

After Agenda

**Board of Commissioners of Spalding County
Work Session
Monday, October 19, 2020
3:00 PM
Room 108, Annex Building**

The Spalding County Board of Commissioners held a Work Session in Room 108 of the Spalding County Annex on Monday, October 19, 2020, beginning at 3:00 p.m. with Chairperson Gwen Flowers-Taylor presiding. Commissioner Rita Johnson was present for the meeting. Commissioner Dutton joined the meeting at 3:05 p.m. Commissioners Bart Miller and Donald Hawbaker were absent from the meeting. Also present were County Manager, William P. Wilson, Jr., Assistant County Manager, Michelle Irizarry, County Attorney, Stephanie Windham and Kathy Gibson, Executive Secretary to record the minutes.

I. OPENING (CALL TO ORDER) by Chairperson Gwen Flowers-Taylor.

PLEASE SILENCE YOUR CELL PHONES AND ALL OTHER ELECTRONIC DEVICES.

II. INVOCATION

Invocation was delivered by Chairperson Flowers-Taylor.

III. PLEDGE TO FLAG

Commissioner Rita Johnson, District #3, led the pledge to the flag.

Chairperson Flowers-Taylor stated that she was calling the meeting to order even for discussion due to there was no quorum present at the beginning of the meeting. Commissioner Dutton joined the meeting at 3:05 p.m. which made the quorum.

IV. AGENDA ITEMS –

1. Discuss changes to the current Ethics Ordinance.

Mr. Wilson advised that attached to the agenda was a number of ordinances along with the history of how we got to this point. The information dates back to when Commissioner Raymond Ray was Chairman, so it has been a long process and essentially there any number of ways you can go about this.

Our current ordinance states that everything goes before the Board of Commissioners before it goes to an Ethics Panel. From discussions with the Board, most of the members would like for the complaints to go before an independent group and not coming before the Board of Commissioners until the end of the process.

Chairman Flowers-Taylor stated that she believes that the Board would like to remain hand's off during the process. They would like to be notified of the Ethics Complaint being filed, but not making a decision on the ethics complaint.

Mr. Wilson then advised that the Ethics Panel is not empowered to find or

condition anything putative to a commissioner.

Commissioner Johnson stated that if the panel who is selected would receive the complaint first. Once a complaint has been made the panel would review the complaint and determine if a violation has occurred. We are not asking them to do anything at that point.

Stephanie Windham, County Attorney, advised that the way a lot of the ordinances are set out that the Ethics Review Panel reviews the complaint and determines if the complaint has merit. If they feel it has merit, then they take it to a hearing which is the next step which is before the Ethics Review Panel. Then they recommend whatever punitive actions should be to the Board of Commissioners. That is how many of these ordinances are drafted.

After much discussion, the following directives were given to staff and the County Attorney:

- Stronger Preamble to the Ordinance to include something like Butt's County where it states "an ordinance to establish a code of conduct." The preamble should explain the purpose of the Ordinance in common language.
- Description of acceptable Commissioner behavior during Meetings
- Description of acceptable Commissioner behavior in public or outside of meetings.
- Establish how to appoint an Ethics Panel from an independent body of possible candidates. How long term of the appointment to the panel and establish a list of possible organizations from which the panel can be drawn.
 - Must be a resident of Spalding County.
 - Must be a registered voter.
 - Capable of making independent decisions
 - Must be computer literate and is able to provide a valid email address.
 - Possible List of Members of Panel: Member of the Board of the Chamber of Commerce, Ministerial Alliance Member, Board Member from an HOA in Spalding County, Board Member of Kiwanis, Board Member of Rotary, Member of the Spalding County Bar Association, Member of a local Military Organization, Executive Director or Board Member of a Non-Profit Organization.
- Possible per diem for the individuals serving on the ethics panel.
- Possible billing of the individual who filed the ethics complaint for reasonable charges incurred by the County in convening an ethics panel, performing an ethics hearing, or legal consult resulting from the charges, should the charges be determined as frivolous.
 - Can filing of a frivolous complaint be made a violation of the county ordinance instead of billing and let a judge set fees?
- Establish a flow for the Ethics Complaint, who receives the initial complaint? Timeline for the flow of the Complaint.

Consensus of the Board is to direct staff and County Attorney to have a draft of this ordinance drawn up and ready for consideration by the Board of Commissioners by November 25, 2020.

V. ADJOURNMENT

Motion/Second by Dutton/Johnson to adjourn the meeting at 4:35 p.m. Motion carried unanimously by all.