

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:
17

"SECTION 1.

Governing authority.

- 18 (a) There is hereby created the Board of Commissioners of DeKalb County to be elected
19 and organized as hereinafter provided.
20 (b) The Board of Commissioners of DeKalb County, hereinafter referred to as the
21 'commission,' shall constitute the governing authority of DeKalb County.
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24 (c) The office of Chief Executive Officer of DeKalb County shall be abolished on
25 January 1, 2021.

26 SECTION 2.

27 The commission.

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

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

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

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

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

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

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

SECTION 3.

Establishment of the commission.

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

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

SECTION 4.

Running for other elective office creates vacancy.

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

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

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

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

105 SECTION 5.

106 Reserved.

107 SECTION 6.

108 Vacancies.

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

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

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

122 SECTION 7.

123 Oath and bond.

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

134 SECTION 8.

135 Compensation.

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

146 SECTION 9.

147 Powers and duties of the commission.

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

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

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

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

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

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

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

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

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

229 SECTION 10.

230 Audits.

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

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

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

249 SECTION 10A.

250 Independent internal audit.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

403 (A) Be residents of DeKalb County;

404 (B) Have expertise in performance auditing; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 477 (J) Consulting with the auditor regarding technical issues with the external audit firm
 478 and working to assure maximum coordination between the work of the Office of
 479 Internal Audit and contracted audit efforts and other consulting engagements;
- 480 (K) Maintaining the confidentiality of personnel matters while taking responsibility for
 481 appropriate disclosure to the governing authority, the legislature, or to the public; and
- 482 (L) Annually meeting with members of the commission to discuss controls, systems
 483 and risk, and performance of the audit firm and other matters that the audit firm, the
 484 auditor, or staff desires or is required to bring to the commission's attention such as
 485 fraud, illegal acts, and financial and control weaknesses.
- 486 (10) The audit oversight committee shall have the authority to hire outside experts,
 487 including legal counsel, when necessary.
- 488 (11) The audit oversight committee shall have the authority to propose the budget of the
 489 Office of Internal Audit, including the auditor's salary and staffing, and shall then
 490 recommend the budget to the commission for approval, which shall fund it as a priority.
- 491 (12) Sufficient resources as requested by the audit oversight committee shall be provided
 492 by the commission to enable the audit oversight committee to carry out its
 493 responsibilities.
- 494 (p) The provisions of this section are severable, and if any of its provisions shall be held
 495 unconstitutional or invalid by a court of competent jurisdiction, the decision of the court
 496 shall not affect or impair any of the remaining provisions.

497 SECTION 11.

498 Chairperson and vice chairperson.

- 499 (a) The chairperson of the commission shall preside at any regular or specially called
 500 meeting of the commission, 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.