

**City of Atlanta Board of Ethics Retreat
Minutes of June 6, 2015**

The summer retreat of the City of Atlanta Board of Ethics was held at the Georgia Institute of Technology Office of Legal Affairs, 760 Spring Street, N.W., Suite 324, Atlanta, Georgia, 30308. Attending the retreat were Kate Wasch, Brent Adams, De'Lonn Brown, Carol Snype Crawford, Riah Greathouse, Jessica Stern and Kai Williamson. Also attending were staff members Nina R. Hickson, Jabu M. Sengova, Sherry H. Dawson and Carlos R. Santiago. Ms. Hickson facilitated the retreat.

Board Chair Kate Wasch opened the meeting by presenting the agenda which was unanimously adopted.

INTRODUCTION OF NEW BOARD MEMBERS

1. Ms. Hickson introduced the two new board members; Riah Greathouse nominated by the Gate City Bar Association, and Jessica Stern nominated by the Atlanta Bar Association.

REVIEW OF BOARD TERMS AND UPCOMING APPOINTMENTS

2. Ms. Hickson outlined the duties and responsibilities of board members; and indicated that board members were responsible for identifying replacements when their terms ended. Ms. Hickson also discussed term limits of board members; which is limited to two terms.

DISCUSSION OF "IDEAL SIZE" OF ATLANTA ETHICS OFFICE

3. Mr. Santiago presented a report based on his review of 17 ethics programs in different jurisdictions. This study was triggered by Council Member Shook's inquiry at the FY2016 budget briefing during a discussion of the scope of the city financial disclosure process. Mr. Santiago's research revealed that there is no "best practice" related to ethics offices due to variances in how jurisdictions handle their various functions. The "ideal" staffing scenario for the Atlanta Ethics office would include the addition of a full-time "annual disclosure analyst" with both investigative and IT duties. This position would act to provide leads based on audits of financial disclosure data and handle IT issues with both the e-filing system and the e-learning course by acting as a liaison between the Ethics Office and system administrators. The findings from Mr. Santiago's research will be shared with City Council. Mr. Santiago also stated that some jurisdictions require vendors to file disclosure statements; however, this would require amending the Ethics Code. Ms. Hickson advised the Board that Councilmember Adrean had suggested that the City should require vendors to file. However, Ms. Hickson stated that she would discuss this matter further with Ms. Adrean to see what prompted her suggestion prior to considering further steps.

POTENTIAL FORMAL ADVISORY OPINION TOPICS AND ISSUANCE OF GENERAL ADVISORY OPINIONS

4. Ms. Sengova facilitated a discussion on the Board's function as it relates to issuing general advisory opinions. Section 2-804 (j) of the Atlanta Ethics Code grants the Board authority to render an opinion. These opinions are often written by the Ethics Office and then approved by the Board. Because general opinions are considered to be a critical function of the Board, one of the Board's goals for FY2016 is to issue more opinions. Further, Section 2-804 (g) states that general opinions can also be issued in order to clarify the law. These general opinions serve as a useful tool due to their educational value and accessibility to the public. Ms. Crawford sought clarity on the difference between informal advice and a formal advisory opinion. Ms. Hickson responded that the main difference is that all advice may not be in writing and the Ethics Office's role to make sure that the answers to questions presented are clearly understood. Ms. Hickson further stated that she has an open door policy and encourages people to meet with her so they can understand the issues; even if they are not entitled to privacy. However, some people prefer formal advisory opinions rather than informal advice because an advisory opinion could provide an affirmative defense in some cases. Finally, Ms. Hickson stated the Ethics Office will issue a formal advisory opinion on the issue of appearance of impropriety, since appearance alone cannot be enforced under the Code.

DISCUSSION OF PROPOSED FORMAL ADVISORY OPINION INVOLVING FINANCIAL DISCLOSURE

5. Ms. Sengova reviewed and discussed proposed Formal Advisory Opinion 2015-1 on the Criteria and Process for filing of Annual Disclosure Statements. She stated that the opinion was timely due to the significant number of inquiries received from officials and employees regarding this issue which had never been formally addressed in an advisory opinion. The items which are addressed in the opinion include:
 - **The purpose of the financial disclosure statement.** Ms. Sengova stated that the opinion was written for an audience who are not all lawyers and in a simplified manner. A codified explanation as to why certain individuals have to file can be found under Section 2-814 of the Ethics Code. Ms. Sengova explained that disclosure is about the public's trust and the public should have access to review disclosure statements to make sure officials and employees are not engaging in transactions that would conflict with the City's best interests.
 - **The process for determining who is required to file.** Ms. Sengova stated that city employees and members of the public routinely inquire about the filer selection process. Under the Ethics Code, not every person is required to file a disclosure statement, which often leads to confusion. Ms. Sengova explained that certain job categories have been identified as those that might be at risk for a conflict of interest and identified by the Code.
 - **The list of required filers which changes from year to year.** The required filers list is based on job codes, job classifications, and new or existing boards that have developed or resurrected. Ms. Sengova explained that the compiling of the list is a time consuming process which involves different parties. Further, in 2012, many of the city job codes and classifications were changed due to pay in

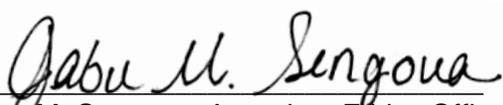
class legislation which resulted in new and existing positions being added to the category of required filers. Ms. Sengova stated that the Ethics Officer is granted authority pursuant to the Ethics Code to review job codes in order to determine whether certain positions pose a risk and should therefore be required to file.

- **Former officials and employees.** Former city officials and employees are required to file the year after they leave their position. Ms. Sengova stated that such filing would reveal any possible conflicts or post-service problems that might arise after this person leaves city service. A board member indicated that it should be included as part of the exit process that when a person leaves the City as an employee or as a board member, they are notified that they are still required to file the statement.

DISCUSSION OF BOARD CONCERNS

6. **Board meetings.** The Board indicated that it would be helpful for them to be prepared ahead of time for issues that may be discussed at the meetings and to anticipate questions which may be asked. Further, they expressed the need to ask more questions at the meetings so that the public can hear alternative sides. Likewise, they discussed the significance of open dialogue at public meetings which supports open and transparent government and strengthens the Board's public image by openly examining every issue closely.
7. **Board communication.** The Board discussed email communication between board members in preparation for upcoming meetings. However, board members should be aware that any official business put in writing becomes part of the public record and must be maintained pursuant to the Open Records Act.

Having no further business, the meeting adjourned.



Jabu M. Sengova, Associate Ethics Officer
Approved July 16, 2015.