City of Atlanta Board of Ethics
Minutes – March 24, 2005

The monthly meeting of the City of Atlanta Board of Ethics was called to order by John D. Marshall, Jr., chairperson, on Thursday, March 24, 2005, at 6:08 p.m. in City Council Committee Room 2. Attending the meeting were board members Chuck Barlow, Leah Janus, Kenyatta Mitchell, and Robert B. Remar and staff members Ginny Looney and Vickie Binns; board member Lawrence S. Levin was absent.

Mr. Marshall welcomed Ms. Mitchell to her first board meeting. The board approved the minutes from the February 17, 2005, meeting.

Under unfinished business, the board considered proposed Formal Advisory Opinion 2005-1 on police auctions. The opinion concludes that police department employees, their family members, and their representatives may not participate in police auctions that dispose of property seized because it would create an actual conflict of interest for employees involved in the seizure, maintenance, disposal, or sale of the property and the appearance of impropriety for other department employees. Mr. Remar moved for adoption of the opinion as drafted, and Mr. Barlow seconded the motion. The board approved the motion unanimously.

The board next considered proposed Formal Advisory Opinion 2005-2 on solicitations by city employees in an official capacity for employee prizes and awards. After a discussion of of sections 2-801 and 2-818 in the Code of Ordinances, Mr. Barlow moved to table consideration of the issue until the next meeting, Ms. Janus seconded the motion, and the board adopted it unanimously.

On the issue of city employees doing business with the city, Mr. Barlow announced that he was recusing himself from consideration of the issue because he had been awarded a city contract through a competitive proposal process. See attachment. The remaining board members considered four examples of employees who provided supplies or services to their department or another city agency and concluded that all four situations violate code section 2-820 (c). Mr. Remar made a motion, which Ms. Janus seconded, that Ms. Looney draft a formal advisory opinion that sets forth that city employees cannot do business with the city unless through a competitive bidding or proposal process. To assist the board in its consideration of the issue, Mr. Marshall asked Ms. Looney to seek a description from the Procurement Department about how the city handles requests for proposals.

Ms. Looney made a report on the 2005 financial disclosure process that showed 1,191 persons, or 95.7%, filed their 2005 Financial Disclosure Statement by the March 1 filing deadline. There were 22 persons who filed late, 27 persons who

have not yet filed, and 4 persons who had reasonable cause for not filing or filing late.

Ms. Looney next made recommendations on enforcement actions against required filers who had not yet filed and city employees who filed late. She recommended that the board (1) initiate enforcement actions under Rule 7 against the six non-filing current city employees and former department heads and deputy department heads; 2) initiate enforcement actions under Rule 7 against the five current city employees who filed after the March 1 filing deadline; and 3) send a warning letter to all other non-filers. This category includes four current NPU officers or board members, 12 former city employees, and five former NPU officers and board members. Mr. Remar made a motion to adopt these recommendations and to set the fines for the late filers who are current city employees as follows: $50 if filed one to five business days late; $100 if filed six to ten days late; and $250 if filed after 10 days, with a notice to these employees that if they paid half of the amount they were fined by April 15, 2005, then the Board would waive the balance of their fine. Mr. Barlow seconded the motion, and the board passed it unanimously. Considering former employee Shani Water's written appeal, Mr. Barlow moved that the board waive the late filing fee based on the facts that Ms. Waters presented. Mr. Remar seconded the motion, which the board passed unanimously.

On the proposed rule concerning the financial disclosure process, Mr. Remar moved, with a second by Mr. Barlow, to adopt the proposed Rule 7 with three changes: substitute "enforcement" for "disciplinary" in paragraph 7.1; change "five" to "ten" in paragraph 7.8; and require that "[a]ll testimony shall be under oath in paragraph 7.8." The board adopted the rule as amended.

The board scheduled its April meeting for Thursday, April 28 at 6 p.m.

Having no further business, the meeting was adjourned.

Ginny Looney
Ethics Officer