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Atlanta City Councilman Ceasar C. Mitchell Issues Statement Regarding His Request to the City of Atlanta Ethics Board

On October 10, 2008, Atlanta City Councilman Ceasar C. Mitchell requested a formal Advisory Opinion from the City of Atlanta Ethics Board regarding transactions with immediate family members, specifically his Council Office's engagement of Pendulum Consulting, Inc., a firm that provides a broad range of community and constituent outreach products and services for its clients.

In light of news reports on this issue, Councilman Mitchell issues the following statement:

"I engaged Pendulum Consulting to assist my citywide Council Office with constituent outreach activities from 2004 until 2007. I retained the firm in good faith and in compliance with the City's Ethics Code. The company has over 10 years of experience in providing valuable outreach support services including the planning and coordination of community initiatives targeting senior citizens, youth and public safety. The company also provided supporting materials (production and distribution of newsletters, postcards, flyers, etc.) for these activities to inform city residents.

Pendulum was paid for its professional services and reimbursed for pre-approved third- party vendor fees and costs incurred for producing certain products (printing, mailing services, collateral materials for community service activities, etc.) on behalf of my Council Office. The company was paid an estimated $13,750 in 2006 and $7,750 in 2007 for professional services and reimbursed $27,723.58 for itemized third-party vendor costs related to these services between 2006 and 2007. These expenditure amounts are well within the authority of Councilmembers to make small purchases, under $20,000 per year, with a particular vendor.

I referred to City Code Section 2-39 that related to council members' expense accounts when I engaged Pendulum from 2004 to 2007 to provide community outreach consultation and services. All payment for services rendered were authorized through a formal requisition process carried out by the Council Director's office and the City's Finance Department, the records of which are open to the public.

In July 2006, the Ethics Code was revised to modify the definition of 'immediate family member' to include a sibling. Upon learning indirectly several weeks ago that Pendulum's work with my Council Office during 2006 and 2007 was questioned, I immediately consulted with the City Ethics Officer for advice and guidance on this issue.

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The instant filing of an amended City Financial Disclosure Statement and my formal request to the Ethics Board for an advisory opinion comes as a result of that consultation.

I am now waiting on an advisory opinion from the Ethics Board for clarity on engaging Pendulum Consulting to provide professional services and products for my citywide council office.

During my tenure on Council, I have exercised fiscal prudence and restraint with my City Council expense account and have used it to serve the citizens of Atlanta. For this fiscal year, along with many of my fellow Councilmembers I cut my council budget by nearly 25%. I pay the cost of my computer and cell phone equipment from my personal funds, and I do not expense my cell phone bills or use a taxpayer-supported city credit card. As a result, my current citywide Councilmember expense account balance after recently contributing $13,000 to the Fire Station #7 operating account is nearly $120,000. Moreover, I plan to return the vast majority of this amount to taxpayers when I complete my term on city council next year. "

– Ceasar C. Mitchell

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