

**City of Milton Board of Ethics
Work Session
Wednesday, June 18, 2008, 6:00 PM**

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AGENDA

- 1 Call to Order
2. Approval of the April 29, 2008 Work Session minutes.
3. Discussion on revisions to Chapter 6, Code of Ethics & Standards of Conduct
4. Old Business
5. New Business
6. Next Meeting Date
7. Adjourn

MEETING CALLED TO ORDER

Chair Todd Ashley:

- Called the Board of Ethics Work Session meeting to order for Wednesday, June 18, 2008 at 6:15 PM.

ROLL CALL:

Todd Ashley, Chair
Carol Lane
Clint Johnson
Howard Drobos
Kristin White

Not Present:

Joe Whitley (available via conference call)

Comments read via conference call from Holly Hampton, Joe Whitley's assistant.

Late arrival:

Carol Cookerly (6:25 pm)

City Staff:

:

Angie Davis, City Attorney
Francesca Ivie, City Clerk's Office

Chair Todd Ashley:

- Welcomed new board member Kristin White to the Ethics Board.

Kristin White:

- Introduced herself and provided a brief background.

APPROVAL OF THE MINUTES

Board Discussion about changes to the April 29, 2008 minutes and whether a vote was made. It was decided there were no votes at that meeting.

Chair Todd Ashley:

- Called for a vote to approve the April 29, 2008 meeting minutes. There was no discussion. Vote was unanimous.

Chair Todd Ashley:

- Called the next agenda item, Item III, Discussion on revisions to Chapter 6, Code of Ethics and Standards of Conduct.
- Opened floor for discussion.

City Attorney Angie Davis:

- Provided Board Members the latest version of the Ordinance.
- Received the Board's emailed comments.
- Emailed everyone a copy and provided hardcopies at meeting.
- Some members had some issues to be discussed before incorporating.

Clint Johnson:

- Question on page 15 (f) and (g).
- Quorum regarding number of members 4 or 5.
- Discussion about (g) says 6 members.

City Attorney Angie Davis:

- Four members should probably be a quorum.
- Some jurisdictions state a super-majority for complaints.
- For (g) you may want to say a super-majority.

Carol Cookerly:

- Quorum is just that, a quorum.
- Did not believe it was necessary that every board member should have to be present.

Carol Lane:

- Best for complaints to have all members present.

Lengthy Board Discussion about number of members that need to be present if some are members absent, members being recused, etc.

City Attorney Angie Davis:

- May want a separate provision for recusals.
- Perhaps an interim appointment.
- Could delete (g) completely.

Chair Todd Ashley:

- Stated (f) needed to be changed to 4.
- Okay with deleting (g) altogether.
- Always going to be cases where you cannot be present.

Clint Johnson:

- If important a mandatory meeting can be called for handling complaints.

City Attorney Angie Davis:

- Stated if 5 becomes 4, then 6 should become 5.
- That would constitute a super-majority.
- Took a vote on the issue of number of board members.

Chair Todd Ashley:

- Polled board on eliminating paragraph (g) on page 15.
- It was unanimously to strike (g).

Clint Johnson:

- Page 18, (g) regarding Board of Ethics being authorized to swear witnesses.
- Thought should be able to subpoena witnesses if they are needed.

Chair Todd Ashley:

- Eliminated that portion when they divested themselves of investigatory responsibilities.
- Party filing complaint has duty to bring board the facts, evidence and witnesses to prove the complaint.
- Same applies to the Respondent.

City Attorney Angie Davis:

- Could make subpoenas available to the parties but not initiate them.
- Investigation powers have been removed as Board not an investigative authority.

Discussion about issuing subpoenas.

City Attorney Angie Davis:

- Add language to Section 12 (d), page 18, where it says *Board of Ethics is authorized to swear witnesses, and issue subpoenas when requested by the parties to the complaint.*

Chair Todd Ashley:

- Better language may be *Board of Ethics is authorized to administer oaths, and issue subpoenas when requested by the parties to the complaint*

City Attorney Angie Davis:

- Revisit whether Board can initiate a complaint or not.
- Page 16, Section Twelve, Complaints.
- Believed it would be a conflict of interest if Board can sit and hear it if they brought the complaint and then hear it as well.

Clint Johnson:

- Page 6, Article Three, Section Five, *Expose corruption wherever discovered.*
- Said Board members are city officials.
- Could say as individuals a complaint could be brought by a board member.

Chair Todd Ashley:

- Could not vote if you brought complaint forward.

Clint Johnson:

- If all board of ethics members were aware of the corruption and had to be recused.

City Attorney Angie Davis:

- Have to considered appointment of a special city board.
- Deal with it on an individual basis if and when that occurred.
- Board needs to be either an investigative body or neutral body.
- Make the rules and hear complaints about violations.
- Did not see ethics board acting in any other capacity.

Howard Drobos:

- Pages 4, 6, Article Three and Article Two.
- Page 4 states *any person in city service.*
- Thought it should be changed to *any employee.*
- Thought on page 6 refers to city officials.
- Believed if not changed would present a duplication.
- Perhaps should say *employees and contractors.*

City Attorney Angie Davis:

- Stated this was the way state law breaks it down.
- Said very close to the same obligations.
- Did not think they conflict.
- Department directors have a little more because they have decision-making or fiduciary responsibility.

Further board discussion about these articles.

City Attorney Angie Davis:

- Is a state model and Board had to decide whether to follow it or do something entirely differently.
- If doing something differently, would remove the adoption of Statute 45-10-1.

Clint Johnson:

- Regarding duplication, could leave Article Two alone.
- Article Three remove all duplications that say *in addition to those requirements in Article Two*.

City Attorney Angie Davis:

- Said consistency is required.
- There is no conflict.
- Sets out the general obligations.
- If you have additional authority i.e., city official, then there would be specified additional obligations.

Call from Joe Whitley's assistant, Holly Hampton (6:30 pm).

Holly Hampton:

- Stated Joe Whitley had a meeting to go to and she had his changes, suggestions and comments to read to the Board.
- Said Joe was very pleased with the document as a whole and just had a few minor edits.

Chair Todd Ashley:

- Explained to Ms. Hampton the comments were being recorded.

Holly Hampton:

- Commencing reviewing document with Board.
- First page, okay.
- Page two, first Whereas paragraph, second sentence, delete word "to" in front of word "impede."
- Page two, second Whereas paragraph, add word "interests" after word "economic."
- Page 3, (A), change lower case *city council* to initial caps *City Council*.
- Page 3, (I), change lower case *city* to *City* and *city of Milton* to *City of Milton*.
- Page 4, Section One, in place of *country*, put *the United States of America*.

City Attorney Angie Davis:

- Stated that is how the state version was written, but we will discuss if we want to change some of the wording.

Holly Hampton:

- Page 8, item (5), Mr. Whitley inquired about the language at the end *or his/her equivalent*.

City Attorney Angie Davis:

- Due to a change in the City Attorney position being filled as an interim City Manager.

Holly Hampton:

- Page 10 (1) had the same question about *his/her equivalent*.
- This has been resolved as explained in item (5) above.
- Section Thirteen. Disclosure of Interest, second paragraph, after *such proposed legislation or action shall*, Mr. Whitley would like the word *immediately* inserted after *shall*.
- Page 13, Section Two. Qualifications of Members of the Board of Ethics. Mr. Whitley wanted to know why (C) was in the document.

Chair Todd Ashley:

- Said that was supposed to be removed.
- Will be taken out.

Holly Hampton:

- On same page 13, Section Three Appointment Procedures, (C), Mr. Whitley was inquiring as to the use of the way *ratify*.

City Attorney Angie Davis:

- Explained that each councilperson gets to appoint his or her own person.
- That appointment is theirs to make.
- Did not want to use the word *approve*, as that denotes the others could disagree as to their appointment.
- Full council has to ratify.
- When vacancies came up there were questions about how to fill the positions.
- Can look at this some more and clear it up, but each councilperson had the right to appoint and the council as a whole shall ratify that appointment.

Holly Hampton:

- Page 15, Section (G), Mr. Whitley had a question about *affirmative vote*.

Chair Todd Ashley:

- Stated (G) was deleted.
- Also stated that (F) was being changed from *five members* to *four members*.
- Page 16, Section Ten, Limitation of Liability, Mr. Whitley wanted to know if this was contained in other ordinances.

City Attorney Angie Davis:

- Stated this paragraph was in the old ordinance and no member indicated they wanted to remove, so left it as it was.

Holly Hampton:

- Page 17, Section (D), stated in the previous (C) there is language that says *30 days unless such time for reply is extended by the Board of Ethics*. Stated Mr. Whitley would like that language also put into (D), not to include *upon good cause shown*.

Chair Todd Ashley:

- Stated they would add that to their discussion.

Holly Hampton:

- Page 18, (F), last sentence, Mr. Whitley was wondering what the word *merits* meant.

City Attorney Angie Davis:

- Explained that the Board would rule substantively on the complaint itself, as opposed to a technicality.

Holly Hampton:

- Page 18, (H), last sentence, *if clear and convincing evidence shows*, Mr. Whitley would like to put in the legal definition of *clear and convincing evidence* if that is a legal definition or legal terminology.

Chair Todd Ashley:

- Derived from the law, but not aware of it being defined anywhere.

City Attorney Angie Davis:

- Stated it was a common evidentiary standard.

Discussion about differences clear and convincing versus a preponderance of the evidence.

City Attorney Angie Davis:

- Stated they would take a look at that standard.

Chair Todd Ashley:

- Also wanted to point out that on page 18, (G), the last two words, *swear witnesses* is going to be changed to *administer oaths* and then add after *administer oaths and issue subpoenas when requested by the parties*.

Holly Hampton:

- Page 19, Section Fourteen. Judicial Review, (A), initial cap *Superior Court*.
- Page 20, Section Eighteen. Wrongful Use of the Ethics Ordinance, (B), Mr. Whitley preferred using *shall* instead of *may also consider*. Also after *may also consider*, would like to add *including, but not limited to the following*:
- That was all the comments and overall Mr. Whitley thought it looked very good.
- If any questions, please call her and she will relay the messages.
- Gave her cell phone 781-910-5644 or work 202-331-3137.

Carol Cookerly:

- Question about term of service and reelection.

Discussion about Terms of Service.

Carol Cookerly:

- Had to leave the meeting early due to a prior commitment.

Chair Todd Ashley:

- Stated for the record Ms. Cookerly left the meeting at 7:05 pm.
- Advised the Board he would start moving along expeditiously.

Howard Drobos:

- Page 10, (3). Discussion about City Official and Elected Official.
- Concerned that he as a CPA could not work on a friend's finances as a City Official.
- Discussion about Page 10, Section Ten and how it might apply to HOAs.

City Attorney Angie Davis:

- Took out a lot of the regulations.
- Would have to deal with them from a conflict of interest standpoint.
- Could make an exception for HOAs.
- Have to be careful not to be in situations for misuse of authority.
- Can appear on behalf of yourself, you spouse or your children.

Lengthy Board Discussion about possible conflict of interest situations as City Officials.

City Attorney Angie Davis:

- Need to define what the Board wants.
- Asked if Board wants to be able to speak on behalf of groups.

Chair Todd Ashley:

- If start limited too much could get into prior constraint problems.

City Attorney Angie Davis:

- Stated she believed it was fine the way it is.

Chair Todd Ashley:

- Polled board members to determine if everyone was okay with the way Section Ten was written.
- Everyone agreed.

Howard Drobos:

- Questions on page 11, (B) (2) and (9).
- The \$101.00 figure seemed odd to him.

Clint Johnson:

- Explained the definition of \$101.00 meant in excess of \$100.00.

City Attorney Angie Davis:

- Explained Section Twelve, Solicitation or Acceptance of Gifts.
- If someone who is coming before the Board with a complaint tries to give you a \$200.00 gift certificate that would be a problem.
- If you as a CPA speaking at an accountant's group and awards you a gift in your individual CPA capacity, then that would not apply if not for the City.

City Attorney Angie Davis:

- Stated Ms. Lane had caught some references on the first page, bold faced text in the opening that referred to *The Ethics Committee* that needs to be removed and also the same thing on page 2, last Whereas, *The Ethics Committee* needs to also be removed.

Carol Lane:

- Page 5, Section Six, *Make no private promises*. Did not know meaning of that.

City Attorney Angie Davis:

- Explained you cannot for example say, *I am going to promise that I will get your permit issued* because you cannot make promises due to the governmental process, you may not have that authority, or it may require a vote of the Council, etc.
- Need to avoid the connotation that something was a *secret deal*.

Carol Lane:

- Page 9, Section 9, stated there was a conflict between Section Nine (B) and (2).
- Thought Nine (b) should be deleted because of a conflict.

City Attorney Angie Davis:

- Stated would not delete all of (B).
- After the semicolon in the first provision in (B) *or use a government position to influence.....* Thought that did conflict with what the Board was trying to achieve.
- (2) was revised pretty extensively to say an elected official could use their official capacity to participate in an election or for candidates.
- Though (B) language went back to the old ordinance and is conflicting.
- To make consistent, leave the first part of (B) that stated *cannot use government time or equipment to aid a political candidate, party or cause*. Then delete the last phrase and pick back up with the last sentence that starts with *No Employee shall be hired, promoted... .*

Carol Lane:

- Page 14, Section Five (D).
- Thought *Hearing Officer* should be changed.
- Atlanta's Hearing Officer can investigate and we are trying to avoid that in Milton.
- City Attorneys do not investigate complaints.
- Trying to get away from a gatekeeper.

City Attorney Angie Davis:

- Can put in a definition for *Hearing Officer*.

Chair Todd Ashley:

- Could say *Hearing Administrator* whose duties shall be limited to conducting said hearing as directed by majority vote of the Board of Ethics.

City Attorney Angie Davis:

- Noted the suggested change and definitions.

Chair Todd Ashley:

- Hearing the consensus is the City Attorney shall not have investigative authority, but act in a legal managerial capacity.

Carol Lane:

- Page 17, (A).
- Stated when a complaint came in the City Clerk would review it to make sure the "i's" were dotted and the "t's" were crossed.
- That it is dated and sworn to.
- If it did not contain the proper requirements, she would send it back and notify the person making the complaint that it needed to be changed and if it was not corrected, then that was a done deal.

Clint Johnson:

- Asked Ms. Lane if she was concern was with the *immediately delivered* part.

Carol Lane:

- She said she was and also the 60 day waiting period.
- Stated she realized the City Clerk was not the interpreter of the ordinance.
- There has to be guidelines though in filing a complaint.
- Could come up with a checklist form.

Chair Todd Ashley:

- Stated intent of that section was to technically allow the City Clerk to look at a document and say okay, it is styled "Ethics Complaint," it contains an affirmation and a notary on the bottom and then she sends it out.

Carol Lane:

- Depends on how you define technicality.
- Was it filled out correctly?
- Then it would go back to the Clerk and send it back out.

City Attorney Angie Davis:

- Stated to think about the email from Councilmember Thurman where she said this is not a complaint.
- Asked the Board if they would have been comfortable to then throw that into the trash and say, sorry that did not constitute a complaint.
- You do not want to create a new gatekeeper.

Chair Todd Ashley:

- Perhaps the responsibility should fall on the Chair to examine the sufficiency not the substance.
- The Chair or whoever would be designated by the Chair, like the Vice Chair.
- Whatever comes in that might be considered a form of a complaint, the City Clerk would call the Chair or Chair designee and ask what to do with it.

Clint Johnson:

- Do not want to put that responsibility on to the City Clerk.

City Attorney Angie Davis:

- Too many politically charged issues that could occur.
- Do not want one person deciding what gets kicked out.

Board had discussion about use of a checklist form. All of them liked the idea of a form checklist.

Howard Drobos:

- Process should be a complaint comes in.
- Required items are checked off.
- Copies are made and sent to the Board.
- If items are missing, the complainant gets notified of missing items.
- Complaint is sent back to complainant giving a specific number of days within which they can re-file.

- Then Clerk notifies Chair that the complaint came in and was insufficient for the listed reasons and was sent back to the complainant.

Clint Johnson:

- Did not feel comfortable putting that responsibility on the City Clerk.

Chair Todd Ashley:

- Stated language suggested by Ms. Lane reads as follows with respect to paragraph A of Section Twelve.
- Read portion of paragraph (A): *Any person may file a complaint alleging a violation of any of the provisions of this Ordinance by submitting it to the City Clerk.*
- Could add the following language after that sentence: *If the City Clerk upon initial review and prior to transmitting the complaint to the Ethics Board determines that the complaint on its face does not meet the form of the complaint required in this Ordinance, the Clerk shall notify the complainant in writing of the defect and the complaint shall be dismissed without prejudice if the defect is not corrected with five business days of the complainant receiving notice of said defects.*

Carol Lane:

- Stated once the complaint is sent out to the Ethics Board, then it is out there that there is a complaint.
- Need to try to stop it right there instead of waiting 60 days and then say, well it was not signed by the complainant.

Chair Todd Ashley:

- Asked Board members how they felt about the language.

Clint Johnson:

- Did not like the word *dismiss*, because that is not the duty of the City Clerk.

City Attorney Angie Davis:

- Have created a new gatekeeper.

Kristin White:

- If you want to keep that language, perhaps add something like whether it is deemed valid and make everything referred to the Chair or designee.

Chair Todd Ashley:

- He would look at it to make sure it is styled "Ethics Complaint," does it site the code section, does it contain an oath, and is it notarized.
- If it meets those 4 criteria, then it would be a technically sufficient filing.

Howard Drobos:

- Read (E) from same paragraph about a complaint being technically deficient.

Board decided to possible remove subparagraph (E), but left it for discussion.

Carol Lane:

- Stated that in subparagraph (D), it should be 30 days instead of 60 days.
- Also thought it should read, *Within 30 days of receipt of a complaint, the Board of Ethics shall convene a meeting to conduct an initial review with the Complainant and the Respondent.* And then the rest would be deleted.

City Attorney Angie Davis:

- Believed they should delete (D) as well.

Chair Todd Ashley:

- Preferred to eliminate a bifurcated process.
- Determine whether a complaint contains the basic 4 fundamental
- The Board is no longer an investigative body, but a hearing body.
- Thought subparagraph (E) should also be eliminated in its entirety.

City Attorney Angie Davis:

- Told Ms. Lane one of her concerns was expense and time put upon parties for frivolous complaints.
- Stated the complaint could meet the 4 elements and still be completely frivolous.
- If meeting of the members is called, then it is basically a hearing.
- If you review the complaint and say it is determined that the facts will never be a complaint, that can be done without the necessity of the parties being present.
- You have to be careful in whittling it down to one person making the call based on 4 criteria.

Clint Johnson:

- The City Clerk should not be the one making that call.
- She would be violating the basic tenant of government.

- All correspondence to any official body must be delivered to the official body.

City Attorney Angie Davis:

- Stated she did not like the City Clerk having all that authority.
- She should just log it in.

Chair Todd Ashley:

- Need to add other criteria.
- It has to have a factual basis alleging.
- He said if it did not meet the criteria he would send it back saying they had 5 business days to meet the 5 objectives and re-file.

Continued Board Discussion with City Attorney about Processing of Complaints and whether they need to meet to decide if frivolous.

Carol Lane:

- Concerns about it getting to press before it is evaluated.
- Do not want to wait 60 days to make a decision.

City Attorney Angie Davis:

- It is public as soon as it comes in.

Chair Todd Ashley:

- Just need to create a WORD document and have all 5 items included.
- Have the City Clerk check them off.
- Include 3 lines at bottom stating the above has been reviewed by the Chair, Vice Chair or the designee of the Ethics Board.
- Acknowledge the City Clerk has looked at it and is receipt of it.
- It meets the 5 basic filing criteria, sign off on it and then distribute it.
- If does meet the criteria, it is sent back with a specified time period to get back to Board.
- Five business days to correct any technical deficiencies and no action will be taken unless and until they are cured.

Carol Lane:

- There are other cities that use forms.
- They list the instructions on the forms.
- She could draft it and it does not have to be costly.
- It will make it more consistent with specifying the rules.

City Attorney Angie Davis:

- Wanted clarification on whether it would go to the Chair or the Clerk.
- It will come in directly to the Clerk, but then does it then go to the Chair?

Chair Todd Ashley:

- Clerk would notify the Chair that the Clerk's Office is in receipt of a complaint and you must appear at City Hall to review the technical sufficiency.

Clint Johnson:

- The Clerk would be the gatekeeper to make sure that the form is filled out properly.

Chair Todd Ashley:

- Suggested that the City Attorney draft some language to take the burden off of the City Clerk from engaging in the review and dismissal or communicating with the complainant and add some language about it being the responsibility of the Chair, designee or successor.
- This would be solely to determine the technical sufficiency of the complaint.
- Shall be styled an Ethics Complaint, shall cite a code section within the ordinance alleged to have been violated, shall provide a summary of the facts believed to support said violation, shall be signed and sworn to by the complainant containing the requisite oath, and shall be notarized.
- If it meets all this criteria, it will be sent on to the rest of the Board to be voted on.
- Whether it is politically motivated, frivolous or has any merits or substantiated or proven by whatever standard will be for the Board to decide.

Clint Johnson:

- Could define the Vice Chairman's duties as filling in for the Chair in his absence and it would then be automatic.

Chair Todd Ashley:

- Asked the City Attorney if this provided some closure.

City Attorney Angie Davis:

- Will not be any screening when it comes it about whether frivolous or not, just the technical issues.

Discussion on whether Board needs to hold a separate meeting to decide whether a complaint is frivolous or not.

Chair Todd Ashley:

- Want to try and avoid having many hearings on the same complaint.

City Attorney Angie Davis:

- If it meets the technical requirements then they are getting a hearing.

Carol Lane:

- Both parties can come to the hearing with their supporting documents.

Howard Drobos:

- There needs to be two meetings.
- The first hearing to review the complaint to see if it has merit to go forward with a hearing.
- The second hearing with the complainant and we decide yes or no.
- If yes, the respondent gets notified and he or she would then have 30 days to respond before the hearing.

Lengthy Board Discussion on how many meetings are necessary and how to proceed.

City Attorney Angie Davis:

- One of the Board's biggest issues was the time and expense.

Chair Todd Ashley:

- A quorum would have to always be present to conduct any business.
- So the Board is saying they want some type of screening function to determine if the complaint was sufficient to sustain a violation.
- A bifurcated process?

Clint Johnson:

- Have a board meeting to decide on whether to go forward or dismiss at that point.
- If you dismissed, nobody had to hire a lawyer.

Chair Todd Ashley:

- The Board would decide amongst themselves not including any parties.

City Attorney Angie Davis:

- Many communities have a process of harassment.
- They know they will never win the case, but the lawsuit if filed for just harassment.

Chair Todd Ashley:

- Time period involved in getting the Board members together for reviewing the complaint.

Kristin White:

- For a quorum only 4 people would have to be present.

Carol Lane:

- Asked if it would have to be publicized.

Chair Todd Ashley:

- Stated it would as it would be a work session.

City Attorney Angie Davis:

- Have to weigh the evidence and it needs to fit the letter of the law or it gets dismissed.
- If a violation is determined, then a hearing has to be held.

Carol Lane:

- The ordinance states a person who is filed against has 30 days to respond with their evidence.

City Attorney Angie Davis:

- Still would want the respondent an opportunity to respond.
- There may be an obvious misrepresentation of the facts alleged in the complaint.
- It is a 3-tier process: Complaint comes in to the Clerk, it is sent to the Chair or his or her designee, in 5 days the Chair has to decide if technically sufficient according to the checklist form.
- If you check yes, then it then goes to a meeting of the Board of Ethics to determine the facts as alleged could constitute a violation of the ordinance.
- The facts are proven true for a violation of the ordinance, then a hearing is scheduled within 30 days and the parties come with their lawyers, evidence, witnesses and subpoenas.
- If determined not technically valid, then it gets sent back stating the technical deficiencies stating if do not respond in 5 days, no action will be taken.

Carol Lane:

- When deciding whether complain is frivolous, believed you need to also hear from the accused.
- Need enough time to get their case together.

City Attorney Angie Davis:

- Stated there were many ways to do this.
- Another way would be to get in a complaint and have a hearing every time.
- Have to decide if your interest is trying to protect employees and officials from expense and time and abuse.

Todd Ashley:

- Longer it drags on, then the press will be called and then it is out there.

Clint Johnson:

- Said if they are doing it for just harassment, the first thing they would do would be call The Milton Herald.

Chair Todd Ashley:

- Stated for the record that it was now 8:10 pm.
- Polled the Board on whether they wanted to take a month to decide or finish it now or at the next meeting.
- It appears that Kristin, Clint and Howard would be in favor of the bifurcated process.
- As soon as we do that it has to be published and someone will be done from the press taking down the Board's deliberation on the sufficiency.

Board decided to think about some of the issues being discussed tonight and decide at their next meeting.

Carol Lane:

- Want people to file only if there is a valid reason.
- Limit the time and expense of going through a frivolous action.

Todd Ashley:

- Stated he still liked "loser pays all."

City Attorney Angie Davis:

- Did not like the notion of Board imposing a financial penalty.
- The body is an administrative body and not a court.
- Do not believe the Board would be able to do this and could not reduce the penalty to a form of an order and issue a lien.

Todd Ashley:

- Asked Board if they wanted to table the process of the complaint and consider at next meeting.
- Board stated in the affirmative.

Motion and Vote Clint Johnson made a motion to table the process of how complaints are filed and processed and will be considered at the next meeting. Seconded by Howard Drobos. Vote: 5-0. Motion unanimously carried.

City Attorney Angie Davis:

- Stated she would make all of the changes up to the point being tabled.
- Will put it in a redlined document and sent out to the Board.
- Asked if they want her to draft any tabled language.

Kristin White:

- Perhaps the City Attorney could draft something and the Board can provide their suggestions and have the documents to compare and discuss at next meeting.

Chair Todd Ashley:

- Whether enforceable or not, could we add a line at the end of the affirmative that would say *may include reasonable and customary attorney's fees associated with the defense of said complaint.*

Carol Lane:

- Asked City Attorney if she wanted any additional input from the Board.

City Attorney Angie Davis:

- Any draft forms that they may want to send to her would be great.

Chair Todd Ashley:

- Asked if any other questions or comments regarding Chapter 6, Code of Ethics.
- Called Agenda Item IV, Old Business.
- There was no old business.
- Called Agenda Item V, New Business.
- Welcome Ms. White.
- Called Agenda Item VI, Next Meeting Date.

Carol Lane:

- Requested a Monday or a Friday so Mr. Whitley could attend.

Kristen White:

- Address is 595 Glen National Drive, Milton, GA.

Board discussion about possible meeting dates for next meeting.

Chair Todd Ashley:

- Asked about Monday, July 21, 2008.
- So Board agrees on Monday, July 21, 2008 at 6:00 pm, Suite 107-G, Milton City Hall.

City Attorney Angie Davis:

- Stated to send her any proposed changes.
- Had some really clean changes and will work on the one section.

ADJOURNMENT:

Motion and Second: Howard Drobos made a motion to adjourn. Seconded by Carol Lane. There was no discussion. Vote: 5-0. Motion unanimously carried.

After no further business, the meeting adjourned at 8:07 pm.

Date Approved: _____

Francesca Ivie
City Clerk's office

Todd Ashley, Chairman
Board of Ethics

City Attorney Angie Davis:

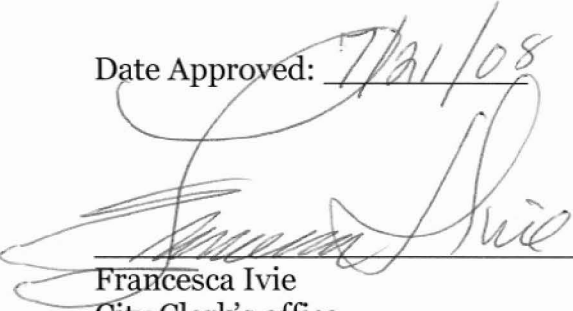
- Stated to send her any proposed changes.
- Had some really clean changes and will work on the one section.

ADJOURNMENT:

Motion and Second: Howard Drobos made a motion to adjourn. Seconded by Carol Lane. There was no discussion. Vote: 5-0. Motion unanimously carried.

After no further business, the meeting adjourned at 8:07 pm.

Date Approved: 7/21/08



Francesca Ivie
City Clerk's office



Todd Ashley, Chairman
Board of Ethics