

A HOME RULE ORDINANCE

BY THE BOARD OF COMMISSIONERS OF DEKALB COUNTY, GEORGIA UNDER THE HOME RULE PROVISIONS FOR COUNTIES OF THE CONSTITUTION OF THE STATE OF GEORGIA, TO AMEND AN ACT CREATING THE DEKALB COUNTY PENSION BOARD, KNOWN AS GA. LAWS 1962, P. 3088, *ET SEQ.*, AS AMENDED TO AMEND THE PROVISIONS RELATING TO ETHICS AND FOR OTHER PURPOSES.

BE IT ORDAINED by the Board of Commissioners of DeKalb County, Georgia, and it is hereby ordained by the authority of same, pursuant to the home rule provisions for counties of the Constitution of the State of Georgia, that the Act, as amended, creating the DeKalb County Pension Board, known as Ga. Laws 1962, p. 3088, *et seq.*, as amended, be and the same is hereby further amended as follows:

PART I.

By amending the DeKalb County Pension Act, 1962 Ga. Laws, p. 3088, *et seq.*, by adding thereto a new Section 33 (to be codified as Section 933 of the Code of DeKalb County, Georgia – Appendix B – Local Constitutional Amendments, Etc.) to read as follows:

Sec. 933. Code of Ethics.

- (a) No member of the pension board shall take any action that would constitute, or create the impression of, a conflict of interest between the personal interests of the board member and his or her official duties as a member of the pension board. Prohibited actions include, but are not limited to, the following:
 - (1) No pension board member shall directly or indirectly request, exact, receive or agree to receive a gift, loan, favor, promise or thing of value: (1) from any party with whom the pension board transacts business; or (2) from any other party if that party tends to influence the board member in the discharge of official duties or the board member recently has been, or is now or in the near future will be, involved in any official act or action directly affecting the donor or lender. This section shall not apply in the case of: (1) a commercially reasonable loan made in the ordinary course of

business by an institution authorized by the laws of the state to engage in the making of such a loan; or (2) an award publicly presented in recognition of public service.

- (2) No pension board member shall disclose or otherwise use confidential information acquired by virtue of his or her position as a member of the pension board for his or another person's private gain.
 - (3) No board member shall, by conduct, give reasonable basis for the impression: (1) that any person improperly can influence the board member in the performance of his or her official duties; or (2) that the board member is affected unduly by the kinship, rank, position, or association with any person.
 - (4) No pension board member shall bring, instigate, or otherwise be party to a legal action against DeKalb County, the pension board, or any other person or entity if the remedy or relief sought in such legal action would or could in any manner adversely affect or impact the pension fund or the pension board's ability to carry out its official duties.
- (b) Any board member who has reason to believe of the existence of any conflict or potential conflict shall promptly disclose such conflict or potential conflict to the pension board.
 - (c) If any voting board member believes he or she has a conflict or potential conflict with regard to any matter brought before the pension board, then that member shall abstain from voting on such matter.
 - (d) If a board member votes on a matter for which the pension board, by majority vote of all members of the board, determines that such board member has a conflict or potential conflict, then such vote shall not count, but shall instead be treated as if the board member had abstained from voting on such matter.
 - (e) The pension board may, by majority vote of all members of the pension board, remove from the pension board any elected board member it concludes has violated the provisions of this section. For purposes of this paragraph, "elected board member" is defined as (1) any board member who is elected by the officers, employees, and deputies of DeKalb County as set forth in Section 902 of this Act; (2) any board member who is elected by the retired participants of the current or former DeKalb County pension plans as set forth in Section 902 of this Act; and (3) any board member who is appointed by the voting members of the pension board as set forth in Section 902 of this Act. For purposes of this paragraph, the
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phrase "elected board member" shall not include the chief executive officer of DeKalb County, the director of the merit system of DeKalb County, the director of finance of DeKalb County, and those pension board members who are elected or appointed by the board of commissioners of DeKalb County.

- (f) Nothing in this section shall be construed to prevent any pension board member who is a current or former employee of DeKalb County from voting on issues concerning pension benefits for County employees or retirees, or from voting on any other official matter that comes before the pension board, so long as such matter does not solely or exclusively benefit such pension board member.

PART II.

All laws or parts of laws in conflict with this ordinance are hereby repealed.

PART III.

Should any part, portion, or paragraph of this ordinance be declared unconstitutional or void by a court of competent jurisdiction, such declaration shall not affect the remaining portions of this ordinance not so declared to be invalid, but the same shall remain in full force and effect as if separately adopted.

PART IV.

This ordinance shall be presented to the Board of Commissioners of DeKalb County, Georgia for adoption at two regular, consecutive meetings of the County Commissioners, held not less than seven (7) nor more than sixty (60) days apart after notice containing a synopsis of the proposed amendment shall have been published in the official organ of DeKalb County once a week for three (3) weeks within a period of sixty (60) days immediately preceding its final adoption, such notice stating that a copy of the proposed amendment is on file in the office of the Clerk of Superior Court of DeKalb County for the purposes of examination and inspection by the public.

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ACTION:

At the request of Commissioner Ellis, the item to conduct a public hearing and adopt the attached ordinance to amend the DeKalb County Pension Act at two consecutive, regularly scheduled meetings will go its normal course.

Later in the meeting, Commissioner Ellis withdrew his normal course of the above item and made a MOTION, seconded by Commissioner Johnson, and passed 6-0-0-1, to reconsider the item because it has to be adopted at two consecutive regularly scheduled meetings. Commissioner Scott was absent and not voting.

MOTION was made by Commissioner Ellis, seconded by Commissioner Walker, and passed 6-0-0-1, to approve the item. This was the first reading. Commissioner Scott was absent and not voting.

ADOPTED: OCT 08 2002
(DATE)
Burrell Ellis

CERTIFIED: OCT 08 2002
(DATE)
Whitford

PRESIDING OFFICER
DEKALB COUNTY BOARD OF COMMISSIONERS

CLERK
DEKALB COUNTY BOARD
OF COMMISSIONERS

FOR USE BY CHIEF EXECUTIVE OFFICER ONLY

APPROVED: NOV - 8 2002
Vernon Jones

VETOED: _____

CHIEF EXECUTIVE OFFICER
DEKALB COUNTY

CHIEF EXECUTIVE OFFICER
DEKALB COUNTY

VETO STATEMENT ATTACHED: _____

MINUTES:

VOTING RECORD, BOTH MOTIONS	FOR	AGAINST	ABSTAIN	ABSENT
DISTRICT 1 - ELAINE BOYER	✓			
DISTRICT 2 - GALE WALLDORFF	✓			
DISTRICT 3 - JACQUELINE SCOTT				✓
DISTRICT 4 - BURRELL ELLIS	✓			
DISTRICT 5 - HANK JOHNSON	✓			
DISTRICT 6 - JUDY YATES	✓			
DISTRICT 7 - LOU WALKER	✓			