

House Bill 1099

By: Representative Holcomb of the 81st

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 style="text-align:center">**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 style="text-align:center">"SECTION 1.

19 style="text-align:center">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.

59 (a) The terms of all members of the commission in office elected in the 2018 general
60 election shall end on December 31, 2020. At the November, 2020, general election, a
61 special election shall be held to fill the seats on the commission and the office of
62 chairperson. The persons elected in such special election to represent Commission
63 Districts 1, 3, 5, and 7 shall serve terms of office beginning on January 1, 2021, and ending
64 on December 31, 2022, and until their respective successors are elected and qualified. The
65 persons elected in such special election to represent Commission Districts 2, 4, 6, and 8 and
66 the chairperson shall serve terms of office beginning on January 1, 2021, and ending on
67 December 31, 2024, and until their respective successors are elected and qualified.
68 Thereafter, successors to such members shall be elected at the November general election
69 immediately preceding the end of such members' respective terms of office and shall take
70 office on January 1 immediately following such election for terms of office of four years
71 and until their respective successors are elected and qualified.

72 (b) Beginning with the commissioners elected in the November, 2020, general election,
73 district commissioners shall be limited to three consecutive four-year terms of office and
74 shall not be eligible for election to the commission after serving three consecutive four-year
75 terms of office until a period of four years following the end of each such person's term of
76 office as a district commissioner has elapsed. Beginning with the chairperson elected in
77 the November, 2020, general election, the chairperson shall be limited to two consecutive
78 terms of office as chairperson and shall not be eligible for election to the office of
79 chairperson until a period of four years following the end of such person's last term of
80 office as chairperson after serving two consecutive terms of office as chairperson has
81 elapsed.

SECTION 4.

Running for other elective office creates vacancy.

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

89 (b) If the term of the other office to which the member of the commission or the
90 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.

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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.

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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:

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