

A BILL TO BE ENTITLED  
AN ACT

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

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**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:  
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"SECTION 1.

Governing authority.

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- 20 (a) There is hereby created the Board of Commissioners of DeKalb County to be elected  
21 and organized as hereinafter provided.
- 22 (b) The Board of Commissioners of DeKalb County, hereinafter referred to as the  
23 'commission,' shall constitute the governing authority of DeKalb County.

24 (c) The office of Chief Executive Officer of DeKalb County shall be abolished on  
25 January 1, 2021.

26 SECTION 2.

27 The commission.

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

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

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

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

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

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

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

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### SECTION 3.

#### Establishment of the commission.

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

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

### SECTION 4.

#### Running for other elective office creates vacancy.

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

(b) If the term of the other office to which the member of the commission or the chairperson seeks to be a candidate for nomination or election expires on the same date the

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

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

105 SECTION 5.

106 Reserved.

107 SECTION 6.

108 Vacancies.

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

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

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

## 122 SECTION 7.

## 123 Oath and bond.

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

## 134 SECTION 8.

## 135 Compensation.

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

## 146 SECTION 9.

## 147 Powers and duties of the commission.

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

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

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

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

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

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

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

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

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

229 SECTION 10.

230 Audits.

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

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

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

249 SECTION 10A.

250 Independent internal audit.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

403 (A) Be residents of DeKalb County;

404 (B) Have expertise in performance auditing; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## 497 SECTION 11.

### 498 Chairperson and vice chairperson.

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

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

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

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

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

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

525 SECTION 12.

526 Meetings.

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

538 SECTION 13.

539 County manager.

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

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

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

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

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

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

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

## SECTION 13A.

## Appointments.

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

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

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

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

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

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

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

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

652 SECTION 14.

653 Reserved.

654 SECTION 15.

655 Reserved.

656 SECTION 16.

657 Comprehensive development plan.

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

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

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

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

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

672 SECTION 17.

673 Budgeting; control of expenditures.

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

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

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

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

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

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

## 710 SECTION 18.

### 711 Purchases; contracts.

712 (a) The commission shall establish rules to regulate purchasing for all county departments,  
713 offices, and agencies of the county government, with the exception of the tax  
714 commissioner, clerk of the superior court, district attorney, and sheriff. Except as  
715 hereinafter provided, formal sealed bids, after notice of same has been published one time  
716 in the official organ of DeKalb County, shall be obtained on all purchases exceeding  
717 \$50,000.00. Purchases exceeding \$50,000.00 may be made without formal sealed bids  
718 from any vendor who, at the time of purchase, has an existing contract or schedule with the

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

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

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

### 730 SECTION 19.

#### 731 Department of finance.

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

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

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

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

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

769 SECTION 20.

770 Records; minutes.

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

780 SECTION 21.

781 Agreements of candidates.

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

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

787 SECTION 22.

788 Official not to be interested in contracts.

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

802 SECTION 22A.

803 Code of ethics.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

998 (D) No member of the board of ethics shall be a member of an agency or an official or  
 999 employee of DeKalb County or shall have served in such a capacity in the two-year  
 1000 period immediately preceding such person's appointment to the board of ethics.

1001 (E) No person shall serve as a member of the board of ethics if the person has been a  
1002 candidate for, or was elected to, public office in the immediately preceding three-year  
1003 period. Filing for an elective office shall constitute a resignation from the board of  
1004 ethics on the date of filing.

1005 (F) Appointees to the board of ethics shall have professional knowledge or expertise  
1006 in matters of ethics, finance, governance, or the law.

1007 (G) All proposed appointments to the board of ethics shall be subject to an education  
1008 and employment background check, as well as a criminal history check. Persons  
1009 proposed to be appointed to the board of ethics shall execute all releases necessary for  
1010 the appointing authority to accomplish such checks. If the nominee is determined to  
1011 have committed a felony, the nomination shall be withdrawn.

1012 (2)(A) The members of the board of ethics in office on the effective date of this section  
1013 shall serve until December 31, 2015, and then their terms shall terminate. A new board  
1014 shall be appointed as provided in this paragraph to take office on January 1, 2016, and  
1015 to serve for the terms prescribed in this paragraph.

1016 (B) Not later than December 31, 2015, the members of the new board of ethics shall  
1017 be selected as follows:

1018 (i) One member shall be appointed by the DeKalb Bar Association, chosen from the  
1019 attorney members of the association;

1020 (ii) One member shall be appointed by the DeKalb County Chamber of Commerce,  
1021 which member shall not be an attorney;

1022 (iii) One member shall be appointed by a majority vote of the DeKalb County  
1023 legislative delegation;

1024 (iv) One member shall be appointed by the judge of the Probate Court of DeKalb  
1025 County;

1026 (v) One member shall be appointed by Leadership DeKalb;

1027 (vi) One member shall be appointed by the six major universities and colleges located  
1028 within DeKalb County (Agnes Scott College, Columbia Theological Seminary,  
1029 Emory University, Georgia State University, Mercer University, and Oglethorpe  
1030 University), which member shall not be an attorney; and

1031 (vii) One member shall be appointed by the chief judge of the Superior Court of  
1032 DeKalb County.

1033 (C) The members shall each serve for terms of three years; provided, however, that the  
1034 initial terms of the first DeKalb County Chamber of Commerce appointee, the first  
1035 Leadership DeKalb appointee, and the first DeKalb County legislative delegation  
1036 appointee shall be two years; and provided, further, that the initial terms of the six

1037 major institutes of higher learning within DeKalb County appointee and the judge of  
1038 the probate court appointee shall be one year.

1039 (D) Successors to all members of the board of ethics and future successors shall be  
1040 appointed by the respective appointing authorities not less than 30 days prior to the  
1041 expiration of each such member's term of office, and such successors shall take office  
1042 on January 1 following such appointment and shall serve terms of three years and until  
1043 their respective successors are appointed and qualified.

1044 (3) If a member of the board of ethics ceases to be a resident of DeKalb County, that  
1045 member's position on the board of ethics, by operation of law, shall become vacant upon  
1046 the establishment of the fact of such nonresidency, if contested, by a court of competent  
1047 jurisdiction. A vacancy in the board of ethics shall exist by reason of death, the disability  
1048 or incapacity of a member for more than 90 days, resignation, or loss of residency as  
1049 described in this paragraph. A member of the board of ethics may be removed from  
1050 office during a term if the member becomes ineligible to hold civil office within the  
1051 meaning of Code Section 45-2-1 of the O.C.G.A. and that ineligibility is established by  
1052 decision of a court of competent jurisdiction which declares the office vacant because of  
1053 such ineligibility, or for good cause, by a majority vote of the board of ethics. The ethics  
1054 officer shall notify the appointing authority of a vacancy upon its occurrence, and such  
1055 vacancy shall be filled for the unexpired term by the respective appointing authority.

1056 (4) The members of the board of ethics shall serve without compensation and shall elect  
1057 from their own membership a chairperson and otherwise provide for their own internal  
1058 organization. The commission shall provide adequate office and meeting space and pay  
1059 all administrative costs, including those specifically stipulated in this section, pertaining  
1060 to the operation of the board of ethics. The board of ethics shall be authorized to employ  
1061 its own staff and clerical personnel and contract for the services of a competent court  
1062 reporter, an attorney, and a private investigator as it deems necessary. The members of  
1063 the board of ethics shall have the authority to propose the budget of the board and shall  
1064 recommend the budget to the commission, which shall fund it as a priority. In the event  
1065 that the proposed budget is in excess of \$300,000.00, the commission shall have the  
1066 authority to authorize the additional funds requested in accordance with standard  
1067 budgetary procedures and requirements. The board of ethics shall be completely  
1068 independent and shall not be subject to control or supervision by the commission or any  
1069 other official or employee or agency of the county government.

1070 (5) The board of ethics shall have the following duties:

1071 (A) To establish procedures, rules, and regulations governing its internal organization  
1072 and the conduct of its affairs;

1073 (B) To render advisory opinions with respect to the interpretation and application of  
1074 this section to all officials or employees who seek advice as to whether a particular  
1075 course of conduct would constitute a violation of the standards imposed in this section  
1076 or other applicable ethical standards. Such opinions shall be binding on the board of  
1077 ethics in any subsequent complaint concerning the official or employee who sought the  
1078 opinion and acted in good faith, unless material facts were omitted or misstated in the  
1079 request for the advisory opinion;

1080 (C) To prescribe forms for the disclosures required in this section and to make  
1081 available to the public the information disclosed as provided in this section;

1082 (D) To receive and hear complaints of violations of the standards required by this  
1083 section over which it has personal and subject matter jurisdiction;

1084 (E) To make such investigations as it deems necessary to determine whether any  
1085 official or employee has violated or is about to violate any provisions of this section;  
1086 and

1087 (F) To hold such hearings and make such inquiries as it deems necessary for it to carry  
1088 out properly its functions and powers.

1089 (i)(1) There is hereby created as a full-time salaried position an ethics officer for DeKalb  
1090 County. The ethics officer must be an active member of the Georgia Bar Association in  
1091 good standing with five years' experience in the practice of law. The ethics officer shall  
1092 be appointed by a majority of the members of the board of ethics, subject to confirmation  
1093 by a majority of the commission, for a period not to exceed six years. Removal of the  
1094 ethics officer before the expiration of the designated term shall be for cause by a majority  
1095 vote of the members of the board of ethics. The ethics officer need not be a resident of  
1096 the county at the time of his or her appointment, but he or she shall reside in DeKalb  
1097 County within six months of such appointment and continue to reside therein throughout  
1098 such appointment.

1099 (2) The ethics officer shall not be involved in partisan or nonpartisan political activities  
1100 or the political affairs of DeKalb County.

1101 (3) The duties of the ethics officer shall include, but not be limited to, the following:

1102 (A) Educating and training all city officials and employees to have an awareness and  
1103 understanding of the mandate for and enforcement of ethical conduct and advising them  
1104 of the provisions of the code of ethics of DeKalb County;

1105 (B) Maintaining the records of the board of ethics as required by Article 4 of  
1106 Chapter 18 of Title 50 of the O.C.G.A.;

1107 (C) Meeting with the board of ethics;

1108 (D) Advising officials and employees regarding disclosure statements and reviewing  
1109 the same to ensure full and complete financial reporting;

1110 (E) Urging compliance with the code of ethics by calling to the attention of the board  
1111 of ethics any failure to comply or any issues, including the furnishing of false or  
1112 misleading information, that the ethics officer believes should be investigated by the  
1113 board of ethics so that the board of ethics may take such action as it deems appropriate;

1114 (F) Monitoring, evaluating, and acting upon information obtained from an ethics  
1115 hotline, which shall be a city telephone number for the receipt of information about  
1116 ethical violations. Each complaint, as of the time it is reported, whether by telephone  
1117 or otherwise, shall be deemed to be a separate pending investigation of a complaint  
1118 against a public officer or employee as provided by Article 4 of Chapter 18 of Title 50  
1119 of the O.C.G.A.;

1120 (G) Notifying the subject of a report of any alleged violation of the code of ethics,  
1121 whether the report is anonymous, made by an identified individual, or is written. Such  
1122 notice shall be given in writing, by facsimile, or hand delivered to the subject of the  
1123 complaint at the same time and in the same form that any disclosure of information is  
1124 required by Article 4 of Chapter 18 of Title 50 of the O.C.G.A.;

1125 (H) Notifying the board of ethics of any report of an alleged violation of the code of  
1126 ethics received by the ethics officer;

1127 (I) Reporting, as appropriate, suspected ethical violations to the board of ethics;

1128 (J) Reporting, as appropriate, suspected criminal violations to state or federal law  
1129 enforcement agencies; and

1130 (K) Filing with the board of ethics and the commission on the first Tuesday of each  
1131 February a written report describing the activities of the ethics officer in carrying out  
1132 the goals of his or her office and the code of ethics and reporting on the ethical health  
1133 of DeKalb County.

1134 (j)(1) The board of ethics shall conduct investigations into alleged violations of the code  
1135 of ethics, hold hearings, and issue decisions as prescribed in this subsection.

1136 (2) The proceedings and records of the board of ethics shall be open unless otherwise  
1137 permitted by state law.

1138 (3) Upon request of the board of ethics, the solicitor of DeKalb County or any attorney  
1139 representing the office of the solicitor of DeKalb County, or in the event of a conflict any  
1140 attorney who shall be selected by a majority vote of the board of ethics, shall advise the  
1141 board of ethics.

1142 (4) A complaint may be filed by the ethics officer, any resident, or a group of residents  
1143 of DeKalb County by submitting to the office of the ethics officer a written, verified, and  
1144 sworn complaint under the penalty of perjury or false swearing. The complaint shall  
1145 specifically identify all provisions of the DeKalb County code of ethics which the subject  
1146 of the complaint is alleged to have violated, set forth facts as would be admissible in

1147 evidence in a court proceeding, and show affirmatively that the complainant or affiant,  
1148 if in addition to or different from the complainants, is competent to testify to the matter  
1149 set forth therein. All documents referenced in the complaint as well as supporting  
1150 affidavits shall be attached to the complaint.

1151 (5) Upon receipt of the complaint, the ethics officer shall conduct a preliminary  
1152 investigation to determine whether it meets the jurisdictional requirements as set forth in  
1153 this section. If in the opinion of the ethics officer the complaint fails to meet these  
1154 requirements, the ethics officer shall notify the person who filed the complaint and he or  
1155 she shall have ten days from the date of notice to correct and refile the complaint directly  
1156 with the ethics officer. A complaint which fails to satisfy the jurisdictional requirements  
1157 as established by this section and by the rules and procedures established by the board of  
1158 ethics shall be dismissed by the board of ethics no later than 30 days after the complaint  
1159 is filed with the office of the ethics officer, unless extended by a majority vote of the  
1160 board of ethics.

1161 (6) The ethics officer will report his or her findings and recommendation to the board of  
1162 ethics and advise whether there is probable cause for belief that the code of ethics has  
1163 been violated, warranting a formal hearing. If the board of ethics determines, after the  
1164 preliminary investigation of a complaint by the ethics officer, that there does not exist  
1165 probable cause for belief that this section has been violated, the board of ethics shall so  
1166 notify the complainant and the subject of the investigation, and the complaint will be  
1167 dismissed. If the board of ethics determines, after a preliminary investigation of the  
1168 complaint by the ethics officer, that there does exist probable cause for belief that this  
1169 section has been violated, the board of ethics shall give notice to the person involved to  
1170 attend a hearing to determine whether there has been a violation of this section.

1171 (7) For use in proceedings under this section, the board of ethics shall have the power to  
1172 issue subpoenas to compel any person to appear, give sworn testimony, or produce  
1173 documentary or other evidence. Any person who fails to respond to such subpoenas may  
1174 be subjected to the penalties set forth in subsection (k) of this section.

1175 (8) All hearings of the board of ethics pursuant to this section shall be as follows:

1176 (A) All testimony shall be under oath, which shall be administered by a member of the  
1177 board of ethics. Any person who appears before the board of ethics shall have all of the  
1178 due process rights, privileges, and responsibilities of a witness appearing before the  
1179 courts of this state. Any person whose name is mentioned during a proceeding of the  
1180 board of ethics and who may be adversely affected thereby may appear personally  
1181 before the board of ethics on such person's own behalf or may file a written sworn  
1182 statement for incorporation into the record to be made part of all proceedings pursuant  
1183 to this subsection;

1184 (B) The decision of the board of ethics shall be governed by a preponderance of the  
1185 evidence standard; and

1186 (C) At the conclusion of proceedings concerning an alleged violation, the board of  
1187 ethics shall immediately begin deliberations on the evidence and proceed to determine  
1188 by a majority vote of members present whether there has been a violation of this  
1189 section. The findings of the board of ethics concerning a violation and the record of the  
1190 proceedings shall be made public by the ethics officer as soon as practicable after the  
1191 determination has been made.

1192 (k)(1) Any intentional violation of this section, furnishing of false or misleading  
1193 information to the board of ethics or the ethics officer, failure to follow an opinion  
1194 rendered by the board of ethics, or failure to comply with a subpoena issued by the board  
1195 of ethics pursuant to this section shall subject the violator to any one or more of the  
1196 following:

1197 (A) Administrative sanction of not more than \$1,000.00 assessed by the board of  
1198 ethics;

1199 (B) Public reprimand by the board of ethics; and

1200 (C) Prosecution by the DeKalb County solicitor in municipal court and, upon  
1201 conviction, a fine of up to \$1,000.00 per violation and up to six months' imprisonment,  
1202 whether the official or employee is elected or appointed, paid or unpaid. Nothing in  
1203 this section shall be interpreted to conflict with state law. An action for violation of this  
1204 section or the furnishing of false or misleading information or the failure to comply  
1205 with a subpoena issued by the board of ethics must be brought within two years after  
1206 the violation is discovered.

1207 (2) With regard to violations by persons other than officials or employees, in addition to  
1208 the remedies in paragraph (1) of this subsection, the board of ethics may recommend to  
1209 the commission any one or more of the following:

1210 (A) Suspension of a contractor; and

1211 (B) Disqualification or debarment from contracting or subcontracting with DeKalb  
1212 County.

1213 (3) The decision of the board of ethics after a hearing shall be final; provided, however,  
1214 that such proceeding shall be subject to review by writ of certiorari to the Superior Court  
1215 of DeKalb County. The designee of the board of ethics shall be authorized to  
1216 acknowledge service of any such writ and shall, within the time provided by law, certify  
1217 and cause to be filed with the clerk of the superior court a record of the proceedings  
1218 before the board of ethics, the decision of the board of ethics, and the notice of the final  
1219 actions of the board of ethics.

## SECTION 23.

How sections amended; limitations on powers.

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

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

## SECTION 2.

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

"( ) YES Shall the Act be approved which eliminates the Chief Executive Officer of DeKalb County, creates a county commission chairperson elected countywide, revises the membership of the county commission, shortens certain terms of office, provides for a county manager, and changes the terms of members of the county commission?"

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

1255 office for members of the commission elected in 2018 and for all other purposes on  
1256 January 1, 2021. If the Act is not so approved or if the election is not conducted as provided  
1257 in this section, Section 1 of this Act shall not become effective, and this Act shall be  
1258 automatically repealed on the first day of January immediately following that election date.  
1259 The expense of such election shall be borne by DeKalb County. It shall be the election  
1260 superintendent's duty to certify the result thereof to the Secretary of State.

1261 **SECTION 3.**

1262 Except as otherwise provided in Section 2 of this Act, this Act shall become effective upon  
1263 its approval by the Governor or upon its becoming law without such approval.

1264 **SECTION 4.**

1265 All laws and parts of laws in conflict with this Act are repealed.