

Work Session Meeting of the Mayor and City Council held Monday, April 10, 2006, 6:00 PM, Mayor Pro Tem Tibby DeJulio presiding.

Mayor Eva Galambos was absent.

Discuss drafting a governing body Code of Ethics and/or a Code of Conduct

Mayor Pro Tem DeJulio introduced Scot Wrighton, Carl Vinson Institute of Government, who will make a presentation on defining and understanding public ethics.

Scot Wrighton, CVIOG, discussed the difference between an Ethics Ordinance and a Code of Conduct. He stated that trust describes the appropriate relationship between a local government's elected officials, other public officials, and their constituency. In addition to the ethics laws and criminal statutes applicable to municipal officials, a city may have additional ethics constraints and methods of airing ethics grievances in the city charter or in municipal ordinances. A local ethics ordinance can serve as an effective way for local residents and electors to hold municipal officials accountable at the local level.

Article 1, Section 2, Paragraph 1 of the Georgia Constitution reads as follows:

"All government, of right, originates with the people, is founded upon their will only, and is instituted solely for the good of the whole. Public officers are trustees and servants of the people and are at all times amenable to them."

These words set the tone for ethical conduct for public officials at the state and local levels. They remind public officers that they are held to a higher level of conduct and accountability. Mere honesty is not enough. Public officials as trustees must act solely in the interest of the beneficiaries (the voters, taxpayers, public at-large) of that trust. It is their welfare that must be promoted by the actions of the public official. Also, as servants of the people, public officials are reminded that they have a duty to meet the needs of the people. However, this duty is met not merely by flowing with the political winds or following the whims of the people; it is carried out by responsible and educated leadership.

An ethics ordinance must contain definitions, an enumeration of permissible and impermissible activities by elected officials, due process procedures for elected officials charged with a violation of the ordinance, and punishment provisions for elected officials who violate the ordinance. He stated that GMA recommends that cities use the model ethics ordinance of the International Municipal Lawyers Association (IMLA) as the basis for their local ordinance.

Some actions, such as trading rezoning votes for cash, are so egregious that any rational person would agree that they are ethical violations. Other situations may or may not be as clear a violation, depending on one's perspective.

There are several ethical styles such as the rule of law, utilitarian, loyalist, prudent, virtuous, intuitive, empathetic, selective, and rule of God. Each style was discussed in detail.

The principles of public service ethics are public interest, objective judgment, accountability, democratic leadership, and respectability.

There is also a Code of Conduct ordinance. Some issues addressed in this type ordinance is conduct both during and outside of public meetings as well as penalties.

Core values for Sandy Springs was discussed as follows:

Fair and honest	Objective
Integrity	Open
Inclusiveness	Common good
Responsive	Efficient
Courteous	Effective

Susan Pruett, General Counsel, Georgia Municipal Association, stated that GMA created the Certified City of Ethics program in June 1999. To earn a Certified City of Ethics designation, a city must adopt a resolution establishing the five ethics principles for the conduct of city's officials and adopt an ethics ordinance that meets minimum standards approved by the GMA Board.

The five ethics principles that are designed to guide the elected officials as individuals and as a government body are:

- Serve others, not ourselves
- Use resources with efficiency and economy
- Treat all people fairly
- Use the power of our position for the well being of our constituents
- Create an environment of honesty, openness, and integrity

Through review of city ethics ordinances the GMA Ethics Certification Committee has become aware of common shortcomings in local ordinances such as:

- Don't conflict with the Charter
- Due Process
- Penalties
- Free Speech
- Conflicts of Interest

She stated that certification of this program is not in any way approval of past or present conduct by the city of any city official. Instead it is an attempt to raise awareness about ethics issues at the local level and provide a local forum for the airing and resolution of legitimate concerns. The use of a local ethics ordinance allows citizens to raise their concerns and participate in the ethics investigation process at the local level, where the voice and influence of the individual citizen is strongest.

She is available to assist during the drafting of the ethics ordinance and provide comments if needed. She will also make available all approved ordinances.

Mayor Pro Tem DeJulio stated that a recommendation has been made to appoint a citizens committee to assist with drafting the Sandy Springs Ethics Ordinance.

After no further discussion, the work session adjourned at 8:25 PM.

Date Approved: May 2, 2006



Jeanette R. Marchiafava, City Clerk



Tibby DeJulio, Mayor Pro Tem