



**City of Atlanta Board of Ethics
Formal Advisory Opinion 2012-1
Potential Conflict of Interest Related to People TV Local Producer**

Opinion Summary

A local producer has a personal interest in People TV arising from her position as a paying member who regularly uses the facilities and equipment and seeks to have programs aired on public access channels. Based on that personal interest, she is disqualified from serving on the People TV Board because a potential conflict exists and recusal is not a viable option.

Question Presented

Is there a potential conflict of interest for a local television producer to serve on the People TV Board of Directors and if such a conflict exists, is she disqualified from serving?

Facts

In 1986, the Atlanta City Council adopted a resolution authorizing the Mayor to execute an agreement with People TV, Inc, a nonprofit corporation, to administer public access operations for the cable system, and has periodically authorized a renewal agreement for the non-profit corporation to manage the day-to-day operations of the public access production facilities. See, e.g., 09-R-1232 (Sept. 9, 2009). According to its bylaws, the purpose of People TV is to provide for the production of programming to be cablecast on the public access channel. It operates, manages, and promotes the public access channels within the Atlanta cable television system; establishes, maintains, and operates facilities and equipment; and educates, trains, and provides technical assistance in telecommunications and video production to individuals and non-profit groups.

The People TV Board of Directors is responsible for supervising, controlling, and directing the management of the corporation, determining policies, and supervising the disbursement of funds. To execute its responsibilities, the board has, among other things, adopted the People TV Handbook, which governs the producers and their programming, use of facilities and equipment, program content, and disciplinary actions. The members of the People TV Board who are appointed by the Mayor and City Council are subject to the Atlanta City Code of Ethics.

The People TV Handbook provides that a producer is legally and financially responsible for all aspects of production, including content, use of facilities and equipment, any and all damages, as well as the actions of his or her crew and guests. To become a producer, an individual must attend the Producer Orientation, take the Introduction to Community Television Workshop, pass a proficiency exam and complete production crew requirements. The individual must also pay a fee to use the facilities and equipment. [People TV Producer Handbook](#), Section 2, Responsibilities of a Producer (July 2008).

A local producer has previously sought advice concerning whether she could serve on the People TV Board. At that time, the Ethics Officer issued informal advice stating that it was a

conflict of interest for the local producer to serve on this board. The local producer now asks the Board of Ethics to address whether a conflict of interest exists that disqualifies her from service.

Discussion

The Code of Ethics requires city officials, including board members, to place the city's best interests above their own financial and personal interests and prohibits them from participating in decisions in which they have a financial or personal interest. A financial interest is any interest that yields a monetary or material benefit to officials or employees, an employer other than the City, and an immediate family member. A personal interest means any interest arising from relationships with immediate family or from business, partnership, or corporate associations, whether or not any financial interest is involved. See Sections 2-801, 2-813; [FAO2010-1](#), Potential Conflicts of Interest Related to the Chief Operating Officer. An individual who produces local programming for public access channels has a personal interest in People TV arising from his or her position as a paying member who uses the facilities and equipment and seeks to have programs aired on the public access channels.

Section 2-813 governs disclosure of interest, and prohibits officials and employees from participating in decisions in which they know or with reasonable investigation should know that they have a direct or indirect financial or personal interest. If they have such an interest, they should not vote, discuss, decide, participate, or seek to influence others on the matter and must disclose their interest on an online Conflict of Interest Disclosure Report. See [FAO2008-1](#), Disclosure of Conflicts of Interest.

Because the function of the People TV Board is to set the policies that regulate the local producers and manage the staff that carries out its rules and regulations, it would be a conflict of interest for a local producer to serve on the board. Recusal is not a viable option because it would be problematic for a nominee to be an individual who routinely uses the facilities and equipment under the regulations established by the same board he or she wishes to serve on. Recusal is for isolated incidents of conflicts, which is not the case under these specific facts.

Conclusion

In summary, the local producer has a potential conflict of interest based on her position as a paying member that disqualifies her from serving on the People TV Board. Recusal is not an option for her because the potential conflict would be ongoing, and not an isolated instance.

Adopted May 17, 2012.

City of Atlanta Board of Ethics

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