

MINUTES
SPECIAL CALLED MEETING OF THE VALDOSTA CITY COUNCIL
5:30 P.M., TUESDAY, MAY 28, 2024
COUNCIL CHAMBERS, CITY HALL

OPENING CEREMONIES

Mayor Scott James Matheson called the Regular Meeting of the Valdosta City Council to order at 5:30 p.m. Council members present were: Thomas McIntyre, Eric Howard, Sandra Tooley, Andy Gibbs, Tim Carroll, Nick Harden, and Vivian Miller-Cody. City Attorney Tim Tanner participated via telephone. The invocation was given by Councilman Nick Harden, followed by the Pledge of Allegiance to the American Flag.

BOARDS, COMMISSIONS, AUTHORITIES, AND ADVISORY COMMITTEES

Consideration of the establishment of a Code of Ethics Complaint Board.

Richard Hardy, City Manager, stated that the City of Valdosta Mayor and Council first adopted a Code of Ethics Ordinance in 1995. This Ordinance serves as a guide for governing authority and reinforces the basic principle that elected officials are holders of public trust. The Ordinance, which has been amended several times since its creation, deems it essential that for the creation of a democratic government, all elected officials of the City of Valdosta should conduct themselves so as to not create any question or concern as to the appropriateness, legality, or sincerity of any actions or conduct as a member of the governing authority. On May 21, 2024, an official Ethics Complaint was issued against Councilwoman Vivian Miller-Cody by Anetra Riley, Neighborhood Development/Community Protection Manager, for the City of Valdosta. The Ethics Complaint is attached for your review. The Ethics Complaint was officially delivered by the City Clerk, Teresa Bolden, to Councilwoman Miller-Cody on May 22, 2024 in person to garner her signature for receipt of the document. The Ethics Complaint was then officially delivered to the Mayor and each Council Member electronically on May 22, 2024. The next step in the Ethics Complaint process is the formation of a Board of Ethics to review the Complaint. Listed below is a summary of the establishment of the Board of Ethics, the qualifications to serve as a Board Member, and the Board review process: (1) Establishment of Board of Ethics: (a) Upon receipt of a Complaint in proper form, the City Clerk, or the Clerk's designee, shall forward a copy of the Complaint to the City Official or Officials charged in the Complaint within no more than seven (7) calendar days. (b) Following that notification, a Board of Ethics must be established by the Mayor and Council. (c) The Board of Ethics will have three people on it who are all residents of the City of Valdosta. The Mayor will make one appointment to the Board, Council makes an additional appointment, and a third Member will be appointed by the two named Board Members. That Member must be approved by a majority vote from Mayor and Council. (d) The third Member, appointed by the two named Board of Ethics Members, must be a law professional and member of the Georgia Bar. (e) After all Board of Ethics Members have been appointed, the Board will select one member to serve as Chair. (2) Qualifications of Board of Ethics Members: (a) Must be a City resident for at least a year and remain a resident while serving on the Board. (b) Appointee cannot be a current employee of the City or a previous employee within a one-year period. (c) Appointee cannot have had any interest in any contract or contracting opportunity with the City within a one-year period. (d) Appointee cannot have any previous felony convictions unless the person's civil rights have been restored and at least ten years have elapsed from the date of completion of the sentence. (e) Must be 21 years of older. (f) Appointee cannot be an elected official. (g) Must be a registered voter in the City of Valdosta. (h) Board members are not paid. (i) Must sign affidavit attesting to the qualifications above. (3) Board Review Process: (a) Upon receipt, the Board will review the Complaint. The Board is empowered to dismiss "in writing" if the complaint is found to be unjustified, frivolous, or unfounded. (b) The Board will then conduct at least one hearing within sixty (60) calendar days of receiving the Complaint. At this time, the Board can collect additional evidence and information regarding the Complaint. The Board will also interview witnesses and the subject of the Complaint. (c) Findings of the Board of Ethics will be submitted to the Mayor and Council for action within seven calendar (7) days of the final hearing. (d) The subject of the Complaint can file an application for an appeal in the Superior Court of Lowndes County within thirty (30) days of the Board's decision. Council will need to consider an appointment to the Board of Ethics at the May 28, 2024 Special Called Meeting and vote on the appointment which would facilitate the advancing of the process. Once the Council appointment is completed, the Mayor will make his appointment. After that, the two Board of Ethics Members will make the appointment of a third person to the Board. This Board Member must be of the legal profession and in good standing with the State Bar of Georgia. The third member of the Board of Ethics must also be approved by a majority of Council.

Mayor Matheson inquired as to whether Councilwoman Miller-Cody would be abstaining from the vote tonight. Councilwoman Miller-Cody asked that he explain abstaining and inquired as to who we are voting for. Mayor Matheson stated that the body of Council will vote on the first appointee to sit on the Ethics Committee. Councilwoman Miller-Cody stated that she will not know who they appointed. Mayor Matheson stated that she would know and that she will be able to listen and just be abstaining from the actual vote. Mayor Matheson stated that he would read the following abstention of Councilwoman Miller-Cody into the record: As required by O.C.G.A. 36-67-A, et seq. and the City of Valdosta Code of Ethics, I hereby acknowledge that I have a potential conflict of interest pertaining to Agenda Item 2(a) for the Special Called Council Meeting of May 28, 2024. As a result, I will not participate in any discussion, nor vote, nor make any attempt to influence the decision of Council. The conflict of interest I have pertains to the consideration of the establishment of a Code of Ethics Complaint Board as I am the party that the Ethics Complaint was filed against. Councilwoman Miller-Cody inquired as to whether she could get a copy of the letter once she signs it. Mayor Matheson stated that she could get a copy of the letter.

Mayor Matheson entertained nominations for the first seat on that Panel. Councilman Howard stated that he would like to nominate J. D. Rice. Councilman Harden seconded the nomination. There being no other nominations, Mayor Matheson closed nominations. J. D. Rice was appointed to serve on the Ethics Complaint Board (6-0-1) with Councilwoman Miller-Cody abstaining.

Mayor Matheson stated that for the second seat, he would like to appoint former City Councilman and Mayor Pro Tem Alvin Payton, Jr. and he has agreed to serve. Those two nominees will now come forward with the third name of a person in good legal standing and that name will be presented to the Council for consideration.

ADJOURNMENT

Mayor Matheson entertained a motion for adjournment.

A MOTION by Councilman Carroll, seconded by Councilman Howard, was unanimously adopted (7-0) to adjourn the May 28, 2024 Special Called Meeting of the Valdosta City Council at 5:40 p.m. to meet again in Regular Session on Thursday, June 6, 2024.

City Clerk, City of Valdosta

Mayor, City of Valdosta