

MEMORANDUM

August 21, 2018

From: Avondale Estates Ethics Board
Patrick O'Connor, Chair
Mary Ann Anziano
Josh Norris

To: John Pomberg
Board of Mayor and Commissioners
City of Avondale Estates, GA

CC: Ken Turner, Interim City Manager
Gina Hill, City Clerk

RE: Ethics Complaint: John Pomberg v. Board of Mayor and Commissioners

The Avondale Estates Ethics Board had a probable cause hearing on August 20th, 2018 regarding the above Complaint. After the required motions, the Ethics Board voted to dismiss the Complaint.

The essence of Mr. Pomberg's Complaint is that an alleged failure by the Board of Mayor and Commissioners (BOMC) to uphold the Georgia Open Meetings Act is a violation of the City Ethics Code. He states, "In summary, the Avondale Estates Board of Mayor and Commissioners....failed to uphold Georgia's Open Meeting Law when they requested improvements valued at \$175,000.00 to City-owned property from Trammell Crow Residential in a forum not open to public attendance or by other means of formal or informal communication not open to public attendance or available for review by the public." Mr. Pomberg does not allege any other material facts apart from the alleged failure of the BOMC to request the improvements to city property by Trammell Crow consistent with the Open Meetings Act.

The City Ethics Code empowers the Ethics Board to receive and hear complaints of violations of the standards required by the Code of Ethics for City Officials. Sec. 2-100(2). The applicable Standards of Conduct are provided at Sec. 2-96. The Ethics Board also has the power to hear complaints for alleged violations of the Conflict of Interest provision. Sec. 2-97. Having carefully reviewed the applicable standards and applied them to the facts alleged in Mr. Pomberg's Complaint, we find that the written Complaint does not set forth sufficient facts to constitute an alleged violation of the

Standards of Conduct or Conflict of Interest provisions of the Code of Ethics for City Officials.

To the extent Mr. Pomberg is attempting to allege a violation of the Georgia Open Meetings Act, the Ethics Board does not have jurisdiction over Open Meetings Act violations. The Superior Courts of this state have jurisdiction of any alleged violation of the Georgia Open Meetings Act. See O.C.G.A. Sec. 50-14-5(a). Because of this we believe the Complaint is unjustified and it is dismissed.