

CHEROKEE BOARD OF ETHICS
Meeting Minutes

Date: January 29, 2015

Meeting Location: Cherokee County Conference Center at The Bluffs; Business Center

Board Members:

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

Others Present:

Honorable Senator Brandon Beach
"Buzz" Ahrens, Chairman of Cherokee County Board of Commissioners
J. Marshall "Buzz" Wehunt, CCBoE Attorney of Record
Laura Shoop, CCBoE Secretary
Jessicah Peters, Reporter for Cherokee Tribune
Guests

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- **Chairman Howard called the meeting to order at 6:15 p.m.**

- **Presentation of Proposed Ethics Legislation**

Attorney "Buzz" Wehunt introduced and passed out copies of the proposed amendment to the current ethics legislation, including an explanation of the goal of the Cherokee County Board of Ethics and the reason for the current amendment. The proposed amendment retained the language from the original ethics legislation enacted in 1991 but added more entities to the jurisdiction of the CCBoE as well as a section to address liability of CCBoE members. Attorney Wehunt opened the floor to Senator Beach for comment.

Senator Beach offered to take the proposed legislation to the local delegation and affirmed the importance of ethics boards in local politics. A question was raised as to whether the legislation could be passed in 2015. Senator Beach affirmed that it could as long as the CCBoE presented him with the final draft before "Crossover day" (day 30).

Chairman "Buzz" Ahrens stated that the CCBoE should have approval from the Board of Commissioners before presenting the amendment to the legislature. He proposed that the CCBoE present the draft of the amendment to the Board of Commissioners for approval in its upcoming Tuesday meeting and offered to amend the Tuesday agenda to allow for said presentation. Chairman Howard clarified that the CCBoE wanted and needed approval from the Board of Commissioners and did not intend to leave it out of the process.

Attorney Wehunt stated that he would get a draft of the amendment to Chairman Ahrens by Monday in advance of the Tuesday meeting of the Board of Commissioners and would get an approved draft to Senator Beach by the following Friday.

Secretary Shoop was instructed to put the current draft of the motion in the minutes as an exhibit.

Chairman Howard made a motion as stated by Attorney Wehunt: to take the proposed amendment, have it sent to the chairman to amend their agenda for Tuesday night's meeting so we can coordinate back and forth, and get something to Senator Beach by next Friday. Member Natalie Green seconded.

Discussion followed as to whether the CCBBoE could have authority over state entities. It was determined that the Lake Allatoona Preservation Authority fell under the authority of the state ethics board. Attorney Wehunt and Senator Beach agreed that it needed to be removed from the list of entities that fall under CCBBoE jurisdiction.

A question was raised regarding whether the amendment could be worded such that the ethics legislation would not have to be amended every time a new board was created in the county. It was stated that while the CCBBoE wanted the public to know exactly where its jurisdiction lies, it also wanted to include all subsequently created boards that fall under Cherokee County authority. Chairman Ahrens pointed out that the language from the Cobb County Board of Ethics legislation contained a brief catch-all phrase for subsequently related boards that the CCBBoE could copy.

Chairman Howard made a motion, seconded by Member Green, to amend the amendment as stated by Attorney Wehunt: to remove the Lake Allatoona Authority and add the language from the Cobb County Board of Ethics suggested by Chairman Ahrens. Further discussion ended with a consensus to keep the current language listing specific boards that fall under the purview of the CCBBoE as well as add the inclusive language for subsequently related boards. Motion passed unanimously. Chairman Howard expressed appreciation to Senator Beach and Chairman Ahrens for attending.

▪ **Approval of Minutes from November 13, 2014**

Member Julie Cullins made a motion to accept the minutes as presented, seconded by Member Phil Dodge. Motion passed unanimously.

▪ **Motion on Legislation**

Attorney Wehunt raised a point of clarification as to whether we had a motion on the approval of accepting the limitation of liability policy as an addition to our current legislation. Member Gaylen Roberts made a motion to approve the amendment to the legislation contained in the memo presented by Attorney Wehunt, seconded by Member Cullins. 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: Location Change – Security Procedures**

Member Julie Cullins reported that she emailed Chairman Ahrens regarding the issue of unlocking the doors at The Bluffs during CCBoE meetings. He forwarded the email to Matt Williams, who said he would make sure the door was open for meetings. Member Cullins said that she would email him one week before the meetings to request that he unlock the door.

▪ **Discussion: Ethics Education**

Member Gaylen Roberts reported that the CCBoE has a meeting listing on the Cherokee County website with links to further information. A question was raised as to whether an agenda should be published every meeting when most items relate to internal issues. After discussion, no members saw a problem with posting agendas for every meeting.

▪ **Discussion: Liability Information**

Attorney Wehunt reported that the liability issue was specifically covered in the proposed amendment to the ethics legislation.

▪ **Discussion: County Email Addresses**

Member John Seufert reported that CCBoE members can have county email addresses, but he was unaware of the steps to procure said email addresses. He volunteered to obtain this information and email it to Secretary Shoop to forward to the Board.

▪ **Discussion: Election of New Officers for 2015**

Chairman Gil Howard nominated Member Cullins for chairman on behalf of Vice Chairman Frieden. Member Seufert seconded. Motion passed unanimously.

Member Cullins nominated Vice-Chairman Frieden to continue in her current role as Vice-Chairman. Member Dodge seconded. Motion passed unanimously.

▪ **New Business**

Chairman Howard opened floor for public hearing/discussion. Guest Col. Larry Mrozinski asked the CCBoE if it would consider expanding jurisdiction to the Board of Elections. He felt that the Board of Elections should fall under CCBoE purview despite the fact that members were not appointed by the Board of Commissioners because its members are paid with Cherokee County funds. Attorney Wehunt did not see any reason why it could not be under CCBoE jurisdiction and offered to amend the proposed ethics legislation to include the Board of Elections.

Discussion followed regarding whether the Board of Elections should come under CCBoE purview simply because members are paid by county. Issues discussed included the following:

- Expansion to school board: it was determined that expansion of CCBoE jurisdiction to include Board of Elections members would not necessitate expansion to members of the school board due to the definition of “officials” as stated in the proposed amendment to the ethics legislation.

- Accountability: it was clarified by Mrozinski that Board of Elections officials are paid by Cherokee County but are not audited.
- Potential problems: concerns were shared that candidates may take advantage of the CCBoE to air grievances with the Board of Elections or members may face an ethical dilemma should they choose to openly campaign for a candidate.
- Consistency: concerns were raised that if one board is subject to CCBoE jurisdiction because it receives county funds, the case could be made that all county employees should be.

Chairman Howard suggested tabling the issue of whether to add the Board of Elections for now, go forward with the proposed legislation as is, and look into the issue at the next meeting. Member Seufert made a motion to table the issue regarding the Board of Elections to the next meeting. Member Cullins seconded. Motion carried unanimously.

▪ **Next Meeting:**

The 2nd Quarterly Meeting of 2015 will be held on Thursday, April 23, 2015, at 6:00 p.m. at the Cherokee County Conference Center at The Bluffs.

▪ **Motion to Close:**

Member Roberts thanked Chairman Howard for his service. Member Cullins made a motion to adjourn. Motion seconded by Member Green. Motion carried unanimously.

**STATE OF GEORGIA
COUNTY OF CHEROKEE**

AN ACT

To amend the Act creating the Board of Ethics of Cherokee County; to provide for the powers, duties, and scope of authority of said Board of Ethics; to provide for the provision of an issuance of a limitation of liability; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

Georgia Laws, 1991, Pg. 410 et. seq., Extraordinary Session is hereby amended as follows:

1.

By amending Section 2.(14) so it shall read as follows:

“Public official” means the chairman and every member of the board of commissioners of Cherokee County; the county manager of Cherokee County; the chairman and every member of the Cherokee County Water and Sewerage Authority; the chairman and every member of the Cherokee County Airport Authority; the chairman and every member of the Cherokee County Development Authority; the chairman and every member of the Cherokee County Animal Control Advisory Board; the chairman and every member of the Cherokee County Board of Health; the chairman and every member of the Cherokee County Board of Tax Assessors; the chairman and every member of the Cherokee County Board of Tax Equalization; the chairman and every member of the Cherokee County Cemetery Preservation Committee; the chairman and every member of the Cherokee County Board of Family and Children Services; the chairman and every member of the Cherokee County Recreation and Parks Advisory Board; the chairman and every member of the Cherokee County Construction Board of Appeals; the chairman and every member of the Cherokee County Fire Code Appeals Board; the chairman and every member of the Cherokee County Impact Fee Appeals Board; the chairman and every member of the Cherokee County Lake Allatoona Preservation Authority; the chairman and every member of the Cherokee County Planning Commission; the chairman and every member of the Cherokee County Region 1 Ems Advisory Board; and the chairman and every member of the Cherokee County Zoning Board of Appeals.

Official means any member of a board or authority appointed by the board of commissioners, the county manager or any other appointed officer or official of the county. For the purposes of this ordinance, the term shall not apply to any other county elected or state elected official unless that elected official or officials agree that he or she will be subject to coverage under this ordinance in writing. Such coverage may also apply to the employees of such other county or state elected officials when so agreed in writing.

Member means all those persons employed on a regular or part-time basis by the county, as well as those persons whose services are retained under the terms of a contract with the county; provided, however, that employees under the direction of other elected officials are not subject to this ordinance unless designated in writing by the elected official.

2.

By adding a new Section 10 to read as follows:

Limitation of Liability. No member of the board of ethics, or any person acting on behalf of the board of ethics, shall be liable to any person for any damages arising out of the enforcement or operation of this ordinance, except in the case of willful or wanton conduct. This limitation of liability shall apply to the members of the Cherokee County Board of Ethics, the employees of said Board of Ethics, and any person acting under the direction of the Board of Ethics.

3.

Section 2: All laws or parts of laws in conflict with this Act are hereby repealed.