

**Report by City of Atlanta Ethics Officer
on First Two Years of Operation**
August 13, 2003 - June 30, 2005

The Ethics Officer in conjunction with the City of Atlanta's Board of Ethics proposed a work plan in September 2003 for the first year of operations of the Ethics Office. The work plan sought to execute faithfully the duties of the office as established by the City Code, to create a culture of ethics in the City, and to assure that the City enjoys the full credit and trust of its citizens as a government that truly conducts itself in an ethical manner.

This report chronicles the action that the Board and Ethics Office have taken over the past two years to implement each item outlined in the work plan. At the time, the Ethics Office staff has consisted of the Ethics Officer and an Administrative Assistant, Senior.

1) Establish the Ethics Office of the City of Atlanta in an appropriate place of public visibility, accessibility, and importance in City Hall to educate, advise, interpret, investigate, and enforce the Standards of Conduct in the City Code of Ordinances.

Action Taken: Moved the Ethics Office to a visible and accessible office on the third floor of the City Hall Tower; hired an administrative assistant to help staff the office; and employed an analyst as a temporary employee to review the 2005 Financial Disclosure Statements for completeness, accuracy, and conflicts of interest.

2) Develop and distribute regularly public educational materials, such as flyers, handouts, and briefings, describing and explaining the Ethics Code, Ethics Office, and Board of Ethics.

Action Taken: Developed four-page "Ethical Standards for City Employees" that is handed out monthly to all employees attending the New Employee Orientation; developed and mailed four-page "Ethical Standards for City Board Members" in September 2004 to all members of city boards and individuals appointed by the city to other public boards; and distributed two-page handout on "NPU Officers and Conflicts of Interest" at 2004 workshop for new officers of neighborhood planning units.

3) Review and revise relevant sections of all existing City of Atlanta handbooks, policy manuals, and operations manuals to bring them into compliance with the conflicts of interest and other ethical provisions of the City Code.

Action Taken: Worked with the Human Resources Policy Council to establish a standard city form on outside employment to assist departments in monitoring employees' extra jobs for possible conflicts of interest; recommended changes in

conflicts of interest provision in City's Administrative Policies and Procedures manual; and reviewed proposed city policies on cell phones and gifts of public art.

- 4) Develop and maintain the City of Atlanta web site for the Board of Ethics by
- Explaining the ethical standards required of city officials and employees and the Ethics Board's role in city government;
 - Developing and maintaining electronic data and forms for access to current financial disclosure and other ethics filings;
 - Enabling electronic filing of ethics and disclosure forms;
 - Assuring public access to all public disclosure forms and ethics opinions and rulings; and
 - Responding to on-line public inquiries and complaints.

Action Taken: Established a Board of Ethics website featuring the Code of Ethics, the Board's advisory opinions, Ethics Office reports and publications, board rules, and city disclosure forms; collaborated with the Office of Municipal Clerk and Department of Information Technology in establishing a web-based City of Atlanta e-filing system for city and state disclosure forms; developed online forms for employees and city officials to electronically file city financial disclosure statements, disclosure of conflicts of interest, reports of gifts to the City, and expense reimbursement forms; developed a search function to enable the public to obtain and analyze information disclosed on city forms and state campaign contribution disclosure reports; and developed an ethics complaint form for citizens and employees to download from the Board's website or complete online.

- 5) Prepare and conduct training programs to affirmatively inform and educate all new city employees, the 6,000 current city employees, and all appointed and elected officials about the requirements and provisions of the Ethics Code, as well as recurring ethical questions and problems, such as matters involving gratuities and conflicts of interest.

Action Taken: Developed powerpoint presentations, "An Overview of the City's Code of Ethics," "There's No Such Thing as a Free Lunch: Ethical Standards for City Employees," and "Don't Get Conflicted Out: A Presentation for New Employees"; conducted an hour-long ethics training program every month at the New Employees Orientation, reaching more than 1,000 new employees; and held training workshops for an additional 620 current supervisors, inspectors, and other employees in the Mayor's Cabinet and Corrections, Human Resources, Information Technology, Internal Auditor, Municipal Court, Parks, and Watershed Management Departments.

- 6) Advise city employees and officials from nearly 100 City of Atlanta offices and bureaus by issuing written informal advisory opinions concerning permissible

behavior under the Ethics Code in response to telephone calls, personal appearances, E-mails, and letters. These opinions shall involve:

- Establishing the specific facts of the situation;
- Reviewing the Ethics Code and relevant rulings of the Ethics Board; and
- Writing a finding of facts, informal ruling, and reasons for the ruling in response to each request for guidance.

Action Taken: Responded to 403 calls seeking advice by writing 45 informal advisory opinions as Ethics Officer, giving written advice in 113 additional cases, and giving oral advice in response to 242 other inquiries; sent out city-wide emails on holiday gift policy in 2004 and 2005; and regularly consulted with and reported to Board members on advice given by the Ethics Office.

7) Conduct outreach and provide training programs and educational materials to hundreds of businesses, companies, and other vendors doing business with the City of Atlanta and governed by provisions of the Ethics Code.

Action Taken: Responded to 28 inquiries about the Code of Ethics from attorneys, lobbyists, and contractors in the private sector.

8) Research, draft, and present Formal Advisory Opinions and other policy statements for the Board of Ethics to review and act upon.

Action Taken: Researched and drafted 14 formal advisory opinions for the Board of Ethics on conflicts of interest, doing business with the city, gratuities, outside employment, post-employment, solicitations, and use of city property; distributed all formal advisory opinions to the Mayor, Council President, City Council members, and Mayor's Cabinet and posted the opinions on the Board's website; referred seven informal advisory letters to the Board for its consideration and decision as a formal advisory opinion; and drafted Board rules on formal and informal advisory opinions.

9) Establish and maintain an "Ethics Hotline," as required by the Standards of Conduct, in the following manner:

- Research "Ethics Hotlines" in other major U.S. cities, as well as the current "hotlines" used by the City of Atlanta
- Prepare a paper outlining the options and the benefits and disadvantages of each;
- Collaborate with the City of Atlanta Internal Auditor, Law Department, and other affected offices in developing and maintaining a coordinated, responsive, and effective "Ethics Hotline" to which individuals may anonymously report ethical violations.

Action Taken: Set up a separate phone line without caller id as the interim "Ethics Hotline"; developed an online form as part of the city's e-filing system to receive anonymous complaints beginning in July 2005; researched hotlines

operated in other cities, private industry, and the City of Atlanta and prepared a paper on best practices in hotlines; and set up a hotline steering committee with the City Internal Auditor and Law's Compliance Manager to establish a hotline to receive anonymous tips and complaints from employees and the general public about ethical violations, fraud, and employee misconduct.

10) Analyze more than 1000 financial disclosure forms filed in 2003 and afterwards to report to the Board of Ethics about all instances of non-compliance with the City Code. In instances of non-compliance, the City Ethics Officer will undertake an inquiry to bring city employees or city officials into compliance or institute enforcement proceedings.

Action Taken: In 2004, achieved 100 percent filing by city elected officials and current city employees; increased the overall filing rate of statements to 92 percent; brought three enforcement actions against non-filing current board members, which resulted in the payment of \$1,000 in fines; and issued the 2004 Financial Disclosure Report. In 2005, achieved a timely filing rate of 96 percent, reducing the percentage of late filers to three percent and non-filers to less than one percent; reviewed 1,250 statements for accuracy and completeness, sent approximately 250 correction notices, contacted nearly 300 persons by letter, email, or telephone seeking additional information, and brought seven enforcement actions; Board of Ethics issued three public reprimands and 18 letters of reprimands and fined 10 persons; and Ethics Office collected \$325 in fines from five late filers.

11) Revise current financial disclosure forms to meet the requirements of the City Code of Ethics, work with the City's Municipal Clerk and Chief Operating Officer in developing and executing a process for distributing lawful forms in 2004, and work with City 's website development team on initiating electronic filing and access to forms.

Action Taken: Developed new financial disclosure form in 2004; substantially revised the form in 2005 and developed an online form as part of the e-filing project; worked with Department of Human Resources, city departments, and other branches of government to identify by job title and classification the employees required to file city financial disclosure statements under section 2-814; reviewed the enabling legislation of city boards and commissions to identify the boards whose members are required filers; worked with the Office of Municipal Clerk and Department of Information Technology to develop a web-based e-filing system for city ethics forms and the state campaign contribution disclosure statements; and entered data from 800 paper forms into online database to enable the public to search information disclosed by all required filers on the 2005 financial disclosure statements.

12) Develop other written and electronic forms for the City of Atlanta that are lawful and in accordance with the Ethics Code regarding disclosure of personal interests, disclosure of expense reimbursements, and the filing of complaints.

Action Taken: Developed both a paper and online version of the Disclosure of Conflicts of Interest, Report of Gift to City of Atlanta, Expense Reimbursement Report, and Ethics Complaint Form.

13) Review and analyze more than 30 informal opinions on matters of ethics issued by the Legal Department since the appointment of the new Ethics Board without its oversight and bring all informal opinions into compliance with the Ethics Code and rulings of the Ethics Board.

Action Taken: Initiated Board of Ethics review and reconsideration of informal opinions issued by both the interim and board-appointed Ethics Officer on issues related to solicitations, gifts, and travel to establish consistent and publicly known policies.

14) Examine the City Code and departmental practices in the City of Atlanta to determine areas where the Ethics Office's jurisdiction overlaps with other departments, such as the Office of Contract Compliance and the Office of the Internal City Auditor, and collaborate with those offices to avoid duplication of City efforts and expenses.

Action Taken: Consulted regularly and met monthly with the Department of Law's Compliance Manager and the City's Internal Auditor to share information and resources; actively participated in Compliance Committee established by Law Department; and collaborated with audit and compliance offices to establish a hotline steering committee.

15) Develop and implement in accordance with Georgia law and the City's Ethics Code procedures whereby the Ethics Office can lawfully and fairly receive employee and citizens' complaints, notify the person who is the subject of the complaint, investigate all allegations, and report findings and recommendations to the Board of Ethics.

Action Taken: Developed formal complaint form and an online ethics complaint form; drafted board rules on complaints, investigations, and enforcement proceedings; conducted preliminary investigations and in two cases reported findings to Board, which dismissed the complaints for lack of jurisdiction and lack of probable cause; and referred an additional five ethics complaints to departments for investigation, resulting in one employee disciplinary action.

16) Establish legal procedures and safeguards, in keeping with federal and state law, for enforcement proceedings in accordance with the City Code for instances where violations of the Ethics Code have occurred.

Action Taken: Developed board rules for enforcement proceedings for violations of the standards of conduct and financial disclosure process; and Board conducted two hearings in 2004 and six hearings in 2005 related to the financial disclosure process.

17) Establish and maintain a data collection system that records and tracks disclosure filings, as well as citizen and employee inquiries and complaints, to assure a timely, helpful response and to monitor patterns.

Action Taken: Established a data collection system that has recorded 1,159 calls, inquiries, and complaints to the Ethics Office during its first two years of operation; analyzed data by type caller, agency, type inquiry, subject matter, issue, and action taken; maintained a database on financial disclosure filings by name, agency, and date of filing; and contracted for administrative reports on timely, late, incomplete, and non-filers of financial disclosure statements as part of e-filing system.

18) Undertake legal research to establish lawful procedures for the Ethics Office that reconciles the City Ethics Code with the Georgia Open Records Act.

Action Taken: Consulted with the Law Department on the Open Records Act and exemptions related to complaints, investigations, and personal information disclosed on financial disclosure statements; and designed reports in e-filing system to protect home mailing addresses of all filers and the names of family members of certain employees.

19) Set up and facilitate the appointment process for new members of the Board of Ethics, including ensuring that the citizen appointing authorities appoint new board members in a timely manner.

Action Taken: Established procedures for notifying appointing authorities about vacancies; worked with Human Resources to identify information required under law as part of background check on candidates; and developed a process with the Municipal Clerk for submitting names of nominees to the City Council.

20) Consult with the State Ethics Commission, the Fulton County prosecutor, and the local US Attorney's Office to assure coordination and cooperation in future matters prescribed by the Ethics Code.

Action Taken: Consulted with county, state, and federal authorities as needed about possible ethics violations and enforcement of financial disclosure filing requirements; and responded to requests for information related to investigations of the Atlanta Fulton County Recreation Authority and former Mayor Bill Campbell.

21) Support and carry out the work of the Ethics Board by:

- Staffing and preparing for monthly meetings;
- Reporting on complaints, opinions, developments, and activities of the Ethics Office;
- Preparing monthly agendas, minutes of the meetings, and other documents necessary for the proper functioning of the Board.

Action Taken: Prepared agendas, attended meetings, reported on the Ethics Office's activities, and drafted minutes of the Board's regularly scheduled monthly meetings; and prepared periodic written reports to the Board on the budget, requests for advice, complaints received, and other activities of the Ethics Office.

22) Prepare and issue an annual report on the "State of Ethics in the City of Atlanta" to present to the Mayor, City Council, and Atlanta citizens.

Action Taken: Report in progress; prepared a budget report with operating highlights in 2004.

This work is vital to help ensure that the City fulfills its responsibility to its citizens of conducting the city's business in an open, honest, fair, and ethical manner. It requires a large, continuing commitment from the entire City government.

9/21/2005