

**CITY OF SOUTH FULTON, GEORGIA
Board of Ethics Meeting
City of South Fulton City Hall
Monday, July 1, 2019, 6:00 PM**



**Attendees: O.V. Brantley, Chair, Board of Ethics
Dennis Francis, Member, Board of Ethics
Kenneth Joe, Sr., Member, Board of Ethics
Jill E. Pope, Member, Board of Ethics
Jewel Johnson, Member, Board of Ethics
Kalvin Bennett, Member, Board of Ethics
Charles Hodges, Member, Board of Ethics**

**Staff: Odie Donald, City Manager
Corey Adams, Sr., Deputy City Clerk
Susan J. Moore, Special Independent Counsel**

MEETING MINUTES

The meeting was called to order by Ms. Brantley at 6:00 PM.

Absent a roll call, a survey of the board members present was conducted by Ms. Brantley and a quorum was established.

A motion was made by Mr. Joe and seconded by Mr. Bennett to approve the agenda. The motion passed unanimously.

A motion was made by Mr. Francis and seconded by Mr. Joe to approve the minutes from the June 24, 2019 Board of Ethics Meeting. The motion passed unanimously.

Introduction of Staff Attorney

Ms. Brantley introduced Ms. Susan Moore as the Special Independent Counsel who has been retained by the City to advise the board regarding the current ethics complaint.

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Ethics Complaint #2019-01

Ms. Moore introduced herself and advised that she has reviewed the minutes and video tape of the Board of Ethics June 24, 2019 Meeting. Further, Ms. Moore advised that she is present to provide legal assistance and her opinion is independent and not binding on the board. The board may choose to accept or reject her opinion. Ms. Moore indicated she was prepared to address the three questions as presented by the board.

The first issue raised was whether the board was required to hold a preliminary hearing prior to dismissing any ethics complaint.

Ms. Moore concluded after in-depth review that “The more interesting question in this instance is whether section 1-50010, which was added to the ordinance after section 1-5007(c) and directs the board to promptly dismiss complaints against actions arising from court proceedings, is also impacted by section 1-5007(c). It is my opinion that it does not because it is addressed to a very specific type of complaint and does not track the language used in 1-5007(b)(2) or (c). In this way section 1-50010 is, in language and purpose, more like section 1-5007(g).”

The second issue raised by board members arose from the fact that the June 12, 2019 complaint contains two distinct charges. The question posed is whether the complaint must be considered in its entirety or can be regarded and treated as two complaints.

Ms. Moore concluded after in-depth review that “the board is in no legal danger in treating each claim within the complaint as a separate complaint in the instant case as the factual basis for each claim is independent. A more conservative course would be to treat the complaint as one whole.” Further, Ms. Moore suggested that the board lacked the authority to separate the complaints and “The board may want to consider developing proposed policies that address the board’s procedure where the ordinance is silent and submitting these to the city council or asking the city council to define the term ‘complaint’. It would promote government efficiency and economy for the ordinance to specifically allow each claim to be treated as a separate complaint or require them to be filed as separate complaints.”

The third issue raised was whether the second charge in the complaint should be dismissed pursuant to the June 11, 2019 amendment to the city’s ethics ordinance referred to as the “emergency ordinance.”

Ms. Moore concluded after in-depth review that “the complaint can be dismissed in its entirety without the necessity of a preliminary hearing based upon section 1-50010 of the city’s code of ordinances. If the board is not comfortable taking this action, the board could hold a timely preliminary hearing and decide at that time whether the complaint should be dismissed or proceed to a formal hearing.”

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Upon completion of Ms. Moore's presentation, the board deliberated regarding the ethics complaint.

Mr. Francis expressed his interpretation regarding Section 1-5007(g)(2).

Ms. Pope questioned Ms. Moore regarding her opinion whether there are other forums to address these claims. Ms. Moore confirmed that there are other actions that can be taken to remedy this claim such as a mandamus action or bar complaint.

A motion was made by Mr. Joe and seconded by Mrs. Johnson to dismiss complaint #2019-01 in its entirety based upon the advisement and clarity given by Ms. Moore.

A substitute motion was made by Mr. Francis and seconded by Mr. Hodges to sever the complaint and dismiss the first part of the complaint and separately dismiss the second part of the complaint for separate reasons. Mr. Francis withdrew his motion at the request of the chair to allow discussion regarding Mr. Joe's motion. The board deliberated further regarding Section 1-5007(g)(2).

The chair called the question on Mr. Joe's motion. The board unanimously approved the chair's motion. Subsequently, the board voted unanimously to approve Mr. Joe's motion to dismiss the complaint in its entirety.

Training Update

The board decided to meet again for the purpose of receiving training in September 2019, preferably on a Saturday. The chair will work with the City Manager to coordinate this meeting. The board will also consider formulation of policies and procedures for the board. Mr. Joe suggested that the board consider forwarding proposed changes to the ordinance to the City Council.

Public Comment

There were two speakers for public comment:
Mr. Reginald Tatum, Resident, Council District 1
Dr. Marie Robinson Metzger, State Representative, District 55

Adjournment

A motion was made by Mrs. Johnson to adjourn the meeting. The motion was seconded by Mr. Joe. The motion was approved by a unanimous vote. The meeting was adjourned at 7:10 PM.

Respectfully Submitted, Corey E. Adams, Sr., Deputy City Clerk