



FOSTERING A CULTURE OF ETHICAL GOVERNMENT

September 19, 2024
Odie Donald II, Chief of Staff
Office of the Inspector General &
Ethics Office Board Meeting



ETHICAL IMPLEMENTATION (NATIONAL SNAPSHOT)

Total number of Cities
in the United States:

19,495

Total Number of Cities
with OIG Offices

13

or

(.06%)



City of New York
Department of Investigation
Est. 1873



City of Los Angeles
Police Commission
Est. 1996



City of Richmond
Office of Inspector General
Est. 2011



City of Chicago
Office of Inspector General
Est. 1958

City of Los Angeles
Unified School District
Est. 1998



City of Detroit
Department of Investigation
Est. 2012



City of Baltimore
Office of Inspector General
Est. 2005



City of Philadelphia
Office of Inspector General
Est. 1984



City of New Orleans
Office of Inspector General
Est. 2006



City of Atlanta
Office of Inspector General
Est. 2020



Washington, D.C.
Office of Inspector General
Est. 1995



City of Albuquerque
Office of Inspector General
Est. 2007

PROCESS FOR APPOINTING INSPECTOR GENERALS

Executive Appointment	Legislative Appointment	Judicial Appointment	Independent Commission Appointment
<p>Appointed by the President, Governor, or Mayor.</p>	<p>Appointed by the legislative body or a special committee.</p>	<p>Appointed by a judicial body or entity.</p>	<p>Appointed by a commission or board independent of executive and legislative branches.</p>
<p>Example: The Mayor appoints the IG, subject to City Council approval in New York; The State of Georgia’s Inspector General is nominated by the Governor and confirmed by the Senate.</p>	<p>Example: The City Council appoints the IG in Philadelphia.</p>	<p>Example: The City Council appoints the IG via recommendations from a selection committee in Los Angeles.</p>	<p>Example: The City of Atlanta Inspector General is appointed by the Governing Board of the Office of the Inspector General, confirmed by City Council and approved by the Mayor.</p>

ATLANTA'S ETHICAL ECOSYSTEM

CITIZENS

Citizens have the right to attend public meetings, participate in hearings, and provide input on city policies and decisions. They serve as watchdogs by staying informed, advocating for their interests, and holding city officials accountable through civic engagement and media scrutiny.

MAYOR

The Mayor serves as the chief executive officer of the city responsible for overseeing day-to-day operations, appointing key city officials (subject to City Council approval), creating legislation and proposing the City budget. The Mayor has the authority to veto ordinances passed by City Council.

CITY COUNCIL

The City Council is the Governing Body of the City and has the power to adopt legislation including amendments to the City Charter, approve the Mayor's budget proposals and appointments. They have the power to override the Mayor's veto with a two-thirds majority vote.

LAW

The Department of Law serves both the City Council and the Executive Branch. It serves as a check and balance system to protect the City from violations of Federal, State, and local laws.

HUMAN RESOURCES

The Department of Human Resources is the place where employees may file complaints about their working conditions and treatment. This department seeks to protect the City's most valuable asset, our workforce.

ETHICS & OIG

The Ethics and OIG act as independent agencies who report to a governing board tasked to investigate fraud, waste, abuse and ethical violations within City government. They have the authority to conduct investigations and review City programs and contracts. Findings are reported to the Mayor, City Council and the public to ensure transparency.

HISTORY OF CITY OF ATLANTA ETHICS LEGISLATION

October 2002: Ethics Officer/Board created(02-O-1785)

November 2011: Ordinance passed to clarify selection process for Ethics Officer (11-O-1495)

March 2012: Council confirmation process for the City of Atlanta Ethics Officer established (12-O-0363)

September 2017: Appointment process for members of the Board of Ethics amended to require nomination by the Mayor and confirmation by the City Council (17-O-1490)

August 2018: Code of Ethics to jurisdiction expanded to include contractors (18-O-1472)

November 2018: Appointment process for members of the City of Atlanta Board of Ethics amended to require that all appointments to the board shall be made by the governing authority of the city of Atlanta(18-O-1662)

HISTORY OF CITY OF ATLANTA

ETHICS LEGISLATION (CONT'D)

March 2019: Board of Ethics renamed to Board of Ethics and Independent Compliance (19-O-1038)

April 2019: Code of Ordinances amended to reduce the amount to attorneys to four and remove requirement of the Association of Certified Fraud Examiners nominee to be an attorney (19-O-1149)

October 2019: Code of Ordinances amended to enhance the efficiency and effective administration of the activities of the board, the Ethics Office, and the Independent Compliance Office (19-O-1477)

February 2020: Inspector General Office created (19-O-1729)

December 2020: OIG Hired/confirmed to lead the office

April 2023: Ethics Office and Inspector General Office separated as equal divisions under the purview of the Governing Board (*Charter Amendment 22-O-1823*)

MAYOR DICKENS' MOVING ATLANTA FORWARD



One Safe City

The One Safe City plan is a balanced approach that mobilizes the entire government and engages our partners, communities and residents. It addresses the root causes of crime as well as targets gangs, drugs, illegal guns and repeat offenders. One Safe City is working to keep all our neighborhoods safe and welcoming for residents, visitors and businesses.



A City of Opportunity for All

We want to ensure that all Atlantans share in Atlanta's growth and prosperity. We invest in our young people, care for the most vulnerable and create opportunities for all to advance. This means a focus on education, workforce development, equity programs, affordable housing and other initiatives to support our residents.



A City Built for the Future

We are making smart investments to improve Atlanta's existing infrastructure while developing and implementing new infrastructure projects to meet the needs of today and prepare for the needs of the future. From new investments in transportation that build a safe, equitable mobility network throughout Atlanta, to resilience and sustainability actions that can be taken at the local level to combat the global climate crisis, we believe investing in infrastructure is essential for fostering economic growth and improving Atlanta's competitiveness on the world stage.



Effective & Ethical Government

Atlanta's success is directly tied to how much confidence residents and businesses have in City policies and practices. We want to foster a culture of integrity and innovation in the City. This includes transparency, efficiency and accountability for City actions and decision-making. It also means delivering on City services and programs, being responsive to resident needs and providing timely, reliable information.



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STRIDES THE ADMINISTRATION HAS MADE

100% Compliance with Ethics Financial Disclosure Filing Requirement

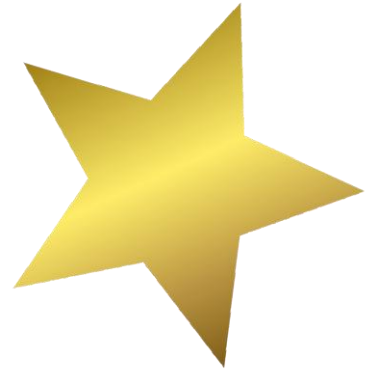
- All **27** departments achieved a **90% or greater** financial disclosure filing rate for the first time.

Perfect Score in Equality

- Achieved a **100** rating from the Human Rights Campaign
- Additional bonus points for a higher index score **110**

Ethical Leadership Development

- Requiring **150** leaders to attend an in-depth ethics training provided by the Carl Vinson Institute of Government



Carl Vinson
Institute of Government
UNIVERSITY OF GEORGIA



HUMAN
RIGHTS
CAMPAIGN

ETHICS OFFICE & OFFICE OF INSPECTOR GENERAL FINDINGS



Employee Base: Over **9,600** employees handling the work to provide services to residents in the City.



Investigations: Over **1,000** investigations conducted, **47** findings were reported by the Ethics Office & OIG.



Procurement Volume: Over **14,000** procurement transactions have been processed since January 2021.



Low Percentage of Findings: Findings represent approximately **~0.5%** of total investigations.

Findings account for **~0.3%** of all procurement transactions.

This data highlights the relatively low occurrence of findings compared to the large number of employees and transactions handled.

OIG STATEMENTS

On May 20, 2024 The Atlanta Inspector General addressed City Council during Public Comment (pictured here), to illuminate key areas of concern from the OIGs office and what she sees as an “emergency” facing the office.

- 90 pending investigations *potentially* impacted
- Perceived obstruction
- Concerns around confidentiality





AREAS OF CONCERN

Lack of Review or Authorization for an Investigation: The board is not aware of the institution of an investigation or the basis for opening an investigation.

Lack of Notice: Interviewees are not notified of the interview topic in advance or their status as a witness or the subject of an investigation.

Confidentiality: Interviewees are prohibited from disclosing the existence of an investigation, interview, or its contents to anyone inside or outside the organization.

Violation of Personal Space: Interviews are conducted with employees at the interviewee's home or other non-work locations, requiring the employee to exit their home and consent to the interview.

Lack of Access to Legal Representation: The Inspector General does not allow City attorneys to be present, even when City actions are involved, illuminated by the office recently requesting that a personal attorney leave the interview.

AREAS OF CONCERN (CONT'D)

Special Access Requirements: The IG Office has requested access to all City emails without the access being routed through an open records custodian, full Oracle access for staff, without limitation and access to unredacted Law Department invoices for external counsel.

Device Seizure: The IG Office purports the authority to seize City-owned devices without any formal process beyond an OIG request, pending confirmation of an open investigation. No review of the basis for the seizure by the oversight board.

Lack of clarity about reporting relationship: The OIG indicates to the administration that operationally she reports to the public and is not accountable to her board, the Mayor or the City Council for the methodology and process for conducting an investigation.

Investigations: The IG Office reports 90 open investigations and suggests that the City is obstructing the closure of these cases when there is no proof of any obstruction, because there is no list of unsupplied documents.

Lack of criteria or standard of review: There are no standard procedure or criteria approved by the board as to when an investigation should be initiated. Discretion is left solely to the OIG without oversight of these decisions.

AREAS OF CONCERN (Example)

Senior Ball

August 25, 2023: Inspector General Provided Mayor's Senior Ball report to Administration

August 25, 2023: Inspector General's Office sent press release to media

August 28, 2023: Administration issued response to Mayor's Senior Ball report

October 5, 2023: Ethics Office review of Mayor's Senior Ball completed



CITY OF ATLANTA
OFFICE OF THE INSPECTOR GENERAL

SHANNON K. MANGAULT
INSPECTOR GENERAL

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ATLANTA, GA 30303

INSPECTORGENERAL@ATLANTAGA.GOV
ATL.OIG.ORG • 404.546.2270

FOR IMMEDIATE RELEASE
August 25, 2023

RELEASE #3-2023
CONTACT: FELECIA HENDERSON
fhenderson@atlantaga.gov
404.546.0791

THE CITY OF ATLANTA OFFICE OF THE INSPECTOR GENERAL RELEASES REPORT
DETAILING NONCOMPLIANT PURCHASING RELATED TO THE 2022 SENIOR BALL

ATLANTA, GA – The City of Atlanta Office of the Inspector General (OIG) has released a report of its investigation into noncompliant purchasing by the Mayor's Office of Constituent Services for the 2022 Senior Ball. OIG initiated its investigation after discovering a payment dated February 10, 2023, from the City of Atlanta to the Hyatt Regency Atlanta for \$120,653.48 that included in the description area instructions to process the payment as a "professional courtesy" for the 2022 Senior Ball. The Office of the Mayor reported that the term was used to process payments that had not followed the City's purchasing rules.

OIG's investigation found:

- Repeated instances of requests from the Executive Offices asking for direct payment approvals as a "professional courtesy" as part of a pattern of purchases and payments that -were not compliant with the City's procurement and accounting policies
- Expenditures for the 2022 Senior Ball prohibited by the City of Atlanta, Accounts Payable, Travel and Hotel Policy, including City-funded hotel stays for employees, the mayor, and members of the mayor's family
- Failure to seek approval from Atlanta City Council for 2022 Senior Ball funding
- No ordinance, policy, or agreement establishing the Senior Ball as an official City event— for which City funds, labor, and resources may be expended—notwithstanding the long tradition of the mayor hosting the gala

OIG shared its findings with the Office of the Mayor. In response to OIG's findings, the Office of the Mayor affirmed this administration's commitment to compliance with rules and regulations and expressed its intention to address the findings in executing the 2023 Senior Ball. Also, the mayor stated that he intended to reimburse the City for the hotel room costs for himself and his family.

RESOLVING AREAS OF CONCERN

February 26, 2024: Met with OIG to discuss general coordination for ethical government.

March 12, 2024: Meeting with OIG board Chairperson/staff.

March 21, 2024: Request to OIG governing board re: issue resolution.

May 2, 2024: Met (virtual/in-person) with the Governing Board of the Office of the Inspector General and Ethics Office.

May 20, 2024: OIG Addresses Full Council in Public Comment (pictured here).

June 6, 2024: Follow-up meetings with the Governing Board of the Inspector General and Ethics Office.

August 28, 2024: Met with OIG to address concerns, and to ascertain her perspective of her role.

BOARD COMPOSITION

Current Board Members

1. Rebecca Brubaker
2. Todd A. Gray, Vice-Chair
3. Natalie Lewis
4. Nichola R. Hines, Chair
5. Richard Taylor
6. Cecily Welch
7. Lisa K. Liang (Attorney)
8. Andrew Cohen
9. Terri Simmons (Attorney)

**Since January 2024, only two board members have been attorneys licensed to practice law in the State of Georgia. When an attorney, appointed by the Seven Major Universities, resigned, they were not replaced by another attorney, leaving the board non-compliant with Section 8-104.*

Section 8-104 - The Governing Board of the Office of the Inspector General; appointments; terms.

(a) The Governing Board of the Office of the Inspector General shall consist of nine members, all of whom shall be known for their personal integrity. Nominees shall either be residents of the city, shall be employed within the city, or shall maintain business interests within the city. It is further urged that the members of the Board shall reflect the diversity of the city with regard to race, color, creed, religion, gender, marital status, parental status, familial status, sexual orientation, national origin, gender identity, age and disability. At all times, at least three members shall be attorneys licensed to practice law in the State of Georgia.



BOARD ACTIONS

September 21, 2023: No Action

November 16, 2023: No Action

December 9, 2023 (Board Retreat): No Action

January 18, 2024: Board moved to approve the IG's request to hire outside counsel for legal matter.

February 15, 2024: Board motioned to amend the IG's request to hire outside counsel for legal matter due to a conflict.

March 21, 2024: No Action

April 18, 2024 (Work Session): No Action

May 16, 2024: No Action

July 18, 2024: Minutes not approved as of 9/18/2024

BOARD CORRESPONDENCE

From: Nichola R. Hines
Date: Wednesday, July 3, 2024, at 8:08 AM
To: Perkins-Hooker, Patrise **Cc:** Todd A. Gray, Rebecca Brubaker Natalie Lewis Donald, Odie Aman, Peter, Cecily Welch Terri Simmons Richard Taylor Cohen, Andrew
Subject: Re: Response to June 11th email

Dear City Attorney Perkins-Hooker,

Sorry for the delay, the last couple of weeks have been extremely busy for me. I want to say thank you for your response and for summarizing our conversations.

While we appreciate you and your colleagues taking the time to listen to our thoughts and considering some of our observations on how the board can function with better oversight, it is important to note that these meetings were not initiated by us. As a board, we have been discussing most of these concerns for almost two years and are very aware of our challenges and priorities. Please do not misconstrue the lack of emphasis in my email as an indication that these issues are not of high priority to us.

In January, we recommended a training workshop to ensure that everyone employed by the City of Atlanta has a clear understanding of the day-to-day functions of an Office of Inspector General (OIG). As a city, we have had 20 years to develop and refine our model ethics program and understand what works and what doesn't for the Ethics Office. However, the IG Office has only been in operation for three years and is still in its formative stage. As a board, we believe that neither we nor anyone else should speculate about the functions and oversight of the OIG. This is why my email emphasized the need for experts to come in and educate us all on best practices.

However since our last meeting we've come up with some more quick changes we believe can be helpful with oversight:

- Current vendor name report as backup data to the budgets, expenses, and procurements by each office. This will give the board oversight beyond just the budget amount and expenses.
- Before any external media action. It must be presented to the board for awareness and feedback from both offices.
- Before either office goes before any public entity, governing board, or meeting of elected officials. The business case must be presented to the board for awareness and feedback.

Thank you for your attention to this matter.

Sincerely,

Chairwoman Hines

Governing Board of the Office of Inspector General and Ethics Office (G.B.I.G.E.) |

BOARD CORRESPONDENCE

From: Nichola R. Hines

Date: Tuesday, June 11, 2024 at 7:51 AM

To: Donald, Odie Aman, Peter Perkins-Hooker, Patrise

Cc: Todd A. Gray, Rebecca Brubaker, Natalie Lewis, Cecily Welch, Terri Simmons, Richard Taylor, Cohen, Andrew

Subject: Thank you

Good morning,

On behalf of the board, I would like to extend our gratitude for taking the time to listen to our concerns and the challenges we face as the Governing Board.

After our meeting, the board had a brief discussion and raised the question, "What's next?" This is a crucial question as we did not outline the next steps during our discussion.

We have agreed that there seems to be a lack of understanding amongst employees at City Hall regarding the fundamental functions of an Inspector General and the best practices for an Office of Inspector General (OIG) department.

To address this, we propose organizing a panel or round table event led by experts who can discuss the day-to-day operations, functions, and best practices for OIG departments. This event would be aimed at department heads, commissioners, and the executive committee. We believe this initiative is crucial before any proposed changes to the OIG structure are made. Understanding the current state of the office and its needs is essential to implementing effective improvements.

We look forward to your support in facilitating this important discussion and to working together to strengthen our governance.

Best regards,

Nichola R Hines

Chairwoman

Governing Board of the Office of Inspector General and Ethics Office (G.B.I.G.E)

BOARD CORRESPONDENCE

City of Atlanta

Governing Board of the Office of the Inspector General and the Ethics Office

governingboardoigeo@atlantaga.gov



Office of the Inspector General
atloig.org
inspectorgeneral@atlantaga.gov

BOARD MEMBERS
Nichola R. Hines, Chair
Todd A. Gray, Vice Chair
Rebecca F.M. Brubaker
Andrew I. Cohen
Natalie S. Lewis
Lisa K. Liang
Terri R. Simmons
E. Richard Taylor
Cecily V.M. Welch



Ethics Office
atlantaethics.org
ethicsoffice@atlantaga.gov

STATEMENT OF CONCERN

Dear Mayor Dickens and Task Force Members,

The undersigned members¹ of the Governing Board of the Office of Inspector General and Ethics Office write to express our deep concerns regarding recent mischaracterizations and assumptions the Chief of Staff presented during the Committee on Council meeting. The Governing Board has made consistent efforts to address the Mayor's Office and the Law Department's concerns about the Office of Inspector General (OIG). On two separate occasions, both the Mayor's Office and the Law Department were invited to address the Governing Board directly during public meetings to discuss various issues. Regrettably, neither the Mayor's Office nor the Law Department attended. In the spirit of collaboration, the Governing Board even agreed to split into smaller sessions to meet with the Chief of Staff and the City Attorney to establish meaningful dialogue. The sentiments expressed by the Governing Board in those meetings were never intended to convey a lack of support for the OIG's work. The Governing Board's primary objectives have been ensuring the independence of the OIG and Ethics Office and ensuring our ability to have effective oversight over both the OIG and the Ethics Office. Additionally, we reiterate our concerns with the City's attempts to hinder the OIG's work and efforts to compromise its independence and its low responsiveness to the OIG's recommendations, all of which affect its progress toward integrity, transparency, and accountability.

On multiple occasions, we requested City leadership, including the executive cabinet, engage in learning sessions with experts, such as the President of the Association of Inspectors General, Georgia's Inspector General, and other established IG professionals, and that we complete these meetings prior to legislative changes. Unfortunately, the Mayor's Office dismissed these requests as unnecessary and costly.

Recent presentations and comments unfairly characterize the Governing Board as unsupportive of the Office of Inspector General. This is categorically false. We have continuously expressed support for the critical work of an independent Office of Inspector General and sought constructive dialogue with the executive team. We believed open conversations were happening between the Governing Board and the Mayor's Office; however, we were blindsided by the proposal that did not align with our concerns.

We remain committed to transparency and accountability and look forward to a genuine dialogue that includes input from the Governing Board, OIG, Ethics Office, and established IG and ethics experts.

Thank you for your attention to this matter.

Sincerely,
Nichola R. Hines, Chair
Rebecca F. M. Brubaker
Andrew I. Cohen
Natalie S. Lewis
Lisa K. Liang
Terri R. Simmons
E. Richard Taylor
Cecily V. M. Welch

Members of the Governing Board of the Office of Inspector General and Ethics Office

Nichola R. Hines
Chair 9.18.24

¹ Todd A. Gray, Vice Chair abstains

PROTECTING EMPLOYEE RIGHTS

The Administration endeavors to preserve and protect the rights of employees during ethics and integrity investigations. To do so, we must ensure that:

1. Employees right to legal representation is protected.
2. Employees have the right not to have the statements used in a civil investigation, that we compel them to comply with, not be used against them at subsequent proceedings.
3. Employees have the right to not be approached or harassed at their homes.
4. Employees have the right to not have their personal and financial information accessed without a validly issued subpoena.
5. Employees have the right to not have their personal property (*cellphone, computer, bags etc.*) taken without a valid legal warrant.

ESTABLISHING A TEMPORARY TASKFORCE

The City of Atlanta proposes to establish a 7-member Taskforce of Subject Matter Experts with the mission to enhance the city's ethical framework.



Howard Shook
Council Member District 7

Dean of Atlanta City Council. Sponsored legislation that created the Office of the Inspector General's Office.



Marci Collier-Overstreet
Council Member District 11

Sponsored legislation that created the Taskforce for the Promotion of Public Trust and legislation that created the Office of the Inspector General.

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David B. Dove

Partner – Troutman Pepper

Leads firms Regulatory and Economic Investment practice in Georgia. Former Executive Counsel to Governor Brian Kemp who oversees State Inspector General Office.



Justice Leah Ward-Sears

Partner – Smith, Gambrell, Russell

Retired Chief Supreme Court Justice, Fulton County Superior Court Judge and served as Chair of the Taskforce for the Promotion of Public Trust which helped establish the City of Atlanta Office of the Inspector General.



Norman M. Brothers Jr.

EVP & Chief Legal and Compliance Officer – UPS

Mr. Norman leads the global legal, Internal Audit, Compliance and Privacy functions as well as Global Labor Relations and Global Security Operations. He also served as a Captain in the JAG Corps Army Trial Counsel.



Richard H. Deane Jr.

Of Counsel – Jones Day

Former U.S. Attorney for Northern District, Assistant U.S. Attorney, District Attorney and Magistrate Judge.



Tanya Miller

State Representative District 62 | General Counsel –Georgia Federation of Public Service Employees.

Former lawyer for the U.S. Department of Justice and Assistant District Attorney for Fulton County.

ESTABLISHING A TEMPORARY TASKFORCE

The City of Atlanta proposes to establish a 7-member Taskforce of Subject Matter Experts with the mission to enhance the city's ethical framework.

Key responsibilities:

- 1) This Taskforce shall examine the procedures concerning investigations conducted by the Office of the Inspector General and the Ethics Office, including the criteria for the initiation thereof, while ensuring both offices have the tools and independence necessary to carry out their respective duties and responsibilities while still maintaining accountability to their board.
- 2) The Taskforce shall examine the City of Atlanta's Charter concerning the operations of the Office of the Inspector General, and the Governing Board of the Office of the Inspector General and the Ethics Office.
- 3) The proposed Taskforce shall hold no fewer than three public meetings and shall make its report to the Mayor and the Atlanta City Council within forty-five days.

**Taskforce meeting dates will be posted in accordance with the Georgia Open Meetings Act, as outlined in O.C.G.A. § 50-14-1, to ensure compliance and transparency.*



THANK YOU

September 19, 2024

