

City's vetting process draws fire

Commissioners call for improvement

By Jeff Burlew
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11:35 PM, Sep. 20, 2011



Tallahassee Mayor John Marks speaks during the City Commission meeting Sept. 7. / GLENN BEIL/Democrat

Most Tallahassee city commissioners say the city must do a better job vetting partners in the aftermath of an abandoned grant project involving a controversial Atlanta nonprofit.

The city joined with the Alliance for Digital Equality to apply for and ultimately win a \$1.2-million federal grant to bring high-speed Internet programs to the Apalachee Ridge Technology Learning Center. Late last month, however, the city returned the money to the federal [government](#), saying an ethics inquiry made it impossible for the city to meet grant deadlines.

Commissioner Gil Ziffer sent an email Tuesday to City Manager Anita Favors Thompson asking what is being done to improve.

"Have we put any systems in place to vet situations more closely to eliminate the chances of an ADE happening again?" Ziffer asked. "I know we as commissioners need to be open about potential conflicts. I hope staff will question us about our suggestions more too."

Favors Thompson said city staff intends to fulfill its responsibilities.

"As a professional executive staff, it is certainly our desire and intent to always cover all bases as it relates to making well researched recommendations to the City Commission for their further consideration," she wrote in an email to the Tallahassee [Democrat](#).

Favors Thompson, in a recent interview, said it is not the job of city staff to investigate possible conflicts of interest of commissioners. She said it is the city attorney's job to advise when asked.

Ultimately, however, Thompson said the duty falls to elected officials.

"We will not start checking on individual commissioners' connections to every [company](#) in the world," she said. "It's up to the individual commissioner to do that."

One reason the city didn't take a hard look at ADE is because the group came to the city through Mayor John Marks. He didn't disclose before a Sept. 15, 2010, vote on the grant that he served as a paid member of the group's board of advisers or that ADE was bankrolled by AT&T, a longtime client of Marks. The mayor now says he didn't know AT&T was funding ADE, which was revealed in articles published Sunday in the Democrat.

The dots could have been connected among Marks, ADE and AT&T. Marks disclosed ADE as a source of income on his annual financial disclosures. He acknowledged after abstaining from a 2008 vote involving AT&T that he worked for the telecom giant. ADE's tax filings for 2007-09, the latest available, show AT&T gave it \$7.36 million over the three-year period, accounting for more than 99 percent of ADE's funding.

Commissioners Nancy Miller, Mark Mustian and Ziffer all said the city must take a more careful look at its grant partners. Commissioner Andrew Gillum could not be reached for comment.

"Now, I think all of us expect our manager to look carefully at any group that comes to any of us — not just the mayor — and wants to partner with us on anything," Miller said.

Mustian said such vetting must start with individual elected officials, who under state law must abstain from voting on matters that could lead to a special gain for themselves, their relatives, a business associate or someone who retains them.

But Mustian said it's also up to the entire commission and city staff to look closely at potential partners.

"The one thing this particular deal crystallizes in my mind is we probably need to do some due diligence in anyone we partner with in a grant," he said. "I think it's kind of a lesson that we need to be very cautious on vetting who we partner with in terms of grants or anything else."

Mustian said the abandoned grant project has led to one good thing — commissioners now have a heightened concern about conflicts of interest and potential conflicts.

"And I think that's a good thing for the community," he said.

Miller said conflict-of-interest allegations against Marks already have had an impact on the commission. On Aug. 31, she abstained from a vote involving the Evening Rose development out of an abundance of caution and the advice of City Attorney Jim English.

In a voting-conflict form she filed the same day as the vote, she wrote she had a previous contractual relationship with K2 Urbancorp, the previous developer of the property.

"Transparency and accountability are extremely important for a public official," she said. "All of us who are elected to office need to be trying to win back the confidence of the public, because they are skeptical and concerned."

Favors Thompson, in the earlier interview, said local politics played a role in the loss of the grant. She also said she didn't think city staff could have done anything more to prevent the loss of the federal money.

In a post Tuesday on Facebook, Erwin Jackson, a local businessman who ran last year for the City Commission, asked residents to come to City Hall tonight to speak out on the controversy involving the mayor.