

# CHEROKEE BOARD OF ETHICS

## Meeting Minutes

**Date:** July 15, 2014

**Meeting Location:** Hickory Flat Community Center

**Board Members:**

Gil Howard, Chairman	Present	Debra Frieden, Vice-Chairman	Present
Julie Cullins, Director	Absent	John Seufert, Director	Absent
Phil Dodge, Director	Present	Gaylen Roberts, Director	Present
Natalie Bergeron, Director	Absent		

**Others Present:**

J. Marshall “Buzz” Wehunt, CCBoE Attorney of Record  
Laura Shoop, CCBoE Secretary

---

- **Chairman Howard called the meeting to order at 6:37 p.m.**
- **Approval of Minutes from May 7, 2014**

Member Phil Dodge made a motion to approve the minutes from the May 7, 2014 meeting, seconded by Chairman Gil Howard. Motion approved.
- **Public Hearing of Ethics Complaints**

Chairman Howard opened floor for public hearing/discussion. No issues were brought forward, and no one present had been made aware of any ethics complaints. Motion for public hearing closed.
- **Discussion: Oath for New Members**

Chairman Gil Howard asked all members who had not previously done so to take the oath for new members. The only member present who had not taken the oath was Member Gaylen Roberts. Member Gaylen Roberts took the oath, given by Attorney Wehunt.
- **Discussion: Budget Report**

Chairman Howard summarized the CCBoE budget information received from the county via Chairman “Buzz” Ahrens: the 2012 budget was adjusted down to \$1,500 from the 2011 budget of \$7,500 to reflect low expenditures from 2011, but it was not readjusted when expenditures increased in 2012 and 2013. The budget for 2015 had been increased back to \$7,500. Chairman Howard opened the floor for discussion. All present were unaware that the budget had been adjusted down to \$1,500 from \$7,500. All were fine with the new \$7,500 budget for 2015.

A question was raised as to why expenditures increased significantly from 2011 to 2012 and 2013. It was stated that a past board member had called many things into

question during that time, necessitating a significant amount of internal investigations for the CCBBoE. While positives came out of said investigations, particularly assurance that the CCBBoE was conducting itself appropriately, it did create additional costs in attorney fees. It was further noted that the main expense of the CCBBoE in the past has been attorney fees but that the purpose of the CCBBoE is to serve the public, who have the right to receive answers to their questions. The cost of attorney fees was necessary to respond to questions CCBBoE members could not answer with complete certainty. Furthermore, the law firm of Attorney Wehunt offers the CCBBoE a highly discounted rate. The CCBBoE has not previously received pushback from the county regarding the amount of funds used because the CCBBoE uses few funds compared to other county boards.

Chairman Howard asked whether there were any further questions or comments about the budget report. None stated.

▪ **Discussion: Ethics Legislation**

Attorney Wehunt gave his report on the update of the ethics legislation. Except for expanding the scope of the authority of the CCBBoE, he did not see anything that needed to be changed in the Code of Ordinances. He brought for members' review the *County Ethics Ordinances: An Analysis and Comparison*, a study done in 2007, which summarized what ethics codes from 10 counties in Georgia prohibit and how they conduct regulation. He discussed aspects of the ethics codes as follows:

- *Lobbying and Procurement*: Stipulations other counties have that the CCBBoE does not have pertain to lobbying and procurement. He did not think they needed to be addressed for the purposes of the CCBBoE but offered to investigate procurement further if desired.
- *Public Property*: He did not have any issues so far with use of public property.
- *Nepotism*: He thought the CCBBoE language was sufficiently broad to handle these issues.
- *Ethics Education*: Members agreed that ethics education was needed, although it would not need to be accomplished via legislation. Members thought it evident that the public is not as aware as they should be about the CCBBoE and its service to them. Suggestions as to ethics education included:

*Monthly Bulletin*: a preventative measure, such as an informational email explaining what constitutes a gift and what does not. Attorney Wehunt did not think it would be too time-consuming for him to take charge of it. It was suggested that Chairman Ahrens could be a good ally on this issue.

*Former County Commissioners*: doing case studies of past county commissioners and ethics issues that came up.

*Mercer Law Review*: examining what they publish regarding ethics issues (perhaps Annual Survey of Georgia Law).

*Carl Vincent*: contact someone there and work off their templates.

*Ethics Education Weekend*: Training sessions on ethics are offered every year. A question was raised regarding whether any commissioners have received certification through the Georgia association. Members did not know the answer and agreed to ask Chairman Ahrens.

In conclusion, it was determined that Attorney Wehunt would look into the best way of getting ethics education out there.

- *Authority over Employees:* Scope of the CCBBoE does not apply to employees of the boards over which the CCBBoE has authority. Attorney Wehunt was not of the opinion that this posed a problem but offered to look into it further if desired.
- *Composition of Board/Term Limits:* Cobb has four year terms with a two-term limit. The CCBBoE has a seven year term with no term limits. Attorney Wehunt did not see this issue as a pressing need but left it to the CCBBoE to discuss further. Members ranged from favoring term limits to going either way to thinking them unnecessary, but several had concerns regarding continuity as turnover rates have been high. Many CCBBoE members have not served a full term. It was stated that there were no past issues of members trying to monopolize the CCBBoE, but that if all counties have terms limits, it might be something the CCBBoE should consider.
- *Board Members Abstaining:* Some codes had legislation regarding when board members should abstain from voting and when they could be terminated. It was brought up that a potential problem with not having term limits would be greater potential for conflicts of interest. In response to a question as to whether there are measures in place for terminating members, it was stated that there is language in the CCBBoE operating procedures that members can be terminated if they fail to attend without good reason for a certain amount of time.
- *Prohibited Activities:* The Cobb code prohibited certain political activities by members of the ethics board, but Attorney Wehunt did not see a need to prohibit such activities in the CCBBoE code because of its provision to have at least two Democrats and two Republicans on the Board.
- *Limitation of Liability:* One member was told that CCBBoE members were covered under the county but had not seen it in writing. It was concluded that the CCBBoE would ask Chairman “Buzz” Ahrens to request that the county send the CCBBoE a copy of the liability information as it pertains to the CCBBoE.
- *Filing:* In Cobb, complaints have to be filed through the county clerk.
- *Compliance with Other Laws:* Fulton County had this provision, but Attorney Wehunt did not think this necessary for Cherokee County.
- *Expanding Authority:* Members discussed which agencies should be under CCBBoE authority. In response to a question regarding process, it was stated that the legislation must be submitted externally. Attorney Wehunt was tasked with determining the process and writing up a draft of legislation that is specific, not just a catch-all phrase. Another suggestion was to use both specifics and a catch-all phrase. An example for such a phrase was as follows: “Any structured board or committee (entity of two or more people) appointed by the county is subject to Board of Ethics. If it becomes privatized, it is no longer under the authority of the Board.” In response to a suggestion that the CCBBoE determine whether the Board of Commissioners would approve an expansion, it was confirmed that the Board of Commissioners is pushing for it and in fact it was Chairman Ahrens who suggested the ACCG template.

In conclusion, members agreed to simply expand authority now and address the other issues at a later date to prevent an unnecessary sweeping change in legislation.

Members also agreed that efforts should be made toward ethics education for the purposes of both preventing ethics issues by educating public officials and increasing awareness of the role of the CCBBoE for the public benefit. A suggestion was made to increase awareness by meeting at the Bluffs rather than the current rotating locations so that all meetings would be at a consistent location and at a location consistent with the meeting place of all other boards. Chairman Howard suggested moving this issue to New Business and holding a vote on it.

▪ **Discussion: Staff Compensation**

Chairman Howard suggested an increase in pay for the CCBBoE secretary from \$150/meeting to \$225/meeting, plus mileage and documented expenses, to increase retention. A suggestion was made that payment be in the form of hourly compensation, but it was stated that the secretary would have to be on the county payroll to be paid hourly. Chairman Howard publically stated his appreciation of Attorney Wehunt's firm giving the CCBBoE a highly discounted rate for their services. Member Gaylen Roberts made a motion to raise the secretary pay to \$300/meeting plus mileage at the state or county rate, whichever was higher. Member Phil Dodge seconded. Motion approved.

▪ **New Business**

All members agreed that the CCBBoE should do more to increase public awareness of its role. Suggestions included posting information online and making the CCBBoE more visible in local papers, starting with a standardized press release with photos and brief biographies of new CCBBoE members Natalie Green, Gaylen Roberts and Phil Dodge. Additional suggestions included putting the notice of meetings in the Cherokee Ledger as well as the Cherokee Tribune, creating an informational packet and emailing it to those who contact the CCBBoE to step them through the process of filing a complaint, posting the agenda for upcoming meetings on the bulletin board 10 days before the next meeting, and asking the Board of Commissioners to announce CCBBoE meetings. Secretary Shoop was asked to include Chairman Howard's office phone number on notices of meeting dates in the paper and to publish said notices in the Cherokee Ledger as well as the Tribune, create the informational packet, and write the press release.

Vice-Chairman Debra Frieden made a motion to move all meetings to the Bluffs, seconded by Member Phil Dodge seconded. Motion approved. Secretary Shoop was asked to find out the necessary steps to get the meetings moved to the new location.

Vice-Chairman Frieden made a motion to amend the motion regarding secretary pay to make the pay increase plus mileage effective immediately. Chairman Howard seconded. Motion approved.

Secretary Shoop was asked to find out when terms are up for members Phil Dodge and Gaylen Roberts.

▪ **Next Meeting:**

The 4<sup>th</sup> Quarterly Meeting will be held on Thursday, November 13, 2014, at 6:00 p.m. at the Bridgemill Community Center.

▪ **Motion to Close:**

Gil Howard considered the meeting adjourned.