



AGENDA
ETHICS COMMISSION
July 14, 2021 at 1:00 PM

Call to Order

Roll Call

Approval of Minutes

1. Minutes of May 27, 2021

New Business

2. Review Complaint Policies and Procedures

Informal Hearing

Adjourn to Executive Session

Reconvene Open Meeting

Old Business

Adjournment



Ethics Commission Minutes Meeting May 27, 2021

Members Present: Trey Connors, Nancy Frankenhauser, Michael Pappas, Mark Reed, Marie Rodriguez

Members Absent: Ben Goggins, David McNaughton

Ex-Officios Present: Jan LeViner, City Clerk; Michelle Owens, Recording Clerk; Charlie Barrow, Ethics Commission Attorney

Roll:

Chairman Michael Pappas called the meeting to order at 3:00 PM and conducted roll call. Members present: Trey Connors, Nancy Frankenhauser, Michael Pappas, Mark Reed, Marie Rodriguez

Approval of Minutes:

Mark Reed motioned to approve minutes of April 1, 2021. Nancy Frankenhauser seconded the motion. Motion passed unanimously. Minutes approved

New Business:

Chairman Pappas announced that the commission would review the pending ethics complaint and the response letter from Jay Burke.

Call for Motion to go into executive session:

Mark Reed motioned to adjourn to executive session to discuss the pending ethics case. Chairman Pappas seconded the motion. Motion carried. The board adjourned to executive session at 3:03 PM.

Marie Rodriguez made a motion to reconvene the open meeting. Nancy Frankenhauser seconded. Motion carried. Board reconvened open meeting at 3:38 PM.

Chairman Pappas announced that the commission found sufficient cause to move to the next phase and hold an informal hearing.

Mark Reed made a motion to move to the next phase of an informal hearing. Trey Connors seconded the motion. The motion passed unanimously.

Attorney Charlie Barrows explained that both parties have the option to resolve the complaint prior to the informal hearing. otherwise the informal hearing would be scheduled as soon as possible.

No Old Business

None.

Adjournment:

Mark Reed motioned to adjourn the meeting. Marie Rodriguez seconded the motion. The motion passed unanimously. Meeting adjourned at 3:48 PM

Ethics Commission Complaint Policy

(Readers are encouraged to consult the Ethics Ordinance)

- I. The Complaint Policy shall apply to matters involving the City of Tybee Island City Officials.
- II. The Complaint Policy shall apply to all complaints brought before the Ethics Commission.
- III. The Complaint must be in writing, signed, and sworn to before a notary. In the event a Complaint is filed by more than one citizen, there must be a single contact person listed and the Complaint must list their contact information – name, mailing address, phone number, and email address. The complaint must fully describe the circumstances, and cite the applicable Ethics Ordinance by section and subsection that the City Official violated.
- IV. If the Commission concludes that the complaint has sufficient information to proceed, it is forwarded to the accused (respondent) to respond. An informal hearing is scheduled if further action is required. If the parties resolve the matter at the informal hearing, there shall be no further action. If the parties do not resolve the matter at the informal hearing and do not have further evidence to present, the Commission shall then deliberate in executive session to make a determination.
- V. If one or more parties advise the Commission that they have additional evidence that they wish to present, the Commission shall hold a formal hearing within forty-five (45) days from the conclusion of the informal hearing. The Ethics Commission shall deliberate in executive session after the formal hearing and issue a public written determination within 30 days.
- VI. Final determination to be heard at the final council meeting of the month.

Ethics Complaint Procedure

- I. Complainant delivers the complaint to the Clerk of Council. It should indicate if the accused is a City Employee, ~~Elected~~ City Official or the City Clerk, City Attorney, City Manager, or Municipal Judge.

The Clerk of Council is to:

- (1) refer all City Employee complaints directly to the City Manager.
- (2) refer complaints regarding City Clerk, City Attorney, City Manager or Municipal Judge to the Mayor and Council.
- (3) refer complaint regarding an ~~Elected~~ City Official to the Ethics Commission.

AND

- (1) review the complaint for a signature, notarization and contact information – printed name, mailing address, phone number, and email address. (In the event a complaint is filed by more than one citizen, there must be a single contact person listed.) If the complaint is not signed, notarized, or contact information is not included then the complaint will be returned to the complainant for compliance.
- (2) date, stamp and initial the compliant complaint.
- (3) give a receipt letter (check list) to the complainant.
- (4) deliver the complaint as set forth above to the City Manager, Mayor and Council or the presiding Ethics Commission Officer within 5 five business days.

II. Complaint Reviewed

- A. City Manager receives employee complaints.

- (1) Reviews the complaint in accordance with the employee complaint policy

- B. Mayor and Council receives complaint regarding City Clerk, City Attorney, City Manager, or Municipal Judge and reviews the complaint for action in accordance with procedures similar to the Ethics Commission procedures.

- C. Ethics Commission receives all other complaints.

- (1) Deficient claims shall be returned to complainant within 7 business days with letter explaining deficiencies.

- (2) Complainant may re-submit the complaint with deficiencies corrected within 7 business days.

- (3) Complainant may withdraw the complaint.

(4) Documented sufficient complaint shall be handled by the Ethics Commission.

III. Ethics Commission Review

- A. A copy of the complaint shall be delivered to accused via registered mail within 7 business days of determination that complaint is not technically deficient.
- B. Accused may reply in writing to the complaint within such time as directed by the Ethics Commission, not to exceed 30 business days.
 - (1) If the accused agrees that a violation has occurred, no further investigation will take place.
 - (2) For an agreed violation the case will be reported to the City Council for disposition.
- C. The Ethics Commission investigatory review shall be held within 30 business days from the date of response by the accused.
 - (1) Unsubstantiated claims shall be dismissed.
 - (2) Substantiated claims shall proceed to an informal hearing between all parties (including any attorney representing the party) and the Ethics Commission members.

IV. Informal Hearing

- A. If the parties resolve the matter at the informal hearing, there shall be no further hearing on the matter.
- B. If the parties do not resolve the matter at the informal hearing and do not have further evidence to present, the Commission shall then deliberate in executive session to make a determination. The Commission will ~~and~~ advise the parties of the decision in writing within ten (10) business days of the informal hearing.
 - (1) Written notice shall be given to each party prior to the informal hearing and at the conclusion of the informal hearing.
 - (2) Each party shall be given the opportunity to present their case. The parties may be represented by legal counsel of their choice. No new evidence may be presented at this time.
 - (3) Written determination and implementation of any action shall be provided to Mayor and Council.
- C. If one or both parties advise the Commission that they have additional evidence that they wish to present, the Commission shall hold a formal hearing within forty-five (45) days from the conclusion of the informal hearing.

V. Formal Hearing

A. If the parties do not resolve the matter at the informal hearing and wish to present additional evidence, the Commission shall hold a formal hearing.

(1) Written notice shall be given to each party prior to the formal hearing.

(2) Each party shall be given the opportunity to present their case. The parties may be represented by legal counsel at their choice. Parties may present evidence to supplement the petition and the response with further documentary evidence or witnesses. Additional documentary evidence or witnesses shall not duplicate existing information already presented. Formal rules of evidence do not apply.

B. The Ethics Commission shall deliberate in executive session after the formal hearing and issue a public written determination within 30 days.

(1) Violators shall be reported to City Council with recommendation for disposition.

(2) Non-violator's cases shall be dismissed.

VI. Final Action on Complaint Cases

A. City Council shall make determination and implementation of any action at the final council meeting of the month.