



## City of Atlanta Ethics Office Report on Activities in 2008-2009 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 2008 and 2009. 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. Move the Ethics Office to an adequate and appropriate office space that is visible, accessible, and private with sufficient space to house all office employees in the same location and demonstrates that the City of Atlanta is committed to operating its government with honesty and integrity.

**Action Taken:** Moved Ethics Office in September 2008 to the twelfth floor of City Hall Tower, sharing office space with the Office of the City Auditor and combining ethics staff for the first time on the same floor.

2. Add additional professional staff to become more effective and efficient in promoting and enforcing the ethical standards for city officials and employees by:

- creating a position for an enforcement director to bring ethics complaints, investigate allegations, write reports, and prosecute cases involving ethics violations; audit and enforce financial disclosure requirements; and serve on the Integrity Line Steering Committee and investigate complaints as needed
- hiring independent legal counsel to advise the Board of Ethics in enforcement proceedings as needed due to conflicts in representation by the Law Department.

**Action Taken:** Reclassified investigation manager position at a pay grade 22 to an associate ethics officer at a pay grade 28 and hired an attorney to serve as the first associate ethics officer; and retained pro bono counsel to advise the Board of Ethics on the City Council's action in modifying the term of office that the Board set for the Ethics Officer.

3. Establish the position of ethics officer at the senior management level to make it commensurate with other city employees with comparable authority and responsibilities.

**Action Taken:** Reappointed the Ethics Officer to a second six-year term of office; approved a pay raise for the ethics officer in December 2007, although it did not take effect due to city's financial problems.

4. Institute annual training for 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.

**Action Taken:** Two board members attended ethics training workshop for new city board members.

5. Adopt bylaws and a Code of Conduct for the Board of Ethics.

**Action Taken:** Adopted Bylaws in February 2009 and have a draft Code of Conduct under consideration.

### Training

6. Develop new training workshops and programs for city officials and employees to educate them about the city's ethical standards, including the following courses:

- an online training course for employees
- a classroom training course on conflicts of interest for city board members and neighborhood planning unit officers
- a presentation for city contractors, vendors, and developers on the city's ethical standards
- a continuing legal education course for lawyers on municipal ethics and
- a continuing ethics education series, *Ethics at the Movies*, for city officials and employees using film clips to illustrate ethical dilemmas.

**Action Taken:** Provided ethics training for 326 new employees, 569 other employees, 82 board members, and 60 citizens; and developed new PowerPoint presentation on Code of Ethics for city board members and NPU officers.

7. Initiate annual ethics training programs for city board members, appointed city officials, and neighborhood planning unit officers.

**Action Taken:** Conducted first two citywide ethics workshops attended by 32 city board members and NPU officers.

8. 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.

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*, by revising content every year and initiating a system for evaluating the class.

**Action Taken:** Offered first two citywide ethics workshops that 70 employees attended; developed new PowerPoint presentation for employees, an ethics quiz and answers, and evaluation forms.

10. Enact a city policy requiring mandatory ethics training for all city officials and employees and establish a tracking system to monitor compliance.

**Action Taken:** Evaluated and reported on who has received ethics training since 2003, recommended that City enact a mandatory training requirement, and began keeping records on all employees attending ethics workshop participants who would meet the training requirement.

## Rendering Advice

11. 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:** Met target dates for responding to requests for advice: answered 55 percent of all questions within one day, 81 percent within one week, and 95 percent within one month. The ten formal advisory opinions took an average of 87 days to issue, with all completed within six months of the initial request.

12. Report to the Board annually on informal advisory letters and other written advice given by the Ethics Office to employees and officials and evaluate that advice to identify:

- recurring questions to address in training
- possible topics for publications and
- changes needed in city-wide policies and practices.

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

13. Identify appropriate topics for Board to consider and draft formal advisory opinions addressing the following code provisions:

- prohibited sources
- meal exception to ban on gratuities
- gifts to the City of Atlanta
- filing of gift, expense reimbursement, and conflicts of interest disclosure forms and
- employees' outside employment, post-employment, and doing business with the City.

**Action Taken:** Board answered four requests for board advice on employment and waivers and rendered ten formal advisory opinions on prohibited sources, conflicts of interest, contract participation, gifts of travel to the City, use of city property in elections and city letterhead in charitable fundraising, financial transactions with subordinates, and representing clients in matters adverse to the City. Staff wrote nine informal advisory letters and 220 advisory emails, gave verbal advice in 91 instances, and answered 159 additional general inquiries.

## Public Education and Outreach

14. Create a new 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 the Code of Ethics; design new posters, wallet cards, and other literature; and use other media, such as public service announcements and online quizzes, to encourage decisions in the best interest of the City.

**Action Taken:** Ordered and distributed two new posters for message centers and bulletin boards and budgeted money for design of more posters.

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

- contractors, vendors, and companies doing business with the City

- financial disclosure laws and forms
- gifts and exceptions to the ban on gratuities
- use of city property, services, and time and
- key ethics rules for city employees and elected city officials.

**Action Taken:** Issued Ethics Advisory on Use of City Property during Campaigns and distributed by first class mail to all candidates for municipal office; developed Ethics Advisory on Post-employment Rule and distributed to all department heads and council members leaving office; developed web pages on conflicts of interest, gifts, post-employment rule, solicitations, campaign contributions, and campaign finance reports; gave presentations on Atlanta's code to two professional organizations and one class of graduate students; and served as facilitator of discussion at Local Agencies Roundtable session at national professional conference.

16. Issue a guide on conflicts of interest for neighborhood and civic groups that seek to influence city policy, planning, and development.

**Action Taken:** Spoke on ethics code to the Citizen Leadership Workshop sponsored by the Atlanta Planning Advisory Board.

17. Establish policies and procedures to notify new employees about the city's ethical standards:

- draft a Code of Conduct for new employees
- develop a process for new employees to acknowledge that they have received ethics training and a copy of the city's standards of conduct and
- establish a standard procedure to identify and notify new employees who are required to file a financial disclosure statement.

**Action Taken:** Drafted a one-page Employee Pledge to Abide by the City's Code of Ethics; work in progress to develop a process for informing employees about the pledge and obtaining their agreement.

18. Establish policies and procedures to notify departing employees about the post-employment rule and financial disclosure filing requirement:

- work with the Human Resources Policy Council to identify a procedure for notifying employees during the exit interview process about the one-year cooling-off period and
- design a form on the post-employment rule and financial disclosure filing requirement for employees to review and sign when leaving their city job.

**Action Taken:** Drafted a one-page Employee Pledge to Abide by the City's One-Year Cooling Off Period and an Ethics Advisory on Post-employment Rule; and met with head of the Human Resources Policy Council to develop a process for notifying department employees about rules.

19. Publish the newsletter *Ethics Matters* four times a year.

**Action Taken:** Published four issues of the newsletter.

20. Create a new website for the Board of Ethics to enable better access to information, update the website's content monthly, add public search features for opinions and complaints, and add web pages explaining each substantive rule.

21. 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.

**Action Taken:** Discussed a process and schedule for an award with the Ad Hoc Awards Committee.

22. Report each year to the Mayor, City Council, and Atlanta citizens on the state of ethics

**Action Taken:** Issued and distributed a report, *Ethics Is the Only Deal: The First Five Years of the Atlanta Ethics Office*, in March 2009; and annually prepared a publication, "Highlights By the Numbers," to report on Board of Ethics' activities as part of budget presentation.

### Investigations and Enforcement Actions

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

- hiring a director of enforcement to investigate allegations and handle prosecutions
- initiating and amending complaints, as needed, against city employees and officials for violations of the city's standards of conduct
- establishing a standard procedure for investigating complaints in areas of joint jurisdiction with departments, including misuse of city property, and
- developing better relationships with local, state, and federal law enforcement agencies.

**Action Taken:** Hired an associate ethics officer to work on investigations, write reports, head the Integrity Line Steering Committee, and assist with financial disclosure enforcement; Board approved settlement agreements in six ethics cases, including the first against a prohibited source, and collected \$35,598.00 in administrative sanctions; Board heard 29 financial disclosure cases, issued two public reprimands, and collected \$3,475 in fines.

24. Continue to improve the ethics enforcement process by:

- using the board's subpoena power to obtain necessary appearances, testimony, and documents
- revising procedures for enforcement proceedings to distinguish between the probable cause and public enforcement hearings
- establishing guidelines to assist the Board in imposing fair and consistent punishment for violations and
- seeking amendments to the code that strengthen the board's authority to impose appropriate penalties, enforce its decisions, and collect fines.

**Action Taken:** Issued two subpoenas to obtain documents and a violator's appearance before the Board; referred twelve financial disclosure cases to the city solicitor for prosecution; obtained the city solicitor's agreement to monitor the statute of limitations in ethics cases, issue an accusation before the expiration of the statute of limitations, and hire

a pro hac vice solicitor funded by the Ethics Office to prosecute ethics violators, as needed, in Municipal Court; researched financial disclosure enforcement in other jurisdictions and fines imposed in Atlanta cases and proposed a progressive system of penalties for financial disclosure violators.

25. 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 changes needed in the ethics program to prevent ethics violations
- recurring problems to address in training classes and publications
- necessary modifications to city-wide policies and practices to detect and deter similar unethical or illegal conduct.

**Action Taken:** Issued the *Integrity Line Annual Report: 2008* and briefed the Board on its findings and recommendations; reported to the Enforcement Committee each spring and to the entire Board in December on ethics complaints and investigations.

26. Establish a system for monitoring compliance with the city's laws on conflicts of interest, including the following actions:

- 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
- develop a system of controls for reviewing the city's compliance with the board's formal advisory opinions
- audit one department's policies and practices on outside employment and
- monitor the city's compliance with the board's guidelines on solicitations of donations and gifts by city officials and employees for city programs.

**Action Taken:** Issued 12 cease and desist letters or emails to candidates violating the Ethics Advisory on Use of City Property during Political Campaigns.

### **Financial Disclosure**

27. Upgrade Electronic Filing System by:

- changing online forms from .asp language to .net language
- revising forms to add or clarify questions on sources of income, property ownership and appearances before city agencies
- giving system administrators the ability to revise the forms' content
- using the system's database to maintain the list of required filers and send automatic notices about filing deadlines and
- providing the capacity to add a lobbyist registration and gift reporting system.

**Action Taken:** Revised the Electronic Disclosure System to allow system administrators to update the database, control more web content, produce administrative reports on timely and late filers, and send out email notices to required filers; and revised the online forms to clarify ambiguous questions and seek additional information on representation of private interests before city agencies.

28. Enhance public disclosure system by:

- improving the public search function to allow additional queries, word searches, and analysis of all information disclosed on the forms and

- providing online access, if not otherwise available, to information disclosed by candidates for municipal office in reports required under state law.

**Action Taken:** Improved the public search tool in the Electronic Disclosure System to enable the public to search gift, travel, and conflict of interest reports and financial disclosure filings by ten different criteria; and provided links to two web sites posting campaign contribution disclosure reports.

29. Increase the filing of city disclosure forms by developing a system for notifying employees and officials about the filing requirements for reports disclosing gifts, expense reimbursements, and conflicts of interest.

**Action Taken:** Sent reminder notice to department heads and City Council members about disclosure forms in 2008, doubling the reports filed from 27 in 2007 to 57 in 2008; posted in .pdf format at the Board website a copy of all 2008 reports not filed electronically.

30. Audit city disclosure statements to ensure the accuracy and completeness of the information disclosed; write a report and notify department heads about potential conflicts of interest disclosed in reports; and annually report to the Board on timely filers, late filers, and nonfilers.

**Action Taken:** Reported annually to Board on timely, late, and nonfilers as required by law and adopted Roll of Honor, Roll of Merit, and Roll of Delinquent Filers; reviewed all statements in 2008 to determine compliance in connection with employment of family members and their doing business with the City.

## Legislation and Lobbying

31. Research and propose amendments to strengthen the city's ethical standards and board's enforcement powers in the following areas:

- investigations and violations
- financial disclosure
- misuse or abuse of office and
- post-employment rule.

**Action Taken:** Recommended in annual report that City amend Code of Ethics to provide civil remedies for enforcing board opinions after a full and fair hearing, including the collection of fines in a civil action; researched fines levied by other jurisdiction for violations of financial disclosure laws; and supported pay-to-play legislation promoted by Common Cause of Georgia.

32. Enact a local lobbyist registration act to identify lobbyists at City Hall and require the disclosure of gifts to city agencies, officials, and employees; and develop an online registration system as part of the Electronic Filing System.