



## *Action Agenda*

Board of Commissioners  
January 29, 2013  
5:30 P.M.

The Board of Commissioners of Fayette County, Georgia, met in Official Session on January 29, 2013 at 5:30 p.m. in the Public Meeting Room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

**Commissioners Present:**

Steve Brown, Chairman  
Charles Oddo, Vice Chairman  
David Barlow  
Jesse McCarty  
Randy Ognio

**Staff Present:**

Steve Rapson, County Administrator  
Floyd L. Jones, County Clerk  
Dennis Davenport, Interim County Attorney

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### **Call to Order**

Chairman Steve Brown called the January 29, 2013 Special Called Board of Commissioners meeting to order at 5:33 p.m.

Commissioner David Barlow introduced Mr. John Harding, the presiding minister and Mission President of the Georgia Atlanta Mission for the Church of Jesus Christ of Latter Day Saints. Commissioner Barlow asked Mr. Harding to offer the Invocation, and Mr. Harding did so.

Commissioner Allen McCarty led the audience in the Pledge of Allegiance.

### **Acceptance of Agenda**

Commissioner Oddo moved to accept the Agenda. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously.

### **NEW BUSINESS:**

#### **1. Discussion of Fayette County's Ethics Ordinance.**

Chairman Brown stated that since he was embroiled with an issue at the moment he would officially recuse himself from the discussion, that he would leave the meeting, and that he would turn the meeting over to Vice Chairman Charles Oddo. Chairman Brown then stepped down from the dais and left the room at 5:36 p.m. Chairman Brown did not return at any point for the duration of the meeting.

Vice Chairman Oddo read his personal notes concerning a change the Ethics Ordinance. Commissioner Barlow asked questions of Interim County Administrator Dennis Davenport about the Ordinance 2010-10 (commonly referred to as the Ethics Ordinance) and its applicability. Mr. Davenport answered the questions posed by Commissioner Barlow before Commissioner Barlow spoke about why he supported a change to the Ethics Ordinance. Commissioners McCarty and Ognio also commented on the need to change the Ethics Ordinance.

Commissioner Ognio moved to delete the second sentence of Section 2-209(n) of the Fayette County Ethics Ordinance. Commissioner Barlow seconded the motion.

**Public Comment:**

The Board opened the floor for Public Comment.

**Bob Ross:** Mr. Ross made additional suggestions on how Section 2-209(n) of the Ethics Ordinance could be rewritten and enforced.

**Ray Watt:** Mr. Watt began saying he agreed with Vice Chairman Oddo's opening statement, and he commented on the structure of the Ethics Ordinance. He spoke about Section 2-209(e) and suggested how it could be reworded. Mr. Watt also commented on Section 2-209(h) and the recent issue concerning the County's software and hardware. He stated that the language of the Ethics Ordinance should allow for common sense, pointed out changes Forsyth County recently made to its Ethics Board, and made recommendations on how appointments should be made for the Ethics Board.

**Pat Hinchey:** Mr. Hinchey stated that he has particular experience with the Ethics Ordinance in Fayette County going back several years, and that he supported and understood the immediacy and need to "get this done now on this particular item." He begged the Board to not drop the issue with the immediate fix since the Ethics Ordinance needed to be completely reviewed. He mentioned that Fayette County's original Ethics Ordinance was very strong, but the current Ordinance was ensured to be very restrictive in terms of what a Commissioner could be found guilty. He said the original Ethics Ordinance worked very well.

**Angela Bean:** Ms. Bean commended Vice Chairman Oddo on his comments and added that she agreed wholeheartedly with what all of the Commissioners said. She spoke about the "ethics challenge" that everybody is facing; even in the Georgia General Assembly where they are looking at revising their Ethics Code. She said the challenge facing the Georgia General Assembly is the same challenge Fayette County would find itself in, namely refining the Ethics Ordinance so much that the "Gotcha Code" comes into existence. She agreed with Mr. Hinchey that there should be a review of the Ethics Ordinances very carefully to make sure there are no more opportunities for "Gotcha" on Ethics violations. She also publically called on the Ethics Board to consider reversing their decision.

**Dawn Oparah:** Ms. Oparah thanked the Board for taking the time to listen to the public, and she appreciated Vice Chairman Oddo's comments in that he spoke about the spirit of the law and its intent. She thought that was important because sometimes people abuse their power, and that the law should be written in such a way that power is not abused while allowing someone to do their job and be true servants to the community. She said she was concerned that the Ethics Ordinance was flawed and the flaws were broader than a particular issue. She suggested that a committee be formed to look at the Ethics Ordinance

and review it. She reiterated her desire for the Board to appoint someone to look at a new Ethics Ordinance and bring it to the Board. She also stated that training for the Ethics Board is important and she speculated that if the Board members had been better trained and truly understood intent that they may have had a different outcome. She agreed with Ms. Bean saying she wanted the Ethics Board to reverse its decision since it was not fair for people who do not truly understand what they are doing to make a decision that sticks.

**Simon Marks:** Mr. Marks said he thought the current Ethics Board was doing the best job they know how, but he said Commissioner Oddo brought up some points that they were not considering. He suggested that they should be some education and training for the Ethics Board. He said that everyone thinks they know ethics, but when someone looks at the true definition of it, oftentimes people miss that it involves moral obligations and interpreting the spirit of the law. He thought while people will get up and do the best job they can, he thought there should be some formalized training to ensure that the people on the Ethics Board do fully understand what “ethics” truly means.

**Alice Jones:** Mrs. Jones said she has lived in Fayette County since 1997 and that she has followed the Commissioners “to the letter” since moving to the County. She applauded the Board for addressing this issue. She said when she first learned of the ethics complaint brought against Commissioner Steve Brown, and the source that brought it, she was shocked. She said the shock came about resulting from some previous engagement that another speaker addressed earlier with the marijuana charge. She added “if that is not ethics you tell me what is.” She said she was embarrassed to say that, after reading the content of what was presented, the Board has it on queue that this issue needs to be addressed. She agreed that the Ethics Ordinance needs to be reviewed in a larger scale to ensure it is meaningful and to ensure there is a Board in place that can address it effectively without political connections.

**Bill Gainey:** Mr. Gainey suggested that when an ethics complaint is received that perhaps the complaint could be referred to the State Court, or perhaps the Chief Judge of the State Court. He suggested that a pool of fifteen or twenty people could be created and educated, so that if a complaint is received the judge could pull a certain number of people from the trained pool of educated members, and those people could hear the complaint.

**Arnold Martin:** Mr. Martin thanked the Board for taking up this issue. He observed that he has witnessed twice in Ethics meetings where there has been a decision about when the next hearing would be and where everybody starts pulling their calendars out, including the accused, to figure out when their schedule works. He asked who was in charge, and suggested that there should be a set time for hearings so that people know and do not have to look at their calendars what works for the accused. He also pointed out that when meetings are scheduled there are many citizens who would like to be involved in the process but are not able to make it at 5:30 p.m.

Public Comment effectively closed at this time.

Interim County Administrator Dennis Davenport spoke about the modification or changing of the ordinance, spoke about the current problems Fayette County has due to not codifying its ordinances in 6 ½ years, and the difficulty to revamp the entire Ethics Ordinance at the same time that it is revamping the entire Code of Ordinances. He acknowledged that while the timing was good and that this effort was “a small bite”, but he also acknowledged that small bite was about all that could be done in light of revamping the Code of Ordinances. County Administrator Steve Rapson added some clarifying remarks to Mr. Davenport’s comments, and he answered a question from the audience. Mr. Don Rehwaldt and Mr. Davenport also briefly spoke about the time it took to recodify the Town of Tyrone’s ordinances and the benefits.

Commissioner Ognio restated his motion to delete the second sentence in Section 2-209(n) of the Fayette County Ethics Ordinance. Commissioner Barlow once again seconded the motion. No further discussion followed. The motion passed 4-0-1 with Chairman Brown being absent.

**Commissioner Barlow:** Commissioner Barlow reminded the citizens that the current Board is dedicated to inclusivity, and it is interested in the citizens involvement and input. He also said he wanted to reach out to the "community of faith" saying the County has been fortunate to have folks from various churches come to the meetings. He reiterated that the Board is looking for volunteers from the churches to offer the Invocation, and he asked that those volunteers contact him so he could visit with them.

**Commissioner McCarty:** Commissioner McCarty said everyone needed to understand that in the past he was one of two votes and there were a lot of things he just could not do. He said there were some things he wanted on the Agenda that did not get on the Agenda. He stated that "that door is closed, we have a new door" and that the Board was here for the best interest of the citizens of Fayette County. He concluded that the Board wanted to fix what has been broken.

**Commissioner Ognio:** Commissioner Ognio thanked the citizens, said the Board has heard their comments, and stated that Mr. Rapson had made notes of their comments. He said that the Board would see that each comment would be addressed.

**Vice Chairman Oddo:** Vice Chairman Oddo said he echoed the Board's sentiments and he thought that it was appropriate to bring Chairman Steve Brown back into the meeting. Chairman Brown did not return to the meeting since he left the building earlier. Vice Chairman Oddo thanked the audience for coming to the meeting and said he really appreciated it.

#### **ADJOURNMENT:**

Commissioner Barlow moved to adjourn the January 29, 2013 Special Called Board of Commissioners meeting. Commissioner McCarty seconded the motion. No discussion followed. The motion passed 4-0-1 with Chairman Brown not present.

The January 29, 2013 Board of Commissioner's Special Called Meeting was adjourned at 6:26 p.m.

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Floyd L. Jones, County Clerk