

Senate Bill 378

By: Senator Millar of the 40th

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

1 To amend an Act revising, superseding, and consolidating the laws relative to the governing
 2 authority of DeKalb County and creating a chairman and board of commissioners of said
 3 county, approved March 8, 1956 (Ga. L. 1956, p. 3237), as amended, particularly by an Act
 4 approved April 9, 1981 (Ga. L. 1981, p. 4304), so as to change the composition of the
 5 governing authority; to abolish the office of chief executive officer; to provide for a
 6 commission chairperson to be elected at large; to shorten certain terms of office; to provide
 7 for elections and new terms of office; to provide for term limits; to provide for a county
 8 manager; to conform various provisions to reflect such changes; to provide for related
 9 matters; to provide for a referendum and effective dates; to repeal conflicting laws; and for
 10 other purposes.

11 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

12 **SECTION 1.**

13 An Act revising, superseding, and consolidating the laws relative to the governing authority
 14 of DeKalb County and creating a chairman and board of commissioners of said county,
 15 approved March 8, 1956 (Ga. L. 1956, p. 3237), as amended, particularly by an Act approved
 16 April 9, 1981 (Ga. L. 1981, p. 4304), is amended by striking Sections 1 through 23 and
 17 inserting in lieu thereof the following:

18 "SECTION 1.

19 Governing authority.

20 (a) There is hereby created the Board of Commissioners of DeKalb County to be elected
 21 and organized as hereinafter provided.

22 (b) The Board of Commissioners of DeKalb County, hereinafter referred to as the
 23 'commission,' shall constitute the governing authority of DeKalb County.

24 (c) The office of Chief Executive Officer of DeKalb County shall be abolished on
 25 January 1, 2019.

S. B. 378

SECTION 2.

The commission.

(a) Effective January 1, 2019, the commission shall consist of a chairperson elected by the county at large and seven district commissioners elected by the electors of their respective districts.

(b) For purposes of electing members of the commission, DeKalb County is divided into seven commissioner districts. One member of the commission shall be elected from each such district.

(c)(1) Commissioner Districts 1, 2, 3, 4, 5, 6, and 7 shall be and correspond to those seven numbered districts described in and attached to and made a part of this Act and further identified as 'Plan: DeKalbCC-7d-SD040-2016 Plan Type: Local Administrator: SD040 User: bak'.

(2) When used in such attachment, the term 'VTD' (voting tabulation district) shall mean and describe the same geographical boundaries as provided in the report of the Bureau of the Census for the United States decennial census of 2010 for the State of Georgia.

(3) The separate numeric designations in a district description which are underneath a VTD heading shall mean and describe individual Blocks within a VTD as provided in the report of the Bureau of the Census for the United States decennial census of 2010 for the State of Georgia. Any part of DeKalb County which is not included in any such district described in that attachment shall be included within that district contiguous to such part which contains the least population according to the United States decennial census of 2010 for the State of Georgia.

(4) Any part of DeKalb County which is described in that attachment as being in a particular district shall nevertheless not be included within such district if such part is not contiguous to such district. Such noncontiguous part shall instead be included within that district contiguous to such part which contains the least population according to the United States decennial census of 2010 for the State of Georgia.

(5) Except as otherwise provided in the description of any commissioner district, whenever the description of such district refers to a named city, it shall mean the geographical boundaries of that city as shown on the census map for the United States decennial census of 2010 for the State of Georgia.

SECTION 3.

Establishment of the commission.

(a) The terms of all members of the commission in office elected in the 2016 general election shall end on December 31, 2018. At the November, 2018, general election, a special election shall be held to fill the seats on the commission and the office of chairperson. The persons elected in such special election to represent Commission Districts 2, 4, and 6 shall serve terms of office beginning on January 1, 2019, and ending on December 31, 2020, and until their respective successors are elected and qualified. The persons elected in such special election to represent Commission Districts 1, 3, 5, and 7 and the chairperson shall serve terms of office beginning on January 1, 2019, and ending on December 31, 2022, and until their respective successors are elected and qualified. Thereafter, successors to such members shall be elected at the November general election immediately preceding the end of such members' respective terms of office and shall take office on January 1 immediately following such election for terms of office of four years and until their respective successors are elected and qualified.

(b) Beginning with the chairperson elected in the November, 2018, general election, the chairperson shall be limited to two consecutive terms of office as chairperson and shall not be eligible for election to the office of chairperson until a period of four years following the end of such person's last term of office as chairperson after serving two consecutive terms of office as chairperson has elapsed.

SECTION 4.

Running for other elective office creates vacancy.

(a) Except as otherwise provided in subsection (b) of this section, neither the chairperson nor any member of the commission shall be qualified to be a candidate for nomination or election to any other elective office, other than to succeed oneself as a member of the commission or as chairperson, unless the member of the commission or the chairperson shall resign from office as provided in subsection (b) of this section.

(b) If the term of the other office to which the member of the commission or the chairperson seeks to be a candidate for nomination or election expires on the same date the member's or the chairperson's term of office expires, then resignation from office under subsection (a) of this section shall not be required. If resignation is required under subsection (a) of this section, such resignation shall be irrevocable and shall be submitted to the commission by not later than April 1 of the year in which the election for the other

90 office to which the member of the commission or the chairperson seeks nomination or
91 election is held and shall be effective on December 31 of that year.

92 (c) The April 1 date specified in subsection (b) of this section for irrevocable resignation
93 from office shall be deemed to be the date of the creation of a vacancy, notwithstanding the
94 fact that the resignation is not effective until the December 31 immediately following the
95 date of resignation. Notwithstanding the provisions of Section 6 of this Act, no special
96 election shall be held to fill such vacancy, and such vacancy shall be filled for the
97 unexpired term by nomination and election in the same manner as nomination and election
98 for a full term of office as a member of the commission in accordance with the provisions
99 of Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia Election Code.'

100 SECTION 5.

101 Reserved.

102 SECTION 6.

103 Vacancies.

104 (a) Vacancies in the commission, including the office of chairperson and district
105 commissioner, occurring by reason of death, resignation, removal from the county or
106 district from which elected, or any other reason shall be filled as provided in this section.

107 (b) In the event that a vacancy occurs on the commission when at least 180 days remain
108 in the unexpired term of office, the election superintendent of DeKalb County, within 15
109 days after the vacancy occurs, shall issue the call for a special election to fill such vacancy
110 for the unexpired term. Such special election shall be conducted in accordance with
111 Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia Election Code.'

112 (c) In the event a vacancy occurs on the commission when less than 180 days remain in
113 the unexpired term of office, the remaining members of the commission shall appoint a
114 qualified person to fill such vacancy for the unexpired term. A person appointed by the
115 commission to fill a vacancy as provided in this subsection shall possess the residency and
116 other qualifications required for the office.

117 SECTION 7.

118 Oath and bond.

119 Before entering into the discharge of their duties, the chairperson and other members of the
120 commission shall subscribe to an oath before the judge of the Probate Court of DeKalb
121 County for the true and faithful performance of their duties and shall affirm that they are
122 not the holders of any public funds unaccounted for. In addition, the chairperson and other
123 members of the commission shall give a satisfactory surety bond, as determined by the
124 judge of the Probate Court of DeKalb County, payable to the judge of the Probate Court
125 of DeKalb County and filed in the office of the judge of the Probate Court of DeKalb
126 County, in the sum of \$10,000.00, and such bond shall be conditioned upon the faithful
127 performance of the duties of the office. The costs of such bonds shall be paid from county
128 funds.

129 SECTION 8.

130 Compensation.

131 (a) The provisions of any other law to the contrary notwithstanding, each district
132 commissioner shall receive an annual salary in the amount of \$40,000.00 to be paid from
133 the funds of DeKalb County in equal monthly installments and shall, in addition, receive
134 an expense allowance of \$300.00 per month to be paid from the funds of DeKalb County.
135 (b) The chairperson shall be a full-time position, and the chairperson shall devote his or
136 her full time to fulfilling the duties of the office. The provisions of any other law to the
137 contrary notwithstanding, the chairperson shall receive an annual salary in the amount of
138 \$153,000.00 to be paid from the funds of DeKalb County in equal monthly installments
139 and shall, in addition, receive an expense allowance of \$300.00 per month to be paid from
140 the funds of DeKalb County.

141 SECTION 9.

142 Powers and duties of the commission.

143 (a) The commission shall have the power and authority to fix and establish, by appropriate
144 resolution or ordinance entered on its minutes, policies, rules, and regulations governing
145 all matters reserved to its jurisdiction by this Act. The commission shall exercise only
146 those powers necessary and properly incident to its function as a policy-making or
147 rule-making body or which are necessary to compel enforcement of its adopted resolutions
148 or ordinances, and any power or combination of powers vested in the commission by this

149 Act shall be subject to the limitations provided in Section 23 of this Act. The following
150 powers are hereby vested in the commission:

- 151 (1) To levy taxes;
- 152 (2) To make appropriations;
- 153 (3) To fix the rates of all other charges;
- 154 (4) To authorize the incurring of indebtedness;
- 155 (5) To authorize work to be done where the cost is to be assessed against benefited
156 property and to fix the basis for such assessment;
- 157 (6) To establish, alter, or abolish public roads, private ways, bridges, and ferries
158 according to law and to provide for the acceptance of subdivision plats when the
159 requirements established by the commission have been met;
- 160 (7) To establish, abolish, or change election precincts and militia districts according to
161 law;
- 162 (8) To allow the insolvent lists for the county;
- 163 (9) To authorize the acceptance for the county of the provisions of any optional statute
164 where the statute permits its acceptance by the governing authority of a county;
- 165 (10) To regulate land use by the adoption of a comprehensive development plan and by
166 the adoption of other planning and zoning ordinances which relate reasonably to the
167 public health, safety, morality, and general welfare of the county and its citizens;
168 provided, however, that no planning or zoning ordinance shall become law unless
169 approved by the member of the commission representing the district in which the subject
170 property is located;
- 171 (11) To create and change the boundaries of special taxing districts authorized by law;
- 172 (12) To fix the bonds of county officers when such bonds are not fixed by statute;
- 173 (13) To enact any ordinances or other legislation the county may be given authority to
174 enact;
- 175 (14) To determine the priority of capital improvements;
- 176 (15) To call elections for the voting of bonds;
- 177 (16) To exercise the power and authority vested by law in the judge of the probate court
178 when sitting for county purposes;
- 179 (17) To exercise the powers now or hereafter vested in county governing authorities by
180 the Constitution and general laws of this state;
- 181 (18) To fix, levy, and assess license fees, charges, or taxes on all persons, firms, and
182 corporations engaging in or offering to engage in any trade, business, calling, avocation,
183 or profession in the area of DeKalb County, outside the incorporated limits of
184 municipalities situated therein, except businesses which are subject to regulation by the
185 Georgia Public Service Commission; to classify all such persons, firms, or corporations

186 according to the nature, manner, and size of business conducted by such persons, firms,
187 and corporations; and to fix, levy, and assess different license fees, charges, or taxes
188 against different classes of trades, businesses, callings, avocations, or professions. Such
189 licenses shall be issued, annually or otherwise, and may be revoked, canceled, or
190 suspended after notice and a hearing, in accordance with rules prescribed by the
191 commission. The commission shall be further authorized to adopt ordinances and
192 resolutions to govern and regulate all such trades, businesses, callings, avocations, or
193 professions, not contrary to regulations prescribed by general law, for the purpose of
194 protecting and preserving the health, safety, welfare, and morals of the citizens of the
195 county, and to prescribe penalties for the violation of any such ordinances and
196 resolutions, including the operation of such businesses without obtaining a license or
197 when such license is revoked or suspended. Payment of such license fees, charges, or
198 taxes may be enforced by fi. fas. issued by the commission and levied by any officer in
199 such county authorized by law to levy fi. fas. for taxes, assessments, fines, costs, or
200 forfeitures due such county. The commission shall be authorized, in its discretion, to
201 require any and all persons, firms, or corporations licensed pursuant to the authority
202 herein granted to give a bond payable to DeKalb County and conditioned to pay such
203 county or anyone else, suing in the name of such county and for their use, for injuries or
204 damages received on account of dishonest, fraudulent, immoral, or improper conduct in
205 the administration of the business so licensed, and such bond shall be fixed and approved
206 by the commission. Such license fees, charges, or taxes shall be in addition to all other
207 taxes or assessments heretofore or hereafter levied by such county, and all funds received
208 from such license fees, charges, and taxes shall be paid into the county depository as
209 general funds of the county;

210 (19) To adopt rules regulating the operation of the commission; and

211 (20) To prepare an agenda for meetings of the commission.

212 (b) In addition to the powers enumerated in subsection (a) of this section, the commission
213 may adopt all such ordinances or regulations as it may deem advisable, not in conflict with
214 the general laws of this state or of the United States, for the governing and policy of the
215 county, for the purpose of protecting and preserving the health, safety, welfare, and morals
216 of the citizens of the county, and for the implementation and enforcement of the powers
217 and duties of the commission.

218 (c) The commission is hereby authorized to adopt ordinances prescribing penalties and
219 punishment for violation of any and all ordinances adopted by the commission to carry out
220 any of the provisions of this section or other provisions of this Act or of any other law, and
221 to prescribe maximum penalties and punishment for violations, except that the penalties

222 shall in no event exceed a fine of \$500.00, imprisonment in the county jail for 30 days, or
223 labor on the work gang for 60 days for any single offense, or any combination thereof.

224 SECTION 10.

225 Audits.

226 (a) The commission shall choose three of its members to serve as an audit committee. The
227 term of members serving as the audit committee and their manner of selection shall be
228 determined by the commission. The audit committee shall screen and recommend to the
229 commission an independent auditing firm to serve as an outside auditor of the county
230 government to make an annual continuous general audit of all county finances and financial
231 records.

232 (b) The outside auditor shall be employed pursuant to a written contract to be entered upon
233 the minutes of the commission, and the contract shall state clearly and concisely the depth
234 and scope of the audit and that it shall be conducted in accordance with the requirements
235 of the Act providing uniform standards for audits of municipalities and counties within the
236 State of Georgia, approved April 21, 1967 (Ga. L. 1967, p. 883), as amended, particularly
237 by an Act approved March 28, 1968 (Ga. L. 1968, p. 464). The auditor shall immediately
238 inform the commission in writing of any irregularities found in the management of county
239 business by an officer or department of the county government.

240 (c) The outside auditor shall complete the audit within 90 days after December 31 of each
241 year, and within ten days after such completion, the auditor shall deliver a copy to each
242 commissioner and to the grand jury of the Superior Court of DeKalb County then in
243 session.

244 SECTION 10A.

245 Independent internal audit.

246 (a)(1) It is essential to the proper administration and operation of the DeKalb County
247 government that public officials, government managers, and private citizens know not
248 only whether government funds are handled properly and in compliance with laws and
249 regulations, but also whether public programs are achieving the purposes for which they
250 were authorized and funded and whether they are doing so efficiently, effectively, and
251 equitably. An independent internal audit function can provide objective information on
252 the operations of government programs, assist managers in carrying out their
253 responsibilities, and help ensure full transparency and accountability to the public.
254 Internal auditing is defined as an independent, objective assurance and consulting activity

255 designed to add value and improve an organization's operations by bringing a systematic,
256 disciplined approach to evaluate and improve the effectiveness of risk management,
257 control, and governance processes.

258 (2) The public interest requires that the General Assembly provide for the proper
259 administration and operation of the DeKalb County government by establishing, by law,
260 an independent internal audit function to assist the governing authority to accomplish its
261 objectives by bringing a systematic, disciplined approach to evaluate and improve the
262 effectiveness of risk management, control, and governance processes.

263 (b) The Office of Internal Audit is hereby established and shall consist of the chief audit
264 executive ('auditor') and those assistants, employees, and personnel as deemed necessary
265 by such auditor for the efficient and effective administration of the affairs of the office and
266 over whom the auditor shall have the sole authority to appoint, employ, and remove.

267 (c) The Office of Internal Audit shall be completely independent and shall not be subject
268 to control or supervision by the commission or any other official, employee, department,
269 or agency of the county government.

270 (d) The auditor shall be appointed by a majority vote of the commission from a list of not
271 fewer than two nor more than three candidates provided to the commission by the audit
272 oversight committee. Such appointment shall be made within 30 days of receipt of the list
273 of nominees by the commission. In the event that the commission fails to appoint a
274 nominee within 30 days, the auditor shall be appointed by a majority vote of the audit
275 oversight committee.

276 (e) The term of office of the auditor shall be five years and until his or her successor is
277 qualified and appointed. The auditor shall be limited to a maximum of two terms in office.
278 A vacancy in the position of auditor shall exist by reason of expiration of term, resignation,
279 death, or removal from office by the vote of a supermajority of the members of the
280 commission or if the auditor becomes ineligible to hold civil office within the meaning of
281 Code Section 45-2-1 of the O.C.G.A. and that ineligibility is established by decision of a
282 court of competent jurisdiction which declares the office vacant because of such
283 ineligibility. A vacancy shall be filled within 60 days by a majority vote of the audit
284 oversight committee for the remainder of the term of office.

285 (f) The auditor shall have adequate professional proficiency for the job and shall:

286 (1) Be a certified public accountant or a certified internal auditor;

287 (2) Have a bachelor's degree in public policy, accounting, business administration,
288 economics, or a related field; and

289 (3) Have at least five years' experience in government auditing, evaluation, or analysis.

290 (g) The position of the auditor shall be nonpartisan. Qualifying for election to a public
291 office shall constitute a resignation from the position as of the date of qualifying.

292 (h) The auditor shall have authority to conduct financial and performance audits of all
293 departments, offices, boards, activities, agencies, and programs of the county in order to
294 independently and objectively determine whether:

295 (1) Activities and programs being implemented have been authorized by this Act,
296 Georgia law, or applicable federal law or regulations and are being conducted and funds
297 expended in compliance with applicable laws;

298 (2) The department, office, board, or agency is acquiring, managing, protecting, and
299 using its resources, including public funds, personnel, property, equipment, and space,
300 economically, efficiently, effectively, and in a manner consistent with the objectives
301 intended by the authorizing entity or enabling legislation;

302 (3) The entity, programs, activities, functions, or policies are effective, including the
303 identification of any causes of inefficiencies or uneconomical practices;

304 (4) The desired results or benefits are being achieved;

305 (5) Financial and other reports are being provided that disclose fairly, accurately, and
306 fully all information required by law in order to ascertain the nature and scope of
307 programs and activities, and to establish a proper basis for evaluating the programs and
308 activities, including the collection of, accounting for, and depositing of revenues and
309 other resources;

310 (6) Management has established adequate operating and administrative procedures and
311 practices, systems or accounting internal control systems, and internal management
312 controls; and

313 (7) Indications of fraud, abuse, or illegal acts are valid and need further investigation.

314 (i) All officers and employees of DeKalb County shall furnish to the auditor unrestricted
315 access to employees, information, and records, including electronic data within their
316 custody, regarding powers, duties, activities, organization, property, financial transactions,
317 contracts, and methods of business required to conduct an audit or otherwise perform audit
318 duties. In addition, they shall provide access for the auditor to inspect all property,
319 equipment, and facilities within their custody. If such officers or employees fail to provide
320 or produce such access and information, the auditor may initiate a search to be made and
321 exhibits to be taken from any book, paper, or record of any such official or employee or
322 outside contractor or subcontractor, except as governed by statute. Further, all contracts
323 with outside contractors and subcontractors shall contain a right-to-audit clause and provide
324 for auditor access to the contractors' employees and to all financial and performance related
325 records, property, and equipment purchased in whole or in part with governmental funds.
326 For the purpose of this subsection, the auditor shall have the authority to issue subpoenas
327 and may apply to the Superior Court of DeKalb County for the enforcement of any
328 subpoena issued by the auditor.

329 (j) The auditor may obtain the services of certified public accountants, qualified
330 management consultants, or other professional experts necessary to perform audit work.
331 An audit that is performed by contract must be conducted by persons who have no financial
332 interests in the affairs of the governmental entity or its officers. The auditor shall
333 coordinate and monitor auditing performed by certified public accounting firms or other
334 organizations employed under contract by the governing authority to assist with audit
335 related activities. Contracting for the external audit will follow the normal contracting
336 processes of the governing authority of DeKalb County except for the participation and
337 oversight by the audit oversight committee and auditor. The selection of a certified public
338 accounting firm for the annual financial audit must be approved by the commission.

339 (k)(1) Audits shall be conducted in accordance with recognized government auditing
340 standards.

341 (2) At the beginning of each fiscal year, the auditor shall submit a one- to five-year audit
342 schedule to the audit oversight committee and the commission for review and comment.
343 The schedule shall include the proposed plan, and the rationale for the selections, for
344 auditing departments, offices, boards, activities, programs, policies, contractors,
345 subcontractors, and agencies for the period. This schedule may be amended after review
346 by the audit oversight committee and the commission, but the auditor shall have final
347 authority to select the audits planned.

348 (3) In the selection of audit areas and audit objectives, the determination of audit scope,
349 and the timing of audit work, the auditor shall consult with federal and state auditors and
350 external auditors so that the desirable audit coverage is provided and audit efforts are
351 properly coordinated.

352 (4) A final draft of the audit report shall be forwarded to the audit oversight committee,
353 the commission, and the audited agency for review and comment regarding factual
354 content prior to its release. The agency shall respond in writing, specifying the agreement
355 with audit findings and recommendations or reasons for disagreement with such findings
356 and recommendations, plans for implementing solutions to issues identified, and a
357 timetable to complete such activities. The response shall be forwarded to the auditor
358 within 60 days. The auditor shall review and report on information included in the
359 agency's response. If no response is received, the auditor shall note that fact in the
360 transmittal letter and shall release the audit report.

361 (5) Each audit shall result in a final report, in written or some other retrievable form.
362 The report shall contain relevant background information and findings and
363 recommendations and shall communicate results to the audit oversight committee, the
364 audited agency, and the governing authority.

365 (6) The auditor shall submit an annual report to the audit oversight committee and the
366 commission indicating audits completed, major findings, corrective actions taken by
367 administrative managers, and significant issues which have not been fully addressed by
368 management. The annual report, in written or some other retrievable form, shall be made
369 available to the public through the county website within ten days of submission to the
370 commission.

371 (l) If, during an audit, the auditor becomes aware of abuse or illegal acts or indications of
372 such acts that could affect the governmental entity, the auditor shall report the irregularities
373 to the audit oversight committee and the commission. If a member of the governing
374 authority is believed to be a party to abuse or illegal acts, the auditor shall report the acts
375 directly to the audit oversight committee and the commission. If it appears that the
376 irregularity is criminal in nature, the auditor shall notify the district attorney in addition to
377 those officials previously identified in this subsection.

378 (m) The auditor shall follow up on audit recommendations to determine if corrective
379 action has been taken. The auditor shall request periodic status reports from audited
380 agencies regarding actions taken to address reported deficiencies and audit
381 recommendations.

382 (n)(1) The audit activities of the Office of Internal Audit shall be subject to a peer review
383 in accordance with applicable government auditing standards by a professional,
384 nonpartisan objective group utilizing guidelines endorsed by the Association of Local
385 Government Auditors.

386 (2) The peer review shall use applicable government auditing standards to evaluate the
387 quality of audit effort and reporting. Specific quality review areas shall include staff
388 qualifications, adequacy of planning and supervision, sufficiency of work paper
389 preparation and evidence, and the adequacy of systems for reviewing internal controls,
390 fraud and abuse, program compliance, and automated systems. The peer review shall
391 also assess the content, presentation, form, timelines, and distribution of audit reports.
392 The commission shall pay for the costs of the peer review.

393 (3) A copy of the written report of such independent review shall be furnished to each
394 member of the governing authority and to the audit oversight committee.

395 (o)(1) To ensure independence of the audit function, an audit oversight committee is
396 hereby established. The audit oversight committee shall consist of five voting members.

397 (2) All members of the audit oversight committee shall:

398 (A) Be residents of DeKalb County;

399 (B) Have expertise in performance auditing; and

400 (C) Have a minimum of five years' experience as a certified public accountant, a
401 certified internal auditor, a certified performance auditor, or a certified management
402 accountant or ten years of other relevant professional experience.

403 (3) Not later than October 31, 2015, the members of the audit oversight committee shall
404 be selected as follows:

405 (A) One member shall be appointed by the chairperson of the DeKalb County
406 delegation in the Georgia House of Representatives;

407 (B) One member shall be appointed by the chairperson of the DeKalb County
408 delegation in the Georgia Senate;

409 (C) One member shall be appointed by the Chief Executive of DeKalb County, and
410 successors shall be appointed by the chairperson of the commission; and

411 (D) Two members shall be appointed by the commission.

412 (4) The members shall serve for terms of five years; provided, however, that the initial
413 term of the first appointee of the commission shall be one year and until his or her
414 respective successor is appointed and qualified; the initial term of the appointee of the
415 chairperson of the DeKalb County delegation in the Georgia House of Representatives
416 shall be two years and until his or her respective successor is appointed and qualified; the
417 initial term of the appointee of the Chief Executive shall be three years and until his or
418 her respective successor is appointed and qualified; the initial term of the second
419 appointee of the commission shall be four years and until his or her respective successor
420 is appointed and qualified; and the initial term of the appointee of the chairperson of the
421 DeKalb County delegation in the Georgia Senate shall be five years and until his or her
422 respective successor is appointed and qualified.

423 (5) Successors to all members of the audit oversight committee and future successors
424 shall be appointed by the respective appointing authorities, except for the position
425 initially appointed by the Chief Executive which shall be filled by appointment by the
426 chairperson of the commission, not less than 30 days prior to the expiration of each such
427 member's term of office, and such successors shall take office on January 1 following
428 such appointment and shall serve terms of five years and until their respective successors
429 are appointed and qualified.

430 (6) If a member of the audit oversight committee ceases to be a resident of DeKalb
431 County, that member's position on the committee, by operation of law, shall become
432 vacant upon the establishment of the fact of such nonresidency, if contested, by a court
433 of competent jurisdiction. A vacancy on the audit oversight committee shall exist by
434 reason of death, resignation, incapacity to serve for 90 days or longer, or loss of residency
435 as described in this paragraph. A member of the audit oversight committee may also be
436 removed from office during a term if the member becomes ineligible to hold civil office

437 within the meaning of Code Section 45-2-1 of the O.C.G.A. and that ineligibility is
438 established by decision of a court of competent jurisdiction which declares the office
439 vacant because of such ineligibility or by a vote of two-thirds of the members of the
440 legislative delegation. A vacancy shall be filled within 60 days by the legislative
441 delegation for the remainder of the unexpired term.

442 (7) The members of the audit oversight committee shall elect from their own
443 membership a chairperson and otherwise provide for their own internal organization.

444 (8) The audit oversight committee shall consult with the auditor regarding technical
445 issues and work to assure maximum coordination between the work of the auditor's office
446 and external audit efforts.

447 (9) The audit oversight committee shall meet as needed to perform its duties, but shall
448 not meet less than once quarterly and shall be responsible for:

449 (A) Selecting not fewer than two nor more than three nominees for the position of
450 auditor who meet the requirements outlined in subsection (f) of this section which shall
451 be submitted to the commission for selection and appointment of one of the nominees
452 to the position of auditor;

453 (B) Performing regular evaluations of the DeKalb County audit function;

454 (C) Providing suggestions and comments for the annual audit plan;

455 (D) Ensuring that audit reports are transmitted to the governing authority and to the
456 public;

457 (E) Monitoring follow-up on reported findings to assure corrective action is taken by
458 management;

459 (F) Reporting to the governing authority on problems or problem areas at such times
460 as deemed appropriate;

461 (G) Conducting or overseeing requests for the proposal and selection process for the
462 firm conducting the annual financial statement audits, and ranking and recommending
463 in order of preference no fewer than three firms deemed to be the most highly qualified
464 to perform the required services. If fewer than three firms respond to the request for
465 proposal, the audit oversight committee shall recommend such firms as it deems to be
466 the most highly qualified;

467 (H) Evaluating the firm providing annual financial statement auditing services and
468 providing oversight of that audit, including ensuring transmission of reports and
469 follow-up on corrective action by management;

470 (I) Evaluating the findings and recommendations of the peer review as required by
471 recognized government auditing standards;

472 (J) Consulting with the auditor regarding technical issues with the external audit firm
 473 and working to assure maximum coordination between the work of the Office of
 474 Internal Audit and contracted audit efforts and other consulting engagements;

475 (K) Maintaining the confidentiality of personnel matters while taking responsibility for
 476 appropriate disclosure to the governing authority, the legislature, or to the public; and

477 (L) Annually meeting with members of the commission to discuss controls, systems
 478 and risk, and performance of the audit firm and other matters that the audit firm, the
 479 auditor, or staff desires or is required to bring to the commission's attention such as
 480 fraud, illegal acts, and financial and control weaknesses.

481 (10) The audit oversight committee shall have the authority to hire outside experts,
 482 including legal counsel, when necessary.

483 (11) The audit oversight committee shall have the authority to propose the budget of the
 484 Office of Internal Audit, including the auditor's salary and staffing, and shall then
 485 recommend the budget to the commission for approval, which shall fund it as a priority.

486 (12) Sufficient resources as requested by the audit oversight committee shall be provided
 487 by the commission to enable the audit oversight committee to carry out its
 488 responsibilities.

489 (p) The provisions of this section are severable, and if any of its provisions shall be held
 490 unconstitutional or invalid by a court of competent jurisdiction, the decision of the court
 491 shall not affect or impair any of the remaining provisions.

492 SECTION 11.

493 Chairperson and vice chairperson.

494 (a) The chairperson of the commission shall preside at any regular or specially called
 495 meeting of the commission, but shall have no vote unless the members of the commission
 496 are equally divided or if such vote will provide the deciding vote to approve a measure.

497 (b) At the first meeting in January of each year, the commission shall elect from among
 498 its membership a vice chairperson. The person elected as vice chairperson shall retain all
 499 rights, powers, and duties as a member of the commission.

500 (c) The chairperson shall have the duty to:

501 (1) Convene special meetings of the commission as deemed necessary, but all members
 502 shall be notified at least three days in advance of any such special meeting;

503 (2) Appoint the members and chairpersons of such committees of the commission as the
 504 commission, by its rules, may establish and fill vacancies therein, but any such
 505 appointments may be rejected by a majority vote of the total membership of the
 506 commission;

- 507 (3) Compel the attendance of members at meetings of the commission by subpoena, if
508 necessary, subject to the policy of the commission established by its rules;
- 509 (4) Subject to confirmation by the commission, appoint the county attorney and, within
510 budgetary limitations, fix his or her compensation. Such county attorney shall serve at
511 the pleasure of the chairperson and may also be discharged for cause by the affirmative
512 vote of at least six members of the commission;
- 513 (5) Supervise and direct the work of the county manager; and
- 514 (6) Exercise such other powers and duties as may be assigned to the chairperson by
515 ordinance or rules and regulations of the commission.
- 516 (d) In the event that the office of the member serving as chairperson becomes vacant for
517 any reason or in the event that the chairperson is absent for any reason, the vice chairperson
518 shall exercise the duties and powers of the chairperson during the absence of the
519 chairperson or until the vacancy is filled in accordance with law.

520 SECTION 12.

521 Meetings.

522 The commission shall hold regular meetings on the second and fourth Tuesdays of each
523 month at the county seat, which meetings shall be open to the public, and may hold such
524 additional meetings as shall be necessary when called by the chairperson or any four
525 members of the commission, provided that all members shall be notified at least three days
526 in advance of such additional meeting. No official action shall be taken by the commission
527 except in a meeting which is open to the public. The chairperson and any four members
528 of the commission or any five members of the commission exclusive of the chairperson
529 shall constitute a quorum, except that a lesser number shall be sufficient to recess or
530 adjourn any meeting; but no official action shall be taken except upon the affirmative vote
531 of at least five members of the commission or four members and the chairperson when the
532 chairperson votes to break a tie or cast the deciding vote to approve a measure.

533 SECTION 13.

534 County manager.

535 (a) There is created the office of county manager. The county manager shall be the chief
536 administrative officer of the county government. The county manager shall be responsible
537 for the efficient administration of all county departments. The county manager shall hold
538 a college degree in public administration, political science, urban affairs, business
539 administration, engineering, or a related field and shall have at least five years' experience

540 in a supervisory capacity as an employee, director, administrator, or manager of a city or
541 county government or a state or federal agency or equivalent experience in the private
542 sector or any combination thereof. No person shall be appointed county manager who shall
543 have, within two years immediately preceding such appointment:

- 544 (1) Been a candidate for elective public office;
- 545 (2) Been the holder of elective public office; or
- 546 (3) Held a management position in the political campaign of any candidate for the
547 commission.

548 (b) The county manager shall be appointed by a majority vote of the commission, and the
549 commission shall determine and prescribe his or her compensation and term of office. The
550 county manager shall be appointed solely on the basis of that person's executive and
551 administrative qualifications. The commission may contract with the county manager on
552 such terms as it may deem reasonable and prudent. No member of the commission shall
553 be appointed county manager on either a permanent or interim basis during the term of
554 office for which he or she is elected or for a period of two years after terminating his or her
555 office as chairperson or as a district commissioner. After appointment, the county manager
556 shall not take part in the management of any political campaign for any elective public
557 office or hold office in any political party or body. If the county manager participates in
558 political activities in violation of this subsection, such participation, by operation of law,
559 shall result in the immediate discharge of the county manager and the office of the county
560 manager shall be vacant.

561 (c) The county manager shall devote all of his or her working time and attention to the
562 affairs of the county and shall be responsible to the commission for the efficient
563 administration of all of the affairs of the county over which the county manager has
564 jurisdiction. The powers and duties of the county manager shall be:

- 565 (1) To see that all laws, county codes, and ordinances are enforced;
- 566 (2) To appoint all department heads with the approval of the commission;
- 567 (3) To appoint and remove all subordinate officers and employees in all departments;
- 568 (4) To exercise control over all departments and divisions created therein or which may
569 hereafter be created by the commission;
- 570 (5) To attend all meetings of the commission with the right to take part in all discussions
571 but having no vote;
- 572 (6) To recommend to the commission such measures for adoption which he or she may
573 deem necessary and expedient;
- 574 (7) To prepare and submit to the commission an annual budget;
- 575 (8) To keep the commission fully advised as to the financial condition and needs of the
576 county;

- 577 (9) To supervise and direct the official conduct of all county officers and employees
578 except as otherwise provided in this Act;
- 579 (10) To supervise the performance of all contracts made by any person for work done for
580 the county, to make all purchases of materials and supplies for the county, and to see that
581 the same are received as contracted for; and
- 582 (11) To perform such other duties as may be prescribed in this Act or required of the
583 county manager by ordinance or resolution of the commission.
- 584 (d) The county manager shall not have administrative or supervisory authority over the
585 employees of the elected county officers of the county unless such county officer chooses
586 to opt into the county civil service system pursuant to the provisions of subsection (b) of
587 Code Section 36-1-21 of the O.C.G.A.
- 588 (e) In the event of a vacancy in the office of county manager, the commission shall
589 expeditiously proceed with due diligence to appoint an interim county manager. In no such
590 event shall the commission allow the office of county manager to remain vacant for a
591 period in excess of four weeks from the date such office became vacant. Specifically, the
592 commission shall, at the least, fill any vacancy in the office of county manager with an
593 interim county manager within four weeks from the date of vacancy. Furthermore, the
594 commission shall advertise for the permanent position of county manager at the first
595 opportunity upon vacancy of the office of county manager.
- 596 (f) Members of the commission shall deal solely through the county manager in all matters
597 concerning the operation, supervision, and administration of the various departments,
598 offices, and agencies of the county government. No member of the commission shall
599 directly or indirectly order, instruct, or otherwise attempt to control the actions of county
600 personnel subject to the administrative and supervisory control of the county manager.
601 Nothing herein shall be construed to prevent any member of the commission from seeking
602 information necessary to the establishment of a policy from any person, including any
603 employee of DeKalb County.
- 604 (g) Subject to the approval of the commission, the county manager shall have the power
605 to change, consolidate, or abolish any departments, agencies, or offices over which the
606 county manager exercises supervision and control, except that the department of finance
607 shall be maintained at all times as a separate and distinct department and may not be
608 abolished by the county manager or the commission. Subject to the approval of the
609 commission, the county manager may create other departments, agencies, and offices,
610 which, when created, shall be under the supervision and control of the county manager.
- 611 (h) The county manager shall report to, and shall be subject to, the day-to-day supervision
612 and control of the county commission chairperson.

SECTION 13A.

Appointments.

613
614

615
616
617
618
619
620
621
622
623
624
625
626
627
628
629
630
631
632
633
634
635
636
637
638
639
640
641
642
643
644
645
646

(a)(1) Whenever any other law of this state authorizes or requires a county governing authority, including any such law which refers to a local governing body with the intention of including a county governing authority, to appoint or elect a person to fill a post or vacancy in any public office or as a member of any public authority, board, commission, or other body or agency, such post or vacancy shall be filled as follows:

(A) The chairperson shall nominate, in writing, to the commission members a person to fill such post or vacancy. Such nomination shall specify the post or vacancy to be filled, the date such post or vacancy is to be filled, the qualifications, if any, which must be possessed by the person filling the post or vacancy, and the name of the person nominated;

(B) Within 20 days after the nomination by the chairperson, the commission, either at a regular or called meeting, shall confirm or reject the nomination;

(C) If the first nominee of the chairperson is rejected by the commission, the chairperson shall make a second nomination within ten days after the date of the rejection;

(D) Within 15 days after the date the second nomination of the chairperson is received, the commission, either at a regular or called meeting, shall confirm or reject the second nominee; and

(E) If the second nominee of the chairperson is rejected by the commission, the commission shall, within 15 days after the date of such rejection, either at a regular or called meeting, elect a qualified person to fill the post or vacancy without the necessity of a nomination by the chairperson.

(2) When the need to fill a post or vacancy is known by the chairperson at least 60 days in advance of the date on which the post or vacancy should be filled, the chairperson shall initiate the procedures provided by paragraph (1) of this subsection far enough in advance to permit such post or vacancy to be filled at the proper time. In all other cases, the chairperson shall initiate such procedures as soon as practicable after learning of the need to fill the post or vacancy.

(b) When a law described in subsection (a) of this section authorizes a person elected or appointed to fill a post or vacancy to be removed from office by a county governing authority, such power of removal may be exercised by the affirmative vote of at least five members of the commission.

647 SECTION 14.

648 Reserved.

649 SECTION 15.

650 Reserved.

651 SECTION 16.

652 Comprehensive development plan.

653 (a) The commission shall from time to time develop and revise a comprehensive
654 development plan which shall:

655 (1) Consider the economic and social aspects of the county;

656 (2) Set forth the comprehensive development goals, policies, and objectives of the
657 county, its specific geographic areas, communities and neighborhoods, and the citizens
658 thereof; and

659 (3) In conformity with such development goals, policies, and objectives, identify parks,
660 recreation facilities, sites for public buildings and structures, utilities, transportation
661 systems and facilities, housing, community facilities, manufacturing and industrial sites,
662 future land use for all classifications, and such other elements, features, and policies as
663 will promote the improvement of the county.

664 (b) In preparing or revising the comprehensive development plan, the commission shall
665 seek the views and opinions of citizens of the county and shall establish and publicize
666 formal procedures to obtain such views and opinions.

667 SECTION 17.

668 Budgeting; control of expenditures.

669 (a) The county manager shall submit to the commission not later than December 15 of
670 each year a proposed budget governing the expenditures of all county funds, including
671 capital outlay and public works projects, for the following calendar year. The proposed
672 budget submitted to the commission shall be accompanied by a report containing
673 information and data relating to the financial affairs of the county pertinent to arriving at
674 and establishing the annual budget.

675 (b) The county manager shall cause to be published in the official organ of DeKalb County
676 a copy of the proposed budget along with a notice to the public that a public hearing on the
677 proposed budget will be held at a time and place certain, which time shall be not less than
678 ten days after the publication. At this public hearing, the commission shall review the

679 proposed budget. The commission may adopt the budget as presented by the county
680 manager or it may make such amendments thereto as it deems necessary to maintain the
681 county in a sound financial condition. Nothing herein shall prevent the commission from
682 continuing the hearing on the proposed budget from time to time; provided, however, that
683 the time and place to which the hearing is continued shall be publicly announced at the
684 previous hearing. However, the final budget shall be approved and adopted before March 1
685 of the year to which it pertains. The final budget shall constitute the commission's
686 appropriations of all funds for such year. The budget may be amended during the calendar
687 year which it covers upon formal action of the commission in a regular meeting, but no
688 increase in appropriations shall be made therein without provision also being made for
689 financing such increase.

690 (c) A copy of the final budget adopted shall be transmitted by the county manager to the
691 grand jury of the Superior Court of DeKalb County then in session within ten days of its
692 adoption.

693 (d) Between January 1 and such time as the budget for the county is adopted by the
694 commission, the director of finance, with the approval of the county manager, shall be
695 authorized to make such expenditures of county funds as are deemed necessary and proper
696 for the continuing operation of the county and its various departments at the then-currently
697 approved level of service. These expenditures shall not include disbursements for new
698 personnel, new services, new equipment, or other items which could be interpreted as
699 providing an additional level of service not previously authorized.

700 (e) No expenditure of county funds shall be made except in accordance with the county
701 budget, or amendments thereto, adopted by the commission. The county manager shall
702 enforce compliance with this requirement by all departments, offices, and agencies of the
703 county government, including elected officers, with the exception of the tax commissioner,
704 clerk of superior court, district attorney, and sheriff.

705 SECTION 18.

706 Purchases; contracts.

707 (a) The commission shall establish rules to regulate purchasing for all county departments,
708 offices, and agencies of the county government, with the exception of the tax
709 commissioner, clerk of the superior court, district attorney, and sheriff. Except as
710 hereinafter provided, formal sealed bids, after notice of same has been published one time
711 in the official organ of DeKalb County, shall be obtained on all purchases exceeding
712 \$50,000.00. Purchases exceeding \$50,000.00 may be made without formal sealed bids
713 from any vendor who, at the time of purchase, has an existing contract or schedule with the

714 State of Georgia or the federal government if the purchase is made pursuant to the price,
715 terms, and conditions of such contract and if the county receives all the benefits of such
716 contract.

717 (b) Except for contracts of employment, the commission shall authorize all contracts
718 involving the expenditure of county funds in excess of \$12,500.00. All approved contracts
719 in excess of \$12,500.00 shall be posted online on the website of the county within ten
720 business days following approval and shall remain posted for not less than 18 months
721 thereafter.

722 (c) The dollar limitations specified in subsections (a) and (b) of this section may be
723 increased by ordinance of the commission, but except for increasing such limitations, the
724 provision of such subsections shall not be changed by the commission.

725 SECTION 19.

726 Department of finance.

727 (a) The department of finance is hereby established as a permanent administrative unit of
728 the county government. The department shall be under the control and supervision of the
729 director of finance. The department of finance shall perform the following functions:

- 730 (1) Keep and maintain accurate records reflecting the financial affairs of the county;
- 731 (2) Compile the annual budget covering all county funds;
- 732 (3) Make quarterly allotments of moneys appropriated and budgeted to each department,
733 office, or agency of the county entitled to receive such allotments;
- 734 (4) Maintain current control accounts over the collection and deposit of moneys due the
735 county from taxes and other sources;
- 736 (5) Examine all claims against the county and make recommendations as to payment;
- 737 (6) Maintain budgetary control accounts showing encumbrances for obligations entered
738 into, liquidation of such encumbrances, unencumbered balances of allotments, and
739 unexpended balances of appropriations;
- 740 (7) Maintain proprietary accounts of the current assets and of the liabilities of all county
741 funds;
- 742 (8) Prepare and issue quarterly financial reports of the operations of all county funds;
- 743 (9) Maintain property control records of all county property, including equipment and
744 stores, and supervise stores;
- 745 (10) Plan and prepare for meeting the financial needs of the county, project financial
746 requirements, recommend means of financing those requirements, and advise the county
747 manager and commission on financial matters; and

748 (11) Perform such other duties as may be assigned by the county manager or
749 commission.

750 (b) The director of finance shall certify to the county manager and the commission on
751 March 31, June 30, September 30, and December 31 of each year a statement of county
752 finances which shall reflect the overall county financial position by individual funds, as
753 well as a comparison of cash revenue collections by source with the budget estimates of
754 cash revenues by source and also a comparison of departmental expenditures with budget
755 appropriations. The county manager shall cause the June 30 and December 31 statements
756 to be published in the official organ of DeKalb County one time and a copy posted on the
757 county courthouse bulletin board within 30 days of each such date.

758 (c) Except as hereinafter provided, the provisions of this section are advisory only and the
759 commission may provide for the organization or reorganization of the department of
760 finance and may specify and provide for the powers and duties of the director of finance
761 and other personnel of the department of finance in such manner as may be necessary or
762 desirable for the efficient and effective operation of the department of finance. The
763 department of finance shall not be abolished by the commission.

764 SECTION 20.

765 Records; minutes.

766 The commission shall appoint a clerk who shall be the clerk of the commission and shall
767 keep a proper and accurate book of minutes wherein shall appear all the acts, orders, and
768 proceedings of the commission in chronological order. The minute books of the
769 commission shall be open to public inspection at all times during the regular office hours,
770 and certified copies of any entries therein shall be furnished by the clerk to any person
771 requesting same upon payment of a reasonable fee, to be paid into the county treasury as
772 other funds, to be assessed by the commission in an amount sufficient to defray the cost of
773 preparing such copies. In addition, the clerk shall manage the agenda for meetings of the
774 commission and perform such other duties as the commission may direct.

775 SECTION 21.

776 Agreements of candidates.

777 It shall be unlawful for any candidate for the office of chairperson or district commissioner
778 or for nomination to such office to enter into any agreement or understanding with any
779 person as to the disposal of any work or appointment which is or shall be under the control

780 of the commission, and any person so offending shall be guilty of a misdemeanor and, upon
781 conviction thereof, shall be punished as for a misdemeanor.

782 SECTION 22.

783 Official not to be interested in contracts.

784 No member of the commission nor other county officer empowered to use public or county
785 funds for the purchase of goods, property, or services of any kind for public or county
786 purposes shall be financially interested, directly or indirectly, in any contract to which the
787 county is a party, either as principal, surety, or otherwise; nor shall such officer or his or
788 her partner, agent, servant, or employee of a firm of which he or she is a member or by
789 whom he or she is employed purchase from or sell to the county any real or personal
790 property, goods, or services. Any contract made in violation of any of the foregoing
791 provisions shall be void, and the officer so offending shall be removed from office upon
792 proper proceedings instituted by any taxpayer in DeKalb County in accordance with the
793 provisions of Code Section 36-1-14 of the O.C.G.A.; provided, however, that the
794 provisions of this section shall not be applicable to any contract which has been approved,
795 prior to execution, performance, and payment thereon, by a majority of the commission by
796 a proper entry on the minutes of the commission.

797 SECTION 22A.

798 Code of ethics.

799 (a)(1) It is essential to the proper administration and operation of the DeKalb County
800 government that its officials and employees be, and give the appearance of being,
801 independent and impartial, that public office not be used for private gain, and that there
802 be public confidence in the integrity of DeKalb County officials and employees. Because
803 the attainment of one or more of these ends is impaired whenever there exists in fact, or
804 appears to exist, a conflict between the private interests and public responsibilities of
805 officials and employees, the public interest requires that the General Assembly protect
806 against such conflicts of interest by establishing, by law, appropriate ethical standards
807 with respect to the conduct of the officials and employees of DeKalb County in situations
808 where a conflict may exist.

809 (2) The General Assembly recognizes that an appropriate and effective code of ethics for
810 appointed officials and employees of DeKalb County is also essential for the proper
811 administration and operation of the DeKalb County government.

812 (b) As used in this section, the term:

- 813 (1) 'Agency' means any board, bureau, body, commission, committee, department, or
814 office of DeKalb County to which the governing authority has appointment powers.
- 815 (2) 'Business' means any corporation, partnership, organization, sole proprietorship, and
816 any other entity operated for economic gain, whether professional, industrial, or
817 commercial, and entities which for purposes of federal income taxation are treated as
818 nonprofit organizations.
- 819 (3) 'Confidential information' means information which has been obtained in the course
820 of holding public office, employment, acting as an independent contractor, or otherwise
821 acting as an official or employee and which information is not available to members of
822 the public under state law or other law or regulation and which the official, independent
823 contractor, or employee is not authorized to disclose.
- 824 (4) 'Contract' means any claim or demand against or any lease, account, or agreement
825 with any person, whether express or implied, executed or executory, verbal or in writing.
- 826 (5) 'Emergency situation' means any circumstance or condition giving rise to an
827 immediate necessity for the execution of a contract by and between DeKalb County and
828 an official or employee or between DeKalb County and a business in which an official
829 or employee has an interest and where, to the satisfaction of the commission, it is shown
830 that there is no one other than such persons with whom the contract could have been
831 made and that the necessity was not brought about by such persons' own fault or neglect.
- 832 (6) 'Immediate family' means an official or employee and his or her spouse, parents,
833 brothers, sisters, and natural or adopted children.
- 834 (7) 'Interest' means any direct or indirect pecuniary or material benefit held by or
835 accruing to the official or employee as a result of a contract or transaction which is or
836 may be the subject of an official act or action by or with DeKalb County. Unless
837 otherwise provided in this section, the term 'interest' does not include any remote interest.
838 An official or employee shall be deemed to have an interest in transactions involving:
- 839 (A) Any person in the official's or employee's immediate family;
- 840 (B) Any person, business, or entity that the official or employee knows or should know
841 is seeking official action with DeKalb County, is seeking to do or does business with
842 DeKalb County, has interests that may be substantially affected by performance or
843 nonperformance of the official's or employee's official duties, or with whom a
844 contractual relationship exists whereby the official or employee may receive any
845 payment or other benefit;
- 846 (C) Any business in which the official or employee is a director, officer, employee,
847 shareholder, or consultant; or
- 848 (D) Any person of whom the official or employee is a creditor, whether secured or
849 unsecured.

- 850 (8) 'Official act or action' means any legislative, administrative, appointive, or
 851 discretionary act of the commission, the chairperson, or a commissioner.
- 852 (9) 'Official or employee' means any person elected or appointed to or employed or
 853 retained by DeKalb County or any agency, whether paid or unpaid and whether part time
 854 or full time. Such term includes retired employees or former county employees during
 855 the period of time in which they are later employed or retained by the county or any
 856 agency. Such term does not include superior and state court judges and their immediate
 857 staffs, the district attorney, the solicitor of the state court, the clerks of the superior and
 858 state courts, magistrates, judges of the recorders court, the judge of the probate court, and
 859 their respective staffs.
- 860 (10) 'Paid' means the receipt of, or right to receive, a salary, commission, percentage,
 861 brokerage, or contingent fee.
- 862 (11) 'Participate' means to take part in official acts, actions, or proceedings personally
 863 as an official or employee through approval, disapproval, decision, recommendation,
 864 investigation, the rendering of advice, or the failure to act or perform a duty.
- 865 (12) 'Person' means any individual, business, labor organization, representative,
 866 fiduciary, trust, or association, whether paid or unpaid, and includes any official or
 867 employee of DeKalb County.
- 868 (13) 'Property' means any property, whether real or personal, tangible or intangible, and
 869 includes currency and commercial paper.
- 870 (14) 'Remote interest' means the interest of:
- 871 (A) A nonsalaried director, officer, or employee of a nonprofit organization;
- 872 (B) A holder of less than 5 percent of the legal or beneficial ownership of the total
 873 shares of a business;
- 874 (C) Any person in a representative capacity, such as a receiver, trustee, or
 875 administrator; or
- 876 (D) Any person who, by determination of the board of ethics, is deemed to have such
 877 an interest.
- 878 (15) 'Transaction' means the conduct of any activity that results in, or may result in, an
 879 official act or action of an official or employee of DeKalb County.
- 880 (c) No official or employee of DeKalb County shall:
- 881 (1) By his or her conduct give reasonable basis for the impression that any person can
 882 improperly influence him or her or unduly enjoy his or her favor in the performance of
 883 his or her official acts or actions or that he or she is affected unduly by the rank or
 884 position of or kinship or association with any person;
- 885 (2)(A) Directly or indirectly request, exact, receive, or agree to receive a gift, loan,
 886 favor, promise, or thing of value for himself or herself or another person if:

- 887 (i) It tends to influence him or her in the discharge of his or her official duties; or
 888 (ii) He or she recently has been, or is now, or in the near future may be, involved in
 889 any official act or action directly affecting the donor or lender.
- 890 (B) Subparagraph (A) of this paragraph shall not apply in the case of:
- 891 (i) An occasional nonpecuniary gift of value less than \$100.00;
 892 (ii) An award publicly presented in recognition of public service; or
 893 (iii) A commercially reasonable loan made in the ordinary course of business by an
 894 institution authorized by the laws of Georgia to engage in the making of such a loan;
- 895 (3) Disclose or otherwise use confidential information acquired by virtue of his or her
 896 position for his or her or another person's private gain;
- 897 (4) Appear on his or her own personal behalf, or represent, advise, or appear on the
 898 personal behalf, whether paid or unpaid, of any person before any court or before any
 899 legislative, administrative, or quasi-judicial board, agency, commission, or committee of
 900 this state or of any county or municipality concerning any contract or transaction which
 901 is or may be the subject of an official act or action of DeKalb County or otherwise use
 902 or attempt to use his or her official position to secure unwarranted privileges or
 903 exemptions for himself or herself or other persons;
- 904 (5) Engage in, accept employment with, or render services for any agency, private
 905 business, or professional activity when such employment or rendering of services is
 906 adverse to and incompatible with the proper discharge of his or her official duties;
- 907 (6) Acquire an interest in any contract or transaction at a time when he or she believes
 908 or has reason to believe that such an interest will be affected directly or indirectly by his
 909 or her official act or actions or by the official acts or actions of other officials or
 910 employees of DeKalb County; or
- 911 (7) Engage in any activity or transaction that is prohibited by law now existing or
 912 hereafter enacted which is applicable to him or her by virtue of his or her being an official
 913 or employee of DeKalb County.
- 914 (d) An official or employee who has an interest that he or she has reason to believe may
 915 be affected by his or her official acts or actions or by the official acts or actions of another
 916 official or employee of DeKalb County shall disclose the precise nature and value of such
 917 interest by sworn written statement to the board of ethics and ask for the board's opinion
 918 as to the propriety of such interest. Every official or employee who knowingly has any
 919 interest, direct or indirect, in any contract to which DeKalb County is or is about to become
 920 a party, or in any other business with DeKalb County, shall make full disclosure of such
 921 interest to the commission and to the ethics officer and the board of ethics. The
 922 information disclosed by such sworn statements, except for the valuation attributed to the
 923 disclosed interest, shall be made a matter of public record by the board of ethics.

924 (e)(1) An official or employee shall disqualify himself or herself from participating in
 925 any official act or action of DeKalb County directly affecting a business or activity in
 926 which he or she has any interest, whether or not a remote interest.

927 (2) DeKalb County shall not enter into any contract involving services or property with
 928 an official or employee of the county or with a business in which an official or employee
 929 of the county has an interest. This subsection shall not apply in the case of:

930 (A) The designation of a bank or trust company as a depository for county funds;

931 (B) The borrowing of funds from any bank or lending institution which offers the
 932 lowest available rate of interest for such loans;

933 (C) Contracts for services entered into with a business which is the only available
 934 source for such goods or services; or

935 (D) Contracts entered into under circumstances which constitute an emergency
 936 situation, provided that a record explaining the emergency is prepared by the
 937 commission and submitted to the board of ethics at its next regular meeting and
 938 thereafter kept on file.

939 (3) DeKalb County shall not enter into any contract with, or take any official act or
 940 action favorably affecting, any person, or business represented by such person, who has
 941 been within the preceding two-year period an official or employee of DeKalb County.

942 (f) Any person who witnesses or becomes aware of a violation of this section may
 943 complain of the violation as follows:

944 (1) A complaint may be communicated anonymously to the ethics officer. Such
 945 complaint shall be made in good faith and with veracity and sufficient specificity so as
 946 to provide the ethics officer with salient and investigable facts. The ethics officer may
 947 require the anonymous complaint to be made in a manner and form that is intended only
 948 to obtain relevant facts related to the alleged violation of this section and that is not
 949 designed to reveal the identity of the complainant;

950 (2) A sworn written complaint may be filed with the ethics officer of the board of ethics,
 951 as described in this paragraph. All written complaints to be considered by the board of
 952 ethics and the ethics officer shall contain the following, if applicable:

953 (A) The name and address of the person or persons filing the complaint;

954 (B) The sworn verification and signature of the complainant;

955 (C) The name and address of the party or parties against whom the complaint is filed
 956 and, if such party is a candidate, the office being sought;

957 (D) A clear and concise statement of acts upon which the complaint is based, along
 958 with an allegation that such facts constitute one or more violations of law under the
 959 jurisdiction of the board of ethics;

- 960 (E) A general reference to the allegedly violated statutory provision or provisions of
961 the code of ethics within the jurisdiction of the board of ethics; and
- 962 (F) Any further information which might support the allegations in the complaint
963 including, but not limited to, the following:
- 964 (i) The names and addresses of all other persons who have first-hand knowledge of
965 the facts alleged in the complaint; and
- 966 (ii) Any documentary evidence that supports the facts alleged in the complaint;
- 967 (3) Upon receipt of a complaint, whether by the ethics officer or by the board of ethics,
968 the ethics officer or the secretary of the board of ethics shall send a written notice to the
969 subject of the complaint by the next business day. Both this notice and any subsequent
970 documents shall be subject to Article 4 of Chapter 18 of Title 50 of the O.C.G.A.; and
- 971 (4) Upon receipt of a written, nonanonymous complaint which does not conform to the
972 applicable requirements of paragraph (2) of this subsection, the ethics officer shall by
973 letter acknowledge receipt of the complaint and advise the complainant of the defect in
974 the complaint and that the complaint will not be considered by the board of ethics unless
975 the defect is corrected.
- 976 (g)(1) This section shall be construed liberally to effectuate its purpose and policies and
977 to supplement such existing laws as may relate to the conduct of officials or employees.
- 978 (2) The propriety of any official act or action taken by or transaction involving any
979 officials or employees immediately prior to the time this section shall take effect shall not
980 be affected by the enactment of this section.
- 981 (3) The provisions of this section are severable, and if any of its provisions shall be held
982 unconstitutional or invalid by a court of competent jurisdiction, the decision of the court
983 shall not affect or impair any of the remaining provisions.
- 984 (h)(1)(A) There is created the board of ethics of DeKalb County to be composed of
985 seven citizens of DeKalb County to be appointed as provided in paragraph (2) of this
986 subsection.
- 987 (B) Each member of the board of ethics shall have been a resident of DeKalb County
988 for at least one year immediately preceding the date of taking office and shall remain
989 a resident of the county while serving as a member of the board of ethics.
- 990 (C) No person shall serve as a member of the board of ethics if the person has, or has
991 had within the immediately preceding two-year period, any interest in any contract,
992 transaction, or official act or action of DeKalb County.
- 993 (D) No member of the board of ethics shall be a member of an agency or an official or
994 employee of DeKalb County or shall have served in such a capacity in the two-year
995 period immediately preceding such person's appointment to the board of ethics.

996 (E) No person shall serve as a member of the board of ethics if the person has been a
997 candidate for, or was elected to, public office in the immediately preceding three-year
998 period. Filing for an elective office shall constitute a resignation from the board of
999 ethics on the date of filing.

1000 (F) Appointees to the board of ethics shall have professional knowledge or expertise
1001 in matters of ethics, finance, governance, or the law.

1002 (G) All proposed appointments to the board of ethics shall be subject to an education
1003 and employment background check, as well as a criminal history check. Persons
1004 proposed to be appointed to the board of ethics shall execute all releases necessary for
1005 the appointing authority to accomplish such checks. If the nominee is determined to
1006 have committed a felony, the nomination shall be withdrawn.

1007 (2)(A) The members of the board of ethics in office on the effective date of this section
1008 shall serve until December 31, 2015, and then their terms shall terminate. A new board
1009 shall be appointed as provided in this paragraph to take office on January 1, 2016, and
1010 to serve for the terms prescribed in this paragraph.

1011 (B) Not later than December 31, 2015, the members of the new board of ethics shall
1012 be selected as follows:

1013 (i) One member shall be appointed by the DeKalb Bar Association, chosen from the
1014 attorney members of the association;

1015 (ii) One member shall be appointed by the DeKalb County Chamber of Commerce,
1016 which member shall not be an attorney;

1017 (iii) One member shall be appointed by a majority vote of the DeKalb County
1018 legislative delegation;

1019 (iv) One member shall be appointed by the judge of the Probate Court of DeKalb
1020 County;

1021 (v) One member shall be appointed by Leadership DeKalb;

1022 (vi) One member shall be appointed by the six major universities and colleges located
1023 within DeKalb County (Agnes Scott College, Columbia Theological Seminary,
1024 Emory University, Georgia State University, Mercer University, and Oglethorpe
1025 University), which member shall not be an attorney; and

1026 (vii) One member shall be appointed by the chief judge of the Superior Court of
1027 DeKalb County.

1028 (C) The members shall each serve for terms of three years; provided, however, that the
1029 initial terms of the first DeKalb County Chamber of Commerce appointee, the first
1030 Leadership DeKalb appointee, and the first DeKalb County legislative delegation
1031 appointee shall be two years; and provided, further, that the initial terms of the six

1032 major institutes of higher learning within DeKalb County appointee and the judge of
1033 the probate court appointee shall be one year.

1034 (D) Successors to all members of the board of ethics and future successors shall be
1035 appointed by the respective appointing authorities not less than 30 days prior to the
1036 expiration of each such member's term of office, and such successors shall take office
1037 on January 1 following such appointment and shall serve terms of three years and until
1038 their respective successors are appointed and qualified.

1039 (3) If a member of the board of ethics ceases to be a resident of DeKalb County, that
1040 member's position on the board of ethics, by operation of law, shall become vacant upon
1041 the establishment of the fact of such nonresidency, if contested, by a court of competent
1042 jurisdiction. A vacancy in the board of ethics shall exist by reason of death, the disability
1043 or incapacity of a member for more than 90 days, resignation, or loss of residency as
1044 described in this paragraph. A member of the board of ethics may be removed from
1045 office during a term if the member becomes ineligible to hold civil office within the
1046 meaning of Code Section 45-2-1 of the O.C.G.A. and that ineligibility is established by
1047 decision of a court of competent jurisdiction which declares the office vacant because of
1048 such ineligibility, or for good cause, by a majority vote of the board of ethics. The ethics
1049 officer shall notify the appointing authority of a vacancy upon its occurrence, and such
1050 vacancy shall be filled for the unexpired term by the respective appointing authority.

1051 (4) The members of the board of ethics shall serve without compensation and shall elect
1052 from their own membership a chairperson and otherwise provide for their own internal
1053 organization. The commission shall provide adequate office and meeting space and pay
1054 all administrative costs, including those specifically stipulated in this section, pertaining
1055 to the operation of the board of ethics. The board of ethics shall be authorized to employ
1056 its own staff and clerical personnel and contract for the services of a competent court
1057 reporter, an attorney, and a private investigator as it deems necessary. The members of
1058 the board of ethics shall have the authority to propose the budget of the board and shall
1059 recommend the budget to the commission, which shall fund it as a priority. In the event
1060 that the proposed budget is in excess of \$300,000.00, the commission shall have the
1061 authority to authorize the additional funds requested in accordance with standard
1062 budgetary procedures and requirements. The board of ethics shall be completely
1063 independent and shall not be subject to control or supervision by the commission or any
1064 other official or employee or agency of the county government.

1065 (5) The board of ethics shall have the following duties:

1066 (A) To establish procedures, rules, and regulations governing its internal organization
1067 and the conduct of its affairs;

- 1068 (B) To render advisory opinions with respect to the interpretation and application of
 1069 this section to all officials or employees who seek advice as to whether a particular
 1070 course of conduct would constitute a violation of the standards imposed in this section
 1071 or other applicable ethical standards. Such opinions shall be binding on the board of
 1072 ethics in any subsequent complaint concerning the official or employee who sought the
 1073 opinion and acted in good faith, unless material facts were omitted or misstated in the
 1074 request for the advisory opinion;
- 1075 (C) To prescribe forms for the disclosures required in this section and to make
 1076 available to the public the information disclosed as provided in this section;
- 1077 (D) To receive and hear complaints of violations of the standards required by this
 1078 section over which it has personal and subject matter jurisdiction;
- 1079 (E) To make such investigations as it deems necessary to determine whether any
 1080 official or employee has violated or is about to violate any provisions of this section;
 1081 and
- 1082 (F) To hold such hearings and make such inquiries as it deems necessary for it to carry
 1083 out properly its functions and powers.
- 1084 (i)(1) There is hereby created as a full-time salaried position an ethics officer for DeKalb
 1085 County. The ethics officer must be an active member of the Georgia Bar Association in
 1086 good standing with five years' experience in the practice of law. The ethics officer shall
 1087 be appointed by a majority of the members of the board of ethics, subject to confirmation
 1088 by a majority of the commission, for a period not to exceed six years. Removal of the
 1089 ethics officer before the expiration of the designated term shall be for cause by a majority
 1090 vote of the members of the board of ethics. The ethics officer need not be a resident of
 1091 the county at the time of his or her appointment, but he or she shall reside in DeKalb
 1092 County within six months of such appointment and continue to reside therein throughout
 1093 such appointment.
- 1094 (2) The ethics officer shall not be involved in partisan or nonpartisan political activities
 1095 or the political affairs of DeKalb County.
- 1096 (3) The duties of the ethics officer shall include, but not be limited to, the following:
- 1097 (A) Educating and training all city officials and employees to have an awareness and
 1098 understanding of the mandate for and enforcement of ethical conduct and advising them
 1099 of the provisions of the code of ethics of DeKalb County;
- 1100 (B) Maintaining the records of the board of ethics as required by Article 4 of
 1101 Chapter 18 of Title 50 of the O.C.G.A.;
- 1102 (C) Meeting with the board of ethics;
- 1103 (D) Advising officials and employees regarding disclosure statements and reviewing
 1104 the same to ensure full and complete financial reporting;

- 1105 (E) Urging compliance with the code of ethics by calling to the attention of the board
 1106 of ethics any failure to comply or any issues, including the furnishing of false or
 1107 misleading information, that the ethics officer believes should be investigated by the
 1108 board of ethics so that the board of ethics may take such action as it deems appropriate;
- 1109 (F) Monitoring, evaluating, and acting upon information obtained from an ethics
 1110 hotline, which shall be a city telephone number for the receipt of information about
 1111 ethical violations. Each complaint, as of the time it is reported, whether by telephone
 1112 or otherwise, shall be deemed to be a separate pending investigation of a complaint
 1113 against a public officer or employee as provided by Article 4 of Chapter 18 of Title 50
 1114 of the O.C.G.A.;
- 1115 (G) Notifying the subject of a report of any alleged violation of the code of ethics,
 1116 whether the report is anonymous, made by an identified individual, or is written. Such
 1117 notice shall be given in writing, by facsimile, or hand delivered to the subject of the
 1118 complaint at the same time and in the same form that any disclosure of information is
 1119 required by Article 4 of Chapter 18 of Title 50 of the O.C.G.A.;
- 1120 (H) Notifying the board of ethics of any report of an alleged violation of the code of
 1121 ethics received by the ethics officer;
- 1122 (I) Reporting, as appropriate, suspected ethical violations to the board of ethics;
- 1123 (J) Reporting, as appropriate, suspected criminal violations to state or federal law
 1124 enforcement agencies; and
- 1125 (K) Filing with the board of ethics and the commission on the first Tuesday of each
 1126 February a written report describing the activities of the ethics officer in carrying out
 1127 the goals of his or her office and the code of ethics and reporting on the ethical health
 1128 of DeKalb County.
- 1129 (j)(1) The board of ethics shall conduct investigations into alleged violations of the code
 1130 of ethics, hold hearings, and issue decisions as prescribed in this subsection.
- 1131 (2) The proceedings and records of the board of ethics shall be open unless otherwise
 1132 permitted by state law.
- 1133 (3) Upon request of the board of ethics, the solicitor of DeKalb County or any attorney
 1134 representing the office of the solicitor of DeKalb County, or in the event of a conflict any
 1135 attorney who shall be selected by a majority vote of the board of ethics, shall advise the
 1136 board of ethics.
- 1137 (4) A complaint may be filed by the ethics officer, any resident, or a group of residents
 1138 of DeKalb County by submitting to the office of the ethics officer a written, verified, and
 1139 sworn complaint under the penalty of perjury or false swearing. The complaint shall
 1140 specifically identify all provisions of the DeKalb County code of ethics which the subject
 1141 of the complaint is alleged to have violated, set forth facts as would be admissible in

1142 evidence in a court proceeding, and show affirmatively that the complainant or affiant,
1143 if in addition to or different from the complainants, is competent to testify to the matter
1144 set forth therein. All documents referenced in the complaint as well as supporting
1145 affidavits shall be attached to the complaint.

1146 (5) Upon receipt of the complaint, the ethics officer shall conduct a preliminary
1147 investigation to determine whether it meets the jurisdictional requirements as set forth in
1148 this section. If in the opinion of the ethics officer the complaint fails to meet these
1149 requirements, the ethics officer shall notify the person who filed the complaint and he or
1150 she shall have ten days from the date of notice to correct and refile the complaint directly
1151 with the ethics officer. A complaint which fails to satisfy the jurisdictional requirements
1152 as established by this section and by the rules and procedures established by the board of
1153 ethics shall be dismissed by the board of ethics no later than 30 days after the complaint
1154 is filed with the office of the ethics officer, unless extended by a majority vote of the
1155 board of ethics.

1156 (6) The ethics officer will report his or her findings and recommendation to the board of
1157 ethics and advise whether there is probable cause for belief that the code of ethics has
1158 been violated, warranting a formal hearing. If the board of ethics determines, after the
1159 preliminary investigation of a complaint by the ethics officer, that there does not exist
1160 probable cause for belief that this section has been violated, the board of ethics shall so
1161 notify the complainant and the subject of the investigation, and the complaint will be
1162 dismissed. If the board of ethics determines, after a preliminary investigation of the
1163 complaint by the ethics officer, that there does exist probable cause for belief that this
1164 section has been violated, the board of ethics shall give notice to the person involved to
1165 attend a hearing to determine whether there has been a violation of this section.

1166 (7) For use in proceedings under this section, the board of ethics shall have the power to
1167 issue subpoenas to compel any person to appear, give sworn testimony, or produce
1168 documentary or other evidence. Any person who fails to respond to such subpoenas may
1169 be subjected to the penalties set forth in subsection (k) of this section.

1170 (8) All hearings of the board of ethics pursuant to this section shall be as follows:

1171 (A) All testimony shall be under oath, which shall be administered by a member of the
1172 board of ethics. Any person who appears before the board of ethics shall have all of the
1173 due process rights, privileges, and responsibilities of a witness appearing before the
1174 courts of this state. Any person whose name is mentioned during a proceeding of the
1175 board of ethics and who may be adversely affected thereby may appear personally
1176 before the board of ethics on such person's own behalf or may file a written sworn
1177 statement for incorporation into the record to be made part of all proceedings pursuant
1178 to this subsection;

- 1179 (B) The decision of the board of ethics shall be governed by a preponderance of the
1180 evidence standard; and
- 1181 (C) At the conclusion of proceedings concerning an alleged violation, the board of
1182 ethics shall immediately begin deliberations on the evidence and proceed to determine
1183 by a majority vote of members present whether there has been a violation of this
1184 section. The findings of the board of ethics concerning a violation and the record of the
1185 proceedings shall be made public by the ethics officer as soon as practicable after the
1186 determination has been made.
- 1187 (k)(1) Any intentional violation of this section, furnishing of false or misleading
1188 information to the board of ethics or the ethics officer, failure to follow an opinion
1189 rendered by the board of ethics, or failure to comply with a subpoena issued by the board
1190 of ethics pursuant to this section shall subject the violator to any one or more of the
1191 following:
- 1192 (A) Administrative sanction of not more than \$1,000.00 assessed by the board of
1193 ethics;
- 1194 (B) Public reprimand by the board of ethics; and
- 1195 (C) Prosecution by the DeKalb County solicitor in municipal court and, upon
1196 conviction, a fine of up to \$1,000.00 per violation and up to six months' imprisonment,
1197 whether the official or employee is elected or appointed, paid or unpaid. Nothing in
1198 this section shall be interpreted to conflict with state law. An action for violation of this
1199 section or the furnishing of false or misleading information or the failure to comply
1200 with a subpoena issued by the board of ethics must be brought within two years after
1201 the violation is discovered.
- 1202 (2) With regard to violations by persons other than officials or employees, in addition to
1203 the remedies in paragraph (1) of this subsection, the board of ethics may recommend to
1204 the commission any one or more of the following:
- 1205 (A) Suspension of a contractor; and
- 1206 (B) Disqualification or debarment from contracting or subcontracting with DeKalb
1207 County.
- 1208 (3) The decision of the board of ethics after a hearing shall be final; provided, however,
1209 that such proceeding shall be subject to review by writ of certiorari to the Superior Court
1210 of DeKalb County. The designee of the board of ethics shall be authorized to
1211 acknowledge service of any such writ and shall, within the time provided by law, certify
1212 and cause to be filed with the clerk of the superior court a record of the proceedings
1213 before the board of ethics, the decision of the board of ethics, and the notice of the final
1214 actions of the board of ethics.

1215 SECTION 23.

1216 How sections amended; limitations on powers.

1217 Pursuant to the authority of an amendment to the Constitution ratified at the 1978 general
 1218 election as set forth in Georgia Laws 1978, pages 2370-2372, which amendment authorized
 1219 the General Assembly to provide by law for the form of government of DeKalb County and
 1220 to provide for the various officers, bodies, branches, or agencies by or through which the
 1221 county's governmental powers shall be exercised, any law adopted pursuant to such
 1222 authority shall be conditioned on the approval of a majority of the qualified electors of
 1223 DeKalb County voting at elections held for such purpose when any such law affects the
 1224 DeKalb County government in any one or more of the following ways:

1225 (1) Changing the number of members, terms of office, or the manner of electing the
 1226 members of the governing body of DeKalb County;

1227 (2) Establishing the powers and duties of the DeKalb County government; or

1228 (3) Changing the powers and duties of the DeKalb County government when such
 1229 powers and duties have been established by Acts of the General Assembly, pursuant to
 1230 the authority of the amendment to the Constitution ratified at the 1978 general election
 1231 as set forth in Georgia Laws 1978, pages 2370-2372."

1232 SECTION 2.

1233 The election superintendent of DeKalb County shall call and conduct an election as provided
 1234 in this section for the purpose of submitting this Act to the electors of DeKalb County for
 1235 approval or rejection. The election superintendent shall conduct that election on the Tuesday
 1236 next following the first Monday in November, 2016, and shall issue the call and conduct that
 1237 election as provided by general law. The election superintendent shall cause the date and
 1238 purpose of the election to be published once a week for two weeks immediately preceding
 1239 the date thereof in the official organ of DeKalb County. The ballot shall have written or
 1240 printed thereon the words:

1241 "() YES Shall the Act be approved which eliminates the Chief Executive Officer of
 1242 () NO DeKalb County, creates a county commission chairperson elected
 1243 countywide, revises the membership of the county commission, shortens
 1244 certain terms of office, provides for a county manager, and changes the
 1245 terms of members of the county commission?"

1246 All persons desiring to vote for approval of the Act shall vote "Yes," and all persons desiring
 1247 to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on
 1248 such question are for approval of the Act, Section 1 of this Act shall become of full force and
 1249 effect immediately for purposes of conducting special elections and providing for terms of

1250 office for members of the commission elected in 2016 and for all other purposes on
1251 January 1, 2019. If the Act is not so approved or if the election is not conducted as provided
1252 in this section, Section 1 of this Act shall not become effective, and this Act shall be
1253 automatically repealed on the first day of January immediately following that election date.
1254 The expense of such election shall be borne by DeKalb County. It shall be the election
1255 superintendent's duty to certify the result thereof to the Secretary of State.

1256 **SECTION 3.**

1257 Except as otherwise provided in Section 2 of this Act, this Act shall become effective upon
1258 its approval by the Governor or upon its becoming law without such approval.

1259 **SECTION 4.**

1260 All laws and parts of laws in conflict with this Act are repealed.

1261 Plan:DeKalbCC-7d-SD040-2016
 1262 Plan Type:local
 1263 Administrator: SD040
 1264 User:bak

1265 District 001
 1266 DeKalb County
 1267 VTD: 089AB - ASHFORD PARK ELEMENTARY
 1268 VTD: 089AD - AUSTIN
 1269 VTD: 089AG - ASHFORD DUNWOOD
 1270 VTD: 089AH - ASHFORD PARKSIDE
 1271 VTD: 089BI - BROOKHAVEN
 1272 VTD: 089CE - CHAMBLEE (CHA)
 1273 VTD: 089CH - CHESNUT ELEMENTARY
 1274 VTD: 089DA - DORAVILLE NORTH
 1275 VTD: 089DB - DORAVILLE SOUTH
 1276 VTD: 089DF - DUNWOODY
 1277 VTD: 089DG - DUNWOODY HIGH SCHOOL
 1278 VTD: 089DI - DUNWOODY LIBRARY
 1279 VTD: 089GD - GEORGETOWN SQ
 1280 VTD: 089HF - HUNTLEY HILLS ELEM
 1281 VTD: 089KB - KINGSLEY ELEM
 1282 VTD: 089MQ - MOUNT VERNON EAST
 1283 VTD: 089MS - MOUNT VERNON WEST
 1284 VTD: 089MU - MONTGOMERY ELEM
 1285 VTD: 089NA - NANCY CREEK ELEM
 1286 VTD: 089NF - NORTH PEACHTREE
 1287 VTD: 089PB - PEACHTREE MIDDLE SCHOOL
 1288 VTD: 089SE - SILVER LAKE
 1289 VTD: 089SF - SKYLAND
 1290 021405:
 1291 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011
 1292 1012 3000 3001 3002
 1293 021412:
 1294 2013 2016 2017 2018 2019 2020 2021 2022 2024
 1295 021413:

1296 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011
 1297 1012 1013 1017 2000 2001 2002
 1298 VTD: 089TG - TILLY MILL ROAD
 1299 VTD: 089WL - WINTERS CHAPEL

 1300 District 002
 1301 DeKalb County
 1302 VTD: 089BD - BRIARLAKE ELEMENTARY
 1303 VTD: 089BE - BRIARWOOD
 1304 VTD: 089BG - BRIARCLIFF
 1305 VTD: 089CO - CROSS KEYS HIGH
 1306 VTD: 089DC - DRESDEN ELEM
 1307 VTD: 089EC - EMBRY HILLS
 1308 VTD: 089EF - EVANSDALE ELEM
 1309 VTD: 089HB - HAWTHORNE ELEM
 1310 VTD: 089HC - HENDERSON MILL
 1311 VTD: 089HD - HERITAGE ED
 1312 VTD: 089LA - LAKESIDE HIGH
 1313 VTD: 089LC - LAVISTA
 1314 VTD: 089MH - MIDVALE ELEM
 1315 VTD: 089MJ - MONTCLAIR ELEM
 1316 VTD: 089MP - MARGARET HARRIS
 1317 VTD: 089MW - MIDVALE ROAD
 1318 VTD: 089ND - NORTHLAKE
 1319 VTD: 089OA - OAK GROVE ELEM
 1320 VTD: 089OB - OAKCLIFF ELEM
 1321 VTD: 089PF - PLEASANTDALE ELEM
 1322 VTD: 089PK - PLEASANTDALE ROAD
 1323 VTD: 089SA - SAGAMORE HILLS
 1324 VTD: 089SF - SKYLAND
 1325 021204:
 1326 3014 3015 3016 3018 3019
 1327 021412:
 1328 2014 2015 2023
 1329 VTD: 089WI - WARREN TECH
 1330 VTD: 089WJ - WOODWARD ELEM

1331 District 003
 1332 DeKalb County
 1333 VTD: 089BC - BRIAR VISTA ELEMENTARY
 1334 VTD: 089BF - BROCKETT ELEMENTARY
 1335 VTD: 089BH - BROCKETT
 1336 VTD: 089CI - CLAIREMONT WEST
 1337 VTD: 089CJ - CLAIRMONT HILLS
 1338 VTD: 089CN - COAN MIDDLE
 1339 020600:
 1340 1000 1001 1002 1003 1004 1005 1006 1007 1008 2001 2002 2003
 1341 2004 2005 2006 2007 2010 2011 2012 2013 2014 2015 2016 2017
 1342 VTD: 089CV - CLAIREMONT EAST
 1343 VTD: 089CW - CORALWOOD
 1344 VTD: 089DH - DRUID HILLS HIGH SCHOOL
 1345 VTD: 089EE - EPWORTH (ATL)
 1346 VTD: 089EG - EMORY SOUTH
 1347 VTD: 089ER - EMORY ROAD
 1348 VTD: 089FB - FERNBANK ELEM
 1349 VTD: 089GA - GLENNWOOD (DEC)
 1350 022203:
 1351 1037 1039
 1352 022600:
 1353 1020 1021 1022 2001 2002 2003 2004 2005 2006 2007 2008 2009
 1354 2010 2011 2012 2013 2014 2015 2016 2017 2018 2019 2020 2021
 1355 2022 2023 2026 2027 2028 2029 2030 2031 2032 2033 2034 2035
 1356 2036 2037
 1357 022800:
 1358 1002 3000 3004
 1359 VTD: 089HG - HUGH HOWELL
 1360 VTD: 089JA - JOHNSON ESTATES
 1361 VTD: 089LB - LAVISTA ROAD
 1362 VTD: 089LE - MARY LIN ELEM
 1363 VTD: 089LV - LAWRENCEVILLE HIGH SCHOOL
 1364 VTD: 089ME - MCLENDON ELEM
 1365 VTD: 089MG - MEDLOCK ELEM
 1366 VTD: 089MK - MONTREAL

1367 VTD: 089NB - NORTH DECATUR
 1368 VTD: 089PG - PONCE DE LEON
 1369 VTD: 089RD - REHOBOTH
 1370 VTD: 089SB - SCOTT
 1371 VTD: 089SH - SMOKE RISE
 1372 VTD: 089SI - STN MTN MIDDLE
 1373 VTD: 089SN - SHAMROCK MIDDLE
 1374 VTD: 089TF - TUCKER
 1375 VTD: 089TH - TUCKER LIBRARY
 1376 VTD: 089VB - VALLEY BROOK
 1377 VTD: 089WE - WHITEFOORD ELEMENTARY
 1378 020500:
 1379 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011
 1380 1012 1013 1014 1015 1016 1017 1018 2004 2005 2006 2007 2008
 1381 2009 2018 2019 2020 2021 2022 2023 2024 2025 2026 2027 2028
 1382 2034 2035 2036 2037 2042

 1383 District 004
 1384 DeKalb County
 1385 VTD: 089AA - ALLGOOD ELEMENTARY
 1386 VTD: 089AE - AVONDALE (AVO)
 1387 VTD: 089AF - HOOPER ALEXANDER
 1388 022900:
 1389 3002 3003 3004 3005 3006 3007 3008 3009 3010 3011 3012 3013
 1390 3014 3015 3016 3017 3018 3019 3020 3021 3022 3023 3024 3025
 1391 3026 3027 3028 3030 3031
 1392 023101:
 1393 2002 2003 2013
 1394 VTD: 089AM - AVONDALE MIDDLE
 1395 VTD: 089BB - BOULEVARD (ATL)
 1396 VTD: 089CK - CLARKSTON (CLA)
 1397 VTD: 089CN - COAN MIDDLE
 1398 020600:
 1399 2000 2008 2009
 1400 020700:
 1401 1000 1001 1002 1003 1004 1005 1006 1007 2000 2001 2002 2003

1402 2004 2005 2006 2007 2008 2009 2010 2011 2012 2013
 1403 VTD: 089DE - DUNAIRE ELEM
 1404 VTD: 089FD - FORREST HILLS ELEM
 1405 VTD: 089GA - GLENNWOOD (DEC)
 1406 022800:
 1407 1001 1003 1004 3001 3002 3003
 1408 022900:
 1409 1010 1011 1014 1016
 1410 VTD: 089HA - HAMBRICK ELEM
 1411 VTD: 089IA - IDLEWOOD ELEM
 1412 VTD: 089IB - INDIAN CREEK ELEM
 1413 VTD: 089JB - JOLLY ELEM
 1414 VTD: 089MM - MEMORIAL NORTH
 1415 VTD: 089MN - MEMORIAL SOUTH
 1416 VTD: 089MT - METROPOLITAN
 1417 VTD: 089NC - NORTH HAIRSTON
 1418 VTD: 089OK - OAKHURST (DEC)
 1419 VTD: 089PE - PINE LAKE (PIN)
 1420 VTD: 089RE - ROCKBRIDGE ELEM
 1421 VTD: 089RN - RENFROE MIDDLE
 1422 VTD: 089SC - SCOTTDALE
 1423 VTD: 089SD - STN MTN ELEMENTARY
 1424 VTD: 089SJ - STONE MILL ELEM
 1425 VTD: 089SP - STN MTN CHAMPION
 1426 VTD: 089SQ - STONE MTN LIBRARY
 1427 VTD: 089WE - WHITEFOORD ELEMENTARY
 1428 020500:
 1429 2000 2001 2002 2003 2010 2011 2012 2013 2014 2015 2016 2017
 1430 2029 2030 2031 2032 2033 2038 2039 2040 2041 2043
 1431 VTD: 089WF - WINNONA PARK ELEM
 1432 VTD: 089WN - WYNBROOKE ELEM

 1433 District 005
 1434 DeKalb County
 1435 VTD: 089AF - HOOPER ALEXANDER
 1436 022900:

1437 2000 2001 2002 2003 2004
 1438 023101:
 1439 2014
 1440 VTD: 089BL - BOULDERCREST RD
 1441 VTD: 089BR - BURGESS ELEMENTARY
 1442 VTD: 089CC - COLUMBIA ELEMENTARY
 1443 VTD: 089CD - CEDAR GROVE ELEMENTARY
 1444 VTD: 089CL - CLIFTON ELEMENTARY
 1445 VTD: 089CM - COLUMBIA MIDDLE
 1446 VTD: 089CQ - CANDLER
 1447 VTD: 089CR - CEDAR GROVE MIDDLE
 1448 VTD: 089CS - CEDAR GROVE SOUTH
 1449 VTD: 089EA - EAST LAKE ELEM
 1450 VTD: 089EB - EASTLAND
 1451 VTD: 089FC - FLAT SHOALS ELEM
 1452 VTD: 089FJ - FLAT SHOALS
 1453 VTD: 089FK - FLAKES MILL FIRE
 1454 VTD: 089FL - FLAT SHOALS LIBRARY
 1455 VTD: 089GC - GRESHAM PARK ELEM
 1456 VTD: 089HH - NARVIE J HARRIS
 1457 VTD: 089KA - KELLEY LAKE ELEM
 1458 VTD: 089KE - KNOLLWOOD ELEM
 1459 VTD: 089ML - MEADOWVIEW ELEM
 1460 VTD: 089MO - MIDWAY ELEM
 1461 VTD: 089MP - MCNAIR MIDDLE
 1462 VTD: 089OV - OAK VIEW ELEM
 1463 VTD: 089PA - PEACHCREST ELEM
 1464 VTD: 089PN - PINEY GROVE
 1465 VTD: 089SG - SNAPFINGER ELEM
 1466 VTD: 089TA - TERRY MILL ELEM
 1467 VTD: 089TB - TILSON ELEM
 1468 VTD: 089TC - TONEY ELEM
 1469 VTD: 089WA - WADSWORTH ELEM

 1470 District 006
 1471 DeKalb County

1472 VTD: 089AC - ATHERTON ELEMENTARY
 1473 VTD: 089BJ - BROWN'S MILL ELEMENTARY
 1474 VTD: 089BM - BETHUNE MIDDLE
 1475 VTD: 089CA - COLUMBIA DRIVE
 1476 VTD: 089CB - CANBY LANE ELEMENTARY
 1477 VTD: 089CG - CHAPEL HILL ELEMENTARY
 1478 VTD: 089CP - CROSSROADS
 1479 VTD: 089CT - COVINGTON HWY L
 1480 VTD: 089FE - FLAT SHOALS PARKWAY
 1481 VTD: 089FM - FREEDOM MIDDLE
 1482 VTD: 089GB - GLENHAVEN
 1483 VTD: 089GE - GLENHAVEN ELEM
 1484 VTD: 089KC - KELLEY CHAPEL
 1485 VTD: 089KD - ML KING JR HIGH
 1486 VTD: 089MA - ELDRIDGE L MILL
 1487 VTD: 089MF - MCWILLIAMS
 1488 VTD: 089MI - MILLER GROVE MIDDLE SCHOOL
 1489 VTD: 089MR - BOB MATHIS ELEM
 1490 VTD: 089PI - PANOLA WAY ELEM
 1491 VTD: 089RA - RAINBOW ELEM
 1492 VTD: 089RG - ROWLAND ELEM
 1493 VTD: 089RJ - ROWLAND ROAD
 1494 VTD: 089SK - SHADOW ROCK ELEM
 1495 023312:
 1496 3005
 1497 VTD: 089SR - SNAPPFINGER ROAD
 1498 VTD: 089SS - SNAPPFINGER ROAD
 1499 VTD: 089SU - SOUTH HAIRSTON
 1500 VTD: 089WB - WESLEY CHAPEL SOUTH
 1501 VTD: 089WG - WOODRIDGE ELEM
 1502 VTD: 089WK - WHITE OAK
 1503 VTD: 089YA - YOUNG ROAD

 1504 District 007
 1505 DeKalb County
 1506 VTD: 089CF - MURPHEY CANDLER

1507 VTD: 089FA - FAIRINGTON ELEM
 1508 VTD: 089FG - FLAT ROCK ELEM
 1509 VTD: 089LD - LITHONIA (LIT)
 1510 VTD: 089LH - LITHONIA HIGH SCHOOL
 1511 VTD: 089MC - MARBUT ELEM
 1512 VTD: 089MV - MILLER GROVE ROAD
 1513 VTD: 089MZ - MILLER GROVE HIGH
 1514 VTD: 089PC - PRINCETON ELEM
 1515 VTD: 089PH - PANOLA
 1516 VTD: 089PR - PANOLA ROAD
 1517 VTD: 089RC - REDAN ELEM
 1518 VTD: 089RF - ROCK CHAPEL ELEM
 1519 VTD: 089RH - REDAN-TROTTI
 1520 VTD: 089RI - ROCKBRIDGE ROAD
 1521 VTD: 089RK - REDAN ROAD
 1522 VTD: 089RL - ROCK CHAPEL ROAD
 1523 VTD: 089RM - REDAN MIDDLE
 1524 VTD: 089SK - SHADOW ROCK ELEM
 1525 023306:
 1526 2007 2008
 1527 023312:
 1528 2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011
 1529 2012 2013 2014 2015 2016 2017 2018 2019 2021 3003 3004 3007
 1530 3008 3009 3010 3011 3012 3013 3014 3015 3016
 1531 VTD: 089SL - STONEVIEW ELEM
 1532 VTD: 089SM - SALEM MIDDLE
 1533 VTD: 089SO - SOUTH DESHON
 1534 VTD: 089ST - STEPHENSON MIDDLE
 1535 VTD: 089SV - STEPHENSON HIGH
 1536 VTD: 089WD - WOODROW ROAD