kalberman was presented for confirmation at two consecutive Committee on Council meetings, yet her appointment was held in Committee for a third time. She then withdrew her name from consideration for the position. Her withdrawal presented a challenge, as the Ethics Board was now without a nominee. A few weeks later, the Board appointed Nina R. Hickson, the second finalist, as the new ethics officer. Ms. Hickson was officially confirmed by City Council on May 7, 2012, and will begin her term of office in June 2012.

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Ask the Ethics Officer: When Can the City Hall Atrium Fees Be Waived?

A non-profit organization is planning a luncheon to honor its exemplary students and wants to hold the event in the City Hall Atrium. The organization asks a councilmember to sponsor the event by waiving the fees to rent the atrium. Can the fees be waived?

No, the fees cannot be waived unless the event is authorized by city resolution. A non-profit organization may not use city property for its private luncheon without paying the required rental fees because the event is not official city business. City officials or employees are conducting official business when they act in an official capacity and perform official duties on behalf of the City. Whether a city councilmember is acting in an official capacity and performing official duties depends on the purpose of the event and if it is based on a city policy, ordinance or resolution. A private luncheon honoring an organization's students is not official city business. Most importantly, a councilmember's presence at an event does not make it official city business.

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As A Matter of Fact - An Ethics Director Must Be Independent

Robert Wechsler, Director of Research for City Ethics, a non-profit organization that provides information and resources for different local government ethics programs, writes in his blog that, "The independence of ethics commissions and their staff is the single most important aspect of a government ethics program. Who selects the commission members in their staff, and how, colors everything about an ethics program and determines, more than any other factor, whether the public has confidence in the commission's advice and enforcement of an ethics code."

Many jurisdictions defer appointment of the executive director or ethics officer to the local board or commission, demonstrating that the trend across the country supports independence of an ethics director. The ethics officer or executive director should be responsible only to the board or commission, and not to government officials. Being politically appointed may create conflicts for an ethics officer or executive director because the Board or Commission may not be able to trust that person, and may question every recommendation made by the agency head and his or her staff.

Preserving the independence of an ethics director is critical to ethics reform, because "political" appointments derail public trust in an ethical city government.

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Ethics Matters is produced by the City of Atlanta Ethics Office.

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