

House Bill 1099

By: Representative Holcomb of the 81<sup>st</sup>

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, 2021.

26 SECTION 2.

27 The commission.

28 (a) Effective January 1, 2021, the commission shall consist of a chairperson elected by the  
29 county at large and eight district commissioners elected by the electors of their respective  
30 districts.

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

34 (c)(1) Commissioner Districts 1, 2, 3, 4, 5, 6, 7, and 8 shall be and correspond to those  
35 eight numbered districts described in and attached to and made a part of this Act and  
36 further identified as 'Plan: DeKalbCC-8d-p2-H081-2016 Plan Type: Local  
37 Administrator: H081 User: Gina'.

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

41 (3) The separate numeric designations in a district description which are underneath a  
42 VTD heading shall mean and describe individual Blocks within a VTD as provided in the  
43 report of the Bureau of the Census for the United States decennial census of 2010 for the  
44 State of Georgia. Any part of DeKalb County which is not included in any such district  
45 described in that attachment shall be included within that district contiguous to such part  
46 which contains the least population according to the United States decennial census of  
47 2010 for the State of Georgia.

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

53 (5) Except as otherwise provided in the description of any commissioner district,  
54 whenever the description of such district refers to a named city, it shall mean the  
55 geographical boundaries of that city as shown on the census map for the United States  
56 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 2018 general election shall end on December 31, 2020. At the November, 2020, 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 1, 3, 5, and 7 shall serve terms of office beginning on January 1, 2021, and ending on December 31, 2022, and until their respective successors are elected and qualified. The persons elected in such special election to represent Commission Districts 2, 4, 6, and 8 and the chairperson shall serve terms of office beginning on January 1, 2021, and ending on December 31, 2024, 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 commissioners elected in the November, 2020, general election, district commissioners shall be limited to three consecutive four-year terms of office and shall not be eligible for election to the commission after serving three consecutive four-year terms of office until a period of four years following the end of each such person's term of office as a district commissioner has elapsed. Beginning with the chairperson elected in the November, 2020, 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

91 member's or the chairperson's term of office expires, then resignation from office under  
 92 subsection (a) of this section shall not be required. If resignation is required under  
 93 subsection (a) of this section, such resignation shall be irrevocable and shall be submitted  
 94 to the commission by not later than April 1 of the year in which the election for the other  
 95 office to which the member of the commission or the chairperson seeks nomination or  
 96 election is held and shall be effective on December 31 of that year.

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

105 SECTION 5.

106 Reserved.

107 SECTION 6.

108 Vacancies.

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

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

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

## 122 SECTION 7.

## 123 Oath and bond.

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

## 134 SECTION 8.

## 135 Compensation.

136 (a) The provisions of any other law to the contrary notwithstanding, each district  
137 commissioner shall receive an annual salary in the amount of \$40,000.00 to be paid from  
138 the funds of DeKalb County in equal monthly installments and shall, in addition, receive  
139 an expense allowance of \$300.00 per month to be paid from the funds of DeKalb County.  
140 (b) The chairperson shall be a full-time position, and the chairperson shall devote his or  
141 her full time to fulfilling the duties of the office. The provisions of any other law to the  
142 contrary notwithstanding, the chairperson shall receive an annual salary in the amount of  
143 \$153,000.00 to be paid from the funds of DeKalb County in equal monthly installments  
144 and shall, in addition, receive an expense allowance of \$300.00 per month to be paid from  
145 the funds of DeKalb County.

## 146 SECTION 9.

## 147 Powers and duties of the commission.

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

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

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

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

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

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

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

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

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

229 SECTION 10.

230 Audits.

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

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

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

249 SECTION 10A.

250 Independent internal audit.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

315 (6) Management has established adequate operating and administrative procedures and  
316 practices, systems or accounting internal control systems, and internal management  
317 controls; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

403 (A) Be residents of DeKalb County;

404 (B) Have expertise in performance auditing; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

491 (12) Sufficient resources as requested by the audit oversight committee shall be provided  
 492 by the commission to enable the audit oversight committee to carry out its  
 493 responsibilities.

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

## 497 SECTION 11.

### 498 Chairperson and vice chairperson.

499 (a) The chairperson of the commission shall preside at any regular or specially called  
 500 meeting of the commission and shall have the right to vote on all matters coming before  
 501 the commission.

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

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

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

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

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

528 SECTION 12.

529 Meetings.

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

541 SECTION 13.

542 County manager.

543 (a) There is created the office of county manager. The county manager shall be the chief  
 544 administrative officer of the county government. The county manager shall be responsible

545 for the efficient administration of all county departments. The county manager shall hold  
546 a college degree in public administration, political science, urban affairs, business  
547 administration, engineering, or a related field and shall have at least five years' experience  
548 in a supervisory capacity as an employee, director, administrator, or manager of a city or  
549 county government or a state or federal agency or equivalent experience in the private  
550 sector or any combination thereof. No person shall be appointed county manager who shall  
551 have, within two years immediately preceding such appointment:

- 552 (1) Been a candidate for elective public office;
- 553 (2) Been the holder of elective public office; or
- 554 (3) Held a management position in the political campaign of any candidate for the  
555 commission.

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

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

- 573 (1) To see that all laws, county codes, and ordinances are enforced;
- 574 (2) To appoint all department heads with the approval of the commission;
- 575 (3) To appoint and remove all subordinate officers and employees in all departments;
- 576 (4) To exercise control over all departments and divisions created therein or which may  
577 hereafter be created by the commission;
- 578 (5) To attend all meetings of the commission with the right to take part in all discussions  
579 but having no vote;
- 580 (6) To recommend to the commission such measures for adoption which he or she may  
581 deem necessary and expedient;

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

619 (h) The county manager shall report to, and shall be subject to, the day-to-day supervision  
620 and control of the county commission chairperson.

621 SECTION 13A.

622 Appointments.

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

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

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

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

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

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

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

651 (b) When a law described in subsection (a) of this section authorizes a person elected or  
652 appointed to fill a post or vacancy to be removed from office by a county governing

653 authority, such power of removal may be exercised by the affirmative vote of at least five  
654 members of the commission.

655 SECTION 14.

656 Reserved.

657 SECTION 15.

658 Reserved.

659 SECTION 16.

660 Comprehensive development plan.

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

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

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

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

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

675 SECTION 17.

676 Budgeting; control of expenditures.

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

683 (b) The county manager shall cause to be published in the official organ of DeKalb County  
684 a copy of the proposed budget along with a notice to the public that a public hearing on the  
685 proposed budget will be held at a time and place certain, which time shall be not less than  
686 ten days after the publication. At this public hearing, the commission shall review the  
687 proposed budget. The commission may adopt the budget as presented by the county  
688 manager or it may make such amendments thereto as it deems necessary to maintain the  
689 county in a sound financial condition. Nothing herein shall prevent the commission from  
690 continuing the hearing on the proposed budget from time to time; provided, however, that  
691 the time and place to which the hearing is continued shall be publicly announced at the  
692 previous hearing. However, the final budget shall be approved and adopted before March 1  
693 of the year to which it pertains. The final budget shall constitute the commission's  
694 appropriations of all funds for such year. The budget may be amended during the calendar  
695 year which it covers upon formal action of the commission in a regular meeting, but no  
696 increase in appropriations shall be made therein without provision also being made for  
697 financing such increase.

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

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

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

## 713 SECTION 18.

### 714 Purchases; contracts.

715 (a) The commission shall establish rules to regulate purchasing for all county departments,  
716 offices, and agencies of the county government, with the exception of the tax  
717 commissioner, clerk of the superior court, district attorney, and sheriff. Except as

718 hereinafter provided, formal sealed bids, after notice of same has been published one time  
 719 in the official organ of DeKalb County, shall be obtained on all purchases exceeding  
 720 \$50,000.00. Purchases exceeding \$50,000.00 may be made without formal sealed bids  
 721 from any vendor who, at the time of purchase, has an existing contract or schedule with the  
 722 State of Georgia or the federal government if the purchase is made pursuant to the price,  
 723 terms, and conditions of such contract and if the county receives all the benefits of such  
 724 contract.

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

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

## 733 SECTION 19.

### 734 Department of finance.

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

- 738 (1) Keep and maintain accurate records reflecting the financial affairs of the county;
- 739 (2) Compile the annual budget covering all county funds;
- 740 (3) Make quarterly allotments of moneys appropriated and budgeted to each department,  
 741 office, or agency of the county entitled to receive such allotments;
- 742 (4) Maintain current control accounts over the collection and deposit of moneys due the  
 743 county from taxes and other sources;
- 744 (5) Examine all claims against the county and make recommendations as to payment;
- 745 (6) Maintain budgetary control accounts showing encumbrances for obligations entered  
 746 into, liquidation of such encumbrances, unencumbered balances of allotments, and  
 747 unexpended balances of appropriations;
- 748 (7) Maintain proprietary accounts of the current assets and of the liabilities of all county  
 749 funds;
- 750 (8) Prepare and issue quarterly financial reports of the operations of all county funds;
- 751 (9) Maintain property control records of all county property, including equipment and  
 752 stores, and supervise stores;

753 (10) Plan and prepare for meeting the financial needs of the county, project financial  
754 requirements, recommend means of financing those requirements, and advise the county  
755 manager and commission on financial matters; and

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

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

766 (c) Except as hereinafter provided, the provisions of this section are advisory only and the  
767 commission may provide for the organization or reorganization of the department of  
768 finance and may specify and provide for the powers and duties of the director of finance  
769 and other personnel of the department of finance in such manner as may be necessary or  
770 desirable for the efficient and effective operation of the department of finance. The  
771 department of finance shall not be abolished by the commission.

772 SECTION 20.

773 Records; minutes.

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

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## SECTION 21.

784

## Agreements of candidates.

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It shall be unlawful for any candidate for the office of chairperson or district commissioner

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or for nomination to such office to enter into any agreement or understanding with any

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person as to the disposal of any work or appointment which is or shall be under the control

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of the commission, and any person so offending shall be guilty of a misdemeanor and, upon

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conviction thereof, shall be punished as for a misdemeanor.

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## SECTION 22.

791

## Official not to be interested in contracts.

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No member of the commission nor other county officer empowered to use public or county

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funds for the purchase of goods, property, or services of any kind for public or county

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purposes shall be financially interested, directly or indirectly, in any contract to which the

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county is a party, either as principal, surety, or otherwise; nor shall such officer or his or

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her partner, agent, servant, or employee of a firm of which he or she is a member or by

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whom he or she is employed purchase from or sell to the county any real or personal

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property, goods, or services. Any contract made in violation of any of the foregoing

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provisions shall be void, and the officer so offending shall be removed from office upon

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proper proceedings instituted by any taxpayer in DeKalb County in accordance with the

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provisions of Code Section 36-1-14 of the O.C.G.A.; provided, however, that the

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provisions of this section shall not be applicable to any contract which has been approved,

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prior to execution, performance, and payment thereon, by a majority of the commission by

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a proper entry on the minutes of the commission.

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## SECTION 22A.

806

## Code of ethics.

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(a)(1) It is essential to the proper administration and operation of the DeKalb County

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government that its officials and employees be, and give the appearance of being,

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independent and impartial, that public office not be used for private gain, and that there

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be public confidence in the integrity of DeKalb County officials and employees. Because

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the attainment of one or more of these ends is impaired whenever there exists in fact, or

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appears to exist, a conflict between the private interests and public responsibilities of

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officials and employees, the public interest requires that the General Assembly protect

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against such conflicts of interest by establishing, by law, appropriate ethical standards

815 with respect to the conduct of the officials and employees of DeKalb County in situations  
816 where a conflict may exist.

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

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

821 (1) 'Agency' means any board, bureau, body, commission, committee, department, or  
822 office of DeKalb County to which the governing authority has appointment powers.

823 (2) 'Business' means any corporation, partnership, organization, sole proprietorship, and  
824 any other entity operated for economic gain, whether professional, industrial, or  
825 commercial, and entities which for purposes of federal income taxation are treated as  
826 nonprofit organizations.

827 (3) 'Confidential information' means information which has been obtained in the course  
828 of holding public office, employment, acting as an independent contractor, or otherwise  
829 acting as an official or employee and which information is not available to members of  
830 the public under state law or other law or regulation and which the official, independent  
831 contractor, or employee is not authorized to disclose.

832 (4) 'Contract' means any claim or demand against or any lease, account, or agreement  
833 with any person, whether express or implied, executed or executory, verbal or in writing.

834 (5) 'Emergency situation' means any circumstance or condition giving rise to an  
835 immediate necessity for the execution of a contract by and between DeKalb County and  
836 an official or employee or between DeKalb County and a business in which an official  
837 or employee has an interest and where, to the satisfaction of the commission, it is shown  
838 that there is no one other than such persons with whom the contract could have been  
839 made and that the necessity was not brought about by such persons' own fault or neglect.

840 (6) 'Immediate family' means an official or employee and his or her spouse, parents,  
841 brothers, sisters, and natural or adopted children.

842 (7) 'Interest' means any direct or indirect pecuniary or material benefit held by or  
843 accruing to the official or employee as a result of a contract or transaction which is or  
844 may be the subject of an official act or action by or with DeKalb County. Unless  
845 otherwise provided in this section, the term 'interest' does not include any remote interest.

846 An official or employee shall be deemed to have an interest in transactions involving:

847 (A) Any person in the official's or employee's immediate family;

848 (B) Any person, business, or entity that the official or employee knows or should know  
849 is seeking official action with DeKalb County, is seeking to do or does business with  
850 DeKalb County, has interests that may be substantially affected by performance or  
851 nonperformance of the official's or employee's official duties, or with whom a

- 852 contractual relationship exists whereby the official or employee may receive any  
 853 payment or other benefit;
- 854 (C) Any business in which the official or employee is a director, officer, employee,  
 855 shareholder, or consultant; or
- 856 (D) Any person of whom the official or employee is a creditor, whether secured or  
 857 unsecured.
- 858 (8) 'Official act or action' means any legislative, administrative, appointive, or  
 859 discretionary act of the commission, the chairperson, or a commissioner.
- 860 (9) 'Official or employee' means any person elected or appointed to or employed or  
 861 retained by DeKalb County or any agency, whether paid or unpaid and whether part time  
 862 or full time. Such term includes retired employees or former county employees during  
 863 the period of time in which they are later employed or retained by the county or any  
 864 agency. Such term does not include superior and state court judges and their immediate  
 865 staffs, the district attorney, the solicitor of the state court, the clerks of the superior and  
 866 state courts, magistrates, judges of the recorders court, the judge of the probate court, and  
 867 their respective staffs.
- 868 (10) 'Paid' means the receipt of, or right to receive, a salary, commission, percentage,  
 869 brokerage, or contingent fee.
- 870 (11) 'Participate' means to take part in official acts, actions, or proceedings personally  
 871 as an official or employee through approval, disapproval, decision, recommendation,  
 872 investigation, the rendering of advice, or the failure to act or perform a duty.
- 873 (12) 'Person' means any individual, business, labor organization, representative,  
 874 fiduciary, trust, or association, whether paid or unpaid, and includes any official or  
 875 employee of DeKalb County.
- 876 (13) 'Property' means any property, whether real or personal, tangible or intangible, and  
 877 includes currency and commercial paper.
- 878 (14) 'Remote interest' means the interest of:
- 879 (A) A nonsalaried director, officer, or employee of a nonprofit organization;
- 880 (B) A holder of less than 5 percent of the legal or beneficial ownership of the total  
 881 shares of a business;
- 882 (C) Any person in a representative capacity, such as a receiver, trustee, or  
 883 administrator; or
- 884 (D) Any person who, by determination of the board of ethics, is deemed to have such  
 885 an interest.
- 886 (15) 'Transaction' means the conduct of any activity that results in, or may result in, an  
 887 official act or action of an official or employee of DeKalb County.
- 888 (c) No official or employee of DeKalb County shall:

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

926 as to the property of such interest. Every official or employee who knowingly has any  
 927 interest, direct or indirect, in any contract to which DeKalb County is or is about to become  
 928 a party, or in any other business with DeKalb County, shall make full disclosure of such  
 929 interest to the commission and to the ethics officer and the board of ethics. The  
 930 information disclosed by such sworn statements, except for the valuation attributed to the  
 931 disclosed interest, shall be made a matter of public record by the board of ethics.

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

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

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

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

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

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

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

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

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

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

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

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

- 963 (C) The name and address of the party or parties against whom the complaint is filed  
 964 and, if such party is a candidate, the office being sought;
- 965 (D) A clear and concise statement of acts upon which the complaint is based, along  
 966 with an allegation that such facts constitute one or more violations of law under the  
 967 jurisdiction of the board of ethics;
- 968 (E) A general reference to the allegedly violated statutory provision or provisions of  
 969 the code of ethics within the jurisdiction of the board of ethics; and
- 970 (F) Any further information which might support the allegations in the complaint  
 971 including, but not limited to, the following:
- 972 (i) The names and addresses of all other persons who have first-hand knowledge of  
 973 the facts alleged in the complaint; and
- 974 (ii) Any documentary evidence that supports the facts alleged in the complaint;
- 975 (3) Upon receipt of a complaint, whether by the ethics officer or by the board of ethics,  
 976 the ethics officer or the secretary of the board of ethics shall send a written notice to the  
 977 subject of the complaint by the next business day. Both this notice and any subsequent  
 978 documents shall be subject to Article 4 of Chapter 18 of Title 50 of the O.C.G.A.; and
- 979 (4) Upon receipt of a written, nonanonymous complaint which does not conform to the  
 980 applicable requirements of paragraph (2) of this subsection, the ethics officer shall by  
 981 letter acknowledge receipt of the complaint and advise the complainant of the defect in  
 982 the complaint and that the complaint will not be considered by the board of ethics unless  
 983 the defect is corrected.
- 984 (g)(1) This section shall be construed liberally to effectuate its purpose and policies and  
 985 to supplement such existing laws as may relate to the conduct of officials or employees.
- 986 (2) The propriety of any official act or action taken by or transaction involving any  
 987 officials or employees immediately prior to the time this section shall take effect shall not  
 988 be affected by the enactment of this section.
- 989 (3) The provisions of this section are severable, and if any of its provisions shall be held  
 990 unconstitutional or invalid by a court of competent jurisdiction, the decision of the court  
 991 shall not affect or impair any of the remaining provisions.
- 992 (h)(1)(A) There is created the board of ethics of DeKalb County to be composed of  
 993 seven citizens of DeKalb County to be appointed as provided in paragraph (2) of this  
 994 subsection.
- 995 (B) Each member of the board of ethics shall have been a resident of DeKalb County  
 996 for at least one year immediately preceding the date of taking office and shall remain  
 997 a resident of the county while serving as a member of the board of ethics.

998 (C) No person shall serve as a member of the board of ethics if the person has, or has  
999 had within the immediately preceding two-year period, any interest in any contract,  
1000 transaction, or official act or action of DeKalb County.

1001 (D) No member of the board of ethics shall be a member of an agency or an official or  
1002 employee of DeKalb County or shall have served in such a capacity in the two-year  
1003 period immediately preceding such person's appointment to the board of ethics.

1004 (E) No person shall serve as a member of the board of ethics if the person has been a  
1005 candidate for, or was elected to, public office in the immediately preceding three-year  
1006 period. Filing for an elective office shall constitute a resignation from the board of  
1007 ethics on the date of filing.

1008 (F) Appointees to the board of ethics shall have professional knowledge or expertise  
1009 in matters of ethics, finance, governance, or the law.

1010 (G) All proposed appointments to the board of ethics shall be subject to an education  
1011 and employment background check, as well as a criminal history check. Persons  
1012 proposed to be appointed to the board of ethics shall execute all releases necessary for  
1013 the appointing authority to accomplish such checks. If the nominee is determined to  
1014 have committed a felony, the nomination shall be withdrawn.

1015 (2)(A) The members of the board of ethics in office on the effective date of this section  
1016 shall serve until December 31, 2015, and then their terms shall terminate. A new board  
1017 shall be appointed as provided in this paragraph to take office on January 1, 2016, and  
1018 to serve for the terms prescribed in this paragraph.

1019 (B) Not later than December 31, 2015, the members of the new board of ethics shall  
1020 be selected as follows:

1021 (i) One member shall be appointed by the DeKalb Bar Association, chosen from the  
1022 attorney members of the association;

1023 (ii) One member shall be appointed by the DeKalb County Chamber of Commerce,  
1024 which member shall not be an attorney;

1025 (iii) One member shall be appointed by a majority vote of the DeKalb County  
1026 legislative delegation;

1027 (iv) One member shall be appointed by the judge of the Probate Court of DeKalb  
1028 County;

1029 (v) One member shall be appointed by Leadership DeKalb;

1030 (vi) One member shall be appointed by the six major universities and colleges located  
1031 within DeKalb County (Agnes Scott College, Columbia Theological Seminary,  
1032 Emory University, Georgia State University, Mercer University, and Oglethorpe  
1033 University), which member shall not be an attorney; and

1034 (vii) One member shall be appointed by the chief judge of the Superior Court of  
1035 DeKalb County.

1036 (C) The members shall each serve for terms of three years; provided, however, that the  
1037 initial terms of the first DeKalb County Chamber of Commerce appointee, the first  
1038 Leadership DeKalb appointee, and the first DeKalb County legislative delegation  
1039 appointee shall be two years; and provided, further, that the initial terms of the six  
1040 major institutes of higher learning within DeKalb County appointee and the judge of  
1041 the probate court appointee shall be one year.

1042 (D) Successors to all members of the board of ethics and future successors shall be  
1043 appointed by the respective appointing authorities not less than 30 days prior to the  
1044 expiration of each such member's term of office, and such successors shall take office  
1045 on January 1 following such appointment and shall serve terms of three years and until  
1046 their respective successors are appointed and qualified.

1047 (3) If a member of the board of ethics ceases to be a resident of DeKalb County, that  
1048 member's position on the board of ethics, by operation of law, shall become vacant upon  
1049 the establishment of the fact of such nonresidency, if contested, by a court of competent  
1050 jurisdiction. A vacancy in the board of ethics shall exist by reason of death, the disability  
1051 or incapacity of a member for more than 90 days, resignation, or loss of residency as  
1052 described in this paragraph. A member of the board of ethics may be removed from  
1053 office during a term if the member becomes ineligible to hold civil office within the  
1054 meaning of Code Section 45-2-1 of the O.C.G.A. and that ineligibility is established by  
1055 decision of a court of competent jurisdiction which declares the office vacant because of  
1056 such ineligibility, or for good cause, by a majority vote of the board of ethics. The ethics  
1057 officer shall notify the appointing authority of a vacancy upon its occurrence, and such  
1058 vacancy shall be filled for the unexpired term by the respective appointing authority.

1059 (4) The members of the board of ethics shall serve without compensation and shall elect  
1060 from their own membership a chairperson and otherwise provide for their own internal  
1061 organization. The commission shall provide adequate office and meeting space and pay  
1062 all administrative costs, including those specifically stipulated in this section, pertaining  
1063 to the operation of the board of ethics. The board of ethics shall be authorized to employ  
1064 its own staff and clerical personnel and contract for the services of a competent court  
1065 reporter, an attorney, and a private investigator as it deems necessary. The members of  
1066 the board of ethics shall have the authority to propose the budget of the board and shall  
1067 recommend the budget to the commission, which shall fund it as a priority. In the event  
1068 that the proposed budget is in excess of \$300,000.00, the commission shall have the  
1069 authority to authorize the additional funds requested in accordance with standard  
1070 budgetary procedures and requirements. The board of ethics shall be completely

1071 independent and shall not be subject to control or supervision by the commission or any  
1072 other official or employee or agency of the county government.

1073 (5) The board of ethics shall have the following duties:

1074 (A) To establish procedures, rules, and regulations governing its internal organization  
1075 and the conduct of its affairs;

1076 (B) To render advisory opinions with respect to the interpretation and application of  
1077 this section to all officials or employees who seek advice as to whether a particular  
1078 course of conduct would constitute a violation of the standards imposed in this section  
1079 or other applicable ethical standards. Such opinions shall be binding on the board of  
1080 ethics in any subsequent complaint concerning the official or employee who sought the  
1081 opinion and acted in good faith, unless material facts were omitted or misstated in the  
1082 request for the advisory opinion;

1083 (C) To prescribe forms for the disclosures required in this section and to make  
1084 available to the public the information disclosed as provided in this section;

1085 (D) To receive and hear complaints of violations of the standards required by this  
1086 section over which it has personal and subject matter jurisdiction;

1087 (E) To make such investigations as it deems necessary to determine whether any  
1088 official or employee has violated or is about to violate any provisions of this section;  
1089 and

1090 (F) To hold such hearings and make such inquiries as it deems necessary for it to carry  
1091 out properly its functions and powers.

1092 (i)(1) There is hereby created as a full-time salaried position an ethics officer for DeKalb  
1093 County. The ethics officer must be an active member of the Georgia Bar Association in  
1094 good standing with five years' experience in the practice of law. The ethics officer shall  
1095 be appointed by a majority of the members of the board of ethics, subject to confirmation  
1096 by a majority of the commission, for a period not to exceed six years. Removal of the  
1097 ethics officer before the expiration of the designated term shall be for cause by a majority  
1098 vote of the members of the board of ethics. The ethics officer need not be a resident of  
1099 the county at the time of his or her appointment, but he or she shall reside in DeKalb  
1100 County within six months of such appointment and continue to reside therein throughout  
1101 such appointment.

1102 (2) The ethics officer shall not be involved in partisan or nonpartisan political activities  
1103 or the political affairs of DeKalb County.

1104 (3) The duties of the ethics officer shall include, but not be limited to, the following:

1105 (A) Educating and training all city officials and employees to have an awareness and  
1106 understanding of the mandate for and enforcement of ethical conduct and advising them  
1107 of the provisions of the code of ethics of DeKalb County;

- 1108 (B) Maintaining the records of the board of ethics as required by Article 4 of  
1109 Chapter 18 of Title 50 of the O.C.G.A.;
- 1110 (C) Meeting with the board of ethics;
- 1111 (D) Advising officials and employees regarding disclosure statements and reviewing  
1112 the same to ensure full and complete financial reporting;
- 1113 (E) Urging compliance with the code of ethics by calling to the attention of the board  
1114 of ethics any failure to comply or any issues, including the furnishing of false or  
1115 misleading information, that the ethics officer believes should be investigated by the  
1116 board of ethics so that the board of ethics may take such action as it deems appropriate;
- 1117 (F) Monitoring, evaluating, and acting upon information obtained from an ethics  
1118 hotline, which shall be a city telephone number for the receipt of information about  
1119 ethical violations. Each complaint, as of the time it is reported, whether by telephone  
1120 or otherwise, shall be deemed to be a separate pending investigation of a complaint  
1121 against a public officer or employee as provided by Article 4 of Chapter 18 of Title 50  
1122 of the O.C.G.A.;
- 1123 (G) Notifying the subject of a report of any alleged violation of the code of ethics,  
1124 whether the report is anonymous, made by an identified individual, or is written. Such  
1125 notice shall be given in writing, by facsimile, or hand delivered to the subject of the  
1126 complaint at the same time and in the same form that any disclosure of information is  
1127 required by Article 4 of Chapter 18 of Title 50 of the O.C.G.A.;
- 1128 (H) Notifying the board of ethics of any report of an alleged violation of the code of  
1129 ethics received by the ethics officer;
- 1130 (I) Reporting, as appropriate, suspected ethical violations to the board of ethics;
- 1131 (J) Reporting, as appropriate, suspected criminal violations to state or federal law  
1132 enforcement agencies; and
- 1133 (K) Filing with the board of ethics and the commission on the first Tuesday of each  
1134 February a written report describing the activities of the ethics officer in carrying out  
1135 the goals of his or her office and the code of ethics and reporting on the ethical health  
1136 of DeKalb County.
- 1137 (j)(1) The board of ethics shall conduct investigations into alleged violations of the code  
1138 of ethics, hold hearings, and issue decisions as prescribed in this subsection.
- 1139 (2) The proceedings and records of the board of ethics shall be open unless otherwise  
1140 permitted by state law.
- 1141 (3) Upon request of the board of ethics, the solicitor of DeKalb County or any attorney  
1142 representing the office of the solicitor of DeKalb County, or in the event of a conflict any  
1143 attorney who shall be selected by a majority vote of the board of ethics, shall advise the  
1144 board of ethics.

1145 (4) A complaint may be filed by the ethics officer, any resident, or a group of residents  
1146 of DeKalb County by submitting to the office of the ethics officer a written, verified, and  
1147 sworn complaint under the penalty of perjury or false swearing. The complaint shall  
1148 specifically identify all provisions of the DeKalb County code of ethics which the subject  
1149 of the complaint is alleged to have violated, set forth facts as would be admissible in  
1150 evidence in a court proceeding, and show affirmatively that the complainant or affiant,  
1151 if in addition to or different from the complainants, is competent to testify to the matter  
1152 set forth therein. All documents referenced in the complaint as well as supporting  
1153 affidavits shall be attached to the complaint.

1154 (5) Upon receipt of the complaint, the ethics officer shall conduct a preliminary  
1155 investigation to determine whether it meets the jurisdictional requirements as set forth in  
1156 this section. If in the opinion of the ethics officer the complaint fails to meet these  
1157 requirements, the ethics officer shall notify the person who filed the complaint and he or  
1158 she shall have ten days from the date of notice to correct and refile the complaint directly  
1159 with the ethics officer. A complaint which fails to satisfy the jurisdictional requirements  
1160 as established by this section and by the rules and procedures established by the board of  
1161 ethics shall be dismissed by the board of ethics no later than 30 days after the complaint  
1162 is filed with the office of the ethics officer, unless extended by a majority vote of the  
1163 board of ethics.

1164 (6) The ethics officer will report his or her findings and recommendation to the board of  
1165 ethics and advise whether there is probable cause for belief that the code of ethics has  
1166 been violated, warranting a formal hearing. If the board of ethics determines, after the  
1167 preliminary investigation of a complaint by the ethics officer, that there does not exist  
1168 probable cause for belief that this section has been violated, the board of ethics shall so  
1169 notify the complainant and the subject of the investigation, and the complaint will be  
1170 dismissed. If the board of ethics determines, after a preliminary investigation of the  
1171 complaint by the ethics officer, that there does exist probable cause for belief that this  
1172 section has been violated, the board of ethics shall give notice to the person involved to  
1173 attend a hearing to determine whether there has been a violation of this section.

1174 (7) For use in proceedings under this section, the board of ethics shall have the power to  
1175 issue subpoenas to compel any person to appear, give sworn testimony, or produce  
1176 documentary or other evidence. Any person who fails to respond to such subpoenas may  
1177 be subjected to the penalties set forth in subsection (k) of this section.

1178 (8) All hearings of the board of ethics pursuant to this section shall be as follows:

1179 (A) All testimony shall be under oath, which shall be administered by a member of the  
1180 board of ethics. Any person who appears before the board of ethics shall have all of the  
1181 due process rights, privileges, and responsibilities of a witness appearing before the

1182 courts of this state. Any person whose name is mentioned during a proceeding of the  
 1183 board of ethics and who may be adversely affected thereby may appear personally  
 1184 before the board of ethics on such person's own behalf or may file a written sworn  
 1185 statement for incorporation into the record to be made part of all proceedings pursuant  
 1186 to this subsection;

1187 (B) The decision of the board of ethics shall be governed by a preponderance of the  
 1188 evidence standard; and

1189 (C) At the conclusion of proceedings concerning an alleged violation, the board of  
 1190 ethics shall immediately begin deliberations on the evidence and proceed to determine  
 1191 by a majority vote of members present whether there has been a violation of this  
 1192 section. The findings of the board of ethics concerning a violation and the record of the  
 1193 proceedings shall be made public by the ethics officer as soon as practicable after the  
 1194 determination has been made.

1195 (k)(1) Any intentional violation of this section, furnishing of false or misleading  
 1196 information to the board of ethics or the ethics officer, failure to follow an opinion  
 1197 rendered by the board of ethics, or failure to comply with a subpoena issued by the board  
 1198 of ethics pursuant to this section shall subject the violator to any one or more of the  
 1199 following:

1200 (A) Administrative sanction of not more than \$1,000.00 assessed by the board of  
 1201 ethics;

1202 (B) Public reprimand by the board of ethics; and

1203 (C) Prosecution by the DeKalb County solicitor in municipal court and, upon  
 1204 conviction, a fine of up to \$1,000.00 per violation and up to six months' imprisonment,  
 1205 whether the official or employee is elected or appointed, paid or unpaid. Nothing in  
 1206 this section shall be interpreted to conflict with state law. An action for violation of this  
 1207 section or the furnishing of false or misleading information or the failure to comply  
 1208 with a subpoena issued by the board of ethics must be brought within two years after  
 1209 the violation is discovered.

1210 (2) With regard to violations by persons other than officials or employees, in addition to  
 1211 the remedies in paragraph (1) of this subsection, the board of ethics may recommend to  
 1212 the commission any one or more of the following:

1213 (A) Suspension of a contractor; and

1214 (B) Disqualification or debarment from contracting or subcontracting with DeKalb  
 1215 County.

1216 (3) The decision of the board of ethics after a hearing shall be final; provided, however,  
 1217 that such proceeding shall be subject to review by writ of certiorari to the Superior Court  
 1218 of DeKalb County. The designee of the board of ethics shall be authorized to

1219 acknowledge service of any such writ and shall, within the time provided by law, certify  
 1220 and cause to be filed with the clerk of the superior court a record of the proceedings  
 1221 before the board of ethics, the decision of the board of ethics, and the notice of the final  
 1222 actions of the board of ethics.

1223 **SECTION 23.**

1224 How sections amended; limitations on powers.

1225 Pursuant to the authority of an amendment to the Constitution ratified at the 1978 general  
 1226 election as set forth in Georgia Laws 1978, pages 2370-2372, which amendment authorized  
 1227 the General Assembly to provide by law for the form of government of DeKalb County and  
 1228 to provide for the various officers, bodies, branches, or agencies by or through which the  
 1229 county's governmental powers shall be exercised, any law adopted pursuant to such  
 1230 authority shall be conditioned on the approval of a majority of the qualified electors of  
 1231 DeKalb County voting at elections held for such purpose when any such law affects the  
 1232 DeKalb County government in any one or more of the following ways:

- 1233 (1) Changing the number of members, terms of office, or the manner of electing the  
 1234 members of the governing body of DeKalb County;  
 1235 (2) Establishing the powers and duties of the DeKalb County government; or  
 1236 (3) Changing the powers and duties of the DeKalb County government when such  
 1237 powers and duties have been established by Acts of the General Assembly, pursuant to  
 1238 the authority of the amendment to the Constitution ratified at the 1978 general election  
 1239 as set forth in Georgia Laws 1978, pages 2370-2372."

1240 **SECTION 2.**

1241 The election superintendent of DeKalb County shall call and conduct an election as provided  
 1242 in this section for the purpose of submitting this Act to the electors of DeKalb County for  
 1243 approval or rejection. The election superintendent shall conduct that election on the Tuesday  
 1244 next following the first Monday in November, 2016, and shall issue the call and conduct that  
 1245 election as provided by general law. The election superintendent shall cause the date and  
 1246 purpose of the election to be published once a week for two weeks immediately preceding  
 1247 the date thereof in the official organ of DeKalb County. The ballot shall have written or  
 1248 printed thereon the words:

1249 "( ) YES Shall the Act be approved which eliminates the Chief Executive Officer of  
 1250 ( ) NO DeKalb County, creates a county commission chairperson elected  
 1251 countywide, revises the membership of the county commission, shortens  
 1252 certain terms of office, provides for a county manager, and changes the  
 1253 terms of members of the county commission?"

1254 All persons desiring to vote for approval of the Act shall vote "Yes," and all persons desiring  
 1255 to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on  
 1256 such question are for approval of the Act, Section 1 of this Act shall become of full force and  
 1257 effect immediately for purposes of conducting special elections and providing for terms of  
 1258 office for members of the commission elected in 2018 and for all other purposes on  
 1259 January 1, 2021. If the Act is not so approved or if the election is not conducted as provided  
 1260 in this section, Section 1 of this Act shall not become effective, and this Act shall be  
 1261 automatically repealed on the first day of January immediately following that election date.  
 1262 The expense of such election shall be borne by DeKalb County. It shall be the election  
 1263 superintendent's duty to certify the result thereof to the Secretary of State.

1264 **SECTION 3.**

1265 Except as otherwise provided in Section 2 of this Act, this Act shall become effective upon  
 1266 its approval by the Governor or upon its becoming law without such approval.

1267 **SECTION 4.**

1268 All laws and parts of laws in conflict with this Act are repealed.

Plan: DeKalbCC-8d-p2-H081-2016  
Plan Type: Local  
Administrator: H081  
User: Gina

District 001  
DeKalb County  
VTD: 089AD - AUSTIN  
VTD: 089CH - CHESNUT ELEMENTARY  
VTD: 089DA - DORAVILLE NORTH  
VTD: 089DB - DORAVILLE SOUTH  
VTD: 089DG - DUNWOODY HIGH SCHOOL  
VTD: 089DI - DUNWOODY LIBRARY  
VTD: 089EC - EMBRY HILLS  
VTD: 089EF - EVANSDALE ELEM  
VTD: 089KB - KINGSLEY ELEM  
VTD: 089LV - LAWRENCEVILLE HIGH SCHOOL  
VTD: 089MH - MIDVALE ELEM  
VTD: 089MQ - MOUNT VERNON EAST  
VTD: 089MS - MOUNT VERNON WEST  
VTD: 089MW - MIDVALE ROAD  
VTD: 089NF - NORTH PEACHTREE  
VTD: 089OB - OAKCLIFF ELEM  
VTD: 089PB - PEACHTREE MIDDLE SCHOOL  
VTD: 089PF - PLEASANTDALE ELEM  
VTD: 089PK - PLEASANTDALE ROAD  
VTD: 089TF - TUCKER  
VTD: 089TG - TILLY MILL ROAD  
VTD: 089TH - TUCKER LIBRARY  
VTD: 089WI - WARREN TECH  
VTD: 089WL - WINTERS CHAPEL

District 002  
DeKalb County  
VTD: 089AB - ASHFORD PARK ELEMENTARY  
VTD: 089AG - ASHFORD DUNWOOD  
VTD: 089AH - ASHFORD PARKSIDE  
VTD: 089BE - BRIARWOOD  
VTD: 089BI - BROOKHAVEN  
VTD: 089CE - CHAMBLEE (CHA)  
VTD: 089CO - CROSS KEYS HIGH  
VTD: 089DC - DRESDEN ELEM  
VTD: 089DF - DUNWOODY  
VTD: 089GD - GEORGETOWN SQ  
VTD: 089HB - HAWTHORNE ELEM  
VTD: 089HC - HENDERSON MILL  
VTD: 089HD - HERITAGE ED  
021605:  
1000 1001 1002 1003 1004 1008 3001 3002 3003 3004 3005 3006  
3009  
VTD: 089HF - HUNTLEY HILLS ELEM  
VTD: 089MU - MONTGOMERY ELEM  
VTD: 089NA - NANCY CREEK ELEM  
VTD: 089SE - SILVER LAKE  
VTD: 089SF - SKYLAND

District 003  
DeKalb County  
VTD: 089BB - BOULEVARD (ATL)  
VTD: 089BC - BRIAR VISTA ELEMENTARY  
VTD: 089BG - BRIARCLIFF  
VTD: 089BR - BURGESS ELEMENTARY  
VTD: 089CN - COAN MIDDLE  
VTD: 089DH - DRUID HILLS HIGH SCHOOL  
VTD: 089EA - EAST LAKE ELEM  
VTD: 089EB - EASTLAND  
VTD: 089EE - EPWORTH (ATL)  
VTD: 089EG - EMORY SOUTH  
VTD: 089ER - EMORY ROAD  
VTD: 089FB - FERNBANK ELEM  
VTD: 089GC - GRESHAM PARK ELEM  
VTD: 089JA - JOHNSON ESTATES  
VTD: 089KA - KELLEY LAKE ELEM  
023411:  
2000  
023602:  
2007 2008 2009 2013  
023603:  
1018  
VTD: 089LB - LAVISTA ROAD  
VTD: 089LC - LAVISTA  
VTD: 089LE - MARY LIN ELEM

VTD: 089MJ - MONTCLAIR ELEM  
VTD: 089MP - MARGARET HARRIS  
VTD: 089MP - MCNAIR MIDDLE  
VTD: 089MT - METROPOLITAN  
VTD: 089PN - PINEY GROVE  
VTD: 089TA - TERRY MILL ELEM  
VTD: 089TB - TILSON ELEM  
VTD: 089WE - WHITEFOORD ELEMENTARY  
VTD: 089WJ - WOODWARD ELEM

District 004

DeKalb County

VTD: 089AE - AVONDALE (AVO)  
VTD: 089AF - HOOPER ALEXANDER

022900:

3002 3003 3004 3005 3006 3007 3008 3009 3010 3011 3012 3013  
3014 3015 3016 3017 3018 3019 3020 3021 3022 3023 3024 3025  
3026 3027 3028 3030 3031

023101:

2002 2003 2013

VTD: 089AM - AVONDALE MIDDLE  
VTD: 089CI - CLAIREMONT WEST  
VTD: 089CJ - CLAIRMONT HILLS  
VTD: 089CT - COVINGTON HWY L  
VTD: 089CV - CLAIREMONT EAST  
VTD: 089CW - CORALWOOD  
VTD: 089FD - FORREST HILLS ELEM  
VTD: 089GA - GLENNWOOD (DEC)  
VTD: 089GE - GLENHAVEN ELEM  
VTD: 089HD - HERITAGE ED

021605:

1005 1006 1007 1009 1010 1011 1012 1013 1014 1017 1018

VTD: 089LA - LAKESIDE HIGH  
VTD: 089ME - MCLENDON ELEM  
VTD: 089MG - MEDLOCK ELEM  
VTD: 089MO - MIDWAY ELEM  
VTD: 089NB - NORTH DECATUR  
VTD: 089OA - OAK GROVE ELEM  
VTD: 089OK - OAKHURST (DEC)  
VTD: 089PA - PEACHCREST ELEM  
VTD: 089PG - PONCE DE LEON  
VTD: 089RG - ROWLAND ELEM  
VTD: 089RN - RENFROE MIDDLE  
VTD: 089SA - SAGAMORE HILLS  
VTD: 089SB - SCOTT  
VTD: 089SC - SCOTTTDALE  
VTD: 089SN - SHAMROCK MIDDLE  
VTD: 089VB - VALLEY BROOK  
VTD: 089WF - WINNONA PARK ELEM

District 005

DeKalb County

VTD: 089BD - BRIARLAKE ELEMENTARY  
VTD: 089BF - BROCKETT ELEMENTARY  
VTD: 089BH - BROCKETT  
VTD: 089CK - CLARKSTON (CLA)  
VTD: 089HA - HAMBRICK ELEM  
VTD: 089HG - HUGH HOWELL  
VTD: 089IA - IDLEWOOD ELEM  
VTD: 089IB - INDIAN CREEK ELEM  
VTD: 089JB - JOLLY ELEM  
VTD: 089MK - MONTREAL  
VTD: 089MM - MEMORIAL NORTH  
VTD: 089MN - MEMORIAL SOUTH  
VTD: 089NC - NORTH HAIRSTON  
VTD: 089ND - NORTHLAKE  
VTD: 089PE - PINE LAKE (PIN)  
VTD: 089RD - REHOBOTH  
VTD: 089RE - ROCKBRIDGE ELEM  
VTD: 089SD - STN MTN ELEMENTARY  
VTD: 089SH - SMOKE RISE  
VTD: 089SI - STN MTN MIDDLE  
VTD: 089SJ - STONE MILL ELEM  
VTD: 089SP - STN MTN CHAMPION  
VTD: 089SQ - STONE MTN LIBRARY  
VTD: 089WN - WYNBROOKE ELEM

District 006

DeKalb County

VTD: 089AF - HOOPER ALEXANDER

022900:

2000 2001 2002 2003 2004

023101:

2014

VTD: 089BL - BOULDERCREST RD  
VTD: 089CA - COLUMBIA DRIVE  
VTD: 089CB - CANBY LANE ELEMENTARY  
VTD: 089CC - COLUMBIA ELEMENTARY  
VTD: 089CD - CEDAR GROVE ELEMENTARY  
VTD: 089CL - CLIFTON ELEMENTARY  
VTD: 089CM - COLUMBIA MIDDLE  
VTD: 089CQ - CANDLER  
VTD: 089CR - CEDAR GROVE MIDDLE  
VTD: 089CS - CEDAR GROVE SOUTH  
VTD: 089FC - FLAT SHOALS ELEM  
VTD: 089FE - FLAT SHOALS PARKWAY  
VTD: 089FJ - FLAT SHOALS  
VTD: 089FK - FLAKES MILL FIRE  
VTD: 089FL - FLAT SHOALS LIBRARY  
VTD: 089HH - NARVIE J HARRIS  
VTD: 089KA - KELLEY LAKE ELEM

023410:

1000 2000 2001

023603:

1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011  
1012 1013 1014 1015 1016 1017 2000 2001 2002 2003 2004 2005  
2006 2007 2008 2009 2010 2011 2012 2013 2014 2015 2016 2017  
2018 2019

VTD: 089KE - KNOLLWOOD ELEM  
VTD: 089ML - MEADOWVIEW ELEM  
VTD: 089MR - BOB MATHIS ELEM  
VTD: 089OV - OAK VIEW ELEM  
VTD: 089RA - RAINBOW ELEM  
VTD: 089SG - SNAPPFINGER ELEM  
VTD: 089SR - SNAPPFINGER ROAD  
VTD: 089TC - TONEY ELEM  
VTD: 089WA - WADSWORTH ELEM

District 007

DeKalb County

VTD: 089AA - ALLGOOD ELEMENTARY  
VTD: 089AC - ATHERTON ELEMENTARY  
VTD: 089BJ - BROWN'S MILL ELEMENTARY  
VTD: 089BM - BETHUNE MIDDLE  
VTD: 089CG - CHAPEL HILL ELEMENTARY  
VTD: 089CP - CROSSROADS  
VTD: 089DE - DUNAIRE ELEM  
VTD: 089FA - FAIRINGTON ELEM  
VTD: 089FM - FREEDOM MIDDLE  
VTD: 089GB - GLENHAVEN  
VTD: 089KC - KELLEY CHAPEL  
VTD: 089KD - ML KING JR HIGH  
VTD: 089MA - ELDRIDGE L MILL  
VTD: 089MF - MCWILLIAMS  
VTD: 089MI - MILLER GROVE MIDDLE SCHOOL  
VTD: 089MV - MILLER GROVE ROAD  
VTD: 089PI - PANOLA WAY ELEM  
VTD: 089RJ - ROWLAND ROAD  
VTD: 089SK - SHADOW ROCK ELEM

023312:

3005

VTD: 089SM - SALEM MIDDLE  
VTD: 089SS - SNAPPFINGER ROAD  
VTD: 089SU - SOUTH HAIRSTON  
VTD: 089WB - WESLEY CHAPEL SOUTH  
VTD: 089WG - WOODRIDGE ELEM  
VTD: 089WK - WHITE OAK  
VTD: 089YA - YOUNG ROAD

District 008

DeKalb County

VTD: 089CF - MURPHEY CANDLER  
VTD: 089FG - FLAT ROCK ELEM  
VTD: 089LD - LITHONIA (LIT)  
VTD: 089LH - LITHONIA HIGH SCHOOL  
VTD: 089MC - MARBUT ELEM  
VTD: 089MZ - MILLER GROVE HIGH  
VTD: 089PC - PRINCETON ELEM  
VTD: 089PH - PANOLA  
VTD: 089PR - PANOLA ROAD  
VTD: 089RC - REDAN ELEM  
VTD: 089RF - ROCK CHAPEL ELEM  
VTD: 089RH - REDAN-TROTTI  
VTD: 089RI - ROCKBRIDGE ROAD  
VTD: 089RK - REDAN ROAD

VTD: 089RL - ROCK CHAPEL ROAD  
VTD: 089RM - REDAN MIDDLE  
VTD: 089SK - SHADOW ROCK ELEM  
023306:  
2007 2008  
023312:  
2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011  
2012 2013 2014 2015 2016 2017 2018 2019 2021 3003 3004 3007  
3008 3009 3010 3011 3012 3013 3014 3015 3016  
VTD: 089SL - STONEVIEW ELEM  
VTD: 089SO - SOUTH DESHON  
VTD: 089ST - STEPHENSON MIDDLE  
VTD: 089SV - STEPHENSON HIGH  
VTD: 089WD - WOODROW ROAD