

The House Committee on Governmental Affairs offers the following substitute to SB 378:

**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 provide for elections and terms of office;
7 to provide for term limits; to provide for a county manager; to conform various provisions
8 to reflect such changes; to provide for related matters; to provide for a referendum and
9 effective dates; to repeal conflicting laws; and for other purposes.

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

11 **SECTION 1.**

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

17 **"SECTION 1.**
18 **Governing authority.**

19 (a) There is hereby created the Board of Commissioners of DeKalb County to be elected
20 and organized as hereinafter provided.
21 (b) The Board of Commissioners of DeKalb County, hereinafter referred to as the
22 'commission,' shall constitute the governing authority of DeKalb County.
23 (c) The office of Chief Executive Officer of DeKalb County shall be abolished on
24 January 1, 2019.

SECTION 2.

The commission.

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

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

33 (c)(1) Commissioner Districts 1, 2, 3, 4, and 5 shall be and correspond to those five
34 numbered districts described in and attached to and made a part of this Act and further
35 identified as 'Plan: dekalbcc-import1-02092012 Plan Type: local Administrator: dekalb
36 cc User: bak'.

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

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

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

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

56 (6) Paragraphs (2) through (5) of this subsection shall only be applicable with respect to
57 Commissioner Districts 1, 2, 3, 4, and 5.

58 (d)(1) Commissioner Districts 6 and 7 shall be and correspond to those two numbered
59 districts described in and attached to and made a part of this Act and further identified as

60 'Plan Name: deksuperdist4 Plan Type: LOCAL User: Gina Administrator:
61 CNTY-DEKALB'.

62 (2) When used in such attachment, the terms 'Tract' and 'BG' (Block Group) shall mean
63 and describe the same geographical boundaries as provided in the report of the Bureau
64 of the Census for the United States decennial census of 2000 for the State of Georgia.
65 The separate numeric designations in a Tract description which are underneath a BG
66 heading shall mean and describe individual Blocks within a Block Group as provided in
67 the report of the Bureau of the Census for the United States decennial census of 2000 for
68 the State of Georgia. Any part of DeKalb County which is not included in any such
69 district described in that attachment shall be included within that district contiguous to
70 such part which contains the least population according to the United States decennial
71 census of 2000 for the State of Georgia. Any part of DeKalb County which is described
72 in that attachment as being in a particular district shall nevertheless not be included
73 within such district if such part is not contiguous to such district. Such noncontiguous
74 part shall instead be included within that district contiguous to such part which contains
75 the least population according to the United States decennial census of 2000 for the State
76 of Georgia. Except as otherwise provided in the description of any commissioner district,
77 whenever the description of such district refers to a named city, it shall mean the
78 geographical boundaries of that city as shown on the census map for the United States
79 decennial census of 2000 for the State of Georgia. This paragraph shall only be
80 applicable with respect to Commissioner Districts 6 and 7.

81 (e) The chairperson and each commissioner shall be a citizen of this state and DeKalb
82 County, at least 25 years of age, and shall have been a resident of the geographic area
83 encompassed by the respective commissioner district, in the case of district commissioners,
84 for at least one year immediately prior to taking office. The chairperson shall be elected
85 by a majority of the electors voting in the entire county. Each commissioner shall be
86 elected by a majority of the electors voting within the respective commissioner district.
87 Except for displacement of their residences from their respective districts due to
88 reapportionment or redistricting of the districts, any commissioners who cease to be
89 residents of their respective commissioner districts during their terms of office shall
90 thereby vacate their seats on the commission. All members of the commission, including
91 the chairperson, shall be nominated and elected pursuant to the provisions of Chapter 2 of
92 Title 21 of the O.C.G.A., the 'Georgia Election Code,' as now or hereafter amended.

93

SECTION 3.

94

Establishment of the commission.

95 (a) Commissioner Districts 1, 2, 3, 4, and 5, as they exist on January 1, 2012, shall
96 continue to be designated as Commissioner Districts 1, 2, 3, 4, and 5, respectively, but as
97 newly described under this Act, and such members of the board serving from those former
98 commissioner districts shall be deemed to be serving from and representing their respective
99 districts as newly described under this Act. Commissioner Districts 6 and 7 as they exist
100 on January 1, 2012, shall continue to be designated as Commissioner Districts 6 and 7 as
101 described under this Act and in effect on January 1, 2012.

102 (b) Those members of the Board of Commissioners of DeKalb County who are serving as
103 such on January 1, 2012, and any person selected to fill a vacancy in any such office shall
104 continue to serve as such members until the regular expiration of their respective terms of
105 office and until the election and qualification of their respective successors. The successor
106 to each such member shall be elected as provided in this section.

107 (c) The first members for new Commissioner Districts 1, 4, and 5 and the member from
108 Commissioner District 6 shall be elected at the general election on the Tuesday next
109 following the first Monday in November, 2012. Those members of the board elected
110 thereto from new Commissioner Districts 1, 4, and 5 and from Commissioner District 6 in
111 2012 shall take office the first day of January immediately following that election and shall
112 serve for initial terms of office which expire December 31, 2016, and upon the election and
113 qualification of their respective successors.

114 (d) The first members for new Commissioner Districts 2 and 3 and the member from
115 Commissioner District 7 shall be elected at the general election on the Tuesday next
116 following the first Monday in November, 2014. Those members of the board elected
117 thereto from new Commissioner Districts 2 and 3 and from Commissioner District 7
118 in 2014 shall take office the first day of January immediately following that election and
119 shall serve for initial terms of office which expire December 31, 2018, and upon the
120 election and qualification of their respective successors.

121 (e) Those and all future successors to members of the board whose terms of office are to
122 expire shall be elected at the time of the state-wide general election immediately preceding
123 the expiration of such terms, shall take office the first day of January immediately
124 following that election, and shall serve for terms of office of four years each. Members of
125 the board shall serve for the terms of office specified therefor in this subsection and until
126 their respective successors are elected and qualified.

127 (f) At the November, 2018, general election, a special election shall be held to fill the
128 office of chairperson. The person elected in such special election to the office of

129 chairperson shall serve a term of office beginning on January 1, 2019, and ending on
130 December 31, 2022, and until his or her respective successor is elected and qualified.
131 Thereafter, successors to such chairperson shall be elected at the November general
132 election immediately preceding the end of the chairperson's term of office and shall take
133 office on January 1 immediately following such election for a term of office of four years
134 and until his or her respective successor is elected and qualified.

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

140 SECTION 4.

141 Running for other elective office creates vacancy.

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

147 (b) If the term of the other office to which the member of the commission or the
148 chairperson seeks to be a candidate for nomination or election expires on the same date the
149 member's or the chairperson's term of office expires, then resignation from office under
150 subsection (a) of this section shall not be required. If resignation is required under
151 subsection (a) of this section, such resignation shall be irrevocable and shall be submitted
152 to the commission by not later than April 1 of the year in which the election for the other
153 office to which the member of the commission or the chairperson seeks nomination or
154 election is held and shall be effective on December 31 of that year.

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

163

SECTION 5.

164

Reserved.

165

SECTION 6.

166

Vacancies.

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

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

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

180

SECTION 7.

181

Oath and bond.

182 Before entering into the discharge of their duties, the chairperson and other members of the
183 commission shall subscribe to an oath before the judge of the Probate Court of DeKalb
184 County for the true and faithful performance of their duties and shall affirm that they are
185 not the holders of any public funds unaccounted for. In addition, the chairperson and other
186 members of the commission shall give a satisfactory surety bond, as determined by the
187 judge of the Probate Court of DeKalb County, payable to the judge of the Probate Court
188 of DeKalb County and filed in the office of the judge of the Probate Court of DeKalb
189 County, in the sum of \$10,000.00, and such bond shall be conditioned upon the faithful
190 performance of the duties of the office. The costs of such bonds shall be paid from county
191 funds.

192

SECTION 8.

193

Compensation.

194 (a) The provisions of any other law to the contrary notwithstanding, each district
195 commissioner shall receive an annual salary in the amount of \$40,000.00 to be paid from
196 the funds of DeKalb County in equal monthly installments and shall, in addition, receive
197 an expense allowance of \$300.00 per month to be paid from the funds of DeKalb County.
198 (b) The chairperson shall be a full-time position, and the chairperson shall devote his or
199 her full time to fulfilling the duties of the office. The provisions of any other law to the
200 contrary notwithstanding, the chairperson shall receive an annual salary in the amount of
201 \$153,000.00 to be paid from the funds of DeKalb County in equal monthly installments
202 and shall, in addition, receive an expense allowance of \$300.00 per month to be paid from
203 the funds of DeKalb County.

204

SECTION 9.

205

Powers and duties of the commission.

206 (a) The commission shall have the power and authority to fix and establish, by appropriate
207 resolution or ordinance entered on its minutes, policies, rules, and regulations governing
208 all matters reserved to its jurisdiction by this Act. The commission shall exercise only
209 those powers necessary and properly incident to its function as a policy-making or
210 rule-making body or which are necessary to compel enforcement of its adopted resolutions
211 or ordinances, and any power or combination of powers vested in the commission by this
212 Act shall be subject to the limitations provided in Section 23 of this Act. The following
213 powers are hereby vested in the commission:

- 214 (1) To levy taxes;
- 215 (2) To make appropriations;
- 216 (3) To fix the rates of all other charges;
- 217 (4) To authorize the incurring of indebtedness;
- 218 (5) To authorize work to be done where the cost is to be assessed against benefited
219 property and to fix the basis for such assessment;
- 220 (6) To establish, alter, or abolish public roads, private ways, bridges, and ferries
221 according to law and to provide for the acceptance of subdivision plats when the
222 requirements established by the commission have been met;
- 223 (7) To establish, abolish, or change election precincts and militia districts according to
224 law;
- 225 (8) To allow the insolvent lists for the county;

226 (9) To authorize the acceptance for the county of the provisions of any optional statute
227 where the statute permits its acceptance by the governing authority of a county;
228 (10) To regulate land use by the adoption of a comprehensive development plan and by
229 the adoption of other planning and zoning ordinances which relate reasonably to the
230 public health, safety, morality, and general welfare of the county and its citizens;
231 provided, however, that no planning or zoning ordinance shall become law unless
232 approved by the member of the commission representing the district in which the subject
233 property is located;

234 (11) To create and change the boundaries of special taxing districts authorized by law;

235 (12) To fix the bonds of county officers when such bonds are not fixed by statute;

236 (13) To enact any ordinances or other legislation the county may be given authority to
237 enact;

238 (14) To determine the priority of capital improvements;

239 (15) To call elections for the voting of bonds;

240 (16) To exercise the power and authority vested by law in the judge of the probate court
241 when sitting for county purposes;

242 (17) To exercise the powers now or hereafter vested in county governing authorities by
243 the Constitution and general laws of this state;

244 (18) To fix, levy, and assess license fees, charges, or taxes on all persons, firms, and
245 corporations engaging in or offering to engage in any trade, business, calling, avocation,
246 or profession in the area of DeKalb County, outside the incorporated limits of
247 municipalities situated therein, except businesses which are subject to regulation by the
248 Georgia Public Service Commission; to classify all such persons, firms, or corporations
249 according to the nature, manner, and size of business conducted by such persons, firms,
250 and corporations; and to fix, levy, and assess different license fees, charges, or taxes
251 against different classes of trades, businesses, callings, avocations, or professions. Such
252 licenses shall be issued, annually or otherwise, and may be revoked, canceled, or
253 suspended after notice and a hearing, in accordance with rules prescribed by the
254 commission. The commission shall be further authorized to adopt ordinances and
255 resolutions to govern and regulate all such trades, businesses, callings, avocations, or
256 professions, not contrary to regulations prescribed by general law, for the purpose of
257 protecting and preserving the health, safety, welfare, and morals of the citizens of the
258 county, and to prescribe penalties for the violation of any such ordinances and
259 resolutions, including the operation of such businesses without obtaining a license or
260 when such license is revoked or suspended. Payment of such license fees, charges, or
261 taxes may be enforced by fi. fas. issued by the commission and levied by any officer in
262 such county authorized by law to levy fi. fas. for taxes, assessments, fines, costs, or

263 forfeitures due such county. The commission shall be authorized, in its discretion, to
264 require any and all persons, firms, or corporations licensed pursuant to the authority
265 herein granted to give a bond payable to DeKalb County and conditioned to pay such
266 county or anyone else, suing in the name of such county and for their use, for injuries or
267 damages received on account of dishonest, fraudulent, immoral, or improper conduct in
268 the administration of the business so licensed, and such bond shall be fixed and approved
269 by the commission. Such license fees, charges, or taxes shall be in addition to all other
270 taxes or assessments heretofore or hereafter levied by such county, and all funds received
271 from such license fees, charges, and taxes shall be paid into the county depository as
272 general funds of the county;

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

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

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

281 (c) The commission is hereby authorized to adopt ordinances prescribing penalties and
282 punishment for violation of any and all ordinances adopted by the commission to carry out
283 any of the provisions of this section or other provisions of this Act or of any other law, and
284 to prescribe maximum penalties and punishment for violations, except that the penalties
285 shall in no event exceed a fine of \$500.00, imprisonment in the county jail for 30 days, or
286 labor on the work gang for 60 days for any single offense, or any combination thereof.

287 SECTION 10.

288 Audits.

289 (a) The commission shall choose three of its members to serve as an audit committee. The
290 term of members serving as the audit committee and their manner of selection shall be
291 determined by the commission. The audit committee shall screen and recommend to the
292 commission an independent auditing firm to serve as an outside auditor of the county
293 government to make an annual continuous general audit of all county finances and financial
294 records.

295 (b) The outside auditor shall be employed pursuant to a written contract to be entered upon
296 the minutes of the commission, and the contract shall state clearly and concisely the depth
297 and scope of the audit and that it shall be conducted in accordance with the requirements

298 of the Act providing uniform standards for audits of municipalities and counties within the
299 State of Georgia, approved April 21, 1967 (Ga. L. 1967, p. 883), as amended, particularly
300 by an Act approved March 28, 1968 (Ga. L. 1968, p. 464). The auditor shall immediately
301 inform the commission in writing of any irregularities found in the management of county
302 business by an officer or department of the county government.

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

307 SECTION 10A.

308 Independent internal audit.

309 (a)(1) It is essential to the proper administration and operation of the DeKalb County
310 government that public officials, government managers, and private citizens know not
311 only whether government funds are handled properly and in compliance with laws and
312 regulations, but also whether public programs are achieving the purposes for which they
313 were authorized and funded and whether they are doing so efficiently, effectively, and
314 equitably. An independent internal audit function can provide objective information on
315 the operations of government programs, assist managers in carrying out their
316 responsibilities, and help ensure full transparency and accountability to the public.
317 Internal auditing is defined as an independent, objective assurance and consulting activity
318 designed to add value and improve an organization's operations by bringing a systematic,
319 disciplined approach to evaluate and improve the effectiveness of risk management,
320 control, and governance processes.

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

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

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

333 (d) The auditor shall be appointed by a majority vote of the commission from a list of not
334 fewer than two nor more than three candidates provided to the commission by the audit
335 oversight committee. Such appointment shall be made within 30 days of receipt of the list
336 of nominees by the commission. In the event that the commission fails to appoint a
337 nominee within 30 days, the auditor shall be appointed by a majority vote of the audit
338 oversight committee.

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

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

- 349 (1) Be a certified public accountant or a certified internal auditor;
- 350 (2) Have a bachelor's degree in public policy, accounting, business administration,
351 economics, or a related field; and
- 352 (3) Have at least five years' experience in government auditing, evaluation, or analysis.

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

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

- 358 (1) Activities and programs being implemented have been authorized by this Act,
359 Georgia law, or applicable federal law or regulations and are being conducted and funds
360 expended in compliance with applicable laws;
- 361 (2) The department, office, board, or agency is acquiring, managing, protecting, and
362 using its resources, including public funds, personnel, property, equipment, and space,
363 economically, efficiently, effectively, and in a manner consistent with the objectives
364 intended by the authorizing entity or enabling legislation;
- 365 (3) The entity, programs, activities, functions, or policies are effective, including the
366 identification of any causes of inefficiencies or uneconomical practices;
- 367 (4) The desired results or benefits are being achieved;
- 368 (5) Financial and other reports are being provided that disclose fairly, accurately, and
369 fully all information required by law in order to ascertain the nature and scope of

370 programs and activities, and to establish a proper basis for evaluating the programs and
371 activities, including the collection of, accounting for, and depositing of revenues and
372 other resources;

373 (6) Management has established adequate operating and administrative procedures and
374 practices, systems or accounting internal control systems, and internal management
375 controls; and

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

377 (i) All officers and employees of DeKalb County shall furnish to the auditor unrestricted
378 access to employees, information, and records, including electronic data within their
379 custody, regarding powers, duties, activities, organization, property, financial transactions,
380 contracts, and methods of business required to conduct an audit or otherwise perform audit
381 duties. In addition, they shall provide access for the auditor to inspect all property,
382 equipment, and facilities within their custody. If such officers or employees fail to provide
383 or produce such access and information, the auditor may initiate a search to be made and
384 exhibits to be taken from any book, paper, or record of any such official or employee or
385 outside contractor or subcontractor, except as governed by statute. Further, all contracts
386 with outside contractors and subcontractors shall contain a right-to-audit clause and provide
387 for auditor access to the contractors' employees and to all financial and performance related
388 records, property, and equipment purchased in whole or in part with governmental funds.
389 For the purpose of this subsection, the auditor shall have the authority to issue subpoenas
390 and may apply to the Superior Court of DeKalb County for the enforcement of any
391 subpoena issued by the auditor.

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

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

404 (2) At the beginning of each fiscal year, the auditor shall submit a one- to five-year audit
405 schedule to the audit oversight committee and the commission for review and comment.
406 The schedule shall include the proposed plan, and the rationale for the selections, for

407 auditing departments, offices, boards, activities, programs, policies, contractors,
408 subcontractors, and agencies for the period. This schedule may be amended after review
409 by the audit oversight committee and the commission, but the auditor shall have final
410 authority to select the audits planned.

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

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

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

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

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

441 (m) The auditor shall follow up on audit recommendations to determine if corrective
442 action has been taken. The auditor shall request periodic status reports from audited

443 agencies regarding actions taken to address reported deficiencies and audit
444 recommendations.

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

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

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

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

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

461 (A) Be residents of DeKalb County;
462 (B) Have expertise in performance auditing; and
463 (C) Have a minimum of five years' experience as a certified public accountant, a
464 certified internal auditor, a certified performance auditor, or a certified management
465 accountant or ten years of other relevant professional experience.

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

468 (A) One member shall be appointed by the chairperson of the DeKalb County
469 delegation in the Georgia House of Representatives;
470 (B) One member shall be appointed by the chairperson of the DeKalb County
471 delegation in the Georgia Senate;
472 (C) One member shall be appointed by the Chief Executive of DeKalb County, and
473 successors shall be appointed by the chairperson of the commission; and
474 (D) Two members shall be appointed by the commission.

475 (4) The members shall serve for terms of five years; provided, however, that the initial
476 term of the first appointee of the commission shall be one year and until his or her
477 respective successor is appointed and qualified; the initial term of the appointee of the
478 chairperson of the DeKalb County delegation in the Georgia House of Representatives
479 shall be two years and until his or her respective successor is appointed and qualified; the

480 initial term of the appointee of the Chief Executive shall be three years and until his or
481 her respective successor is appointed and qualified; the initial term of the second
482 appointee of the commission shall be four years and until his or her respective successor
483 is appointed and qualified; and the initial term of the appointee of the chairperson of the
484 DeKalb County delegation in the Georgia Senate shall be five years and until his or her
485 respective successor is appointed and qualified.

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

493 (6) If a member of the audit oversight committee ceases to be a resident of DeKalb
494 County, that member's position on the committee, by operation of law, shall become
495 vacant upon the establishment of the fact of such nonresidency, if contested, by a court
496 of competent jurisdiction. A vacancy on the audit oversight committee shall exist by
497 reason of death, resignation, incapacity to serve for 90 days or longer, or loss of residency
498 as described in this paragraph. A member of the audit oversight committee may also be
499 removed from office during a term if the member becomes ineligible to hold civil office
500 within the meaning of Code Section 45-2-1 of the O.C.G.A. and that ineligibility is
501 established by decision of a court of competent jurisdiction which declares the office
502 vacant because of such ineligibility or by a vote of two-thirds of the members of the
503 legislative delegation. A vacancy shall be filled within 60 days by the legislative
504 delegation for the remainder of the unexpired term.

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

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

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

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

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

- 517 (C) Providing suggestions and comments for the annual audit plan;
- 518 (D) Ensuring that audit reports are transmitted to the governing authority and to the
- 519 public;
- 520 (E) Monitoring follow-up on reported findings to assure corrective action is taken by
- 521 management;
- 522 (F) Reporting to the governing authority on problems or problem areas at such times
- 523 as deemed appropriate;
- 524 (G) Conducting or overseeing requests for the proposal and selection process for the
- 525 firm conducting the annual financial statement audits, and ranking and recommending
- 526 in order of preference no fewer than three firms deemed to be the most highly qualified
- 527 to perform the required services. If fewer than three firms respond to the request for
- 528 proposal, the audit oversight committee shall recommend such firms as it deems to be
- 529 the most highly qualified;
- 530 (H) Evaluating the firm providing annual financial statement auditing services and
- 531 providing oversight of that audit, including ensuring transmission of reports and
- 532 follow-up on corrective action by management;
- 533 (I) Evaluating the findings and recommendations of the peer review as required by
- 534 recognized government auditing standards;
- 535 (J) Consulting with the auditor regarding technical issues with the external audit firm
- 536 and working to assure maximum coordination between the work of the Office of
- 537 Internal Audit and contracted audit efforts and other consulting engagements;
- 538 (K) Maintaining the confidentiality of personnel matters while taking responsibility for
- 539 appropriate disclosure to the governing authority, the legislature, or to the public; and
- 540 (L) Annually meeting with members of the commission to discuss controls, systems
- 541 and risk, and performance of the audit firm and other matters that the audit firm, the
- 542 auditor, or staff desires or is required to bring to the commission's attention such as
- 543 fraud, illegal acts, and financial and control weaknesses.
- 544 (10) The audit oversight committee shall have the authority to hire outside experts,
- 545 including legal counsel, when necessary.
- 546 (11) The audit oversight committee shall have the authority to propose the budget of the
- 547 Office of Internal Audit, including the auditor's salary and staffing, and shall then
- 548 recommend the budget to the commission for approval, which shall fund it as a priority.
- 549 (12) Sufficient resources as requested by the audit oversight committee shall be provided
- 550 by the commission to enable the audit oversight committee to carry out its
- 551 responsibilities.

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

555 SECTION 11.

556 Chairperson and vice chairperson.

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

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

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

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

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

570 (3) Compel the attendance of members at meetings of the commission by subpoena, if
571 necessary, subject to the policy of the commission established by its rules;

572 (4) Subject to confirmation by the commission, appoint the county attorney and, within
573 budgetary limitations, fix his or her compensation. Such county attorney shall serve at
574 the pleasure of the chairperson and may also be discharged for cause by the affirmative
575 vote of at least six members of the commission;

576 (5) Supervise and direct the work of the county manager; and

577 (6) Exercise such other powers and duties as may be assigned to the chairperson by
578 ordinance or rules and regulations of the commission.

579 (d) In the event that the office of the member serving as chairperson becomes vacant for
580 any reason or in the event that the chairperson is absent for any reason, the vice chairperson
581 shall exercise the duties and powers of the chairperson during the absence of the
582 chairperson or until the vacancy is filled in accordance with law.

583

SECTION 12.

584

Meetings.

585 The commission shall hold regular meetings on the second and fourth Tuesdays of each
586 month at the county seat, which meetings shall be open to the public, and may hold such
587 additional meetings as shall be necessary when called by the chairperson or any four
588 members of the commission, provided that all members shall be notified at least three days
589 in advance of such additional meeting. No official action shall be taken by the commission
590 except in a meeting which is open to the public. The chairperson and any four members
591 of the commission or any five members of the commission exclusive of the chairperson
592 shall constitute a quorum, except that a lesser number shall be sufficient to recess or
593 adjourn any meeting; but no official action shall be taken except upon the affirmative vote
594 of at least five members of the commission or four members and the chairperson when the
595 chairperson votes to break a tie or cast the deciding vote to approve a measure.

596

SECTION 13.

597

County manager.

598 (a) There is created the office of county manager. The county manager shall be the chief
599 administrative officer of the county government. The county manager shall be responsible
600 for the efficient administration of all county departments. The county manager shall hold
601 a college degree in public administration, political science, urban affairs, business
602 administration, engineering, or a related field and shall have at least five years' experience
603 in a supervisory capacity as an employee, director, administrator, or manager of a city or
604 county government or a state or federal agency or equivalent experience in the private
605 sector or any combination thereof. No person shall be appointed county manager who shall
606 have, within two years immediately preceding such appointment:

607 (1) Been a candidate for elective public office;
608 (2) Been the holder of elective public office; or
609 (3) Held a management position in the political campaign of any candidate for the
610 commission.

611 (b) The county manager shall be appointed by a majority vote of the commission, and the
612 commission shall determine and prescribe his or her compensation and term of office. The
613 county manager shall be appointed solely on the basis of that person's executive and
614 administrative qualifications. The commission may contract with the county manager on
615 such terms as it may deem reasonable and prudent. No member of the commission shall
616 be appointed county manager on either a permanent or interim basis during the term of

617 office for which he or she is elected or for a period of two years after terminating his or her
618 office as chairperson or as a district commissioner. After appointment, the county manager
619 shall not take part in the management of any political campaign for any elective public
620 office or hold office in any political party or body. If the county manager participates in
621 political activities in violation of this subsection, such participation, by operation of law,
622 shall result in the immediate discharge of the county manager and the office of the county
623 manager shall be vacant.

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

- 628 (1) To see that all laws, county codes, and ordinances are enforced;
- 629 (2) To appoint all department heads with the approval of the commission;
- 630 (3) To appoint and remove all subordinate officers and employees in all departments;
- 631 (4) To exercise control over all departments and divisions created therein or which may
hereafter be created by the commission;
- 633 (5) To attend all meetings of the commission with the right to take part in all discussions
but having no vote;
- 635 (6) To recommend to the commission such measures for adoption which he or she may
deem necessary and expedient;
- 637 (7) To prepare and submit to the commission an annual budget;
- 638 (8) To keep the commission fully advised as to the financial condition and needs of the
county;
- 640 (9) To supervise and direct the official conduct of all county officers and employees
except as otherwise provided in this Act;
- 642 (10) To supervise the performance of all contracts made by any person for work done for
the county, to make all purchases of materials and supplies for the county, and to see that
the same are received as contracted for; and
- 645 (11) To perform such other duties as may be prescribed in this Act or required of the
county manager by ordinance or resolution of the commission.

647 (d) The county manager shall not have administrative or supervisory authority over the
648 employees of the elected county officers of the county unless such county officer chooses
649 to opt into the county civil service system pursuant to the provisions of subsection (b) of
650 Code Section 36-1-21 of the O.C.G.A.

651 (e) In the event of a vacancy in the office of county manager, the commission shall
652 expeditiously proceed with due diligence to appoint an interim county manager. In no such
653 event shall the commission allow the office of county manager to remain vacant for a

654 period in excess of four weeks from the date such office became vacant. Specifically, the
655 commission shall, at the least, fill any vacancy in the office of county manager with an
656 interim county manager within four weeks from the date of vacancy. Furthermore, the
657 commission shall advertise for the permanent position of county manager at the first
658 opportunity upon vacancy of the office of county manager.

659 (f) Members of the commission shall deal solely through the county manager in all matters
660 concerning the operation, supervision, and administration of the various departments,
661 offices, and agencies of the county government. No member of the commission shall
662 directly or indirectly order, instruct, or otherwise attempt to control the actions of county
663 personnel subject to the administrative and supervisory control of the county manager.
664 Nothing herein shall be construed to prevent any member of the commission from seeking
665 information necessary to the establishment of a policy from any person, including any
666 employee of DeKalb County.

667 (g) Subject to the approval of the commission, the county manager shall have the power
668 to change, consolidate, or abolish any departments, agencies, or offices over which the
669 county manager exercises supervision and control, except that the department of finance
670 shall be maintained at all times as a separate and distinct department and may not be
671 abolished by the county manager or the commission. Subject to the approval of the
672 commission, the county manager may create other departments, agencies, and offices,
673 which, when created, shall be under the supervision and control of the county manager.

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

676 SECTION 13A.

677 Appointments.

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

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

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

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

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

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

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

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

SECTION 14.

Reserved.

SECTION 15.

Reserved.

SECTION 16.

Comprehensive development plan.

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

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

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

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

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

SECTION 17.

Budgeting; control of expenditures.

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

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

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

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

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

768 SECTION 18.

769 Purchases; contracts.

770 (a) The commission shall establish rules to regulate purchasing for all county departments,
771 offices, and agencies of the county government, with the exception of the tax
772 commissioner, clerk of the superior court, district attorney, and sheriff. Except as
773 hereinafter provided, formal sealed bids, after notice of same has been published one time
774 in the official organ of DeKalb County, shall be obtained on all purchases exceeding
775 \$50,000.00. Purchases exceeding \$50,000.00 may be made without formal sealed bids
776 from any vendor who, at the time of purchase, has an existing contract or schedule with the
777 State of Georgia or the federal government if the purchase is made pursuant to the price,
778 terms, and conditions of such contract and if the county receives all the benefits of such
779 contract.

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

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

788

SECTION 19.

789

Department of finance.

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

- 793 (1) Keep and maintain accurate records reflecting the financial affairs of the county;
- 794 (2) Compile the annual budget covering all county funds;
- 795 (3) Make quarterly allotments of moneys appropriated and budgeted to each department,
796 office, or agency of the county entitled to receive such allotments;
- 797 (4) Maintain current control accounts over the collection and deposit of moneys due the
798 county from taxes and other sources;
- 799 (5) Examine all claims against the county and make recommendations as to payment;
- 800 (6) Maintain budgetary control accounts showing encumbrances for obligations entered
801 into, liquidation of such encumbrances, unencumbered balances of allotments, and
802 unexpended balances of appropriations;
- 803 (7) Maintain proprietary accounts of the current assets and of the liabilities of all county
804 funds;
- 805 (8) Prepare and issue quarterly financial reports of the operations of all county funds;
- 806 (9) Maintain property control records of all county property, including equipment and
807 stores, and supervise stores;
- 808 (10) Plan and prepare for meeting the financial needs of the county, project financial
809 requirements, recommend means of financing those requirements, and advise the county
810 manager and commission on financial matters; and
- 811 (11) Perform such other duties as may be assigned by the county manager or
812 commission.

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

821 (c) Except as hereinafter provided, the provisions of this section are advisory only and the
822 commission may provide for the organization or reorganization of the department of
823 finance and may specify and provide for the powers and duties of the director of finance

and other personnel of the department of finance in such manner as may be necessary or desirable for the efficient and effective operation of the department of finance. The department of finance shall not be abolished by the commission.

SECTION 20.

Records; minutes.

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

SECTION 21.

Agreements of candidates.

It shall be unlawful for any candidate for the office of chairperson or district commissioner or for nomination to such office to enter into any agreement or understanding with any person as to the disposal of any work or appointment which is or shall be under the control of the commission, and any person so offending shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as for a misdemeanor.

SECTION 22.

Official not to be interested in contracts.

847 No member of the commission nor other county officer empowered to use public or county
848 funds for the purchase of goods, property, or services of any kind for public or county
849 purposes shall be financially interested, directly or indirectly, in any contract to which the
850 county is a party, either as principal, surety, or otherwise; nor shall such officer or his or
851 her partner, agent, servant, or employee of a firm of which he or she is a member or by
852 whom he or she is employed purchase from or sell to the county any real or personal
853 property, goods, or services. Any contract made in violation of any of the foregoing
854 provisions shall be void, and the officer so offending shall be removed from office upon

proper proceedings instituted by any taxpayer in DeKalb County in accordance with the provisions of Code Section 36-1-14 of the O.C.G.A.; provided, however, that the provisions of this section shall not be applicable to any contract which has been approved, prior to execution, performance, and payment thereon, by a majority of the commission by a proper entry on the minutes of the commission.

SECTION 22A.

Code of ethics.

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

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

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

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

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

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

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

- 889 (5) 'Emergency situation' means any circumstance or condition giving rise to an
890 immediate necessity for the execution of a contract by and between DeKalb County and
891 an official or employee or between DeKalb County and a business in which an official
892 or employee has an interest and where, to the satisfaction of the commission, it is shown
893 that there is no one other than such persons with whom the contract could have been
894 made and that the necessity was not brought about by such persons' own fault or neglect.
- 895 (6) 'Immediate family' means an official or employee and his or her spouse, parents,
896 brothers, sisters, and natural or adopted children.
- 897 (7) 'Interest' means any direct or indirect pecuniary or material benefit held by or
898 accruing to the official or employee as a result of a contract or transaction which is or
899 may be the subject of an official act or action by or with DeKalb County. Unless
900 otherwise provided in this section, the term 'interest' does not include any remote interest.
901 An official or employee shall be deemed to have an interest in transactions involving:
- 902 (A) Any person in the official's or employee's immediate family;
- 903 (B) Any person, business, or entity that the official or employee knows or should know
904 is seeking official action with DeKalb County, is seeking to do or does business with
905 DeKalb County, has interests that may be substantially affected by performance or
906 nonperformance of the official's or employee's official duties, or with whom a
907 contractual relationship exists whereby the official or employee may receive any
908 payment or other benefit;
- 909 (C) Any business in which the official or employee is a director, officer, employee,
910 shareholder, or consultant; or
- 911 (D) Any person of whom the official or employee is a creditor, whether secured or
912 unsecured.
- 913 (8) 'Official act or action' means any legislative, administrative, appointive, or
914 discretionary act of the commission, the chairperson, or a commissioner.
- 915 (9) 'Official or employee' means any person elected or appointed to or employed or
916 retained by DeKalb County or any agency, whether paid or unpaid and whether part time
917 or full time. Such term includes retired employees or former county employees during
918 the period of time in which they are later employed or retained by the county or any
919 agency. Such term does not include superior and state court judges and their immediate
920 staffs, the district attorney, the solicitor of the state court, the clerks of the superior and
921 state courts, magistrates, judges of the recorders court, the judge of the probate court, and
922 their respective staffs.
- 923 (10) 'Paid' means the receipt of, or right to receive, a salary, commission, percentage,
924 brokerage, or contingent fee.

925 (11) 'Participate' means to take part in official acts, actions, or proceedings personally
926 as an official or employee through approval, disapproval, decision, recommendation,
927 investigation, the rendering of advice, or the failure to act or perform a duty.

928 (12) 'Person' means any individual, business, labor organization, representative,
929 fiduciary, trust, or association, whether paid or unpaid, and includes any official or
930 employee of DeKalb County.

931 (13) 'Property' means any property, whether real or personal, tangible or intangible, and
932 includes currency and commercial paper.

933 (14) 'Remote interest' means the interest of:

934 (A) A nonsalaried director, officer, or employee of a nonprofit organization;
935 (B) A holder of less than 5 percent of the legal or beneficial ownership of the total
936 shares of a business;

937 (C) Any person in a representative capacity, such as a receiver, trustee, or
938 administrator; or

939 (D) Any person who, by determination of the board of ethics, is deemed to have such
940 an interest.

941 (15) 'Transaction' means the conduct of any activity that results in, or may result in, an
942 official act or action of an official or employee of DeKalb County.

943 (c) No official or employee of DeKalb County shall:

944 (1) By his or her conduct give reasonable basis for the impression that any person can
945 improperly influence him or her or unduly enjoy his or her favor in the performance of
946 his or her official acts or actions or that he or she is affected unduly by the rank or
947 position of or kinship or association with any person;

948 (2)(A) Directly or indirectly request, exact, receive, or agree to receive a gift, loan,
949 favor, promise, or thing of value for himself or herself or another person if:

950 (i) It tends to influence him or her in the discharge of his or her official duties; or
951 (ii) He or she recently has been, or is now, or in the near future may be, involved in
952 any official act or action directly affecting the donor or lender.

953 (B) Subparagraph (A) of this paragraph shall not apply in the case of:

954 (i) An occasional nonpecuniary gift of value less than \$100.00;
955 (ii) An award publicly presented in recognition of public service; or
956 (iii) A commercially reasonable loan made in the ordinary course of business by an
957 institution authorized by the laws of Georgia to engage in the making of such a loan;

958 (3) Disclose or otherwise use confidential information acquired by virtue of his or her
959 position for his or her or another person's private gain;

960 (4) Appear on his or her own personal behalf, or represent, advise, or appear on the
961 personal behalf, whether paid or unpaid, of any person before any court or before any

legislative, administrative, or quasi-judicial board, agency, commission, or committee of this state or of any county or municipality concerning any contract or transaction which is or may be the subject of an official act or action of DeKalb County or otherwise use or attempt to use his or her official position to secure unwarranted privileges or exemptions for himself or herself or other persons;

(5) Engage in, accept employment with, or render services for any agency, private business, or professional activity when such employment or rendering of services is adverse to and incompatible with the proper discharge of his or her official duties;

(6) Acquire an interest in any contract or transaction at a time when he or she believes or has reason to believe that such an interest will be affected directly or indirectly by his or her official act or actions or by the official acts or actions of other officials or employees of DeKalb County; or

(7) Engage in any activity or transaction that is prohibited by law now existing or hereafter enacted which is applicable to him or her by virtue of his or her being an official or employee of DeKalb County.

(d) An official or employee who has an interest that he or she has reason to believe may be affected by his or her official acts or actions or by the official acts or actions of another official or employee of DeKalb County shall disclose the precise nature and value of such interest by sworn written statement to the board of ethics and ask for the board's opinion as to the propriety of such interest. Every official or employee who knowingly has any interest, direct or indirect, in any contract to which DeKalb County is or is about to become a party, or in any other business with DeKalb County, shall make full disclosure of such interest to the commission and to the ethics officer and the board of ethics. The information disclosed by such sworn statements, except for the valuation attributed to the disclosed interest, shall be made a matter of public record by the board of ethics.

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

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

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

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

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

998 (D) Contracts entered into under circumstances which constitute an emergency
999 situation, provided that a record explaining the emergency is prepared by the
1000 commission and submitted to the board of ethics at its next regular meeting and
1001 thereafter kept on file.

1002 (3) DeKalb County shall not enter into any contract with, or take any official act or
1003 action favorably affecting, any person, or business represented by such person, who has
1004 been within the preceding two-year period an official or employee of DeKalb County.

1005 (f) Any person who witnesses or becomes aware of a violation of this section may
1006 complain of the violation as follows:

1007 (1) A complaint may be communicated anonymously to the ethics officer. Such
1008 complaint shall be made in good faith and with veracity and sufficient specificity so as
1009 to provide the ethics officer with salient and investigable facts. The ethics officer may
1010 require the anonymous complaint to be made in a manner and form that is intended only
1011 to obtain relevant facts related to the alleged violation of this section and that is not
1012 designed to reveal the identity of the complainant;

1013 (2) A sworn written complaint may be filed with the ethics officer of the board of ethics,
1014 as described in this paragraph. All written complaints to be considered by the board of
1015 ethics and the ethics officer shall contain the following, if applicable:

1016 (A) The name and address of the person or persons filing the complaint;

1017 (B) The sworn verification and signature of the complainant;

1018 (C) The name and address of the party or parties against whom the complaint is filed
1019 and, if such party is a candidate, the office being sought;

1020 (D) A clear and concise statement of acts upon which the complaint is based, along
1021 with an allegation that such facts constitute one or more violations of law under the
1022 jurisdiction of the board of ethics;

1023 (E) A general reference to the allegedly violated statutory provision or provisions of
1024 the code of ethics within the jurisdiction of the board of ethics; and

1025 (F) Any further information which might support the allegations in the complaint
1026 including, but not limited to, the following:

1027 (i) The names and addresses of all other persons who have first-hand knowledge of
1028 the facts alleged in the complaint; and

1029 (ii) Any documentary evidence that supports the facts alleged in the complaint;

1030 (3) Upon receipt of a complaint, whether by the ethics officer or by the board of ethics,
1031 the ethics officer or the secretary of the board of ethics shall send a written notice to the
1032 subject of the complaint by the next business day. Both this notice and any subsequent
1033 documents shall be subject to Article 4 of Chapter 18 of Title 50 of the O.C.G.A.; and

1034 (4) Upon receipt of a written, nonanonymous complaint which does not conform to the
1035 applicable requirements of paragraph (2) of this subsection, the ethics officer shall by
1036 letter acknowledge receipt of the complaint and advise the complainant of the defect in
1037 the complaint and that the complaint will not be considered by the board of ethics unless
1038 the defect is corrected.

1039 (g)(1) This section shall be construed liberally to effectuate its purpose and policies and
1040 to supplement such existing laws as may relate to the conduct of officials or employees.

1041 (2) The propriety of any official act or action taken by or transaction involving any
1042 officials or employees immediately prior to the time this section shall take effect shall not
1043 be affected by the enactment of this section.

1044 (3) The provisions of this section are severable, and if any of its provisions shall be held
1045 unconstitutional or invalid by a court of competent jurisdiction, the decision of the court
1046 shall not affect or impair any of the remaining provisions.

1047 (h)(1)(A) There is created the board of ethics of DeKalb County to be composed of
1048 seven citizens of DeKalb County to be appointed as provided in paragraph (2) of this
1049 subsection.

1050 (B) Each member of the board of ethics shall have been a resident of DeKalb County
1051 for at least one year immediately preceding the date of taking office and shall remain
1052 a resident of the county while serving as a member of the board of ethics.

1053 (C) No person shall serve as a member of the board of ethics if the person has, or has
1054 had within the immediately preceding two-year period, any interest in any contract,
1055 transaction, or official act or action of DeKalb County.

1056 (D) No member of the board of ethics shall be a member of an agency or an official or
1057 employee of DeKalb County or shall have served in such a capacity in the two-year
1058 period immediately preceding such person's appointment to the board of ethics.

1059 (E) No person shall serve as a member of the board of ethics if the person has been a
1060 candidate for, or was elected to, public office in the immediately preceding three-year
1061 period. Filing for an elective office shall constitute a resignation from the board of
1062 ethics on the date of filing.

1063 (F) Appointees to the board of ethics shall have professional knowledge or expertise
1064 in matters of ethics, finance, governance, or the law.

1065 (G) All proposed appointments to the board of ethics shall be subject to an education
1066 and employment background check, as well as a criminal history check. Persons
1067 proposed to be appointed to the board of ethics shall execute all releases necessary for
1068 the appointing authority to accomplish such checks. If the nominee is determined to
1069 have committed a felony, the nomination shall be withdrawn.

1070 (2)(A) The members of the board of ethics in office on the effective date of this section
1071 shall serve until December 31, 2015, and then their terms shall terminate. A new board
1072 shall be appointed as provided in this paragraph to take office on January 1, 2016, and
1073 to serve for the terms prescribed in this paragraph.

1074 (B) Not later than December 31, 2015, the members of the new board of ethics shall
1075 be selected as follows:

1076 (i) One member shall be appointed by the DeKalb Bar Association, chosen from the
1077 attorney members of the association;

1078 (ii) One member shall be appointed by the DeKalb County Chamber of Commerce,
1079 which member shall not be an attorney;

1080 (iii) One member shall be appointed by a majority vote of the DeKalb County
1081 legislative delegation;

1082 (iv) One member shall be appointed by the judge of the Probate Court of DeKalb
1083 County;

1084 (v) One member shall be appointed by Leadership DeKalb;

1085 (vi) One member shall be appointed by the six major universities and colleges located
1086 within DeKalb County (Agnes Scott College, Columbia Theological Seminary,
1087 Emory University, Georgia State University, Mercer University, and Oglethorpe
1088 University), which member shall not be an attorney; and

1089 (vii) One member shall be appointed by the chief judge of the Superior Court of
1090 DeKalb County.

1091 (C) The members shall each serve for terms of three years; provided, however, that the
1092 initial terms of the first DeKalb County Chamber of Commerce appointee, the first
1093 Leadership DeKalb appointee, and the first DeKalb County legislative delegation
1094 appointee shall be two years; and provided, further, that the initial terms of the six
1095 major institutes of higher learning within DeKalb County appointee and the judge of
1096 the probate court appointee shall be one year.

1097 (D) Successors to all members of the board of ethics and future successors shall be
1098 appointed by the respective appointing authorities not less than 30 days prior to the
1099 expiration of each such member's term of office, and such successors shall take office
1100 on January 1 following such appointment and shall serve terms of three years and until
1101 their respective successors are appointed and qualified.

1102 (3) If a member of the board of ethics ceases to be a resident of DeKalb County, that
1103 member's position on the board of ethics, by operation of law, shall become vacant upon
1104 the establishment of the fact of such nonresidency, if contested, by a court of competent
1105 jurisdiction. A vacancy in the board of ethics shall exist by reason of death, the disability
1106 or incapacity of a member for more than 90 days, resignation, or loss of residency as

described in this paragraph. A member of the board of ethics may be removed from office during a term if the member becomes ineligible to hold civil office within the meaning of Code Section 45-2-1 of the O.C.G.A. and that ineligibility is established by decision of a court of competent jurisdiction which declares the office vacant because of such ineligibility, or for good cause, by a majority vote of the board of ethics. The ethics officer shall notify the appointing authority of a vacancy upon its occurrence, and such vacancy shall be filled for the unexpired term by the respective appointing authority.

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

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

- (A) To establish procedures, rules, and regulations governing its internal organization and the conduct of its affairs;
- (B) To render advisory opinions with respect to the interpretation and application of this section to all officials or employees who seek advice as to whether a particular course of conduct would constitute a violation of the standards imposed in this section or other applicable ethical standards. Such opinions shall be binding on the board of ethics in any subsequent complaint concerning the official or employee who sought the opinion and acted in good faith, unless material facts were omitted or misstated in the request for the advisory opinion;
- (C) To prescribe forms for the disclosures required in this section and to make available to the public the information disclosed as provided in this section;
- (D) To receive and hear complaints of violations of the standards required by this section over which it has personal and subject matter jurisdiction;

1142 (E) To make such investigations as it deems necessary to determine whether any
1143 official or employee has violated or is about to violate any provisions of this section;
1144 and

1145 (F) To hold such hearings and make such inquiries as it deems necessary for it to carry
1146 out properly its functions and powers.

1147 (i)(1) There is hereby created as a full-time salaried position an ethics officer for DeKalb
1148 County. The ethics officer must be an active member of the Georgia Bar Association in
1149 good standing with five years' experience in the practice of law. The ethics officer shall
1150 be appointed by a majority of the members of the board of ethics, subject to confirmation
1151 by a majority of the commission, for a period not to exceed six years. Removal of the
1152 ethics officer before the expiration of the designated term shall be for cause by a majority
1153 vote of the members of the board of ethics. The ethics officer need not be a resident of
1154 the county at the time of his or her appointment, but he or she shall reside in DeKalb
1155 County within six months of such appointment and continue to reside therein throughout
1156 such appointment.

1157 (2) The ethics officer shall not be involved in partisan or nonpartisan political activities
1158 or the political affairs of DeKalb County.

1159 (3) The duties of the ethics officer shall include, but not be limited to, the following:

1160 (A) Educating and training all city officials and employees to have an awareness and
1161 understanding of the mandate for and enforcement of ethical conduct and advising them
1162 of the provisions of the code of ethics of DeKalb County;

1163 (B) Maintaining the records of the board of ethics as required by Article 4 of
1164 Chapter 18 of Title 50 of the O.C.G.A.;

1165 (C) Meeting with the board of ethics;

1166 (D) Advising officials and employees regarding disclosure statements and reviewing
1167 the same to ensure full and complete financial reporting;

1168 (E) Urging compliance with the code of ethics by calling to the attention of the board
1169 of ethics any failure to comply or any issues, including the furnishing of false or
1170 misleading information, that the ethics officer believes should be investigated by the
1171 board of ethics so that the board of ethics may take such action as it deems appropriate;

1172 (F) Monitoring, evaluating, and acting upon information obtained from an ethics
1173 hotline, which shall be a city telephone number for the receipt of information about
1174 ethical violations. Each complaint, as of the time it is reported, whether by telephone
1175 or otherwise, shall be deemed to be a separate pending investigation of a complaint
1176 against a public officer or employee as provided by Article 4 of Chapter 18 of Title 50
1177 of the O.C.G.A.;

1178 (G) Notifying the subject of a report of any alleged violation of the code of ethics,
1179 whether the report is anonymous, made by an identified individual, or is written. Such
1180 notice shall be given in writing, by facsimile, or hand delivered to the subject of the
1181 complaint at the same time and in the same form that any disclosure of information is
1182 required by Article 4 of Chapter 18 of Title 50 of the O.C.G.A.;

1183 (H) Notifying the board of ethics of any report of an alleged violation of the code of
1184 ethics received by the ethics officer;

1185 (I) Reporting, as appropriate, suspected ethical violations to the board of ethics;

1186 (J) Reporting, as appropriate, suspected criminal violations to state or federal law
1187 enforcement agencies; and

1188 (K) Filing with the board of ethics and the commission on the first Tuesday of each
1189 February a written report describing the activities of the ethics officer in carrying out
1190 the goals of his or her office and the code of ethics and reporting on the ethical health
1191 of DeKalb County.

1192 (j)(1) The board of ethics shall conduct investigations into alleged violations of the code
1193 of ethics, hold hearings, and issue decisions as prescribed in this subsection.

1194 (2) The proceedings and records of the board of ethics shall be open unless otherwise
1195 permitted by state law.

1196 (3) Upon request of the board of ethics, the solicitor of DeKalb County or any attorney
1197 representing the office of the solicitor of DeKalb County, or in the event of a conflict any
1198 attorney who shall be selected by a majority vote of the board of ethics, shall advise the
1199 board of ethics.

1200 (4) A complaint may be filed by the ethics officer, any resident, or a group of residents
1201 of DeKalb County by submitting to the office of the ethics officer a written, verified, and
1202 sworn complaint under the penalty of perjury or false swearing. The complaint shall
1203 specifically identify all provisions of the DeKalb County code of ethics which the subject
1204 of the complaint is alleged to have violated, set forth facts as would be admissible in
1205 evidence in a court proceeding, and show affirmatively that the complainant or affiant,
1206 if in addition to or different from the complainants, is competent to testify to the matter
1207 set forth therein. All documents referenced in the complaint as well as supporting
1208 affidavits shall be attached to the complaint.

1209 (5) Upon receipt of the complaint, the ethics officer shall conduct a preliminary
1210 investigation to determine whether it meets the jurisdictional requirements as set forth in
1211 this section. If in the opinion of the ethics officer the complaint fails to meet these
1212 requirements, the ethics officer shall notify the person who filed the complaint and he or
1213 she shall have ten days from the date of notice to correct and refile the complaint directly
1214 with the ethics officer. A complaint which fails to satisfy the jurisdictional requirements

as established by this section and by the rules and procedures established by the board of ethics shall be dismissed by the board of ethics no later than 30 days after the complaint is filed with the office of the ethics officer, unless extended by a majority vote of the board of ethics.

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

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

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

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

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

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

(k)(1) Any intentional violation of this section, furnishing of false or misleading information to the board of ethics or the ethics officer, failure to follow an opinion

1252 rendered by the board of ethics, or failure to comply with a subpoena issued by the board
1253 of ethics pursuant to this section shall subject the violator to any one or more of the
1254 following:

1255 (A) Administrative sanction of not more than \$1,000.00 assessed by the board of
1256 ethics;

1257 (B) Public reprimand by the board of ethics; and

1258 (C) Prosecution by the DeKalb County solicitor in municipal court and, upon
1259 conviction, a fine of up to \$1,000.00 per violation and up to six months' imprisonment,
1260 whether the official or employee is elected or appointed, paid or unpaid. Nothing in
1261 this section shall be interpreted to conflict with state law. An action for violation of this
1262 section or the furnishing of false or misleading information or the failure to comply
1263 with a subpoena issued by the board of ethics must be brought within two years after
1264 the violation is discovered.

1265 (2) With regard to violations by persons other than officials or employees, in addition to
1266 the remedies in paragraph (1) of this subsection, the board of ethics may recommend to
1267 the commission any one or more of the following:

1268 (A) Suspension of a contractor; and

1269 (B) Disqualification or debarment from contracting or subcontracting with DeKalb
1270 County.

1271 (3) The decision of the board of ethics after a hearing shall be final; provided, however,
1272 that such proceeding shall be subject to review by writ of certiorari to the Superior Court
1273 of DeKalb County. The designee of the board of ethics shall be authorized to
1274 acknowledge service of any such writ and shall, within the time provided by law, certify
1275 and cause to be filed with the clerk of the superior court a record of the proceedings
1276 before the board of ethics, the decision of the board of ethics, and the notice of the final
1277 actions of the board of ethics.

1278 SECTION 23.

1279 How sections amended; limitations on powers.

1280 Pursuant to the authority of an amendment to the Constitution ratified at the 1978 general
1281 election as set forth in Georgia Laws 1978, pages 2370-2372, which amendment authorized
1282 the General Assembly to provide by law for the form of government of DeKalb County and
1283 to provide for the various officers, bodies, branches, or agencies by or through which the
1284 county's governmental powers shall be exercised, any law adopted pursuant to such
1285 authority shall be conditioned on the approval of a majority of the qualified electors of

1286 DeKalb County voting at elections held for such purpose when any such law affects the
1287 DeKalb County government in any one or more of the following ways:
1288 (1) Changing the number of members, terms of office, or the manner of electing the
1289 members of the governing body of DeKalb County;
1290 (2) Establishing the powers and duties of the DeKalb County government; or
1291 (3) Changing the powers and duties of the DeKalb County government when such
1292 powers and duties have been established by Acts of the General Assembly, pursuant to
1293 the authority of the amendment to the Constitution ratified at the 1978 general election
1294 as set forth in Georgia Laws 1978, pages 2370-2372."

1295 SECTION 2.

1296 The election superintendent of DeKalb County shall call and conduct an election as provided
1297 in this section for the purpose of submitting this Act to the electors of DeKalb County for
1298 approval or rejection. The election superintendent shall conduct that election on the Tuesday
1299 next following the first Monday in November, 2016, and shall issue the call and conduct that
1300 election as provided by general law. The election superintendent shall cause the date and
1301 purpose of the election to be published once a week for two weeks immediately preceding
1302 the date thereof in the official organ of DeKalb County. The ballot shall have written or
1303 printed thereon the words:

1304 " YES Shall the Act be approved which eliminates the Chief Executive Officer of
1305 NO DeKalb County, creates a county commission chairperson elected
1306 countywide and provides for a county manager?"

1307 All persons desiring to vote for approval of the Act shall vote "Yes," and all persons desiring
1308 to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on
1309 such question are for approval of the Act, Section 1 of this Act shall become of full force and
1310 effect immediately for purposes of conducting special elections required under this Act and
1311 for all other purposes on January 1, 2019. If the Act is not so approved or if the election is
1312 not conducted as provided in this section, Section 1 of this Act shall not become effective,
1313 and this Act shall be automatically repealed on the first day of January immediately
1314 following that election date. The expense of such election shall be borne by DeKalb County.
1315 It shall be the election superintendent's duty to certify the result thereof to the Secretary of
1316 State.

1317 SECTION 3.

1318 Except as otherwise provided in Section 2 of this Act, this Act shall become effective upon
1319 its approval by the Governor or upon its becoming law without such approval.

1320

SECTION 4.

1321 All laws and parts of laws in conflict with this Act are repealed.

District 001

DeKalb County

VTD: 089AD - AUSTIN

VTD: 089AG - ASHFORD DUNWOOD

VTD: 089AH - ASHFORD PARKSIDE

VTD: 089BD - BRIARLAKE ELEMENTARY

VTD: 089BF - BROCKETT ELEMENTARY

VTD: 089BH - BROCKETT

021805:

1000 1001 1002 1003 1004 1005 1006 1007 1008 1011 1012

021806:

1005

021809:

2038 2039 2040

VTD: 089CE - CHAMBLEE (CHA)

VTD: 089CH - CHESNUT ELEMENTARY

VTD: 089DA - DORAVILLE NORTH

VTD: 089DB - DORAVILLE SOUTH

VTD: 089DF - DUNWOODY

VTD: 089DG - DUNWOODY HIGH SCHOOL

VTD: 089DI - DUNWOODY LIBRARY

VTD: 089EC - EMBRY HILLS

VTD: 089EF - EVANSDALE ELEM

VTD: 089GD - GEORGETOWN SQ

VTD: 089HC - HENDERSON MILL

VTD: 089HF - HUNTLEY HILLS ELEM

VTD: 089HG - HUGH HOWELL

VTD: 089KB - KINGSLEY ELEM

VTD: 089LV - LAWRENCEVILLE HIGH SCHOOL

VTD: 089MH - MIDVALE ELEM

VTD: 089MQ - MOUNT VERNON EAST

VTD: 089MS - MOUNT VERNON WEST

VTD: 089MU - MONTGOMERY ELEM

VTD: 089MW - MIDVALE ROAD

VTD: 089NA - NANCY CREEK ELEM

VTD: 089NF - NORTH PEACHTREE

VTD: 089OB - OAKCLIFF ELEM

VTD: 089PB - PEACHTREE MIDDLE SCHOOL

VTD: 089PF - PLEASANTDALE ELEM

VTD: 089PK - PLEASANTDALE ROAD

VTD: 089SH - SMOKE RISE

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: 089BC - BRIAR VISTA ELEMENTARY

VTD: 089BE - BRIARWOOD

VTD: 089BG - BRIARCLIFF

VTD: 089BI - BROOKHAVEN

VTD: 089CI - CLAIREMONT WEST

VTD: 089CJ - CLAIRMONT HILLS

VTD: 089CO - CROSS KEYS HIGH

VTD: 089CV - CLAIREMONT EAST

VTD: 089CW - CORALWOOD

VTD: 089DC - DRESDEN ELEM

VTD: 089DH - DRUID HILLS HIGH SCHOOL

VTD: 089EE - EPWORTH (ATL)

VTD: 089EG - EMORY SOUTH

VTD: 089ER - EMORY ROAD

VTD: 089FB - FERNBANK ELEM

VTD: 089GA - GLENNWOOD (DEC)

VTD: 089HB - HAWTHORNE ELEM

VTD: 089HD - HERITAGE ED

VTD: 089JA - JOHNSON ESTATES

VTD: 089LA - LAKESIDE HIGH

VTD: 089LB - LAVISTA ROAD

VTD: 089LC - LAVISTA

VTD: 089LE - MARY LIN ELEM

VTD: 089MG - MEDLOCK ELEM

VTD: 089MJ - MONTCLAIR ELEM

VTD: 089MP - MARGARET HARRIS

VTD: 089ND - NORTHLAKE

VTD: 089OA - OAK GROVE ELEM

VTD: 089OK - OAKHURST (DEC)
VTD: 089PG - PONCE DE LEON
VTD: 089RD - REHOBOTH
VTD: 089RN - RENFROE MIDDLE
VTD: 089SA - SAGAMORE HILLS
VTD: 089SB - SCOTT
VTD: 089SE - SILVER LAKE
VTD: 089SF - SKYLAND
VTD: 089WF - WINNONA PARK ELEM
VTD: 089WJ - WOODWARD ELEM

District 003
DeKalb County
VTD: 089AF - HOOPER ALEXANDER
VTD: 089BB - BOULEVARD (ATL)
VTD: 089BL - BOULDERCREST RD
VTD: 089BR - BURGESS ELEMENTARY
VTD: 089CA - COLUMBIA DRIVE
VTD: 089CB - CANBY LANE ELEMENTARY
VTD: 089CC - COLUMBIA ELEMENTARY
VTD: 089CD - CEDAR GROVE ELEMENTARY
VTD: 089CG - CHAPEL HILL ELEMENTARY
023425:
1000 1001 1002 1003 1004 1005 1006 1010 1013 1017 1018 1019
1020 1021 1022 1023 1026 1031
VTD: 089CL - CLIFTON ELEMENTARY
VTD: 089CM - COLUMBIA MIDDLE
VTD: 089CN - COAN MIDDLE
VTD: 089CQ - CANDLER
VTD: 089CR - CEDAR GROVE MIDDLE
VTD: 089CS - CEDAR GROVE SOUTH
VTD: 089EA - EAST LAKE ELEM
VTD: 089EB - EASTLAND
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: 089GC - GRESHAM PARK ELEM
VTD: 089HH - NARVIE J HARRIS
VTD: 089KA - KELLEY LAKE ELEM
VTD: 089KC - KELLEY CHAPEL
VTD: 089KE - KNOLLWOOD ELEM
VTD: 089ML - MEADOWVIEW ELEM
VTD: 089MO - MIDWAY ELEM
VTD: 089MP - MCNAIR MIDDLE
VTD: 089MR - BOB MATHIS ELEM
VTD: 089MT - METROPOLITAN
VTD: 089OV - OAK VIEW ELEM
VTD: 089PA - PEACHCREST ELEM
VTD: 089PN - PINEY GROVE
VTD: 089RA - RAINBOW ELEM
VTD: 089SG - SNAPFINGER ELEM
VTD: 089SR - SNAPFINGER ROAD
VTD: 089TA - TERRY MILL ELEM
VTD: 089TB - TILSON ELEM
VTD: 089TC - TONEY ELEM
VTD: 089WA - WADSWORTH ELEM
VTD: 089WB - WESLEY CHAPEL SOUTH
VTD: 089WE - WHITEFOORD ELEMENTARY

District 004
DeKalb County
VTD: 089AA - ALLGOOD ELEMENTARY
VTD: 089AE - AVONDALE (AVO)
VTD: 089AM - AVONDALE MIDDLE
VTD: 089BH - BROCKETT
021805:
1015 1018 1019 1020 1021 1022 1023 1024 1025 1026 2000 2001
2002 2003 2004 2005 2006 2007 2008 2009 2010 2011 2012 2013
2014 2015 2016 2017 2018 2019 2020 2021 2022 3019
021810:
3023 3030 3031 3034 3035
022009:
3007 3008
VTD: 089CK - CLARKSTON (CLA)
VTD: 089CT - COVINGTON HWY L
VTD: 089DE - DUNAIRE ELEM
VTD: 089FD - FORREST HILLS ELEM
VTD: 089FM - FREEDOM MIDDLE
VTD: 089HA - HAMBRICK ELEM
VTD: 089IA - IDLEWOOD ELEM
VTD: 089IB - INDIAN CREEK ELEM

VTD: 089JB - JOLLY ELEM
VTD: 089MA - ELDRIDGE L MILL
VTD: 089ME - MCLENDON ELEM
VTD: 089MK - MONTREAL
VTD: 089MM - MEMORIAL NORTH
VTD: 089MN - MEMORIAL SOUTH
VTD: 089NB - NORTH DECATUR
VTD: 089NC - NORTH HAIRSTON
VTD: 089PE - PINE LAKE (PIN)
VTD: 089RE - ROCKBRIDGE ELEM
VTD: 089RI - ROCKBRIDGE ROAD
VTD: 089RJ - ROWLAND ROAD
VTD: 089SC - SCOTTDALE
VTD: 089SD - STN MTN ELEMENTARY
VTD: 089SI - STN MTN MIDDLE
VTD: 089SJ - STONE MILL ELEM
VTD: 089SK - SHADOW ROCK ELEM
VTD: 089SN - SHAMROCK MIDDLE
VTD: 089SO - SOUTH DESHON
VTD: 089SP - STN MTN CHAMPION
VTD: 089SQ - STONE MTN LIBRARY
VTD: 089ST - STEPHENSON MIDDLE
VTD: 089SU - SOUTH HAIRSTON
VTD: 089SV - STEPHENSON HIGH
VTD: 089VB - VALLEY BROOK
VTD: 089WN - WYNBROOKE ELEM

District 005

VTD: 089AC - ATHERTON ELEMENTARY
VTD: 089BJ - BROWN'S MILL ELEMENTARY
VTD: 089BM - BETHUNE MIDDLE
VTD: 089CF - MURPHEY CANDLER
VTD: 089CG - CHAPEL HILL ELEMENTARY
023426:
1000 1004 1026 1027 2000 2001 2002 2003 2004 2005 2006 2007
2008 2009 2010 2011 2012 2013 2014 2016 2017 2018 2019 2020
2021 2022 2023 2024 2025 2026 2027 2028 2029
VTD: 089CP - CROSSROADS
VTD: 089FA - FAIRINGTON ELEM
VTD: 089FG - FLAT ROCK ELEM
VTD: 089GB - GLENHAVEN
VTD: 089GE - GLENHAVEN ELEM
VTD: 089KD - ML KING JR HIGH
VTD: 089LD - LITHONIA (LIT)
VTD: 089LH - LITHONIA HIGH SCHOOL
VTD: 089MC - MARBUT ELEM
VTD: 089MF - MCWILLIAMS
VTD: 089MI - MILLER GROVE MIDDLE SCHOOL
VTD: 089MV - MILLER GROVE ROAD
VTD: 089MZ - MILLER GROVE HIGH
VTD: 089PC - PRINCETON ELEM
VTD: 089PH - PANOLA
VTD: 089PI - PANOLA WAY ELEM
VTD: 089PR - PANOLA ROAD
VTD: 089RC - REDAN ELEM
VTD: 089RF - ROCK CHAPEL ELEM
VTD: 089RG - ROWLAND ELEM
VTD: 089RH - REDAN-TROTTI
VTD: 089RK - REDAN ROAD
VTD: 089RL - ROCK CHAPEL ROAD
VTD: 089RM - REDAN MIDDLE
VTD: 089SL - STONEVIEW ELEM
VTD: 089SM - SALEM MIDDLE
VTD: 089SS - SNAPFINGER ROAD
VTD: 089WD - WOODROW ROAD
VTD: 089WG - WOODRIDGE ELEM
VTD: 089WK - WHITE OAK
VTD: 089YA - YOUNG ROAD

Redistricting Plan Components Report

District 006
DeKalb County
Tract: 201
Tract: 202
Tract: 203
Tract: 204
Tract: 205
Tract: 206
Tract: 207
Tract: 208.01
Tract: 208.02
Tract: 209
Tract: 211
Tract: 212.02
Tract: 212.04
Tract: 212.07
Tract: 212.08
Tract: 212.09
Tract: 212.10
Tract: 212.11
Tract: 212.12
Tract: 212.13
Tract: 212.14
Tract: 213.01
BG: 1
1004 1005 1006 1007 1008 1009 1012 1013 1014 1015 1027 1028
Tract: 213.02
BG: 1
1035
BG: 2
2000 2001 2005 2006 2007 2008 2009 2010 2011 2012 2014
BG: 3
3000 3001 3002 3003 3004 3005 3006 3007 3008 3009 3010 3011
3012 3013 3014 3017 3018 3019 3020 3021 3022
Tract: 213.04
BG: 1
1000 1003 1011 1013 1015 1019 1020 1021
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2017 2018 2019 2020 2021
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3000 3001 3002 3003 3004 3005 3006 3007 3008 3009 3010 3011
3013 3017 3018 3019 3999
Tract: 214.01
Tract: 214.03
Tract: 214.04
Tract: 214.05
Tract: 214.06
Tract: 215.01
Tract: 215.02
Tract: 216.01
Tract: 216.02
Tract: 216.03
Tract: 217.03
BG: 4
4017
Tract: 217.04
BG: 2
2003 2004 2005 2006 2007 2019 2020 2021
BG: 3
Tract: 217.05
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3007 3008 3009
Tract: 217.06
BG: 1
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Tract: 219.08
BG: 1
Tract: 219.09
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Tract: 220.01
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4024 4025 4026 4027
Tract: 220.04
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1014 1015 1016 1017
BG: 2
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Tract: 222
Tract: 223.01
Tract: 223.02
Tract: 224.01
Tract: 224.02
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Tract: 226
Tract: 227
Tract: 228
Tract: 229
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BG: 2
2001 2002 2003 2004 2005 2006 2007 2008 2009
BG: 3
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Tract: 230
Tract: 231.02
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1012 1013 1014 1015 1016 1018 1019 1020 1024 1025
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Tract: 231.06
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Tract: 234.04
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1015 1016 1017 1998
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Tract: 234.10
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9002 9003 9006 9007
Tract: 234.11
Tract: 236.01
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BG: 4
Tract: 236.02
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Tract: 237
Tract: 238.01
Tract: 238.02
Tract: 238.03

DeKalb County
Tract: 213.01
BG: 1
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3000 3004 3005 3006 3008 3009
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