



**Carl Vinson
Institute of Government**
UNIVERSITY OF GEORGIA

DeKalb County Charter Review

December 2023

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Introduction

The DeKalb Chief Executive Officer (CEO) Michael Thurmond created the DeKalb County Charter Review Commission (DCCRC) to comprehensively examine the County’s Organizational Act in an effort to ascertain whether the current form of government is representative and responsive to needs of County residents.^a The University of Georgia’s Carl Vinson Institute of Government (the Institute) provided the DCCRC with support, research, and analysis of the governing structure of the County.

This report details the changes the DCCRC proposed to the Organizational Act, provides narrative around key topics and issues, and includes both research the commissioners requested and public comments that informed many of the changes to the Organizational Act.

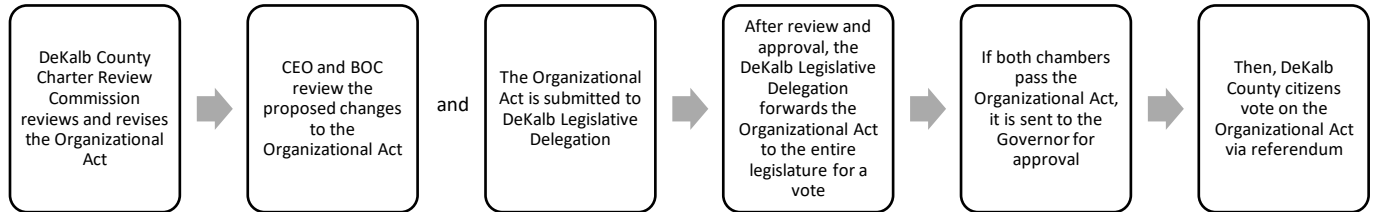
DeKalb County’s form of government is a combination of an elected executive and a board of commissioners. The Board of Commissioners (BOC) consists of five elected members from individual districts and two from super districts giving every DeKalb County citizen double representation on the BOC. The BOC has the power to fix and establish policies, rules, and regulations governing all matters reserved to its jurisdiction under the Organizational Act. The CEO leads the executive branch. Elected county-wide, the CEO holds exclusive power to supervise, direct, and control the administration of the County government.

In March 2019, DeKalb County CEO Michael Thurmond issued an executive order to form a charter review commission with the goal of updating and harmonizing all parts of the DeKalb County Charter in an effort to provide citizens a government that operates with optimal effectiveness and streamlined productivity. Under Executive Order No. 2019-001 “Creation of a Charter Review Commission to Examine the DeKalb County Form of Government,” the CEO created the DCCRC. Due to the onset of the Covid-19 pandemic, the commission halted their work until 2022. The commission met between June 2022 and December 2023.

^a All references to Commissioners are DCCRC Commissioners unless otherwise stated.



This executive order began the charter review process. The diagram below shows the process from initiation to voter approval.



The DCCRC included a member of the DeKalb County Board of Education, three members appointed by the CEO to geographically represent the county, seven members appointed by the DeKalb County Board of Commissioners, three members appointed by the Georgia House of Representatives DeKalb County Legislative Delegation, and three members appointed by the Georgia Senate DeKalb County Legislative Delegation. The DCCRC also included two ex-officio members, one from the House of Representatives and one from the Senate. Per the CEO’s executive order, a chairperson, a vice chairperson, and a secretary were appointed to organize meetings. Steve Henson served as chair, Virginia Harris served as vice chair, and Mary Hinkel served as secretary. All members of the DCCRC served in a voluntary capacity.

Meetings were open to the public and livestreamed on DCTV Channel 23 and the DeKalb County website. Agendas, meeting summaries, minutes, and videos of the meetings are available on the DeKalb County website. The appendix of this report lists public comments from regular meetings, public hearings, and the DeKalb County Charter Review website.

The DCCRC formed one subcommittee to review and discuss increasing the number of commission districts to account for population growth and diversity in DeKalb County. DCCRC Vice Chairperson, Virginia Harris, served as the subcommittee chair. The appendix of this report contains the subcommittee’s findings. The commissioners and their appointments are listed below.

Table 1. DeKalb County Charter Review Commission Members

Name	Representing
Steve Henson	DeKalb County CEO
Virginia Harris	DeKalb County CEO
Vacant	DeKalb County CEO
Karen Bennett	DeKalb County House Delegation
Claudette Leak	DeKalb County House Delegation
Mary Hinkel	DeKalb County House Delegation
Sally Harrell	DeKalb County Senate Delegation
Lance Hammonds	DeKalb County Senate Delegation
Vacant	DeKalb County Senate Delegation
Robert Wittenstein	DeKalb District 1 - Robert Patrick
Susan Neugent	DeKalb District 2 - Jeff Rader
Bobbie Sanford	DeKalb District 3 - Larry Johnson
Gerald Austin, Sr.	DeKalb District 4 - Steve Bradshaw
Clara DeLay	DeKalb District 5 - Mereda Davis Johnson
Jim Grubiak	DeKalb District 6 - Ted Terry
Dwight Thomas	DeKalb District 7 - Lorraine Cochran-Johnson
Vickie Turner	DeKalb County School Board
John Turner	DeKalb House Delegation - Alternate
 Ex Officio Members	
Kim Jackson	DeKalb Senate Delegation
Karla Drenner	DeKalb House Delegation

This report includes a copy of the revised charter as approved by the DCCRC. The revision contains the following substantial changes (nominal or clarifying changes were not included):

- Changed deadline for the CEO to submit the proposed budget to the BOC and deadline for BOC approval.

- Residency and age requirements for the offices of CEO and BOC changed to conform to state law.
- New section that creates future charter review commissions.
- New section that creates an Open Records Officer for the county.
- Added mechanism to address multiple vacancies in elected offices.
- Addressed temporary vacancies in elected offices.
- Revised compensation section to align with the permissible methods for setting compensation as stipulated by state law.
- Changed the title of the Executive Assistant to Chief Operating Officer.
- Gave the BOC subpoena power to conduct inquiries and investigate the affairs of the county and its departments.
- Changed the date for BOC members to take office to the first meeting in January.
- Eliminated the CEO's voting rights at BOC meetings.
- Changed maximum penalty for ordinance violation to comport with state law.
- The final audit report shall be provided to the DeKalb County Legislative Delegation.
- Addresses filling vacancies for appointments to public office when a nomination is neither confirmed nor rejected within a specified time.

Legal Disclaimer

The UGA Institute of Government did not opine as to the legality of any provision in this Organizational Act. All legal questions were directed to the DeKalb County Law Department.

Acknowledgements

Thank you to the DeKalb County Charter Review Commission and DeKalb County staff for their participation and support in this process.



Project Process

In August of 2022, DeKalb County contracted with the Institute for support and analysis of the governing structure of DeKalb County and review of the DeKalb County Organizational Act. The Institute met weekly with the DCCRC chairman, Stephen Henson, to provide analysis of the Organizational Act and its interplay with current state law. This process included the proposed revisions to the Organizational Act, identifying relevant sources of data, and obtaining operational specific data to produce the most beneficial project foundation. Additionally, Institute staff attended all DCCRC meetings and documented discussion, presentations, and public comment for purposes of the Final Commission Report. This report contains a copy of the revised Organizational Act that reflects approved changes.

MEETINGS

One Institute faculty member, Lori Brill, and a group of support staff including Hadley Rawlins, Macey Lane Smith, and Colton J. Carpenter attended each Commission meeting to document discussion, presentations, and public comment for the Final Commission Report. Weekly planning meetings took place from March 2023 until October 2023 with the DCCRC chairman, DCCRC member, James Grubiak, and the Institute to prepare for commission meetings and discuss supplemental research topics regarding potential changes to the Organizational Act.

Research

DEKALB COUNTY

Throughout the Organizational Act review process, guest speakers from DeKalb County and other Metro-Atlanta counties presented to the DCCRC on topics regarding delivery of services, government functions, and government structure in an effort to assist the DCCRC and provide information. Copies of these presentations are available on the DeKalb County website. These presentations facilitated the Organizational Act review process.

Table 2. DeKalb County Charter Review Commission Guest Speakers

Date	Name	Title, Department	Topic Discussed
June 22, 2022	John Matelski	Chief Innovation Officer, Department of Innovation & Technology	Department of Innovation & Technology
September 1, 2022	Darnell Fullum	Fire Chief, Fire Rescue Department	Fire Rescue Department Services



October 6, 2022	Matthew Welch	Deputy County Attorney, DeKalb County Law Department	Charter Education
November 3, 2022	Chuck Ellis	Director, DeKalb County Recreation, Parks & Cultural Affairs	Recreation, Parks & Cultural Affairs Dept Overview
January 12, 2023	Marcus Robinson	Chief Building Officer, Planning & Sustainability Department	Planning Dept Management and Permitting Process
January 12, 2023	Alex M. Joseph	Chair, DeKalb Board of Ethics	Workings of the Ethics Board
January 12, 2023	David Moskowitz	Vice-chair, DeKalb Board of Ethics	Workings of the Ethics Board
March 9, 2023	Michelle Butler	Assistant Director, Department of Purchasing and Contracting	Purchasing and Contracting Operations
March 9, 2023	T.J. Sigler	Director, Office of Management & Budget	Budget Process and Schedule
March 29, 2023	Dr. John Eaves	Former Fulton County Chair	Fulton County Government form and structure
March 29, 2023	Charlotte Nash	Former Gwinnett County Chair	Gwinnett County Government Form and Structure
May 11, 2023	T.J. Sigler	Director, Office of Management & Budget	Budget Process and Schedule
June 8, 2023	Lavois Campbell	Chief Audit Executive, Office of the Independent Internal Audit	Independent Internal Audit Process
June 8, 2023	Tim Hardy	Deputy Director, Code Compliance	Inspection and Code Enforcement

At the beginning of the review process, the DeKalb County Law Department explained each section of the Organizational Act to the commission and fielded questions. Executive Assistant/Chief Operations Officer (COO) Zach Williams and County Attorney Viviane Ernstes were present at most meetings to answer questions and raise concerns. BOC Commissioners Ted Terry and Steve Bradshaw attended several meetings and provided input on the Organizational Act.

INSTITUTE OF GOVERNMENT

Throughout the process, the Institute provided the DCCRC with supplemental research to ensure that proposed Organizational Act revisions complied with state law. The Institute's researchers also provided comparisons of DeKalb County's processes to other metropolitan



counties and explained county procedures, such as the budget process, in a clear and concise manner. Examples of such research include, but are not limited to, metro county budget timelines, forms of county government including the pros and cons of each, local government structure and authority, metro county demographics, population summaries, and CEO and BOC compensation. This information afforded the commission members the opportunity to make informed decisions on debated topics. This report's appendix includes pertinent research presentations. The Institute supplemented this research with Georgia case law, Georgia Supreme Court opinions, portions of the Constitution of the State of Georgia, and sections of the Official Code of Georgia Annotated (O.C.G.A.) to give context and legal precedent to the issues that arose. The Institute furnished this information but did not provide legal analysis. All questions regarding legal issues were directed to the county attorney.

Organizational Act Edits

This section includes all edits to the Organizational Act. Adding, eliminating, modifying, or changing any provision in the Organizational Act necessitated an affirmative vote of at least 10 members. Insertions are underlined in red, while deletions are in blue and struck through. The appendix includes a clean version of the Organizational Act with the DCCRC's recommendations.

ORGANIZATIONAL ACT

Sec. 1. - Governing authority [described].

- (a) There is hereby created the board of commissioners of DeKalb County to be elected and organized as hereinafter provided. There is hereby created the office of chief executive officer of DeKalb County, and said chief executive officer, who shall not be a member of the commission, shall be elected as hereinafter provided.
- (b) The board of commissioners of DeKalb County, hereinafter referred to as the "commission," and the chief executive officer of DeKalb County, hereinafter referred to as the "chief executive" shall constitute the governing authority of DeKalb County, and the respective powers and duties of the commission and the chief executive shall be as provided in this Act~~act~~.

Sec. 2. - The commission.

- (a) The commission shall consist of seven members.
- (b) For purposes of electing members of the board of commissioners, DeKalb County is divided into seven commissioner districts. One member of the board shall be elected from each such district.
- (c) (1) Commissioner Districts 1, 2, 3, 4, and 5 shall be and correspond to those five numbered districts described in Appendix A ~~and~~ attached to and made a part of this Act and further identified as "DeKalb CC Plan Name: DeKalbCCr-2022 Plan Type: Local"~~"Plan: dekalbcc-import1-02092012 Plan Type: local Administrator: dekalb-cc User: bak"~~.



- (2) ~~(b)~~ When used in such attachment, the term "VTD" (voting tabulation district) shall mean and describe the same geographical boundaries as provided in the report of the Bureau of the Census for the United States decennial census of ~~2020~~ 2010 for the State of Georgia.
- (3) ~~(c)~~ The separate numeric designations in a district description which are underneath a VTD heading shall mean and describe individual Blocks within a VTD as provided in the report of the Bureau of the Census for the United States decennial census of ~~2020~~ 2010 for the State of Georgia. Any part of DeKalb County which is not included in any such district described in that attachment shall be included within that district contiguous to such part which contains the least population according to the United States decennial census of ~~2020~~ 2010 for the State of Georgia.
- (4) Any part of DeKalb County which is described in that attachment as being in a particular district shall nevertheless not be included within such district if such part is not contiguous to such district. Such noncontiguous part shall instead be included within that district contiguous to such part which contains the least population according to the United States decennial census of ~~2020~~ 2010 for the State of Georgia.
- (5) Except as otherwise provided in the description of any commissioner district, whenever the description of such district refers to a named city, it shall mean the geographical boundaries of that city as shown on the census map for the United States decennial census of ~~2020~~ 2010 for the State of Georgia.
- (6) Paragraphs (2) through (5) of this subsection shall only be applicable with respect to Commissioner Districts 1, 2, 3, 4, and 5.
- (d) (1) Commissioner Districts 6 and 7 shall be and correspond to those two numbered districts described in and attached to and made a part of this Act and further identified as "~~User: DeKalb Plan Name: DeKalbCC-Super-2022 Plan Type:~~" "~~Plan Name: deksuperdist4 Plan Type: LOCAL User: Gina Administrator: CNTY-DEKALB~~".
- (2) When used in such attachment, the terms "Tract" and "BG" (Block Group) shall mean and describe the same geographical boundaries as provided in the report of the Bureau of the Census for the United States decennial census of ~~2020~~ 2000 for the State of Georgia. The separate numeric designations in a Tract description which are underneath a BG heading shall mean and describe individual Blocks within a Block Group as provided in the report of the Bureau of the Census for the United States decennial census of ~~2020~~ 2000 for the State of Georgia. Any part of DeKalb County which is not included in any such district described in that attachment shall be included within that district contiguous to such part which contains the least population according to the United States decennial census of ~~2020~~ 2000 for the State of Georgia. Any part of DeKalb County which is described in that attachment as being in a particular district shall nevertheless not be included within such district if such part is not contiguous to such district. Such noncontiguous part shall instead be included within that district contiguous to such part which contains the least population according to the United States decennial census of ~~2020~~ 2000 for the State of Georgia. Except as otherwise provided in the description of any commissioner district, whenever the description of such district refers to a named city, it shall mean the geographical boundaries of that city as shown on the census map for the United States decennial census of ~~2020~~ 2000 for the State of Georgia. This paragraph shall only be applicable with respect to Commissioner Districts 6 and 7.

~~{Districts}~~

~~Plan: dekalbcc-import1-02092012
Plan Type: local Administrator: dekalb-cc User: bak~~

~~District 001~~



DeKalb County

~~VTD: 089AD - AUSTIN~~

~~VTD: 089AG - ASHFORD DUNWOOD~~

~~VTD: 089AH - ASHFORD PARKSIDE~~

~~VTD: 089BD - BRIARLAKE ELEMENTARY~~

~~VTD: 089BF - BROCKETT ELEMENTARY~~

~~VTD: 089BH - BROCKETT~~

~~021805:~~

~~1000 1001 1002 1003 1004 1005 1006 1007 1008 1011 1012~~

~~021806:~~

~~1005~~

~~021809:~~

~~2038 2039 2040~~

~~VTD: 089CE - CHAMBLEE (CHA)~~

~~VTD: 089CH - CHESNUT ELEMENTARY~~

~~VTD: 089DA - DORAVILLE NORTH~~

~~VTD: 089DB - DORAVILLE SOUTH~~

~~VTD: 089DF - DUNWOODY~~

~~VTD: 089DG - DUNWOODY HIGH SCHOOL~~

~~VTD: 089DI - DUNWOODY LIBRARY~~

~~VTD: 089EC - EMBRY HILLS~~

~~VTD: 089EF - EVANSDALE ELEM~~

~~VTD: 089GD - GEORGETOWN SQ~~

~~VTD: 089HC - HENDERSON MILL~~

~~VTD: 089HF - HUNTLEY HILLS ELEM~~

~~VTD: 089HG - HUGH HOWELL~~

~~VTD: 089KB - KINGSLEY ELEM~~

~~VTD: 089LV - LAWRENCEVILLE HIGH SCHOOL~~



~~VTD: 089MH – MIDVALE ELEM~~
~~VTD: 089MQ – MOUNT VERNON EAST~~
~~VTD: 089MS – MOUNT VERNON WEST~~
~~VTD: 089MU – MONTGOMERY ELEM~~
~~VTD: 089MW – MIDVALE ROAD~~
~~VTD: 089NA – NANCY CREEK ELEM~~
~~VTD: 089NF – NORTH PEACH TREE~~
~~VTD: 089OB – OAKCLIFF ELEM~~
~~VTD: 089PB – PEACHTREE MIDDLE SCHOOL~~
~~VTD: 089PF – PLEASANTDALE ELEM~~
~~VTD: 089PK – PLEASANTDALE ROAD~~
~~VTD: 089SH – SMOKE RISE~~
~~VTD: 089TF – TUCKER~~
~~VTD: 089TG – TILLY MILL ROAD~~
~~VTD: 089TH – TUCKER LIBRARY~~
~~VTD: 089WI – WARREN TECH~~
~~VTD: 089WL – WINTERS CHAPEL~~

District 002

DeKalb County

~~VTD: 089AB – ASHFORD PARK ELEMENTARY~~
~~VTD: 089BC – BRIAR VISTA ELEMENTARY~~
~~VTD: 089BE – BRIARWOOD~~
~~VTD: 089BG – BRIARCLIFF~~
~~VTD: 089BI – BROOKHAVEN~~
~~VTD: 089CI – CLAIREMONT WEST~~
~~VTD: 089CJ – CLAIRMONT HILLS~~
~~VTD: 089CO – CROSS KEYS HIGH~~
~~VTD: 089CV – CLAIREMONT EAST~~



~~VTD: 089CW - CORALWOOD~~
~~VTD: 089DC - DRESDEN ELEM~~
~~VTD: 089DH - DRUID HILLS HIGH SCHOOL~~
~~VTD: 089EE - EPWORTH (ATL)~~
~~VTD: 089EG - EMORY SOUTH~~
~~VTD: 089ER - EMORY ROAD~~
~~VTD: 089FB - FERNBANK ELEM~~
~~VTD: 089GA - GLENNWOOD (DEC)~~
~~VTD: 089HB - HAWTHORNE ELEM~~
~~VTD: 089HD - HERITAGE ED~~
~~VTD: 089JA - JOHNSON ESTATES~~
~~VTD: 089LA - LAKESIDE HIGH~~
~~VTD: 089LB - LAVISTA ROAD~~
~~VTD: 089LC - LAVISTA~~
~~VTD: 089LE - MARYLIN ELEM~~
~~VTD: 089MG - MEDLOCK ELEM~~
~~VTD: 089MJ - MONTCLAIR ELEM~~
~~VTD: 089MP - MARGARET HARRIS~~
~~VTD: 089ND - NORTH LAKE~~
~~VTD: 089OA - OAK GROVE ELEM~~
~~VTD: 089OK - OAKHURST (DEC)~~
~~VTD: 089PG - PONCE DE LEON~~
~~VTD: 089RD - REHOBOTH~~
~~VTD: 089RN - RENFROE MIDDLE~~
~~VTD: 089SA - SAGAMORE HILLS~~
~~VTD: 089SB - SCOTT~~
~~VTD: 089SE - SILVER LAKE~~
~~VTD: 089SF - SKYLAND~~



~~VTD: 089WF - WINNONA PARK ELEM~~

~~VTD: 089WJ - WOODWARD ELEM~~

District 003

DeKalb County

~~VTD: 089AF - HOOPER ALEXANDER~~

~~VTD: 089BB - BOULEVARD (ATL)~~

~~VTD: 089BL - BOULDERCREST RD~~

~~VTD: 089BR - BURGESS ELEMENTARY~~

~~VTD: 089CA - COLUMBIA DRIVE~~

~~VTD: 089CB - CANBY LANE ELEMENTARY~~

~~VTD: 089CC - COLUMBIA ELEMENTARY~~

~~VTD: 089CD - CEDAR GROVE ELEMENTARY~~

~~VTD: 089CG - CHAPEL HILL ELEMENTARY~~

023425:

~~1000 1001 1002 1003 1004 1005 1006 1010 1013 1017 1018 1019 1020 1021 1022 1023 1026
1031~~

~~VTD: 089CL - CLIFTON ELEMENTARY~~

~~VTD: 089CM - COLUMBIA MIDDLE~~

~~VTD: 089CN - COAN MIDDLE~~

~~VTD: 089CQ - CANDLER~~

~~VTD: 089CR - CEDAR GROVE MIDDLE~~

~~VTD: 089CS - CEDAR GROVE SOUTH~~

~~VTD: 089EA - EAST LAKE ELEM~~

~~VTD: 089EB - EASTLAND~~

~~VTD: 089FC - FLAT SHOALS ELEM~~

~~VTD: 089FE - FLAT SHOALS PARKWAY~~

~~VTD: 089FJ - FLAT SHOALS~~

~~VTD: 089FK - FLAKES MILL FIRE~~

~~VTD: 089FL - FLAT SHOALS LIBRARY~~



~~VTD: 089GC – GRESHAM PARK ELEM~~
~~VTD: 089HH – NARVIE J HARRIS~~
~~VTD: 089KA – KELLEY LAKE ELEM~~
~~VTD: 089KC – KELLEY CHAPEL~~
~~VTD: 089KE – KNOLLWOOD ELEM~~
~~VTD: 089ML – MEADOW VIEW ELEM~~
~~VTD: 089MO – MIDWAY ELEM~~
~~VTD: 089MP – MCNAIR MIDDLE~~
~~VTD: 089MR – BOB MATHIS ELEM~~
~~VTD: 089MT – METROPOLITAN~~
~~VTD: 089OV – OAK VIEW ELEM~~
~~VTD: 089PA – PEACHCREST ELEM~~
~~VTD: 089PN – PINEY GROVE~~
~~VTD: 089RA – RAINBOW ELEM~~
~~VTD: 089SG – SNAPPFINGER ELEM~~
~~VTD: 089SR – SNAPPFINGER ROAD~~
~~VTD: 089TA – TERRY MILL ELEM~~
~~VTD: 089TB – TILSON ELEM~~
~~VTD: 089TC – TONEY ELEM~~
~~VTD: 089WA – WADSWORTH ELEM~~
~~VTD: 089WB – WESLEY CHAPEL SOUTH~~
~~VTD: 089WE – WHITEFOORD ELEMENTARY~~

District 004

~~DeKalb County~~

~~VTD: 089AA – ALLGOOD ELEMENTARY~~
~~VTD: 089AE – AVONDALE (AVO)~~
~~VTD: 089AM – AVONDALE MIDDLE~~
~~VTD: 089BH – BROCKETT~~



021805:

~~1015 1018 1019 1020 1021 1022 1023 1024 1025 1026 2000 2001 2002 2003 2004 2005 2006
2007 2008 2009 2010 2011 2012 2013 2014 2015 2016 2017 2018 2019 2020 2021 2022 3019~~

021810:

~~3023 3030 3031 3034 3035~~

022009:

~~3007 3008~~

~~VTD: 089CK - CLARKSTON (CLA)~~

~~VTD: 089CT - COVINGTON HWY L~~

~~VTD: 089DE - DUNAIRE ELEM~~

~~VTD: 089FD - FORREST HILLS ELEM~~

~~VTD: 089FM - FREEDOM MIDDLE~~

~~VTD: 089HA - HAMBRICK ELEM~~

~~VTD: 089IA - IDLEWOOD ELEM~~

~~VTD: 089IB - INDIAN CREEK ELEM~~

~~VTD: 089JB - JOLLY ELEM~~

~~VTD: 089MA - ELDRIDGE L MILL~~

~~VTD: 089ME - MCLENDON ELEM~~

~~VTD: 089MK - MONTREAL~~

~~VTD: 089MM - MEMORIAL NORTH~~

~~VTD: 089MN - MEMORIAL SOUTH~~

~~VTD: 089NB - NORTH DECATUR~~

~~VTD: 089NC - NORTH HAIRSTON~~

~~VTD: 089PE - PINE LAKE (PIN)~~

~~VTD: 089RE - ROCKBRIDGE ELEM~~

~~VTD: 089RI - ROCKBRIDGE ROAD~~

~~VTD: 089RJ - ROWLAND ROAD~~

~~VTD: 089SC - SCOTTTDALE~~

~~VTD: 089SD - STN MTN ELEMENTARY~~



~~VTD: 089SI – STN MTN MIDDLE~~
~~VTD: 089SJ – STONE MILL ELEM~~
~~VTD: 089SK – SHADOW ROCK ELEM~~
~~VTD: 089SN – SHAMROCK MIDDLE~~
~~VTD: 089SO – SOUTH DESHON~~
~~VTD: 089SP – STN MTN CHAMPION~~
~~VTD: 089SQ – STONE MTN LIBRARY~~
~~VTD: 089ST – STEPHENSON MIDDLE~~
~~VTD: 089SU – SOUTH HAIRSTON~~
~~VTD: 089SV – STEPHENSON HIGH~~
~~VTD: 089VB – VALLEY BROOK~~
~~VTD: 089WN – WYNBROOKE ELEM~~

District 005

~~VTD: 089AC – ATHERTON ELEMENTARY~~
~~VTD: 089BJ – BROWN'S MILL ELEMENTARY~~
~~VTD: 089BM – BETHUNE MIDDLE~~
~~VTD: 089CF – MURPHEY CANDLER~~
~~VTD: 089CG – CHAPEL HILL ELEMENTARY~~

023426:

~~1000 1004 1026 1027 2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011 2012
2013 2014 2016 2017 2018 2019 2020 2021 2022 2023 2024 2025 2026 2027 2028 2029~~

~~VTD: 089CP – CROSSROADS~~
~~VTD: 089FA – FAIRINGTON ELEM~~
~~VTD: 089FG – FLAT ROCK ELEM~~
~~VTD: 089GB – GLENHAVEN~~
~~VTD: 089GE – GLENHAVEN ELEM~~
~~VTD: 089KD – M L KING JR HIGH~~
~~VTD: 089LD – LITHONIA (LIT)~~
~~VTD: 089LH – LITHONIA HIGH SCHOOL~~



~~VTD: 089MC – MARBUT ELEM~~
~~VTD: 089MF – MCWILLIAMS~~
~~VTD: 089MI – MILLER GROVE MIDDLE SCHOOL~~
~~VTD: 089MV – MILLER GROVE ROAD~~
~~VTD: 089MZ – MILLER GROVE HIGH~~
~~VTD: 089PC – PRINCETON ELEM~~
~~VTD: 089PH – PANOLA~~
~~VTD: 089PI – PANOLA WAY ELEM~~
~~VTD: 089PR – PANOLA ROAD~~
~~VTD: 089RC – REDAN ELEM~~
~~VTD: 089RF – ROCK CHAPEL ELEM~~
~~VTD: 089RG – ROWLAND ELEM~~
~~VTD: 089RH – REDAN TROTTI~~
~~VTD: 089RK – REDAN ROAD~~
~~VTD: 089RL – ROCK CHAPEL ROAD~~
~~VTD: 089RM – REDAN MIDDLE~~
~~VTD: 089SL – STONEVIEW ELEM~~
~~VTD: 089SM – SALEM MIDDLE~~
~~VTD: 089SS – SNAPPFINGER ROAD~~
~~VTD: 089WD – WOODROW ROAD~~
~~VTD: 089WG – WOODRIDGE ELEM~~
~~VTD: 089WK – WHITE OAK~~
~~VTD: 089YA – YOUNG ROAD~~

- (e) No person shall be a member of the board of commissioners if that person is ineligible for such office pursuant to Code Section 45-2-2 of the O.C.G.A., as now or hereafter amended, or any other general law. At the time of qualifying for election as a commissioner, Each commissioner candidate shall be a citizen of this state, at least 21~~25~~ years of age, and shall have been a resident of the geographic area encompassed by the respective commissioner district for at least two year 12 months immediately prior to taking office. Each commissioner shall be elected by a majority of the electors voting within the respective commissioner district. Except for displacement of their residences from their respective districts due to reapportionment of the districts, any commissioners who cease to be residents of their respective commissioner districts during their terms of office shall thereby vacate their seats on the



commission. All members of the commission shall be nominated and elected pursuant to the provisions of Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended.

Sec. 3. - Establishment of commission.

- (a) Commissioner Districts 1, 2, 3, 4, and 5, as they exist on January 1, ~~2022~~2012, shall continue to be designated as Commissioner Districts 1, 2, 3, 4, and 5, respectively, but as newly described under this Act, and such members of the board serving from those former commissioner districts shall be deemed to be serving from and representing their respective districts as newly described under this Act. Commissioner Districts 6 and 7 as they exist on January 1, ~~2022~~2012, shall continue to be designated as Commissioner Districts 6 and 7 as described under this Act and in effect on January 1, ~~2022~~2012,.
- (b) Those members of the Board of Commissioners of DeKalb County who are serving as such on January 1, ~~2022~~2012,, and any person selected to fill a vacancy in any such office shall continue to serve as such members until the regular expiration of their respective terms of office and until the election and qualification of their respective successors. The successor to each such member shall be elected as provided in this section.
- (c) The first members for new Commissioner Districts 1, 4, and 5 and the member from Commissioner District 6 shall be elected at the general election on the Tuesday next following the first Monday in November, ~~2022~~ 2012. Those members of the board elected thereto from new Commissioner Districts 1, 4, and 5 and from Commissioner District 6 in January 1, ~~2022~~2012, shall take office the first day of January immediately following that election and shall serve for initial terms of office which expire December 31, ~~2026~~ 2016, and upon the election and qualification of their respective successors.
- (d) The first members for new Commissioner Districts 2 and 3 and the member from Commissioner District 7 shall be elected at the general election on the Tuesday next following the first Monday in November, ~~2024~~2014. Those members of the board elected thereto from new Commissioner Districts 2 and 3 and from Commissioner District 7 in ~~2024~~2014 shall take office the first day of January immediately following that election and shall serve for initial terms of office which expire December 31, ~~2028~~ 2018, and upon the election and qualification of their respective successors.
- (e) Those and all future successors to members of the board whose terms of office are to expire shall be elected at the time of the state-wide general election immediately preceding the expiration of such terms, shall take office the first day first meeting of January immediately following that election, and shall serve for terms of office of four years each. Members of the board shall serve for the terms of office specified therefor in this subsection and until their respective successors are elected and qualified.

Sec. 4. - Running for other elective offices.

The office of the chief executive or any member of the commission shall be declared vacant upon such elected official qualifying, in a general primary or general election, or special primary or special election, for another state, county, or municipal elective office or qualifying for the United States House of Representatives or the United State Senate if the term of the office for which the chief executive or commissioner is qualifying for begins more than 30 days prior to the expiration of such official's present term of office. The vacancy created in any such office shall be filled as provided by Chapter 2 of Title 21 of the Official Code of Georgia Annotated, as now or hereafter amended.



- (a) ~~Except as otherwise provided in subsection (b) of this section, no member of the commission or the chief executive shall be qualified to be a candidate for nomination or election to any other elective office, other than to succeed one's self as a member of the commission or as chief executive, unless the member of the commission or the chief executive 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 chief executive seeks to be a candidate for nomination or election expires on the same date the member's or the chief executive's term of office expires, then resignation from office under subsection (a) of this section shall not be required. If resignation is required under subsection (a) of this section, such resignation shall be irrevocable and shall be submitted to the commission by not later than April 1 of the year in which the election for other office to which the member of the commission or the chief executive seeks nomination or election is held and shall be effective on December 31 of that year.~~
- (c) ~~The April 1 date specified in subsection (b) of this section for irrevocable resignation from office shall be deemed to be the date of the creation of a vacancy, notwithstanding the fact that the resignation is not effective until the thirty-first day of December immediately following the date of resignation. Notwithstanding the provisions of section 6 of this act, no special election shall be held to fill such vacancy, and such vacancy shall be filled for the unexpired term by nomination and election at the immediately following general primary and election in the same manner as nomination and election for a full term of office as a member of the commission in accordance with the provisions of Chapter 2 of Title 21 [§ 21-2-1, et seq.] of the O.C.G.A., known as the "Georgia Election Code."~~

Sec. 5. - Chief executive.

- (a) The chief executive of DeKalb County shall be a citizen of this state, at least ~~thirty (30)~~ 21 years of age and shall have been a resident of DeKalb County for at least ~~five (5) years~~ 12 months immediately prior to taking office. The chief executive shall be elected by a majority of the electors voting from the county at large. The chief executive shall be nominated and elected pursuant to Code Title ~~2134~~ known as the "Georgia Election Code" [O.C.G.A. § 21-2-1, et seq.], as now or hereafter amended.
- (b) The first chief executive shall be elected as provided in subsection (a) hereof at the general election of 1984, and shall take office on the first day of January, 1985, for a term of four ~~(4)~~ years. Future successors shall be elected at the general election immediately preceding the expiration of the term of office and shall take office on the first day of January immediately following the election for a term of four ~~(4)~~ years. Each chief executive shall serve until the successor is elected and qualified.
- (c) Any person elected chief executive shall not be eligible to serve more than two ~~(2)~~ consecutive full terms of office. In the event a person fills a vacancy in the office of chief executive as provided in section 6 of this ~~Act~~act, such person shall be eligible for election to two ~~(2)~~ full consecutive terms of office as chief executive. When a person has served two ~~(2)~~ full consecutive terms of office as chief executive, such person shall not again be eligible to hold said office until such person has been out of office as chief executive for at least four ~~(4)~~ years.

Sec. 6. - Vacancies.

- (a) Vacancies on the commission and in the office of chief executive occurring by reason of death, resignation, removal from the county or from the district from which elected or for any other reason, and temporary vacancies created by suspension of a chief executive or a commissioner pursuant to O.C.G.A. §45-5-6 as now or hereafter amended, shall be filled as provided in this section.
- (b) In the event a vacancy occurs on the commission or in the office of chief executive when at least ~~one hundred eighty (180)~~ 180 days remain in the unexpired term of office, the election superintendent of



DeKalb County, within ~~fifteen (15)~~ 15 days after the vacancy occurs, shall issue the call for a special election to fill such vacancy for the unexpired term. Such special election shall be held ~~not less than twenty-nine (29) nor more than forty-five (45) days after the issuance of the call, and shall be held~~ and conducted in accordance with the provisions of Chapter 2 of Title 21 of the Official Code of Georgia Annotated, Code Title 21-34, known as the "Georgia Election Code" [O.C.G.A. § 21-2-1, et seq.], as now or hereafter amended.

- (c)(1) If ~~the a~~ vacancy ~~is~~ in the office of the chief executive occurs when at least 180 days remain in the unexpired term of office, the presiding officer of the commission shall exercise the powers and duties of the chief executive, except as provided in subsection (e) of this section, for the period beginning on the date the vacancy occurs and ending when the successor chief executive takes office for the unexpired term following the special election provided for herein.
- (e)(2) In the event a vacancy occurs in the office of chief executive when less than ~~one hundred eighty (180)~~ 180 days remain in the unexpired term of office, the presiding office of the commission shall exercise the powers and duties of the chief executive, except as provided in subsection (e) of this section, for the unexpired term.
- (3) In the event a temporary vacancy occurs as a result of the suspension of a chief executive, the presiding officer of the commission shall exercise the powers and duties of the chief executive for the period beginning on the date the suspension occurs and ending with the unexpired term of the suspended chief executive, until the office of the suspended chief executive is vacated by operation of law, or the suspended chief executive is reinstated, whichever occurs first.
- (d) In the event a vacancy occurs on the commission when less than ~~one hundred eighty (180)~~ 180 days remain in the unexpired term of office, a majority of the remaining members of the commission shall appoint a qualified person to fill such vacancy for the unexpired term. Such appointment shall be made within 30 days of the occurrence of the vacancy. If the appointment required by this subsection is not filled by the commission within the time specified, the chief judge of superior court shall make the appointment within the next 30 day period. Any person appointed by the commission to fill a vacancy as provided herein shall possess the residency and other qualifications required for the office.
- (e) If the presiding officer of the commission exercises the powers of chief executive pursuant to subsections ~~(b) and~~ (c) of this section, the person serving as the chief executive in either case shall not be authorized to discharge the chief operating officer executive assistant. A presiding officer serving as chief executive shall not be authorized to vote as a member of the commission during such service.
- (f)(1) In the event the chief executive is suspended or vacates the office for any reason, a qualified person shall be appointed to fill the temporary vacancy on the commission created by the presiding officer serving as the chief executive.
- (2) In the event a commissioner is suspended, a qualified person shall be appointed to fill the temporary vacancy on the commission created by the suspension.
- (3) The appointments required by paragraphs (1) and (2) herein shall be for the unexpired term of the official, until the office of a suspended official is vacated by operation of law, or a suspended official is reinstated, whichever occurs first. Such appointment shall be made in the manner specified in paragraph (d) above.

Sec. 7. - Oath and bond.

Before entering upon the discharge of their duties, the chief executive and members of the commission shall subscribe to an oath before the judge of the probate court of DeKalb County for the true and faithful performance of their duties and that they are not the holders of any public funds unaccounted for. In



addition, the chief executive shall further give a satisfactory surety bond, as determined by the judge of the probate court of DeKalb County, and payable to the judge of the probate court of DeKalb County and filed in the office of the judge of the probate court of DeKalb County, in the sum of fifty thousand dollars (\$50,000.00), conditioned upon the faithful performance of the duties of the office. Each member of the commission shall give like bond in the sum of ten thousand dollars (\$10,000.00). The costs of said bonds shall be paid from county funds.

Sec. 8. - Compensation.

Compensation of the chief executive and commissioners including salary, compensation, expenses and expenses in the nature of compensation, may be fixed by an act of the General Assembly or by the governing authority in accordance with O.C.G.A. § 36-5-24 and §§36-5-27 through 29, as now or hereafter amended.

~~The provisions of any other law to the contrary notwithstanding:~~

- ~~(1) The chief executive officer of DeKalb County shall be compensated in an amount equal to the compensation which he received in 1991, to be paid in equal monthly installments;~~
- ~~(2) Each member of the commission shall receive an annual salary equal to nineteen (19) percent of the annual salary of the chief executive officer;~~
- ~~(3) In addition to the annual salary provided for by paragraph (2) of this section, each member of the commission shall receive an expense allowance of three hundred dollars (\$300.00) per month.~~

Sec. 9. - Powers and duties of the commission.

- (a) The commission shall have the power and authority to fix and establish, by appropriate resolution or ordinance entered on its minutes, policies, rules and regulations governing all matters reserved to its jurisdiction by this ~~Act~~act. The commission shall exercise only those powers which are necessarily and properly incident to its function as a ~~legislative~~, policy-making, or rule-making body or which are necessary to compel enforcement, ~~and oversight, and implementation~~ of its adopted resolutions or ordinances, and any power or combination of powers vested in the commission by this ~~Act~~act shall be subject to the limitations provided in section ~~26~~23 of this ~~Act~~act. The following powers are hereby vested in the commission:
 - (1) To levy taxes.
 - (2) To make appropriations.
 - (3) To fix the rates of all other charges.
 - (4) To authorize the incurring of indebtedness.
 - (5) To authorize work to be done where the cost is to be assessed against the benefited property and to fix the basis for such assessment.
 - (6) To establish, alter, or abolish public roads, private ways, bridges and ferries, according to law, but the chief executive shall have the authority to accept subdivision plats when the requirements established by the commission for subdivisions have been met.
 - (7) To establish, abolish, or change election precincts and militia districts according to law.
 - (8) To allow the insolvent lists for the county.
 - (9) To authorize the acceptance for the county of the provisions of any optional statute where the statute permits its acceptance by the governing authority of a county.
 - (10) To regulate land use by the adoption of a comprehensive development plan and by the adoption of other planning and zoning ordinances which relate reasonably to the public health, safety,



morality, and general welfare of the county and its citizens; provided, however, that no planning or zoning ordinances shall become effective without an affirmative vote from either the district or super district commissioner in whose district the subject property is located. ~~unless approved, prior to consideration and adoption by the governing authority, by the member or members of the commission representing the district or super district in which the subject property is located.~~

- (11) To create and change the boundaries of special taxing districts authorized by law.
- (12) To fix the bonds of county officers where same are not fixed by statute.
- (13) To enact any ordinances or other legislation the county may be given authority to enact.
- (14) To determine the priority of capital improvements.
- (15) To call elections for the voting of bonds.
- (16) Except as modified by the powers vested in the chief executive by other provisions of this ~~Act~~, to exercise the power and authority vested by law in the judge of the probate court when sitting for county purposes.
- (17) Except as modified by the powers vested in the chief executive by other provisions of this ~~Act~~, to exercise the powers now or hereafter vested in county governing authorities by the constitution and general laws of this state.
- (18) To fix, levy, and assess license fees, charges, or taxes on all persons, firms, and corporations engaging in or offering to engage in any trade, business, calling, avocation, or profession in the area of DeKalb County as authorized by law. ~~outside the corporate limits of municipalities situated therein, except businesses which are subject to regulation by the state public service commission, and to classify all such persons, firms and corporations according to the nature, manner and size of business conducted by such persons, firms and corporations and to fix, levy and assess different license fees, charges or taxes against different classes of trades, businesses, callings, avocations or professions. Such licenses shall be issued, annually or otherwise, and may be revoked, canceled or suspended after notice and a hearing, in accordance with rules prescribed by the commission. Said commission shall be further authorized to adopt ordinances and resolutions to govern and regulate all such trades, businesses, callings, avocations or professions, not contrary to regulations prescribed by general law, for the purpose of protecting and preserving the health, safety, welfare and morals of the citizens of said county, and to prescribe penalties for the violation of any such ordinances and resolutions, including the operation of such businesses without the obtaining of a license or when such license is revoked or suspended. Payment of said license fees, charges or taxes may be enforced by fi. fas. issued by the commission and levied by any officer in said county authorized by law to levy fi. fas. for taxes, assessments, fines, costs or forfeitures due said county. The commission shall be authorized, in its discretion, to require any and all persons, firms or corporations licensed pursuant to the authority herein granted to give a bond payable to DeKalb County, and conditioned to pay said county or anyone else, suing in the name of said county and for their use, for injuries or damages received on account of dishonest, fraudulent, immoral or improper conduct in the administration of the business so licensed, such bond to be fixed and approved by the commission. Such license fees, charges or taxes shall be in addition to all other taxes or assessments heretofore or hereafter levied by said county, and all funds received from same shall be paid into the county depository as general funds of said county.~~
- (19) To adopt rules regulating the operation of the commission.
- (20) To prepare an agenda for meetings of the commission. The commission shall accept agenda items by the chief executive ~~officer~~ upon motion by any commissioner to be placed upon the agenda, pursuant to the rules by which an item may be placed on the agenda by a member of the commission.



- (b) In addition to the powers enumerated in subsection (a) of this section, the commission may adopt all such ordinances or regulations as it may deem advisable, not in conflict with the general laws of this state and of the United States, for the governing and policing of the county for the purpose of protecting and preserving the health, safety, welfare, and morals of the citizens of the county and for the implementation and enforcement of the powers and duties of the commission.
- (c) The commission is hereby authorized to adopt ordinances prescribing penalties and punishment for violation of any and all ordinances adopted by the commission to carry out any of the provisions of this section or other provisions of this Act or of any other law, and to prescribe maximum penalties and punishment for violation of same, except that the same shall in no event exceed a fine of one thousand dollars (\$1,000.00), ~~or~~ imprisonment in the county jail for ~~at most 60 days~~ ~~thirty (30) days,~~ ~~or labor on the work gang for any single offense,~~ or any combination thereof; provided, however, that for violations of a pretreatment standard or requirement adopted pursuant to the federal Clean Water Act the maximum fine shall be one thousand dollars (\$1,000.00) per day for each violation by an industrial user.
- (d) In addition to the powers enumerated in subsection (a) of this section, the commission shall establish one or more citizen engagement programs including, but not limited to, community councils, neighborhood planning units, or other initiatives designed to foster greater input and participation by county residents in DeKalb County government affairs.
- (e) Following the adoption of an authorizing resolution, the board of commissioners may make inquiries and investigations into the affairs of the county and conduct of any department, office, or agency thereof and for this purpose may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. Any such subpoena may be enforced through the superior court of the county.

Sec. 10. - Annual Financial Audits.

- (a) The commission shall choose three ~~(3)~~ of its members to serve as an audit committee. The term of members serving as the audit committee and their manner of selection shall be as determined by the commission. The audit committee shall ~~screen and~~ recommend to the commission an independent auditing firm to serve as an outside auditor of the county government to make an annual continuous general audit of all county finances and financial records. The recommended independent auditing firm shall be selected from the list of firms recommended by the Audit Oversight Committee pursuant to subparagraph (n)(9)(g) of Section 11 of this Act.
- (b) The outside auditor shall be employed pursuant to written contract to be entered upon the minutes of the commission, and the contract shall state clearly and concisely the depth and scope of the audit and that it shall be conducted in accordance with the requirements of O.C.G.A. § 36-60-8, as now or hereafter amended. ~~the act providing uniform standards for audits of municipalities and counties within the State of Georgia, approved April 21, 1967 (Ga. Laws 1967, p. 883), as amended, by an act approved March 28, 1968 (Ga. Laws 1968, p. 464) [O.C.G.A. § 36-60-8].~~ The auditor shall immediately inform the commission and the chief executive in writing of any irregularities found in the management of county business by an officer or department of the county government.
- (c) The outside auditor shall complete the audit in compliance with Article 1 of Chapter 81 of Title 36 of the Official Code of Georgia Annotated each year, and, within ~~ten (10)~~ 10 days after its completion, the auditor shall deliver a copy of the audit to each commissioner, the chief executive, and the grand jury of the DeKalb County superior court then in session.

Sec. ~~11~~10A. - Independent internal audit.



- (a) (1) It is essential to the proper administration and operation of the DeKalb County government that public officials, government managers, and private citizens know not only whether government funds are handled properly and in compliance with laws and regulations but also whether public programs are achieving the purposes for which they were authorized and funded, and whether they are doing so efficiently, effectively, and equitably. An independent internal audit function can provide objective information on the operations of government programs, assist managers in carrying out their responsibilities, and help ensure full transparency and accountability to the public. Internal auditing is defined as an independent, objective assurance and consulting activity designed to add value and improve an organization's operations by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control, and governance processes.
- (2) The public interest requires that the general assembly provide for the proper administration and operation of the DeKalb County government by establishing by law an independent internal audit function to assist the governing authority to accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control, and governance processes.
- (b) The office of internal audit is hereby established which shall consist of the chief audit executive ("auditor") and those assistants, employees, and personnel as deemed necessary by such auditor for the efficient and effective administration of the affairs of the office, and over whom the auditor shall have the sole authority to appoint, employ, and remove.
- (c) The office of internal audit shall be completely independent and shall not be subject to control or supervision by the chief executive, the commission, or any other official, employee, department, or agency of the county government.
- (d)(1) The auditor shall be appointed by a majority vote of the DeKalb County Board of Commissioners from a list of not fewer than two (2) nor more than three (3) candidates provided to the board by the audit oversight committee. Such appointment shall be made within ~~thirty (30)~~ 30 days of receipt of the list of nominees by the board. In the event that the commission fails to appoint a nominee within ~~thirty (30)~~ 30 days, the auditor shall be appointed by a majority vote of the audit oversight committee.
- ~~(d)~~(2) The term of office of the auditor shall be five ~~(5)~~ years and until his or her successor is qualified and appointed. The auditor shall be limited to a maximum of two (2) terms in office. A vacancy in the position of auditor shall exist by reason of expiration of term, resignation, death, removal from office by the vote of a supermajority of the members of the commission, or if the auditor becomes ineligible to hold civil office within the meaning of O.C.G.A. § 45-2-1, as now or hereafter amended, and that ineligibility is established by decision of a court of competent jurisdiction which declares the office vacant because of such ineligibility. A vacancy shall be filled within ~~sixty (60)~~ 60 days by a majority vote of the audit oversight committee for the remainder of the term of office.
- (e) The auditor must have adequate professional proficiency for the job and shall:
- (1) Be a certified public accountant or a certified internal auditor;
 - (2) Have a bachelor's degree in public policy, accounting, business administration, economics, or a related field; and
 - (3) Have at least five ~~(5)~~ years of experience in government auditing, evaluation, or analysis.
- (f) The position of the auditor shall be nonpartisan. Qualifying for election to a public office shall constitute a resignation from the position as of the date of qualifying.



- (g) The auditor shall have authority to conduct financial and performance audits of all departments, offices, boards, activities, agencies, and programs of the county in order to independently and objectively determine whether:
- (1) Activities and programs being implemented have been authorized by this Act, Georgia law, or applicable federal law or regulations and are being conducted and funds expended in compliance with applicable laws;
 - (2) The department, office, board, or agency is acquiring, managing, protecting, and using its resources, including public funds, personnel, property, equipment, and space, economically, efficiently, effectively, and in a manner consistent with the objectives intended by the authorizing entity or enabling legislation;
 - (3) The entity, programs, activities, functions, or policies are effective, including the identification of any causes of inefficiencies or uneconomical practices;
 - (4) The desired results or benefits are being achieved;
 - (5) Financial and other reports are being provided that disclose fairly, accurately, and fully all information required by law, to ascertain the nature and scope of programs and activities, and to establish a proper basis for evaluating the programs and activities including the collection of, accounting for, and depositing of, revenues and other resources;
 - (6) Management has established adequate operating and administrative procedures and practices, systems or accounting internal control systems, and internal management controls; and
 - (7) Indications of fraud, abuse, or illegal acts are valid and need further investigation.
- (h) All officers and employees of DeKalb County shall furnish to the auditor unrestricted access to employees, information, and records including electronic data within their custody regarding powers, duties, activities, organization, property, financial transactions, contracts, and methods of business required to conduct an audit or otherwise perform audit duties. In addition, they shall provide access for the auditor to inspect all property, equipment, and facilities within their custody. If such officers or employees fail to provide or produce such access and information, the auditor may initiate a search to be made and exhibits to be taken from any book, paper, or record of any such official or employee or outside contractor or subcontractor, except as governed by statute. Further, all contracts with outside contractors and subcontractors shall contain a "right-to-audit" clause and provide for auditor access to the contractors' employees and to all financial and performance related records, property, and equipment purchased in whole or in part with governmental funds. For the purpose of this subsection, the auditor shall have the authority to issue subpoenas and may apply to the Superior Court of DeKalb County for the enforcement of any subpoena issued by the auditor.
- (i) The auditor may obtain the services of certified public accountants, qualified management consultants, or other professional experts necessary to perform audit work. An audit that is performed by contract must be conducted by persons who have no financial interests in the affairs of the governmental entity or its officers. The auditor shall coordinate and monitor auditing performed by certified public accounting firms or other organizations employed under contract by the governing authority to assist with audit related activities. Contracting for the external audit will follow the normal contracting processes of the governing authority of DeKalb County except for the participation and oversight by the audit oversight committee and auditor. The selection of a certified public accounting firm for the annual financial audit must be approved by the commission.
- (j) (1) Audits shall be conducted in accordance with recognized government auditing standards.
- (2) At the beginning of each fiscal year, the auditor shall submit a one- to five-year audit schedule to the audit oversight committee and the commission for review and comment. The schedule shall include the proposed plan, and the rationale for the selections, for auditing departments, offices, boards, activities, programs, policies, contractors, subcontractors, and agencies for the period.



This schedule may be amended after review with the audit oversight committee and the commission, but the auditor shall have final authority to select the audits planned.

- (3) In the selection of audit areas and audit objectives, the determination of audit scope and the timing of audit work, the auditor shall consult with federal and state auditors and external auditors so that the desirable audit coverage is provided and audit efforts are properly coordinated.
 - (4) A final draft of the audit report shall be forwarded to the audit oversight committee, the chief executive, the commission, and the audited agency for review and comment regarding factual content prior to its release. The agency shall respond in writing, specifying the agreement with audit findings and recommendations or reasons for disagreement with findings and recommendations, plans for implementing solutions to issues identified, and a timetable to complete such activities. The response shall be forwarded to the auditor within ~~sixty (60)~~ 45 days. The auditor shall review and report on information included in the agency's response. If no response is received, the auditor shall note that fact in the transmittal letter and shall release the audit report.
 - (5) Each audit shall result in a final report, in written or some other retrievable form. The report shall contain relevant background information and findings and recommendations and shall communicate results to the audit oversight committee, the audited agency, ~~and~~ the governing authority, and the DeKalb County Legislative Delegation. Within 30 days of this being issued and communicated to the oversight committee, the report shall be posted on the county website.
 - (6) The auditor shall submit an annual report to the audit oversight committee, chief executive, and the commission indicating audits completed, major findings, corrective actions taken by administrative managers, and significant issues which have not been fully addressed by management. The annual report, in written or some other retrievable form, shall be made available to the public through the county website within ~~ten (10)~~ 10 days of submission to the commission.
- (k) If, during an audit, the auditor becomes aware of abuse or illegal acts or indications of such acts that could affect the governmental entity, the auditor shall report the irregularities to the audit oversight committee, the chief executive, and the commission. If a member of the governing authority is believed to be a party to abuse or illegal acts, the auditor shall report the acts directly to the audit oversight committee, the chief executive, and the commission. If it appears that the irregularity is criminal in nature, the auditor shall notify the district attorney in addition to those officials previously identified in this subsection.
- (l) The auditor shall follow up on audit recommendations to determine if corrective action has been taken. The auditor shall request periodic status reports from audited agencies regarding actions taken to address reported deficiencies and audit recommendations. Audited agencies shall respond to requests for status reports within 45 days of the request being submitted to the audited agency.
- (m) (1) The audit activities of the office of internal audit shall be subject to a peer review in accordance with applicable government auditing standards by a professional, nonpartisan objective group utilizing guidelines endorsed by the Association of Local Government Auditors (ALGA).
- (2) The peer review shall use applicable government auditing standards to evaluate the quality of audit effort and reporting. Specific quality review areas shall include staff qualifications, adequacy of planning and supervision, sufficiency of work paper preparation and evidence, and the adequacy of systems for reviewing internal controls, fraud and abuse, program compliance, and automated systems. The peer review shall also assess the content, presentation, form, timelines, and distribution of audit reports. The commission shall pay for the costs of the peer review.
- (3) A copy of the written report of such independent review shall be furnished to each member of the governing authority and to the audit oversight committee.



- (n) (1) To ensure independence of the audit function, an audit oversight committee is hereby established. The audit oversight committee shall consist of five ~~(5)~~ voting members.
- (2) All members of the audit oversight committee shall:
- Be residents of DeKalb County;
 - Have expertise in performance auditing; and
 - Have a minimum of five (5) years' experience as a certified public accountant, a certified internal auditor, a certified performance auditor, a certified management accountant, or ~~ten~~ ~~(10)~~ 10 years of other relevant professional experience.
- (3) On or after ~~Not later than~~ October 31, 2015, the members of the audit oversight committee shall be selected as follows:
- One ~~(1)~~ member shall be appointed by the chairperson of the DeKalb County delegation in the Georgia House of Representatives;
 - One ~~(1)~~ member shall be appointed by the chairperson of the DeKalb County delegation in the Georgia Senate;
 - One ~~(1)~~ member shall be appointed by the Chief Executive of DeKalb County; and
 - Two ~~(2)~~ members shall be appointed by the commission.
- (4) The members shall serve for terms of five ~~(5)~~ years; provided, however, that the initial term of the first appointee of the commission shall be one ~~(1)~~ year and until his or her respective successor is appointed and qualified; the initial term of the appointee of the chairperson of the DeKalb County delegation in the Georgia House of Representatives shall be two ~~(2)~~ years and until his or her respective successor is appointed and qualified; the initial term of the appointee of the chief executive shall be three ~~(3)~~ years and until his or her respective successor is appointed and qualified; the initial term of the second appointee of the commission shall be four ~~(4)~~ years and until his or her respective successor is appointed and qualified; and the initial term of the appointee of the chairperson of the DeKalb County delegation in the Georgia Senate shall be five ~~(5)~~ years and until his or her respective successor is appointed and qualified.
- (5) Successors to all members of the audit oversight committee and future successors shall be appointed by the respective appointing authorities not less than ~~thirty (30)~~ 30 days prior to the expiration of each such member's term of office, and such successors shall take office on January 1 following such appointment and shall serve terms of five ~~(5)~~ years and until their respective successors are appointed and qualified.
- (6) If a member of the audit oversight committee ceases to be a resident of DeKalb County, that member's position on the board, by operation of law, shall become vacant upon the establishment of the fact of such nonresidency, if contested, by a court of competent jurisdiction. A vacancy on the audit oversight committee shall exist by reason of death, resignation, incapacity to serve for ~~ninety (90)~~ 90 days or longer, or loss of residency as described in this subsection. A member of the audit oversight committee may also be removed from office during a term if the member becomes ineligible to hold civil office within the meaning of O.C.G.A. § 45-2-1, as now or hereafter amended, and that ineligibility is established by decision of a court of competent jurisdiction which declares the office vacant because of such ineligibility or by a vote of two-thirds ($\frac{2}{3}$) of the members of the legislative delegation. A vacancy shall be filled within ~~sixty (60)~~ 60 days by the original appointing authority for the remainder of the unexpired term.
- (7) The members of the audit oversight committee shall elect from their own membership a chairperson and otherwise provide for their own internal organization.



- (8) The audit oversight committee shall consult with the auditor regarding technical issues and work to assure maximum coordination between the work of the auditor's office and external audit efforts.
- (9) The audit oversight committee shall meet as needed to perform its duties but shall not meet less than once quarterly and shall be responsible for:
 - a. Selecting not fewer than two ~~(2)~~ nor more than three ~~(3)~~ nominees for the position of auditor who meet the requirements outlined in subsection (e) of this section which shall be submitted to the commission for selection and appointment of one ~~(1)~~ of the nominees to the position of auditor;
 - b. Performing regular evaluations of the DeKalb County audit function;
 - c. Providing suggestions and comments for the annual audit plan;
 - d. Ensuring that audit reports are transmitted to the governing authority and to the public;
 - e. Monitoring follow-up on reported findings to assure corrective action is taken by management;
 - f. Reporting to the governing authority on problems or problem areas at such times as deemed appropriate;
 - g. Conducting or overseeing the requests for proposal and selection process for the firm conducting the annual financial statement audits, and ranking and recommending in order of preference no fewer than three ~~(3)~~ firms deemed to be the most highly qualified to perform the required services. If fewer than three ~~(3)~~ firms respond to the request for proposal, the audit oversight committee shall recommend such firms as it deems to be the most highly qualified;
 - h. Evaluating the firm providing annual financial statement auditing services and providing oversight of that audit, including ensuring transmission of reports and follow-up on corrective action by management;
 - i. Evaluating the findings and recommendations of the peer review as required by recognized government auditing standards;
 - j. Consulting with the auditor regarding technical issues with the external audit firm and working to assure maximum coordination between the work of the office of internal audit and contracted audit efforts and other consulting engagements;
 - k. Maintaining the confidentiality of personnel matters while taking responsibility for appropriate disclosure to the governing authority, the legislature, or to the public; and
 - l. Annually meeting with members of the commission to discuss controls, systems and risk, and performance of the audit firm, and to discuss other matters that the audit firm, the auditor, or staff desires or is required to bring to the commission's attention such as fraud, illegal acts, and financial and control weaknesses.
- (10) The audit oversight committee shall have the authority to hire outside experts, including legal counsel, when necessary.
- (11) The audit oversight committee shall have the authority to propose the budget of the office of internal audit, including the auditor's salary and staffing, and shall then recommend the budget to the commission for approval, who shall fund it as a priority.
- (12) Sufficient resources as requested by the audit oversight committee shall be provided by the commission to enable the audit oversight committee to carry out its responsibilities.



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

Sec. ~~1211~~. - Presiding officer.

~~(a) The chief executive shall have no vote at any regular or specially called meeting of the commission, unless the members of the commission are equally divided. Even when the members of the commission are equally divided, the chief executive may not vote on a matter which is not subject to veto by said officer under the provisions of subsection (d) of section 15 of this Act.~~

~~(a)~~^(b) At the first regular meeting in January of each year, the commission shall elect from its membership a presiding officer and a deputy presiding officer. The member serving as presiding officer or deputy presiding officer shall retain all rights, powers and duties as a member of the commission.

~~(b)~~^(e) The presiding officer shall preside at meetings of the commission and shall have the following additional duties:

- (1) To convene such special meetings of the commission as are deemed necessary, but all members shall be notified at least three ~~(3)~~ days in advance of any such special meeting;
- (2) To appoint the members and chairpersons of such committees of the commission as the commission, by its rules, may establish and fill vacancies therein, but any such appointments may be rejected by a majority vote of the total membership of the commission;
- (3) To compel the attendance of members at meetings of the commission by subpoena, if necessary, subject to the policy of the commission as established by its rules; and
- (4) To exercise such other powers and duties as may be assigned to the presiding officer by ordinance or rules and regulations of the commission.

~~(c)~~^(d) In the event the office of the member serving as presiding officer becomes vacant for any reason, or in the event the presiding officer is absent for any reason, or in the event the presiding officer exercises the powers of the chief executive pursuant to subsections (b) or (c) of section 6 of this ~~Act~~, then the deputy presiding officer shall exercise the powers and duties of the presiding officer during the absence of the presiding officer or until a successor presiding officer is elected by the commission at the first regular meeting held during the next succeeding January.

Sec. ~~1312~~. - Meetings.

The commission shall hold regular meetings on the second and fourth Tuesdays of each month at the county seat, which meetings shall be open to the public, and may hold such additional meetings as shall be necessary when called by the chief executive, the presiding officer, or any four ~~(4)~~ members of the commission, but all members shall be notified at least three ~~(3)~~ days in advance of any such additional meeting. No official action shall be taken by the commission except in a meeting which is open to the public. The presiding officer and any three ~~(3)~~ members of the commission, or any four ~~(4)~~ members of the commission exclusive of the presiding officer, shall constitute a quorum, except that a lesser number shall be sufficient to recess or adjourn any meeting; but no official action shall be taken except upon the affirmative vote of at least four ~~(4)~~ members of the commission, or three ~~(3)~~ members and the presiding officer. The presiding officer shall be entitled to the same voting rights as the commission members on questions considered by the commission.

Sec. ~~1413~~. - Powers and duties of the chief executive.

(a) The chief executive shall manage all external relationships for the county including, but not limited to, relationships with the United States Congress, the Georgia General Assembly, and federal, state, regional, and local government agencies and organizations including DeKalb municipalities and other

county governments. The chief executive shall represent the county in all such intergovernmental matters. The chief executive shall also manage all internal relationships including, but not limited to, relationships with the board of commissioners, other elected county officers and officials, and the judiciary, as well as all appointed boards, commissions, authorities and similar organizations of the county. The chief executive shall seek to promote and improve the government of the county and encourage the growth of the county and promote and develop the prosperity and well-being of the citizens of the county.

(b) ~~(a)~~The chief executive shall have the exclusive power to supervise, direct and control the administration of the county government. The chief executive shall carry out, execute and enforce all ordinances, policies, rules and regulations of the commission when such ordinances, policies, rules and regulations become effective. Members of the commission shall deal solely through the chief executive or ~~his executive assistance [assistant]~~ the chief operating officer in all matters concerning the operation, supervision, and administration of the various departments, offices, and agencies of the county government. No member of the commission shall directly or indirectly order, instruct, or otherwise attempt to control the actions of county personnel subject to the administrative and supervisory control of the chief executive. Nothing herein shall be construed to preclude any commissioner from seeking information necessary to the establishment of policy or legislative action from any person, including any employee of DeKalb County. Such request shall be responded to by the chief executive or chief operating officer, or his or her designee, in a timely fashion. If the chief executive denies or fails to respond to a commissioner's request, the chief executive shall provide the requesting commissioner with a written explanation for his or her response or lack thereof.

~~(c)~~~~(b)~~Subject to the approval of the commission by resolution, the chief executive shall have the power to change, consolidate, or abolish any departments, agencies, or offices over which the chief executive exercises supervision and control, except that the department of finance shall be maintained at all times as a separate and distinct department and may not be abolished by the chief executive or by the commission. Subject to the approval of the commission by resolution, the chief executive may create other departments, agencies, and offices, which departments, agencies, and offices, when created, shall be under the supervision and control of the chief executive.

~~(d)~~~~(e)~~(1)Subject to confirmation by the commission, the chief executive shall appoint the chief operating officer ~~executive assistant~~ and the county attorney. The chief operating officer ~~executive assistant~~ shall be subject to the requirements of section 4416 of this ~~a~~Act. No member of the commission or the commission itself shall be authorized to nominate persons for the office of chief operating officer ~~executive assistant~~ or county attorney. Within the budgetary limitations, the chief executive shall fix the compensation of the chief operating officer ~~executive assistant~~ and the county attorney. Both of said officers shall serve at the pleasure of the chief executive. The commission may also discharge either such officer ~~for cause~~, but the affirmative vote of at least five ~~(5)~~ members of the commission shall be required to discharge either such officer.

(2) Subject to confirmation by the commission, the chief executive shall appoint the planning director, finance director, and merit system director. No member of the commission or the commission itself shall be authorized to nominate persons for any such position. All three ~~(3)~~ of said officers shall be under the DeKalb County Merit System and, subject to the regulations of said merit system and budgetary limitations, the chief executive shall have the authority to fix the compensation of said officials.

~~(e)~~~~(d)~~Subject to budgetary limitations and DeKalb County Merit System regulations, the chief executive shall have exclusive authority to appoint, remove, and fix the compensation of all employees and officials of the county, except employees of the commission, and except that deputies and employees of the elected county officers ~~of DeKalb County~~ shall be subject to appointment, removal, supervision, and control of the respective elective county officers. The compensation of persons filling offices and positions created by state statutes shall be fixed by the chief executive within budgetary limitations

when such state statutes authorize or require such compensation to be fixed by county governments or by county governing authorities.

~~(f)(e)~~ The chief executive may convene special meetings of the commission when deemed necessary, but all members shall be notified at least three ~~(3)~~ days in advance of any such special meeting.

~~(g)(f)~~ The chief executive may compel the attendance of members at meetings of the commission by subpoena, when deemed necessary, subject to the policy of the commission as established by its rules.

~~(h)(g)~~ The chief executive shall have power to investigate the affairs, records and expenditures of the various authorities, boards, councils, commissions, committees, and similar bodies or agencies, whether created by ordinance of the commission or by acts of the General Assembly, relating to the affairs of the county and to report thereon to the commission.

~~(h) — The chief executive shall represent the county in intergovernmental matters and shall seek to promote and improve the government of the county and encourage the growth of the county and promote and develop the prosperity and well-being of the citizens of the county.~~

(i) The chief executive, within ~~one hundred twenty (120)~~ 120 days after the close of each fiscal year, shall prepare and submit to the commission a complete annual report on the financial affairs and activities of the county for the immediately preceding fiscal year. The annual report shall show all income from all sources, including state, county, and federal funds, and all expenditures. The chief executive shall cause a summary of said annual report to be published in the official organ of DeKalb County and on the county website. Said published summary shall state that a copy of the full report is available from the office of the chief executive. The chief executive shall also send copies of the full report to each branch of the county library. The chief executive shall also make financial reports during the year as may be required by the commission.

(j) The chief executive may recommend, at any time, to the commission for its formal consideration, such measures or proposals as are deemed necessary or desirable to improve the administration of the affairs of the county.

(k) The chief executive shall devote full time to the duties of the office and shall have no other source of employment.

~~(l) — Reserved.~~

Sec. ~~1513A~~. - Appointments to public office.

(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 chief executive shall nominate a person by sending a written notice to the commission, and such notice 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 a person filling the post or vacancy, and the name of the person nominated by the chief executive;

(B) Within ~~twenty (20)~~ 20 days after the date the notice described in subparagraph (A) of this subsection is received, the commission, either at a regular or called meeting, shall confirm or reject the nominee of the chief executive. If the commission does not confirm or reject the nomination by the chief executive within the time specified herein, the nomination shall stand confirmed;



- (C) If the first nominee of the chief executive is rejected by the commission, the chief executive shall make a second nomination in writing to the commission within ~~ten (10)~~ 10 days after the date of such rejection;
- (D) Within ~~fifteen (15)~~ 15 days after the date the second nomination of the chief executive is received, the commission, either at a regular or called meeting, shall confirm or reject the second nominee of the chief executive; ~~and~~ if the commission does not confirm or reject the nomination by the chief executive within the time specified herein, the nomination shall stand confirmed;
- (E) If the second nominee of the chief executive is rejected by the commission, the commission shall, within ~~fifteen (15)~~ 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 chief executive.
- (F) Notwithstanding the provisions of subparagraph (A) of this paragraph, if the chief executive does not nominate a person to fill a post or vacancy as required by this subsection within 30 days of the date the vacancy occurs, the commission may, within 30 days thereafter, either at a regular or specially called meeting, elect a qualified person to fill the post without the necessity of a nomination by the chief executive.

(2) When the need to fill a post or vacancy is known by the chief executive at least ~~sixty (60)~~ 60 days in advance of the date on which the post or vacancy should be filled, the chief executive 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 chief executive 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 four ~~(4)~~ members of the commission, exclusive of the presiding officer, or by the affirmative vote of three ~~(3)~~ members of the commission and the presiding officer. Such power of removal may be exercised by the commission without the concurrence of the chief executive, but the chief executive may recommend such removal to the commission.
- (c) Whenever any other law of this state authorizes or requires the chairman of the board of commissioners of a county or the elected chief executive officer of a county, by whatever name designated, to hold another office or to serve as a member of any public authority, board, commission, or other body or agency, such law shall be construed to grant such authority or apply such requirement to the chief executive.
- (d) Whenever any other law of this state refers, for purposes other than those described in subsection (c) of this section, to the chairman of the board of commissioners of a county or to the elected chief executive officer of a county, by whatever name designated, such law shall be construed to refer to the chief executive.
- (e) The chief operating officer shall coordinate and supervise the process for making appointments vested by law in the chief executive and the commission by maintaining a roster of all appointments required by this Act and otherwise by law, identifying vacancies and the timing of vacancies, reporting same to the chief executive and the commission on a timely basis, and posting on the county website the roster of appointments and public notices as to the existence and status of vacancies including the schedule for making appointments.

Sec. 1614. - ~~Executive assistant~~; Chief Operating Officer; administrators.

- (a) Subject to the qualifications for said office as hereinafter provided in this section, the chief executive shall nominate, ~~and the commission shall confirm,~~ an executive assistant a chief operating officer whose nomination shall be subject to confirmation by the commission. The chief operating officer



~~executive assistant~~ shall be the chief administrative aide to the chief executive and the commission and shall be responsible to the chief executive and the commission for the proper administration of the affairs of the county.

- (b) When directed to do so by the chief executive, the ~~executive assistant~~ chief operating officer may exercise any of the administrative duties and powers vested in the chief executive by law or ordinances, rules, and regulations adopted by the commission. In furtherance of this subsection, the chief executive may delegate to the chief operating officer matters concerning the operation, supervision, and administration of one or more of the departments or agencies within the scope of the chief executive authority, including, but not limited to, appointment, compensation, and removal of department directors and other employees of the county.
- (c) The ~~executive assistant~~ chief operating officer shall hold a college degree in public administration, political science, urban affairs, business administration, engineering, or a related field and must have at least five ~~(5)~~ years of experience in a supervisory capacity as an employee, director, administrator, or manager of a city or county government or a state or federal agency or equivalent experience in the private sector or any combination thereof.
- (d) No person shall be appointed or hold office as ~~executive assistant~~ chief operating officer to the chief executive if such person, within two ~~(2)~~ years immediately preceding appointment, has:
 - (1) Been a candidate for elective public office;
 - (2) Been the holder of elective public office; or
 - (3) Held a management position in the political campaign of any candidate for the office of chief executive, or any member of the board of commissioners of DeKalb County.
- (e) After appointment, the ~~executive assistant~~ chief operating officer shall not take part in the management of any political campaign for any elective public office or hold office in any political party or body. If the ~~executive assistant~~ chief operating officer participates in political activities in violation of this subsection, such participation, by operation of law, shall result in the immediate discharge of the ~~executive assistant~~ chief operating officer, and the office of ~~executive assistant~~ chief operating officer shall be vacant.
- (f) The chief executive shall also have ~~exclusive~~ the power to appoint, remove from office and, within budgetary limitations, fix the compensation of ~~two (2)~~ administrators to assist the ~~executive assistant~~ chief operating officer in such manner as the chief executive shall direct.

Sec. 1715. – Enactment of ordinance and resolutions; Veto power of chief executive.

- (a) Every ordinance or resolution adopted by the commission shall be signed by the presiding officer of the commission or, in the absence of the presiding officer, the deputy presiding officer shall sign the ordinance or resolution. Such ordinance or resolution shall be certified by the clerk of the commission and presented by said clerk to the office of the chief executive within three ~~(3)~~ business days following its adoption by the commission. The chief executive shall approve or veto the ordinance or resolution within eight ~~(8)~~ business days after its adoption by the commission, and, except as hereinafter provided, no ordinance or resolution shall become effective without the approval of the chief executive. If the chief executive does not approve or veto an ordinance or resolution within eight business days after its adoption by the commission, it shall become effective without the chief executive's approval.
- (b) If the chief executive vetoes an ordinance or resolution, the chief executive shall return it to the commission within two ~~(2)~~ business days after such veto along with a written statement of the reasons for the veto. If, at the meeting of the commission next held after receiving the vetoed ordinance or resolution, the commission shall again pass the ordinance or resolution by a two-thirds vote of its total membership, such ordinance or resolution shall become effective without the approval of the chief



executive. ~~If the chief executive does not approve or veto an ordinance or resolution within eight (8) business days after its adoption by the commission, it shall become effective without the chief executive's approval.~~

- (c) The chief executive may veto any item or items of any ordinance or resolution making appropriations, and the part or parts vetoed shall not become effective, except as provided by subsection (b) of this section with respect to other ordinances or resolutions. Any part of an ordinance or resolution making appropriations not vetoed by the chief executive shall become effective.
- (d) Nothing in this section shall authorize the chief executive to exercise a veto over any zoning ordinance adopted by the commission pursuant to its authority under paragraph (10) of subsection (a) of section 9 of this ~~Act~~, nor over any rule adopted by the commission pursuant to its authority under paragraph (19) of subsection (a) of section 9 of this ~~Act~~.

Sec. ~~1816~~. - Comprehensive development plan.

- (a) The chief executive shall from time to time present to the commission a comprehensive development plan which shall:
 - (1) Consider the present and planned physical, ~~the~~ economic, and social aspects of the county;
 - (2) Set forth the comprehensive development goals, policies and objectives of the county, its specific geographic areas, communities and neighborhoods and the citizens thereof; and
 - (3) In conformity with such development goals, policies and objectives, identify parks, recreation facilities, sites for public buildings and structures, utilities, transportation systems and facilities, housing, community facilities, manufacturing and industrial sites, future land use for all classifications and such other elements, features and policies as will promote the improvement of the county.
- (b) In preparing or revising the comprehensive development plan, the chief executive shall seek the views and opinions of citizens of the county and shall establish and publicize formal procedures to obtain such views and opinions. The county shall at all times exceed the minimum requirements of state law for public input regarding preparing and revising the comprehensive development plan.

Sec. ~~1917~~. - Budgeting; control of expenditures.

- (a) The chief executive, or his or her designee, shall serve as the county budget officer.
- (b) The chief executive shall submit to the board not later than ~~December 15~~ October 1 of each year a proposed budget governing the expenditures of all county funds, including capital outlay and public works projects for the following calendar year. ~~In an election year, if the incumbent chief executive is not reelected, this date may be extended to January 15 of the year to which the budget pertains.~~ The proposed budget submitted to the commission shall be accompanied by a report containing information and data relating to the financial affairs of the county pertinent to arriving at and establishing the annual budget. The commission may specify the manner in which the budget report to the commission is to be prepared, presented, and supported with documentation.
- (c) Upon submitting the budget report to the commission, the budget officer shall give notice to the public regarding the availability of the budget report and the schedule of any public hearings required by O.C.G.A. § 36-81-1, et seq., as now or hereafter amended. The budget office shall also cause to be published in the official organ of DeKalb County a summary of the proposed budget. The summary and the entirety of the budget shall be posted on the county website. ~~The chief executive shall cause to be published in the official organ of DeKalb County a copy of the proposed budget along with a notice to the public that a public hearing on the proposed budget shall be held at a time and place certain, which time shall be not less than ten (10) days of [from] the publication.~~ At this public hearing the commission shall review the proposed budget. It may adopt the budget



as presented by the chief executive or it may make such amendments thereto as it deems necessary to maintain the county in a sound financial condition. Nothing herein shall prevent the commission from continuing the hearing on the proposed budget from time to time, provided the time and place to which the hearing is continued shall be publicly announced at the previous hearing. However, the final budget shall be approved and adopted before ~~March 1~~ December 31, prior to the year of the year to which it pertains. In the event the commission fails to approve the budget by December 31, the budget presented by the chief executive shall serve as the budget document for the county until a final budget is approved by the commission. The final budget shall constitute the commission's appropriations of all funds for such year. The budget may be amended during the calendar year which it covers upon formal action of the commission in a regular meeting, but no increase in appropriations shall be made therein without provision also being made for financing same.

- (d) A copy of the final budget adopted shall be transmitted by the chief executive to the grand jury of DeKalb County Superior Court then in session within ~~ten (10)~~ 10 days of its adoption.
- ~~(e) Between January 1 and such time as the budget for the county is adopted by the board of commissioners, the director of finance, with the approval of the chief executive, shall be authorized to make such expenditures of county funds as are deemed necessary and proper for the continuing operation of the county any its various departments at the then-currently approved level of service. These expenditures shall not include disbursements for new personnel, new services, new equipment, or other items which could be interpreted as providing additional level of service not previously authorized.~~

~~(e)(f)~~ No expenditure of county funds shall be made except in accordance with the county budget, or amendments thereto, adopted by the Commission. The chief executive, or his or her designee, shall enforce compliance with this requirement by all departments, offices, or agencies of the county government, ~~including elected county officers~~, with the exception of the tax commissioner, clerk of the superior court, district attorney, probate judge, and sheriff.

Sec. ~~2018~~. - Purchases; contracts.

- (a) No later than April 1, 2025, the chief executive, ~~subject to the approval of the commission, shall establish rules to regulate purchasing shall~~ shall submit to the commission a proposed ordinance, subject to approval by the commission, for the purpose of regulating procurement and purchasing for all county departments, offices, and agencies of the county government, with the exception of the tax commissioner, clerk of the superior court, district attorney, probate judge, and sheriff. The ordinance, with any commission amendments, shall be approved by the commission within 60 days of receiving the draft from the chief executive. If the commission fails to approve or reject the ordinance within the time specified herein, the initial ordinance as proposed by the chief executive shall stand approved. Following approval of the initial ordinance, the chief executive shall promulgate rules, regulations and/or guidelines to administer the ordinance. Subsequent amendments to the ordinance may be proposed for commission approval by the chief executive or the commission.
- (b) Except as hereinafter provided, formal sealed bids, after notice of same has been published one (1) time in the official organ of DeKalb County and on the county website, must be obtained on all purchases exceeding fifty thousand dollars (\$50,000.00). Purchases exceeding fifty thousand dollars (\$50,000.00) may be made without formal sealed bids from any vendor who, at the time of purchase, has an existing contract or schedule with a county or municipality if such contract was procured by a competitive process, or the State of Georgia or the federal government so long as all such purchases are made pursuant to the price, terms, and conditions of said contract and if the county receives all the benefits of such contract.



- (c) Except for contracts of employment, the commission shall authorize all contracts involving the expenditure of county funds in excess of one hundred thousand dollars (\$100,000.00).
- (d) No more than one ~~(4)~~ contract involving the expenditure of county funds during a fiscal year may be made with any vendor without approval of the commission.
- (e) Subdividing a proposed contract which is for an amount above the threshold specified in subsection (a) or (b) of this section into smaller contracts or subcontracts for the purpose of avoiding the requirement of subsection (a) or (b) of this section shall be prohibited and such contracts or subcontracts shall be void ab initio.
- (f) Except for contracts of employment, all contracts for purchase shall be published on the county website within ~~thirty (30)~~ 30 days of approval of such contracts.

Sec. ~~2119~~ - Department of finance.

- (a) The department of finance is hereby established as a permanent administrative unit of the county government. The department shall be under the control and supervision of the director of finance. ~~The~~ Except as otherwise provided by resolution of the governing authority, the department of finance shall perform the following functions:
 - (1) Keep and maintain accurate records reflecting the financial affairs of the county.
 - (2) Compile the annual budget covering all county funds.
 - (3) Make quarterly allotments of monies appropriated and budget to each department, office or agency of the county entitled to receive same.
 - (4) Maintain current control accounts over the collection and deposit of monies due the county from taxes and other sources.
 - (5) Examine all claims against the county and make recommendation as to payment.
 - (6) Maintain budgetary control accounts showing encumbrances for obligations entered into, liquidation of such encumbrances, unencumbered balances of allotments, unexpended balances of appropriations.
 - (7) Maintain proprietary accounts of the current assets and of the liabilities of all county funds.
 - (8) Prepare and issue quarterly financial reports of the operations of all county funds.
 - (9) Maintain property control records of all county property, including equipment and stores, and supervise stores.
 - (10) Plan and prepare for meeting the financial needs of the county, project financial requirements, recommend means of financing those requirements and advise the chief executive and the commission on financial matters.
 - (11) Perform such other duties as may be assigned by the chief executive.
- (b) The director of finance shall certify to the chief executive and to the commission on March 31, June 30, September 30 and December 31 of each year a statement of county finances which shall reflect the overall county financial position by individual funds as well as a comparison of cash revenue collections by source with the budget estimates of cash revenues by source and also a comparison of departmental expenditures with budget appropriations. The chief executive shall cause the June 30 and December 31 statements to be published in the official organ of DeKalb County one ~~(4)~~ time and a copy posted on the county courthouse bulletin board and on the county website within ~~thirty (30)~~ 30 days of each date.
- (c) ~~Except as hereinafter provided, the provisions of this section are advisory only, and the~~ The chief executive, subject to the approval of the commission, may provide for the organization or

reorganization of the department of finance and may specify and provide for the powers and duties of the director of finance and other personnel of the department of finance in such manner as may be necessary or desirable for the efficient and effective operation of the department of finance. The department of finance and the office of director of finance shall not be abolished by the chief executive or the commission.

Sec. ~~2220~~. - Records; minutes.

- (a) The commission shall appoint a clerk who shall be the clerk of the chief executive and the commission and shall keep a proper and accurate book of minutes wherein shall appear all the acts, orders, and proceedings of the commission, in chronological order, and a similar book of minutes wherein shall appear, in chronological order, all acts, orders, and proceedings of the chief executive;
- (b) Copies of contracts, maps or similar material or documents related to actions taken by the governing authority may be included in the minutes or incorporated by reference to an alternate location. Where incorporated by reference, such documents shall be stored in a central location or locations identified by ordinance or resolution of the governing authority as provided by state law;
- (c) The minute books of the chief executive and the commission shall be open to public inspection at all times during the regular office hours, and certified copies of any entries therein shall be furnished by the said clerk to any person requesting same upon payment of a reasonable fee, to be paid into the county treasury as other funds, to be assessed by the commission in an amount sufficient to defray the cost of preparing same as authorized by O.C.G.A. 50-18-71(c), as now or hereafter amended;
- (d) The clerk shall manage the agenda for meetings of the commission and perform such other duties as the commission may direct.
- (e) The governing authority shall establish and maintain a records retention program in compliance with OCGA 50-18-99, as now or hereafter amended.

Sec. ~~23 21~~. - Agreements of candidates.

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

Sec. ~~2422~~. - ~~Officials not to be interested in contracts~~ Officials not to have financial interests in county contracts.

Neither the chief executive nor any member of the commission or other county officer empowered to use public or county funds for the purchase of goods, property, or services of any kind for public or county purposes shall be financially interested, directly or indirectly, in any contract to which the county is a party, either as principal, surety or otherwise; nor shall such officer, his partner, agent, servant, or employee of a firm of which he is a member or by whom he is employed purchase from or sell to the county any real or personal property, goods or services. Any contract made in violation of any of the foregoing provisions shall be void, and the officer so offending shall be removed from office upon proper proceedings instituted by any taxpayer in said county in accordance with the provisions of Code Section 36-1-14 of the O.C.G.A., as now or hereafter amended ~~section 23-17-14 of the Code of Georgia of 1933 [O.C.G.A. § 36-1-14]~~. Provided, however, that the provisions of this section shall not



be applicable to any contract which has been approved, prior to execution, performance and payment thereon, by a majority of the commission by a proper entry on the minutes of the commission.

Sec. ~~25~~22A. - Code of ethics.

(a) *Purpose.*

- (1) It is essential to the proper administration and operation of the DeKalb County government that its officials and employees be, and give the appearance of being, independent and impartial, that public office not be used for private gain, and that there be public confidence in the integrity of DeKalb County officials and employees. Because the attainment of one (4) or more of these ends is impaired whenever there exists in fact, or appears to exist, a conflict between the private interests and public responsibilities of officials and employees, the public interest requires that the general assembly protect against such conflicts of interest by establishing by law appropriate ethical standards with respect to the conduct of the officials and employees of DeKalb County in situations where a conflict may exist.
- (2) The general assembly recognizes that an appropriate and effective code of ethics for appointed officials and employees of DeKalb County is also essential for the proper administration and operation of the DeKalb County government.

(b) *Definitions.* As used in this section, the term:

- (1) *Agency* means any board, bureau, body, commission, committee, department, or office of DeKalb County to which the governing authority has appointment powers.
- (2) *Business* means any corporation, partnership, organization, sole proprietorship, and any other entity operated for economic gain, whether professional, industrial, or commercial, and entities which for purposes of federal income taxation are treated as nonprofit organizations.
- (3) *Confidential information* means information which has been obtained in the course of holding public office, employment, acting as an independent contractor, or otherwise acting as an official or employee and which information is not available to members of the public under state law or other law or regulation and which the official, independent contractor, or employee is not authorized to disclose.
- (4) *Contract* means any claim or demand against or any lease, account, or agreement with any person, whether express or implied, executed or executory, verbal or in writing.
- (5) *Emergency situation* means any circumstance or condition giving rise to an immediate necessity for the execution of a contract by and between DeKalb County and an official or employee or between DeKalb County and a business in which an official or employee has an interest and where, to the satisfaction of the chief executive, it is shown that there is no one other than such persons with whom the contract could have been made and that the necessity was not brought about by such persons' own fault or neglect.
- (6) *Immediate family* means an official or employee and his or her spouse, parents, brothers, sisters, and natural or adopted children.
- (7) *Interest* means any direct or indirect pecuniary or material benefit held by or accruing to the official or employee as a result of a contract or transaction which is or may be the subject of an official act or action by or with DeKalb County. Unless otherwise provided in this section, the term 'interest' does not include any remote interest. An official or employee shall be deemed to have an interest in transactions involving:
 - a. Any person in the official's or employee's immediate family;
 - b. Any person, business, or entity that the official or employee knows or should know is seeking official action with DeKalb County, is seeking to do or does business with DeKalb County,



has interests that may be substantially affected by performance or nonperformance of the official's or employee's official duties, or with whom a contractual relationship exists whereby the official or employee may receive any payment or other benefit;

- c. Any business in which the official or employee is a director, officer, employee, shareholder, or consultant; or
 - d. Any person of whom the official or employee is a creditor, whether secured or unsecured.
- (8) *Official or employee* means any person elected or appointed to or employed or retained by DeKalb County or any agency, whether paid or unpaid and whether part time or full time. This definition includes retired employees or former county employees during the period of time in which they are later employed or retained by the county or any agency. This definition does not include superior and state court judges and their immediate staffs, the district attorney, the solicitor of the state court, the clerks of the superior and state courts, magistrates, judges of the magistrate court, the judge of the probate court, and their respective staffs.
- (9) *Official act or action* means any legislative, administrative, appointive, or discretionary act of the commission, the chief executive, or a commissioner.
- (10) *Paid* means the receipt of, or right to receive, a salary, commission, percentage, brokerage, or contingent fee.
- (11) *Participate* means to take part in official acts, actions, or proceedings personally as an official or employee through approval, disapproval, decision, recommendation, investigation, the rendering of advice, or the failure to act or perform a duty.
- (12) *Person* means any individual, business, labor organization, representative, fiduciary, trust, or association, whether paid or unpaid, and includes any official or employee of DeKalb County.
- (13) *Property* means any property, whether real or personal or tangible or intangible, and includes currency and commercial paper.
- (14) *Remote interest* means the interest of:
- a. A nonsalaried director, officer, or employee of a nonprofit organization;
 - b. A holder of less than five (5) percent of the legal or beneficial ownership of the total shares of a business;
 - c. Any person in a representative capacity, such as a receiver, trustee, or administrator; or
 - d. Any person who, by determination of the board of ethics, is deemed to have such an interest.
- (15) *Transaction* means the conduct of any activity that results in or may result in an official act or action of an official or employee of DeKalb County.
- (c) *Proscribed conduct*. No official or employee of DeKalb County shall:
- (1) By his or her conduct give reasonable basis for the impression that any person can improperly influence him or her or unduly enjoy his or her favor in the performance of his or her official acts or actions or that he or she is affected unduly by the rank or position of or kinship or association with any person;
 - (2) a. Directly or indirectly request, exact, receive, or agree to receive a gift, loan, favor, promise, or thing of value for himself or herself or another person if:
 - (i) It tends to influence him or her in the discharge of his or her official duties; or
 - (ii) He or she recently has been, or is now, or in the near future may be, involved in any official act or action directly affecting the donor or lender.



- b. Subparagraph a. of this paragraph shall not apply in the case of:
 - (i) An occasional nonpecuniary gift of value less than one hundred dollars (\$100.00);
 - (ii) An award publicly presented in recognition of public service; or
 - (iii) A commercially reasonable loan made in the ordinary course of business by an institution authorized by the laws of Georgia to engage in the making of such a loan;
 - (3) Disclose or otherwise use confidential information acquired by virtue of his or her position for his or her or another person's private gain;
 - (4) Appear on his or her own personal behalf, or represent, advise, or appear on the personal behalf, whether paid or unpaid, of any person before any court or before any legislative, administrative, or quasi-judicial board, agency, commission, or committee of this state or of any county or municipality concerning any contract or transaction which is or may be the subject of an official act or action of DeKalb County or otherwise use or attempt to use his or her official position to secure unwarranted privileges or exemptions for himself or herself or other persons;
 - (5) Engage in, accept employment with, or render services for any agency, private business, or professional activity when such employment or rendering of services is adverse to and incompatible with the proper discharge of his or her official duties;
 - (6) Acquire an interest in any contract or transaction at a time when he or she believes or has reason to believe that such an interest will be affected directly or indirectly by his or her official act or actions or by the official acts or actions of other officials or employees of DeKalb County; or
 - (7) Engage in any activity or transaction that is prohibited by law now existing or hereafter enacted which is applicable to him or her by virtue of his or her being an official or employee of DeKalb County.
- (c.1) No employee of the purchasing and contracting department of DeKalb County shall accept any gift of value from anyone who has had or may reasonably be anticipated to have any business with or before such department. Gifts from persons who do not have or who would not be reasonably anticipated to have any business with or before such department may be accepted by an employee of such department only when such gifts are based solely on a family relationship or personal friendship.
- (d) *Disclosure of interests.* An official or employee who has an interest that he or she has reason to believe may be affected by his or her official acts or actions or by the official acts or actions of another official or employee of DeKalb County shall disclose the precise nature and value of such interest by sworn written statement to the board of ethics and ask for the board's opinion as to the propriety of such interest. Every official or employee who knowingly has any interest, direct or indirect, in any contract to which DeKalb County is or is about to become a party, or in any other business with DeKalb County, shall make full disclosure of such interest to the chief executive and the commission and to the ethics officer and the board of ethics. The information disclosed by such sworn statements, except for the valuation attributed to the disclosed interest, shall be made a matter of public record by the board of ethics. In cases where a conflict of interest exists, such official or employee shall recuse himself or herself from participating or taking any official acts or actions in any matter for the county affected by such conflict of interest.
- (e) *Participation in contracts.*
- (1) An official or employee shall disqualify himself or herself from participating in any official act or action of DeKalb County directly affecting a business or activity in which he or she has an interest, whether or not a remote interest.
 - (2) DeKalb County shall not enter into any contract involving services or property with an official or employee of the county or with a business in which an official or employee of the county has an interest. This subsection shall not apply in the case of:



- a. The designation of a bank or trust company as a depository for county funds;
 - b. The borrowing of funds from any bank or lending institution which offers the lowest available rate of interest for such loans;
 - c. Contracts for services entered into with a business which is the only available source for such goods or services; or
 - d. Contracts entered into under circumstances which constitute an emergency situation, provided that a record explaining the emergency is prepared by the chief executive and submitted to the board of ethics at its next regular meeting and thereafter kept on file.
- (3) DeKalb County shall not enter into any contract with, or take any official act or action favorably affecting, any person, or business represented by such person, who has been within the preceding two-year period an official or employee of DeKalb County.
- (f) *Reporting violations.* Any person who witnesses or becomes aware of a violation of this section may complain of the violation as follows:
- (1) A complaint may be communicated anonymously to the ethics administrator. Such complaint shall be made in good faith and with veracity and sufficient specificity so as to provide the ethics officer with salient and investigable facts. The ethics administrator may require the anonymous complaint to be made in a manner and form that is intended only to obtain relevant facts related to the alleged violation of this section and that is not designed to reveal the identity of the complainant.
 - (2) A sworn written complaint may be filed with the ethics administrator as described in this paragraph. All written complaints to be considered by the board of ethics and the ethics officer shall contain the following, if applicable:
 - a. The name and address of the person or persons filing the complaint;
 - b. The sworn verification and signature of the complainant;
 - c. The name and address of the party or parties against whom the complaint is filed and, if such party is a candidate, the office being sought;
 - d. A clear and concise statement of acts upon which the complaint is based along with an allegation that such facts constitute one or more violations of law under the jurisdiction of the board of ethics;
 - e. A general reference to the allegedly violated statutory provision(s) of the code of ethics within the jurisdiction of the board of ethics; and
 - f. Any further information which might support the allegations in the complaint including, but not limited to, the following:
 - (i) The names and addresses of all other persons who have first-hand knowledge of the facts alleged in the complaint; and
 - (ii) Any documentary evidence that supports the facts alleged in the complaint.
 - (3) Upon receipt of a complaint by the ethics administrator, the ethics administrator shall send a written notice to the subject of the complaint by the next business day. Both this notice and any subsequent documents shall be subject to Article 4 of Chapter 18 of Title 50 of the O.C.G.A.
 - (4) Upon receipt of a written nonanonymous complaint which does not conform to the applicable requirements of paragraph (2) of this subsection, the ethics administrator shall by letter acknowledge receipt of the complaint and advise the complainant of the defect in the complaint and that the complaint will not be considered by the board of ethics unless the defect is corrected.
- (g) *Enactment.*



- (1) This section shall be construed liberally to effectuate its purpose and policies and to supplement such existing laws as may relate to the conduct of officials or employees.
 - (2) The propriety of any official act or action taken by or transaction involving any officials or employees immediately prior to the time this section shall take effect shall not be affected by the enactment of this section.
 - (3) The provisions of this section are severable, and if any of its provisions shall be held unconstitutional or invalid by a court of competent jurisdiction, the decision of the court shall not affect or impair any of the remaining provisions.
- (h) *Board of ethics.*
- (1) a. There is created the Board of Ethics of DeKalb County to be composed of seven (7) citizens of DeKalb County to be appointed as provided in paragraph (2) of this subsection.
 - b. Each member of the board of ethics shall have been a resident of DeKalb County for at least one (1) year immediately preceding the date of taking office and shall remain a resident of the county while serving as a member of the board of ethics.
 - c. No person shall serve as a member of the board of ethics if the person has, or has had within the immediately preceding two-year period, any interest in any contract, transaction, or official act or action of DeKalb County.
 - d. No member of the board of ethics shall be a member of an agency or an official or employee of DeKalb County or shall have served in such a capacity in the two-year period immediately preceding such person's appointment to the board of ethics.
 - e. No person shall serve as a member of the board of ethics if the person has been a candidate for, or was elected to, public office in the immediately preceding three-year period. Filing for an elective office shall constitute a resignation from the board of ethics on the date of filing.
 - f. Appointees to the board of ethics shall have professional knowledge or expertise in matters of ethics, finance, governance, or the law.
 - g. All proposed appointments to the board of ethics shall be subject to an education and employment background check as well as a criminal history check. Persons proposed to be appointed to the board of ethics shall execute all releases necessary for the appointing authority to accomplish such checks. If the nominee is determined to have committed a felony, the nomination shall be withdrawn.
 - (2) a. The members of the board of ethics in office on the effective date of this section shall serve until December 31, 2020, and then their terms shall terminate. A new board shall be appointed as provided in this paragraph to take office on January 1, 2021, and to serve for the terms prescribed in this paragraph.
 - b. Not later than December 31, 2020, the members of the new board of ethics shall be selected as follows:
 - (i) Three (3) members shall be appointed by majority vote of the DeKalb County legislative delegation in the House of Representatives of the Georgia General Assembly;
 - (ii) Three (3) members shall be appointed by majority vote of the DeKalb County legislative delegation in the Senate of the Georgia General Assembly; and
 - (iii) One (1) member shall be appointed by the tax commissioner of DeKalb County.
 - c. In addition to the members appointed as provided in subparagraph b. of this paragraph, there shall be two (2) alternate members who shall serve to ensure a quorum when members of the board are absent, have a conflict of interest, or find it necessary to recuse themselves or

while a vacancy exists on the board. The alternates shall be selected by the clerk of superior court of DeKalb County.

- d. The members and alternates shall each serve for terms of three ~~(3)~~ years; provided, however, that the terms of the initial appointees of the House legislative delegation shall be specified at the time of their appointments. One ~~(1)~~ shall serve until December 31, 2021, and until the appointment and qualification of his or her successor, whichever occurs later; one ~~(1)~~ shall serve until December 31, 2022, and until the appointment and qualification of his or her successor, whichever occurs later; and one ~~(1)~~ shall serve until December 31, 2023, and until the appointment and qualification of his or her successor, whichever occurs later. The initial member appointed by the tax commissioner of DeKalb County shall serve until December 31, 2022, and until the appointment and qualification of his or her successor, whichever occurs later. The initial alternate members appointed by the clerk of superior court of DeKalb County shall serve the terms specified by the clerk of superior court at the time of the initial appointments. One ~~(1)~~ shall serve until December 31, 2021, and until the appointment and qualification of his or her successor, whichever occurs later, and one ~~(1)~~ shall serve until December 31, 2023, and until the appointment and qualification of his or her successor, whichever occurs later.
 - e. Successors to all members and alternates of the board of ethics and future successors shall be appointed by the respective appointing authorities not less than ~~thirty (30)~~ 30 days prior to the expiration of each such member's term of office, and such successors shall take office on January 1 following such appointment and shall serve terms of three years and until their respective successors are appointed and qualified. No individual may be appointed to more than two (2) consecutive terms, provided that the initial terms under this Act shall not be counted in such determination.
- (3) If a member of the board of ethics ceases to be a resident of DeKalb County, that member's position on the board of ethics, by operation of law, shall become vacant upon the establishment of the fact of such nonresidency, if contested, by a court of competent jurisdiction. A vacancy in the board of ethics shall exist by reason of death, the disability or incapacity of a member for more than ~~ninety (90)~~ 90 days, resignation, or loss of residency as described in this paragraph. A member of the board of ethics may be removed from office during a term if the member becomes ineligible to hold civil office within the meaning of Code Section 45-2-1 of the O.C.G.A., now or hereafter amended, and that ineligibility is established by decision of a court of competent jurisdiction which declares the office vacant because of such ineligibility or for good cause by a majority vote of the board of ethics. The ethics administrator shall notify the appointing authority of a vacancy upon its occurrence, and such vacancy shall be filled for the unexpired term by the respective appointing authority.
 - (4) The members of the board of ethics shall serve without compensation and shall elect from their own membership a chairperson and otherwise provide for their own internal organization. The commission shall provide adequate office and meeting space and pay all administrative costs, including those specifically stipulated in this section, pertaining to the operation of the board of ethics. The board of ethics shall be authorized to employ its own staff and clerical personnel and contract for the services of a competent court reporter, an attorney, and a private investigator as it deems necessary. In the event that the board of ethics determines that employment of full-time legal counsel would best facilitate the accomplishment of its purposes under this section, the board of ethics may employ an attorney for such purpose, and the commission shall appropriate reasonably sufficient funds for such position. The members of the board of ethics shall have the authority to propose the budget of the board and shall recommend the budget to the commission, who shall fund it as a priority. In the event that the proposed budget is in excess of three hundred thousand dollars (\$300,000.00), the commission shall have the authority to authorize the additional funds requested in accordance with standard budgetary procedures and requirements. The board of ethics shall be completely independent and shall not be subject to control or



supervision by the chief executive, the commission, or any other official or employee or agency of the county government.

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

- a. To establish procedures, rules, and regulations governing its internal organization and the conduct of its affairs;
- b. To render advisory opinions with respect to the interpretation and application of this section to all officials or employees who seek advice as to whether a particular course of conduct would constitute a violation of the standards imposed in this section or other applicable ethical standards. Such opinions shall be binding on the board of ethics in any subsequent complaint concerning the official or employee who sought the opinion and acted in good faith, unless material facts were omitted or misstated in the request for the advisory opinion;
- c. To prescribe forms for the disclosures required in this section and to make available to the public the information disclosed as provided in this section;
- d. To receive and hear complaints of violations of the standards required by this section over which it has personal and subject matter jurisdiction;
- e. To make such investigations as it deems necessary to determine whether any official or employee has violated or is about to violate any provisions of this section; and
- f. To hold such hearings and make such inquiries as it deems necessary for it to carry out properly its functions and powers.

(i) *Ethics officer.*

- (1) There is hereby created as a full-time salaried position an ethics officer for DeKalb County. The ethics officer must be an active member of the Georgia Bar Association in good standing with five ~~(5)~~ years' experience in the practice of law. The ethics officer shall be appointed by a majority of the members of the board of ethics, subject to confirmation by a majority of the commission and approval by the chief executive, for a period not to exceed six ~~(6)~~ years. Removal of the ethics officer before the expiration of the designated term shall be for cause by a majority vote of the members of the board of ethics. The ethics officer need not be a resident of the county at the time of his or her appointment, but he or she shall reside in DeKalb County within six ~~(6)~~ months of such appointment and continue to reside therein throughout such appointment.
- (2) The ethics officer shall not be involved in partisan or nonpartisan political activities or the political affairs of DeKalb County.
- (3) The duties of the ethics officer shall include, but not be limited to, the following:
 - a. Educating and training all city officials and employees to have an awareness and understanding of the mandate for and enforcement of ethical conduct and advising them of the provisions of the code of ethics of DeKalb County;
 - b. Meeting with the board of ethics;
 - c. Advising officials and employees regarding disclosure statements and reviewing the same to ensure full and complete financial reporting;
 - d. Urging compliance with the code of ethics by calling to the attention of the board of ethics any failure to comply or any issues, including the furnishing of false or misleading information, that the ethics officer believes should be investigated by the board of ethics so that the board of ethics may take such action as it deems appropriate;
 - e. Monitoring, evaluating, and acting upon information obtained from an 'ethics hotline' which shall be a city telephone number for the receipt of information about ethical violations. Each



complaint, as of the time it is reported, whether by telephone or otherwise, shall be deemed to be a separate pending investigation of a complaint against a public officer or employee as provided by Article 4 of Chapter 18 of Title 50 of the O.C.G.A.;

- f. Reporting, as appropriate, suspected ethical violations to the board of ethics;
- g. Reporting, as appropriate, suspected criminal violations to state or federal law enforcement agencies; and
- h. Filing with the board of ethics, the chief executive, and the commission on the first Tuesday of each February a written report describing the activities of the ethics officer in carrying out the goals of his or her office and the code of ethics and reporting on the ethical health of DeKalb County.

(i.1) *Ethics administrator.*

- (1) There is hereby created as a full-time salaried position an ethics administrator for DeKalb County. The ethics administrator shall be selected by the board of ethics and shall serve at the pleasure of the board.
- (2) The ethics administrator shall not be involved in partisan or nonpartisan political activities or the political affairs of DeKalb County.
- (3) The duties of the ethics administrator shall include, but not be limited to, the following:
 - a. Maintaining the records of the board of ethics as required by Article 4 of Chapter 18 of Title 50 of the O.C.G.A.;
 - b. Notifying the subject of a report of any alleged violation of the ethics code, whether the report is anonymous, made by an identified individual, or is written. Such notice shall be given in writing, by facsimile, or hand delivered to the subject of the complaint at the same time and in the same form that any disclosure of information is required by Article 4 of Chapter 18 of Title 50 of the O.C.G.A.;
 - c. Notifying the board of ethics of any report of an alleged violation of the ethics code received by the ethics administrator; and
 - d. Such other duties as may be assigned by the board of ethics.

(j) *Investigations and hearings.* The board of ethics shall have the authority to conduct investigations into all alleged violations of the code of ethics, hold hearings, and issue decisions as prescribed in this subsection:

- (1) The proceedings and records of the board of ethics shall be open unless otherwise permitted by state law;
- (2) Upon request of the board of ethics, the solicitor of DeKalb County or any attorney representing the office of the solicitor of DeKalb County shall only advise the board of ethics;
- (3) A complaint may be filed by the ethics officer, any resident, or a group of residents of DeKalb County by submitting to the ethics administrator a written, verified, and sworn complaint under the penalty of perjury or false swearing. The complaint shall specifically identify all provisions of the DeKalb County code of ethics which the subject of the complaint is alleged to have violated, set forth facts as would be admissible in evidence in a court proceeding, and show affirmatively that the complainant or affiant (if in addition to or different from the complainant) is competent to testify to the matter set forth therein. All documents referenced in the complaint as well as supporting affidavits shall be attached to the complaint.
- (4) Upon receipt of the complaint, the ethics administrator shall bring the complaint before the board of ethics which shall cause the ethics officer to conduct a preliminary investigation to determine



whether it meets the jurisdictional requirements as set forth in this section. Upon the conclusion of the preliminary investigation, the ethics officer shall report his or her findings to the board. If, in the opinion of the board, the complaint fails to meet the jurisdictional requirements as set forth in this section, the board shall direct the ethics officer to notify the person who filed the complaint and such person shall have ~~ten (10)~~ 10 days from the date of notice to correct and refile the complaint with the board. A complaint which fails to satisfy the jurisdictional requirements as established by this section and by the rules and procedures established by the board of ethics shall be dismissed by the board of ethics no later than ~~thirty (30)~~ 30 days after the complaint is filed with the ethics administrator, unless extended by a majority vote of the board of ethics.

- (5) a. If the board of ethics determines no probable cause for belief that this section has been violated, the ethics administrator shall so notify the complainant and the subject of the investigation, and the complaint shall be dismissed. If the board of ethics determines that there is probable cause for belief that this section has been violated, the ethics administrator shall give notice to the person involved to attend a hearing to determine whether there has been a violation of this section.
- b. The provisions of Code Section 45-10-3 of the O.C.G.A., as now or hereafter amended, shall apply to members of the board of ethics, and a member shall recuse himself or herself from a hearing held pursuant to this subsection in the event that such member has a conflict of interest pursuant to such Code section.
- (6) For use in proceedings under this section, the board of ethics shall have the power to issue subpoenas to compel any person to appear, give sworn testimony, or produce documentary or other evidence. Any person who fails to respond to such subpoenas may be subjected to the penalties set forth in subsection (k) of this section.
- (7) All hearings of the board of ethics pursuant to this section shall be as follows:
 - a. All testimony shall be under oath, which shall be administered by a member of the board of ethics. Any person who appears before the board of ethics shall have all of the due process rights, privileges, and responsibilities of a witness appearing before the courts of this state. Any person whose name is mentioned during a proceeding of the board of ethics and who may be adversely affected thereby may appear personally before the board of ethics on such person's own behalf or may file a written sworn statement for incorporation into the record to be made part of all proceedings pursuant to this subsection.
 - b. The decision of the board of ethics shall be governed by a preponderance of the evidence standard.
 - c. At the conclusion of proceedings concerning an alleged violation, the board of ethics shall immediately begin deliberations on the evidence and proceed to determine by a majority vote of members present whether there has been a violation of this section. The findings of the board of ethics concerning a violation and the record of the proceedings shall be made public by the ethics officer as soon as practicable after the determination has been made.
- (8) a. The board of ethics shall render no final decision regarding any matter involving any individual who has qualified to run for any DeKalb County elected office during the ~~forty-five (45)~~ 45 days preceding the election for such office.
- b. The board of ethics shall file with the chief executive and the commission on the first Tuesday of each February a written report describing the activities of the ethics administrator in carrying out the goals of his or her office and the code of ethics and reporting on the ethical health of DeKalb County.

(k) *Violations; appeals.*



- (1) Any intentional violation of this section, furnishing of false or misleading information to the board of ethics, failure to follow an opinion rendered by the board of ethics, or failure to comply with a subpoena issued by the board of ethics pursuant to this section shall subject the violator to any one or more of the following:
 - a. Administrative sanction of not more than one thousand dollars (\$1,000.00) assessed by the board of ethics;
 - b. Public reprimand by the board of ethics; and
 - c. Prosecution by the DeKalb County solicitor in magistrate court and, upon conviction, a fine of up to one thousand dollars (\$1,000.00) per violation and up to six ~~(6)~~ months' imprisonment, whether the official or employee is elected or appointed, paid, or unpaid. Nothing in this section shall be interpreted to conflict with state law. An action for violation of this section or the furnishing of false or misleading information or the failure to comply with a subpoena issued by the board of ethics must be brought within two ~~(2)~~ years after the violation is discovered.
- (2) With regard to violations by persons other than officials or employees, in addition to the remedies in paragraph (1) of this subsection, the board of ethics may recommend to the chief executive and the commission any one or more of the following:
 - a. Suspension of a contractor; and
 - b. Disqualification or debarment from contracting or subcontracting with DeKalb County.
- (3) The decision of the board of ethics after a hearing shall be final; provided, however, that such proceeding shall be subject to review by writ of certiorari to the DeKalb County Superior Court. The designee of the board of ethics shall be authorized to acknowledge service of any such writ and shall, within the time provided by law, certify and cause to be filed with the clerk of the superior court a record of the proceedings before the board of ethics, the decision of the board of ethics, and the notice of the final actions of the board of ethics.

Sec. ~~26~~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) Changing the term of office or the method of electing the chief executive of DeKalb County;
- (3) Establishing the powers and duties of the executive or legislative branch of the DeKalb County government; or
- (4) Changing the powers and duties of the executive or legislative branch 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.

~~Secs. 24—27. Reserved.~~



~~Sec.28. Use of voting machines.~~

~~If, in the opinion of the ordinary of DeKalb County [now board of commissioners. See O.C.G.A. § 21-2-320] it is practicable to hold any election, whether the same be a referendum, special or general election, provided for by this act by use of voting machines, the ordinary is authorized to hold such election or all or any such election by means of voting machines in accordance with the provisions of the act of the General Assembly approved March 28, 1947 (Ga. L. 1947, p 1203) [now repealed. See O.C.G.A. § 21-2-310 et seq.].~~

Sec. 27. – Open Records Officer.

The chief executive shall designate an open records officer to be responsible for coordinating and ensuring that all open records requests are handled in a timely and efficient manner. The open records officer shall be responsible for coordinating with other departments and agencies to ensure that such requests are responded to and such responses fully comply with applicable state law. To the extent authorized by state law, the open records officer shall have the exclusive authority to receive open records requests for all county departments, offices, and agencies of the county government with the exception of the tax commissioner, clerk of superior court, district attorney, probate judge, and sheriff. Upon designating an open records officer, the legal organ for DeKalb County shall be notified by the chief operating officer and such designation shall be prominently posted on the county website.

Sec. 28. - Organizational Act Review Commissions.

For the purpose of undertaking a comprehensive review of this organizational act, an organizational act review commission comprised of a cross section of non-elected citizens and members of the DeKalb legislative delegation shall be established by resolution of the board of commissioners no later than January 2029 and every eight years thereafter. Such a commission shall be established and funded to study and review the organizational act or part of the organizational act leading to recommendations to the board of commissioners, the chief executive, and the DeKalb legislative delegation. The board of commissioners shall appropriate funds and provide staff, independent legal counsel, administrative support, and outside experts sufficient to carry out the duties of the commission. If requested by either the chief executive or by resolution of the board of commissioners, an organizational act review commission may review specific chapters of the Code of DeKalb County, as Revised 1988, and make recommendations for revisions of said chapters.

Sec. 29. - Pending matters.

Except as specifically provided otherwise by this Act, all rights, claims, actions, orders, contracts, and legal or administrative proceedings shall continue and any such ongoing work or cases shall be completed by such county agencies, personnel, or offices as may be provided by the board of commissioners.

Sec. ~~3028~~ - Existing ordinances, resolutions, rules & regulations.

All ordinances, resolutions, rules, and regulations now in force in the county not inconsistent with this Act are declared valid and of full effect and force until amended or repealed by the board of commissioners.



Sec. 31. - Specific repealer.

An Act to create establishing the form of government of DeKalb County, approved April 9, 1981 (Ga. L.1981, p. 4304), is hereby repealed in its entirety and all amendatory acts thereto are likewise repealed in their entirety. All other laws and parts of laws in conflict with this Act are hereby repealed.

Sec. 3229. - Conflicting laws repealed. General repealer.

~~All laws and parts of laws in conflict with this act, and all provisions of the act approved August 21, 1906 (Ga. L. 1906, p. 405) creating the office of commissioner of roads and revenues of DeKalb County which are in conflict with this act, are hereby repealed.~~

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

Sec. 3330. - Separability clause.

Should any court of this state declare any section, part, paragraph or clause of this Act unconstitutional or invalid for any cause or reason, then such decision shall affect only that section, part, paragraph or clause so declared to be unconstitutional and invalid, and shall not affect any other section, part, paragraph or clause of this ~~Act~~act.

CHANGES SUMMARIZED

The following table describes substantive changes to each section of the DeKalb County Organizational Act.

Table 3. Table of Changes to the DeKalb County Organizational Act.

Section	Substantive Changes to the Section	Votes	
Sec. 1. – Governing Authority [Described].	<ul style="list-style-type: none"> No Change 	N/A	N/A
Sec. 2. – The Commission.	<ul style="list-style-type: none"> Updated census year. Added reapportionment plan name and eliminated VTDs within the body of the Organizational Act. Updated eligibility requirements for BOC members to comport with state law. 	Sec. 2. Changes: Amendment to add two single commission districts:	15 ayes 6 ayes, 7 nays, 2 abstentions
Sec. 3. – Establishment of Commission.	<ul style="list-style-type: none"> Updated census year. BOC members take office at the first meeting of the calendar year instead of January 1. 	Sec. 3. Changes:	15 ayes
Sec. 4. – Running for other Elective Offices.	<ul style="list-style-type: none"> Removed previous language. Added language that comports with state law on this matter. 	Sec. 4. Changes:	15 ayes
Sec. 5. – Chief Executive.	<ul style="list-style-type: none"> Updated eligibility requirements for the CEO position to comport with state law. 	Sec. 5. Changes: Amendment to change the form of government to County Manager form:	15 ayes 7 ayes, 8 nays



Section	Substantive Changes to the Section	Votes	
Sec. 6. – Vacancies.	<ul style="list-style-type: none"> Provides a mechanism to address multiple vacancies occurring at once. Addresses temporary vacancies resulting from the suspension of the CEO or BOC members. Ensures a vacancy will be filled expeditiously. 	Sec. 6. Changes:	15 ayes
Sec. 7. - Oath and Bond.	<ul style="list-style-type: none"> No change. 	N/A	N/A
Sec. 8. – Compensation.	<ul style="list-style-type: none"> Changed to comport with state law (the section revision prescribes that the compensation of CEO and BOC is fixed by the General Assembly or the Governing Authority). Removed outdated language. 	Sec. 8. Changes:	15 ayes
Sec. 9. – Powers and Duties of the Commission.	<ul style="list-style-type: none"> Clarified the planning and zoning ordinances must have an affirmative vote from either the district or super district commissioner where the subject property is located. Changed maximum penalty for ordinance violation to comport with state law. Simplified subsection 18 regarding fixing, levying, and assessing license fees and taxes. Provided the BOC with the ability to establish community engagement programs. Gave the BOC subpoena power to make inquiries and investigate the affairs of the county and its departments. 	Sec. 9. Changes: Amendment to change “may” to “shall” in subsection (d): Amendment to include subpoena power:	15 ayes 14 ayes, 1 nay 15 ayes
Sec. 10. – Annual Financial Audits.	<ul style="list-style-type: none"> Renamed section. The Audit Oversight Committee shall provide a list of auditing firms from which the Audit Committee shall choose and recommend an outside auditor to the BOC. The outside auditor shall inform the CEO as well as the BOC of any irregularities discovered. 	Sec. 10. Changes: Amendment to change the title of the section:	15 ayes 15 ayes
Sec. 11. – Independent Internal Audit.	<ul style="list-style-type: none"> The final audit report shall be provided to the DeKalb County Legislative Delegation. The report shall be posted on the county website. Audited agencies must respond to requests for status reports within 45 days. 	Sec. 11. Changes: Amendment on benchmarking: Amendment on removing edits to (j)(7):	15 ayes 12 ayes, 2 nays, 1 abstention 14 ayes
Sec. 12. – Presiding Officer.	<ul style="list-style-type: none"> Eliminated subsection (a) relating to the CEO’s voting rights at BOC meetings. 	Sec. 12. Changes:	15 ayes
Sec. 13. – Meetings.	<ul style="list-style-type: none"> No change. 	N/A	N/A



Section	Substantive Changes to the Section	Votes	
Sec. 14. – Powers and Duties of the Chief Executive.	<ul style="list-style-type: none"> Restated and expanded provision regarding the CEO's management of all internal and external relationships. Clarified that the CEO represents the county in all intergovernmental matters. CEO shall promote and improve the county government and encourage growth. BOC requests for information necessary to establish policy or action shall be responded to by the CEO promptly. The CEO's power to create, change, consolidate, or abolish departments, agencies, or offices is subject to BOC approval via resolution. A synopsis of the annual report detailing the county's financial affairs will be made available on the county website. 	Sec. 14. Changes: Amendment to require a written response from the CEO upon failure to respond to BOC: Amendment to clarify written response language:	15 ayes 11 ayes, 0 nays, 4 abstentions 14 ayes
Sec. 15. – Appointments to Public Office.	<ul style="list-style-type: none"> Nominations for public office shall stand confirmed if the BOC does not approve or reject by the specified deadline. Outlines the process to fill a post or vacancy if the CEO does not nominate a replacement within 30 days. COO shall maintain a roster of all appointments and vacancies. 	Sec. 15. Changes:	13 ayes, 2 abstentions
Sec. 16. – Chief Operating Officer	<ul style="list-style-type: none"> Allows the CEO to delegate to the COO matters concerning the operation, supervision, and administration of departments and agencies within the CEO's authority. Removed restriction of number of administrators the CEO has the authority to appoint, etc. 	Sec. 16. Changes: Amendment to add language referring to three deputy COO positions in this section:	15 ayes 2 ayes, 11 nays, 2 abstentions
Sec. 17. – Enactment of Ordinance and Resolutions; Veto Power of Chief Executive.	<ul style="list-style-type: none"> Renamed section. 	Sec. 17. Changes:	15 ayes
Sec. 18. – Comprehensive Development Plan.	<ul style="list-style-type: none"> The CDP must also consider the present and planned physical aspects of the county in addition to economic and social aspects. Added language to ensure the county meets and exceeds minimum requirements for public input regarding preparing and revising the CDP. 	Sec. 18. Changes:	15 ayes
Sec. 19. – Budgeting; Control of Expenditures.	<ul style="list-style-type: none"> Clarified that CEO serves as budget officer of the county. BOC may specify the manner in which the budget is presented to them. 	Sec. 19. Changes:	15 ayes



Section	Substantive Changes to the Section	Votes	
	<ul style="list-style-type: none"> • Changed deadline for the CEO to submit the proposed budget to the BOC. • Dictates that the budget shall be approved by Dec 31 for the following fiscal year. • If the budget is not approved by the BOC by Dec. 31, the budget submitted by the CEO serves as the budget document until the BOC approves the final version. • The budget officer shall ensure that a summary of the proposed budget is published in the legal organ of the county and place a summary and the entirety of the budget on the county website. • Removed language regarding budget submittal time extension in an election year. • Removed language regarding expenditures of funds between budget presentation and approval. 		
Sec. 20. – Purchases; Contracts.	<ul style="list-style-type: none"> • The CEO must submit a proposed purchasing and contracting ordinance to the BOC for review and approval. • Formal sealed bids must be published on the county website. 	Sec. 20. Changes: Amendment to change “may” to “shall”: Amendment vote replacing “not later than 120 days” to “not later than April 1, 2015”: 	14 ayes ¹ 14 ayes 14 ayes
Sec. 21. – Department of Finance.	<ul style="list-style-type: none"> • County financial statements shall be placed on the county website. • Removed language stating that the provisions of the section are advisory only. 	Sec. 21. Changes:	13 ayes ²
Sec. 22. – Records; Minutes.	<ul style="list-style-type: none"> • Copies of supporting documentation (contracts, maps, contracts, etc.) related to actions by the governing authority may be included in the minutes and provide for where the documents shall be stored. 	Sec. 22. Changes:	14 ayes
Sec. 23. – Agreements of Candidates.	<ul style="list-style-type: none"> • No change. 	N/A	N/A
Sec. 24. – Officials Not to Have Financial Interests in County Contracts.	<ul style="list-style-type: none"> • Changed title to “Officials Not to Have Financial Interests in County Contracts.” 	Sec. 24. Changes:	14 ayes
Sec. 25. – Code of Ethics.	<ul style="list-style-type: none"> • No change. 	N/A	N/A
Sec. 26. – How Sections Amended, Limitations on Powers.	<ul style="list-style-type: none"> • No change. 	N/A	N/A



Section	Substantive Changes to the Section	Votes	
Sec. 27. – Open Records Officer (New)	<ul style="list-style-type: none"> Recommends the creation of an open records officer for the county. 	Sec. 27. Addition: Amendment clarifying open record officer language:	14 ayes 14 ayes
Sec. 28. – Organizational Act Review Commissions. (New)	<ul style="list-style-type: none"> Recommends the creation of a future charter review commission. If established, commission will meet before January 2029 and every 8 years thereafter. BOC shall appropriate funds & provide staff for the commission. 	Sec. 28. Addition:	14 ayes
Sec. 29. – Pending Matters.	<ul style="list-style-type: none"> Ensures pending county matters continue. 	Sec. 29. Changes:	14 ayes
Sec. 30. – Existing Ordinances, Resolutions, Rules, & Regulations	<ul style="list-style-type: none"> No change. 	N/A	N/A
Sec. 31. – Specific Repealer (New)	<ul style="list-style-type: none"> Repeals 1981 Organizational Act in its entirety. 	Sec. 31. Addition:	14 ayes
Sec. 32. – General Repealer	<ul style="list-style-type: none"> Repeals all laws in conflict with the Organizational Act. 	Sec. 32. Changes:	14 ayes
Sec. 33. – Separability Clause.	<ul style="list-style-type: none"> No change. 	N/A	N/A

1 Note: Commissioner Sanford left the meeting at this point.

2 Note: One commissioner stepped out during this vote.

Universal Changes:

- The Executive Assistant is now referred to as the Chief Operating Officer.
- Technical edits that reflect correct state law citations.
- Sections were updated to comport with state law.
- Sections were renumbered.
- Updated constitutional officers to include probate judge.

Section entitled “use of voting machines” was deleted in its entirety.

Scope of Review

The DCCRC initiated its work in 2019 but was impacted by the COVID-19 pandemic. The DCCRC met regularly starting in June 2022 and concluded its work in December 2023. The DCCRC was unable to delve as deeply into each section of the Organizational Act as it originally intended due to the substantial size of the Organizational Act and the limited timeline of the review process. During the revision process, leadership of the Ethics Board was in transition. Therefore, the DCCRC did not review or make substantive changes to the Code of



Ethics section. Based on the experience of the DCCRC, future commissions will benefit from a longer review period so individual sections can be more thoroughly analyzed.

Commission Considerations

This section highlights the key areas the DCCRC and members of the public discussed during the review process. Some of these items were directly addressed in edits to the Organizational Act, while others did not receive the votes required to amend the Organizational Act. This section is intended to document the considerations to enable future review commissions to understand the discussions of the present commission and the concerns from the public. Additionally, DCCRC members' specific Organizational Act recommendations are included in the appendices for future consideration.

CITIZEN ENGAGEMENT AND PARTICIPATION IN GOVERNMENT

DCCRC members often expressed a desire to increase citizen engagement and participation in county government. This was a common theme throughout the Organizational Act review process. The DCCRC explored Neighborhood Planning Units (NPUs) as one avenue to increase citizen engagement.

NPUs

NPUs are citizen advisory councils that focus on specific community needs such as zoning, land use, and other planning-related matters. The NPU system is a method for residents to gain insight into local government community affairs and to provide input to the governing bodies about specific neighborhood topics. The goal of an NPU is to encourage community involvement through dialogue about neighborhood projects and initiatives. There are a small number of local government jurisdictions in Georgia that employ this method as a way for residents to receive information on jurisdictional endeavors and to provide feedback to the governing body.

The City of Atlanta is the largest jurisdiction to employ NPUs. The NPUs are staffed by citizen volunteers who receive no compensation for their efforts, nor do they receive funding from the city for the administration of the NPU. Atlanta NPUs are advisory in nature but make recommendations to both the mayor and city council who then take the recommendations under advisement. NPUs meet to discuss:

- Applications for rezoning properties
- Varying existing zoning ordinances for certain properties



- Applications for liquor licenses
- Applications for festivals and parades
- Any changes to fees charged by the city
- Any changes to the city’s comprehensive development plan
- Any amendments to the city’s zoning ordinances

In addition to their monthly meetings and recommendations, many NPUs have a thorough online presence where communities can stay updated and engaged on the issues. The City of Atlanta maintains a centralized website for all NPUs houses agendas, maps, directories, and meeting times, along with an interactive map for citizens to find which NPU they live in.¹

DeKalb County NPUs

Some DCCRC members expressed a desire to create DeKalb NPUs as a vehicle to engage citizens in the zoning and development process. Specifically, members Lance Hammonds and Susan Neugent researched methods to increase community engagement.

DeKalb County currently has community councils that collaborate with the DeKalb County Planning and Sustainability Department. District commissioners appoint citizen volunteers to the community councils.² The mission of these councils is to foster citizen input on building, zoning, and permitting. While the county provides information to the citizens via communication blasts, surveys, two-way platforms, workshops, charettes, and committee appointments, this approach does not allow community councils to respond or share feedback. Although these methods of communication demonstrate an intent to engage the public, certain members argued that NPUs are a more dynamic approach to increase citizen engagement.

GOVERNMENT TRANSPARENCY

To best serve the citizens of DeKalb County, the DCCRC focused on multiple methods to engage the public in the operations of the DeKalb County government. This section explains the existing open records request process and the two Organizational Act edits the commission made to address opaqueness in government: the creation of a new open records officer and a committee that reviews the Organizational Act regularly.

Existing Open Records Request Process

The two concerns the DCCRC specifically addressed were the current process and the lack of a centralized record retention. The DCCRC recognized that the current approach to acquiring records from the county results in delays for individual requesters and draws the focus of



department heads away from their primary duties. There are 36 departments listed on the DeKalb County website. Each requester is responsible for identifying the relevant department from which to procure the documents they seek. Because individuals frequently contact the incorrect department, requests under the current structure often lead to delays in obtaining information.

Open Records Officer

The DCCRC proposed an open records officer position to consolidate the process and facilitate responses to open records requests. After careful deliberation, the DCCRC voted to amend the Organizational Act to create such a position. The new section, Sec. 27, establishes one Open Records Officer to serve the county. The CEO appoints the Open Records Officer. Job responsibilities include oversight of all open records requests, coordination of communications with the custodial departments, and compliance with state law.

Frequency of Organizational Act Review

Sec. 28 requires periodic comprehensive reviews of the Organizational Act. The proposed language clarifies that future charter review commissions are to be funded by the county and be comprised of citizens and members of the DeKalb County Legislative Delegation. The first commission shall meet no later than January 2029, and a commission shall meet every eight years thereafter. Each commission will either review the entire Organizational Act or parts thereof. The county will furnish the resources necessary for administrative staff, independent legal counsel, and outside experts. These ongoing reviews are to ensure effective governing and compliance with state law.

The DCCRC acknowledged that the Organizational Act review process uncovered the complexity of the task at hand and the support needed to adequately complete a comprehensive review. Due to the size and scope of the Organizational Act, revisions required extensive research and a considerable amount of volunteer time. DCCRC members recommend that the county should clarify and streamline the mission of future commissions.

FORM OF GOVERNMENT

Several members of the DCCRC discussed changing DeKalb County's form of government from the current elected executive/BOC structure to a commission-manager model, believing the current structure may not be the most effective way to serve its citizens. Some members of the DCCRC expressed that transitioning to a county chairman model or granting power to a county manager may be a more efficient approach to govern the citizens of DeKalb County. Members of the public frequently spoke to this subject. The DeKalb Municipal Association recommended changing the form government to a commission-manager model. Their recommendations are



included in the appendix. Because the form of government topic was of such great interest, this section includes a summary of the research the Institute provided to the commission. This section defines the policy-making and executive functions of DeKalb County, details the five forms of government the DCCRC reviewed, and the various Metro-Atlanta counties' forms of government.

An amendment to change the form of government to a commission-manager model did not receive enough votes to pass.

Policy-making and Executive Functions

County governments have legislative and executive functions. These two distinct functions can be split between two branches, such as a county manager or chief executive officer and a commission, or vested in one office, similar to a sole commissioner model. The legislative functions primarily lie in policymaking which include enacting ordinances, adopting the annual budget, levying taxes, regulating land use, and establishing policies, rules, and regulations. Executive functions include implementing policy, preparing and executing a budget, and overseeing the day-to-day functions of personnel. In DeKalb County, the BOC serves as the legislative body and the CEO is the executive body.³

Structural Forms of County Government

The Institute researched five forms of government; Traditional Commission, Sole Commissioner, Elected Executive, Commission-Manager, and Commission-Administrator. These forms are distinguished by the formal assignment of policy-making and executive roles.

Traditional Commission

Traditional commissions fulfill both policy-making and executive functions, such as creating and approving the budget, and handling personnel matters. The commission can be organized so decisions are made as a whole, designate commissioners or committees to oversee functions or departments, or create a strong chair position to oversee administrative responsibilities. This strong chair can be an elected position or can be selected among commission members. The traditional commission form of government is typical of rural areas with smaller populations.⁴ There are 27 counties with traditional forms of government in Georgia.⁵ The benefits and challenges of the traditional commission form of government are listed below.

Benefits

- Commission members are perceived as more responsive to voters regarding operational decisions.



- For small governments, there may not be a need for a full-time professional to manage the government, which can save the county money.

Potential Challenges

- Substantial learning curve for new commissioners in both policy-making and executive functions.
- Lack of professional expertise about local government operations.
- More easily swayed by public demands rather than focusing on professional outcomes.
- Less accountability as decisions are made as a whole rather than by a single individual.
- For a successful and well-run government, the commission members must work well together and be dedicated to effectively managing the government. Prolonged disagreements could stifle county governance.
- Individual assignments or committees can lead to fiefdoms if a commissioner oversees a function for a long time, creating bias toward that county function or department.
- Lack of accountability by the commission can lead to issues in decision-making or overall effectiveness of the commission. This situation primarily occurs when one commissioner possesses far greater expertise than other members.

Sole Commissioner

In the sole commissioner model, one elected commissioner serves all policy-making and executive functions for the county.⁶ Seven counties in Georgia have a sole commissioner model; four of these counties use a county manager or administrator to aid in county management.⁷ The benefits and challenges of the sole commission form of government are listed below.

Benefits

- Decisions are made quickly.
- Department and executive functions can be easily coordinated.

Potential Challenges

- Misuse of authority due to unchecked executive power.
- Lack of formal management and public administration knowledge.
- Commissioner turnover can lead to major loss of institutional knowledge.

- Steep learning curves for each newly elected commissioner.

Elected Executive

In an elected executive form of government, executive management lies with an independently elected executive. The degree of final authority is dependent on the enabling legislation. Strong county executives can appoint and remove department directors, independently prepare the budget for presentation to the commission, and veto acts of the commission. Weak county executives rely on the commission for approval and removal of appointments, and guidance on budget preparations. One important feature of a weak county executive is lack of veto power. The elected executive may hire an assistant or operating officer to manage daily operations. DeKalb County has the only elected executive model in Georgia.⁸ The benefits and challenges of this model are listed below.

Benefits

- Policy-making and executive functions are separated to create a system of checks and balances
- Government operations are coordinated.

Potential Challenges

- Decision making and management may focus too heavily on constituent relations rather than professionalism or expertise.
- Abuse of power due to the absence of mechanisms to oversee or restrain executive operations except when an official is running for office.
- Lack of specific knowledge about government or management.
- Changes in executive may lead to a major loss in institutional knowledge.
- Newly elected executives may have a steep learning curve.

Commission-Manager^b

The commission-manager form of government separates policy-making and executive function. The manager oversees all executive functions and can be appointed and removed by the full commission. The manager prepares the government's budget and presents it to the commission for approval, can appoint and remove all department directors, and reports directly to the

^b In Georgia, counties use administrator/manager interchangeably.



commission.⁹ Sixty-five counties in Georgia have this form of government.¹⁰ The benefits and challenges of the commission-manager form of government are listed below.

Benefits

- Emphasizes professional expertise in decision-making.
- The manager's unelected status helps alleviate the political pressures on the executive functions.
- Due to the manager not being an elected official, they can provide a long-term perspective of management decisions.
- Clear lines of authority.
- Emphasis on checks and balances through separation of legislative and executive functions.
- The manager's authority is subject to checks through their appointment and potential dismissal by the commission.
- Specialized education in management and public administration.
- This form is believed to increase overall professionalism in governance by focusing on training and expertise without political considerations.

Potential Challenges

- The county manager may be insensitive to constituent concerns.
- Professional managers may demand higher salaries than a small government can afford.

Commission-Administrator

In a commission-administrator form of government, the commission holds ultimate responsibility for executive function. The administrator oversees daily operations of government but does not have final authority to appoint and dismiss department directors. The administrator does not independently prepare the budget. Instead, the commission prepares the budget.¹¹ Fifty-nine counties in Georgia have this form of government.¹² The benefits and challenges of the commission-administrator form of government are listed below.

Benefits

- Emphasizes professional expertise in decision-making.



- The administrator’s unelected status mitigates political pressure on the executive function.
- Because the administrator is not an elected official, they can provide a long-term perspective of management decisions.
- Clear lines of authority.
- An emphasis on checks and balances through separation of legislative and executive functions.
- A county administrator usually has specialized education in management and public administration.
- This form is believed to increase overall professionalism in government operations by focusing on training and expertise without political considerations.

Potential Challenges

- The commission can politically influence government operations through appointments and budget preparation.
- The administrator’s focus may become tailored to the chair’s needs if the chair is responsible for their appointment.
- Since the administrator does not appoint or remove department directors, there may be more instances of the latter speaking directly to commission members rather than through the administrator for budget requests, issues with department operations, and policy guidance, which undermines the administrator’s ability to manage the county.

Metropolitan Atlanta Counties Forms of Government

Metro-Atlanta counties have different forms of government, but the most common is a commission-manager form with a chair. The following table shows the form of government of each metro county.



Table 4. Metropolitan Atlanta Counties Forms of Government

County	Form of Government	2020 Population	Number of Districts
Fulton	Commission with Chair and Manager	1,066,710	6
Gwinnett	Commission with Chair and Administrator	957,062	4
Cobb	Commission with Chair and Manager	766,149	4
DeKalb	Commission and Elected Executive	764,382	7 ¹
Clayton	Commission with Chair and Manager	297,595	4
Cherokee	Commission with Chair and Manager	266,620	4
Forsyth	Commission with Chair and Manager	251,283	5
Henry	Commission with Chair and Manager	240,712	5
Douglas	Commission with Chair and Administrator	144,237	4
Fayette	Commission with Chair and Administrator	119,194	5

Note: DeKalb County has five districts and two super districts

Source: Georgia Legislative and Reapportionment Office; Each County's enabling legislation.

BALANCE OF POWER

The DCCRC discussed the balance of power between the BOC, CEO, and COO in DeKalb County. Some commissioners expressed that the current division of power may not be the most effective way to govern and that the COO position is not well defined or strong enough given the expertise required for the job. Additionally, some commissioners felt that the balance of power between the BOC and CEO skews toward the CEO. This section summarizes the Institute's research on power dynamics in the different forms of government.

The Institute researched the power dynamics in DeKalb, Fulton, Gwinnett, Cobb, Cherokee, Clayton, Forsyth, and Fayette counties to assist the DCCRC in its review process. The following tables list the balance of power in DeKalb, Fulton, Gwinnett and Cobb, the most populous metro-Atlanta counties.



Table 5. Balance of Power in DeKalb County Government

Powers of the Board of Commissioners	Powers of the Chief Executive	Powers of the Chief Operating officer
Levy taxes, make appropriations, fix rates, and authorize debt	Hold exclusive power to supervise and control administration of county	Manage daily operations in the county
Authorize work to be done in the county	Change, consolidate, or abolish departments, agencies, or offices under their control	Responsible to the CEO and the BOC for the proper administration of the affairs of the county
Establish and change public roads, private ways, bridges, and ferries	Maintain control over all departments except finances	At direction of CEO, may exercise any of the administrative duties and powers vested in the chief executive
Establish and change election precincts	Appoint executive assistant and county attorney	Aide to the CEO and the commission
Authorize optional statutes	Fix the compensations of all employees	
Regulate land use with planning and zoning	Convene special meetings when needed	
Create and change special taxing districts	Investigate affairs, records, and spending	
Enact ordinances	Represent county in intergovernmental matters	
Set priority for capital projects	Submit an annual report	
Adopt all ordinances and regulations they deem advisable	Submit proposals for county improvement	
Prepare agendas for BOC meetings	Full time position	

Source: Organizational Act of DeKalb County

The following table explains the balance of power between the BOC, Chairperson, and County Manager in Fulton County. Fulton County government differs from DeKalb in that they have a Commission-Manager form of government with a strong Chair.

Table 6. Balance of Power in Fulton County Government

Powers of the Board of Commissioners	Powers of the Chairperson	Powers of the County Manager
Establish policy, ordinances, and regulations	Preside at meetings of the BOC	Appointed by BOC
Adopt the annual budget	Official spokesperson of the board	Implement BOC policies
Authorize bond referenda	Sign all official documents on behalf of BOC	Prepare the annual budget for approval
Enact plans for county growth and development	Make appointments of BOC to committees, boards, and public authorities	Appoint department heads except auditors, clerks, and county attorneys
Divide county into service districts		Supervise about 5,000 employees
Levy taxes and assessments		Supervise the executive branch of Fulton County
Control the property of the county		Prescribe duties and supervises county employees
Establish/alter/abolish roads, bridges, and ferries		Require reports from heads of departments
Establish election precincts		Examine all books and papers of every county department office
Settle claims against the county		Authorize purchases for the county, supply requests, and supervise all county funds
Examine/audit all claims or accounts of officers		Receive all public work requests
Maintain and operate incarceration facilities		Prepare and recommend a budget for each calendar year
Redevelopment powers		

Source: Fulton County Enabling Legislation

The next table explains the balance of power between the BOC, Chairperson, and County Administrator in Gwinnett County. Gwinnett County has a Commission-Administrator form of government with a strong Chair.

Table 7. Balance of Power in Gwinnett County Government

Powers of the Board of Commissioners	Powers of the Chairperson	Powers of the County Administrator
Fix and establish policies, rules, and regulations	Preside over meetings of the BOC	Manage the day-to-day functions of county government
Levy taxes	Maintain a full-time office in the administrative center	Carry out policies established by the BOC
Make appropriations	Preside at all public meetings	Manage 13 administrative departments
Fix rates of all charges	Represent county government at ceremonial functions	
Authorize and execute of contracts	Be available to the constituency	
Establish/alter/abolish public roads, bridges, ferries, and private ways	Coordinate intergovernmental activity	
Establish election precincts	Submit motions to the BOC as necessary	
Set priorities for capital improvements	Share responsibilities for budget approval with BOC	
	Lead role in needs assessments, evaluation of services and policy development	

Source: Gwinnett County Enabling Legislation

Table 8 explains the balance of power between the BOC, Chairperson, and County Manager in Cobb County. Cobb County has a Commission-Manager form of government with a strong Chair.

Table 8. Balance of Power in Cobb County Government

Powers of the Board of Commissioners	Powers of the Chairperson	Powers of the County Manager
Fix and establish policies, rules, and regulations	Preside over meetings of the BOC	Chief executive officer and administrative head
Levy taxes	Appoint the vice-chairperson of the commission annually	Control all county departments
Make appropriations	Appoint the heads of departments	Supervise the conduct of appointed county officers and department heads
Fix rates of all charges		Attend all meetings of the BOC
Call elections for voting of bonds		Supervise all contracts
Set priority for capital projects		Carry out the policies, rules, and regulations from the BOC
Establish/alter/abolish public roads, private ways, bridges, and ferries		Advise the BOC on financial conditions and needs of the county
Exercise all powers for zoning and planning		Regulate all purchases of materials and supplies
Create and change boundaries of special tax districts		See that all laws/ordinances are enforced
		Confer with elected officials who receive financial support from BOC
		Hold no other office of employment

Source: Cobb County Enabling Legislation

The following table shows which branch of government has authority over agenda and budget setting in Metro-Atlanta counties with Commission-Manager or Commission-Administrator forms of government. In DeKalb County, the CEO appoints department heads and proposes the budget. The BOC approves the budget and sets meeting agendas.¹³ The COO serves at the pleasure of the CEO and can be removed from office at any time. The BOC may suspend or discharge the COO for cause with the affirmative vote of at least five members of the commission.

Table 9. Agenda and Budget Setting Power, Metro-Atlanta Counties with Commission-Manager/Administrator Forms of Government

Power	BOC	County Manager/ Administrator	Chairperson	Other
Appoints County Employees	Gwinnett, Fayette, Cobb, Forsyth	Fulton	Clayton, Cherokee	
Proposes Budgets		Fayette, Forsyth	Cobb, Gwinnett, Cherokee	Fulton (Budget Commission), Clayton (Chief Financial Officer)
Approves Budgets	Gwinnett, Fulton, Cobb, Fayette, Cherokee, Forsyth	Clayton		
Agenda Setting	Clayton	Forsyth, Cobb, Fulton, Cherokee	Gwinnett	Fayette (BOC, County Administrator, and Executive Assistant together)
Removes City Managers/Administrators	Gwinnett, Fulton, Cobb, Fayette, Cherokee, Forsyth, Clayton			

Source: Enabling legislation for each county.

Organizational Act Edits

The DCCRC made proposed changes to the Organizational Act to ensure a more equal balance of power between the CEO and BOC. In Sec. 9, the DCCRC gave the BOC subpoena power to make inquiries and investigate the affairs of the county and its departments. This change allows the BOC to hold the executive branch accountable. In Sec. 10, the DCCRC added language requiring the chief auditor to inform the CEO of any irregularities in the management of the county.

The DCCRC edited Sec. 14 to clarify the CEO’s roles and responsibilities. The edits included additional language to ensure clarity regarding the CEO’s management of all internal and external relationships, representing the county in all intergovernmental matters, and encouraging county growth. The proposed revision requires the CEO to respond to information requested by the BOC in a timely fashion. The change clarifies the BOC approval power over the CEO’s creation or abolishment of any departments. Sec. 16 now confirms the CEO may delegate all matters concerning the operation of the government to the COO. Sec. 20 requires the CEO to submit the initial purchasing and contracting ordinances to the BOC for approval,

then either the CEO or BOC can propose ordinance changes. The intent of these changes was to introduce further checks and balances between the executive and legislative branches.

EFFECTIVE DELIVERY OF SERVICES

Effective delivery of services was a frequent conversation during the review process. Both DeKalb County citizens and members of the DCCRC expressed frustrations with the county's delivery of services.

The structure of DeKalb County government was a recurring issue throughout the Organizational Act review process. Because of the perceived concentration of power under the CEO, the DCCRC viewed the organizational structure as a potential impediment to service delivery. Department heads presented their departments' service delivery structures, answered questions on the turnaround time for service requests, and shared the departments' chains of command.

The DCCRC reached the conclusion that, regardless of the quality of service, there is a strong potential to enhance transparency to citizens. Lags and gaps in service frequently occur due to miscommunication between departments and citizens. Where possible, the DCCRC attempted to fine-tune internal processes. The DCCRC discussed fostering responsive departmental communications or establishing a countywide role for service delivery communication.

APPOINTMENTS AND VACANCIES

The DCCRC addressed issues as result of vacancies in both the CEO and BOC positions, as well as vacancies in staff and board positions. In the past, an issue arose when the Georgia governor suspended the DeKalb County CEO and a member of the BOC became the temporary CEO, leaving his commission district seat vacant during that time.^c The DCCRC tackled this situation directly in the Organizational Act by providing a mechanism to address both permanent and temporary vacancies resulting from the suspension of the CEO or a BOC member(s). In the future, if a BOC member is elevated to the CEO position due to a suspension or vacancy, a majority of the remaining BOC members must appoint a qualified person to fill the vacant position in at least 30 days.

Several DCCRC members noted that there have been instances where positions on a board have remained vacant for several years, resulting in poor service delivery and ineffective governance. Some boards have been active in name only, as there are either no people or not enough people

^c As with all districts, a super district commissioner also represented the district needs. Usually, each district has double representation on the commission, a district commissioner, and a super district commissioner.



appointed to them. The DCCRC amended the Organizational Act to require the COO to coordinate and supervise the appointment process, maintain a roster of all appointments that are vacant, and report such vacancies to the CEO and BOC.

NUMBER AND SIZE OF COMMISSION DISTRICTS

The DCCRC formed a subcommittee to determine if the current number of commission districts sufficiently represents citizens in county government. The DCCRC voiced concerns that the current geographical divisions overlook the interests of certain racial and ethnic groups. The subcommittee recommended to the full commission to expand the current five individual commission districts to seven, leaving the super districts untouched. To aid the subcommittee's analysis, the Institute provided a demographic analysis of the county. The analysis provided a breakdown of the racial and ethnic composition of each area, heat maps illustrating percentages of these groups, and the presence of underserved minorities in relation to representation in county leadership. Subcommittee members discussed the county's historic balance of racial and ethnic identities, resulting in a consensus that the diversity of these identities is an important factor for future charter review commissions to consider.

Perhaps the largest motivating factor for increasing commission districts was the ratio of citizens to commissioners in each district. Currently, district population size is approximately 150,000 people. Some members expressed a desire to reduce this number to 120,000. The subcommittee initially discussed eliminating super districts but ultimately decided to keep them as an added measure for citizen representation due to the broader, more general role they fulfill within the county. In the end, the DCCRC voted down this proposed amendment.

BUDGET SCHEDULE

The DCCRC expressed apprehension about the DeKalb County budget schedule and its effect on delivery of services and operational governance. In DeKalb County, the CEO currently submits a proposed budget to the BOC no later than December 15, or January 15 if a new CEO is elected. Then, the BOC must approve and adopt the budget before March 1. Because DeKalb County's fiscal year begins January 1 and the BOC does not approve and adopt the budget until March 1, the Organizational Act authorizes the finance director to expend funds that are necessary for the operation of the county until the final budget is approved.¹⁴

The DCCRC found this budget schedule problematic because the county often operates without an official budget for the first two months of the fiscal year. After consulting with the finance director and the COO and examining other Metro-Atlanta budget schedules, the DCCRC voted to change the budget schedule. The amendment proposes that the CEO submit the proposed budget to the BOC by October 1 and the BOC approve and adopt it by December 31. The DCCRC also added language to account for any delays in the budget process and removed



language that allowed the finance director to expend funds between the budget’s proposal and adoption.

Generally, the executive authority in a county creates a proposed budget and submits it to the BOC. In most cases, the BOC will have one or more public hearings, and then discuss and vote on any amendments to the budget. Upon doing so, the BOC will adopt the final budget. In most counties, the proposed budget is due one to two months before the new fiscal year, and the final adoption of the budget occurs just before the start of the new fiscal year or within the first month of the new fiscal year.

The table below lists the budget schedules for the most populous Metro-Atlanta counties.

Table 10. Budget Schedules for Metro-Atlanta Counties

	Gwinnett County	Fulton County	Cobb County	DeKalb County
Start of Fiscal Year	January 1	January 1	October 1	January 1
Total Budget FY2023	\$2.27 Billion	\$1.34 Billion	\$1.23 Billion	\$1.74 Billion
Deadlines for Departments	Not enumerated	Not enumerated	Not enumerated, but usually by March	Not enumerated
Deadline to Submit Proposed Budget to Commission	December 1	November 15	Not enumerated, but usually in July	December 15
Deadline for Commission Approval	First regular meeting in January	Second regular meeting in January	Prior to the beginning of the new fiscal year to which it applies	March 1
Actual Date of Approval for FY2023	January 3, 2023	January 18, 2023	July 27, 2022	February 28, 2023
Departments Develop Budget Proposals ¹	Feb-April for Capital Budget June-July for Operating Budget		September-February	
Internal Review ²	June for Capital Budget		March-April	
Budget Hearings	December	December	Late June – Late July	At least 10 days after submission by CEO but before final approval
Budget Presentation to BOC	November	November	Late June	December 15

Note: Unable to ascertain the schedule for department budget proposal development and internal review information from Fulton and DeKalb.

Source: Information was obtained from the enabling legislation and each county’s annual budget report.

AUDITING

The DCCRC ensured the Office of the Independent Internal Audit (OIIA) received ample support to safeguard the proper functioning of government and effective delivery of services. This section contains a description of the OIIA, the edits the DCCRC made to the auditing section, and concerns about expenditures and county finances.

Office of the Independent Internal Audit

On June 8, 2023, Lavois Campbell, Chief Audit Executive at the OIIA, spoke to the commission about the functioning of the office. The OIIA assesses the County's performance through financial audits, performance audits, investigations, and reviews.¹⁵ The OIIA is a completely independent office in DeKalb County and is not under the control or supervision of the county governing authority (CEO and BOC).¹⁶ The BOC appoints the auditor by a majority vote from a list given to them by the audit oversight committee.¹⁷

County Expenditures and Finances

Both DeKalb County citizens and the DCCRC desire more transparency and oversight of county expenditures and finances. The public consistently voiced concerns over the perceived lack of information as to the county's finances. The DCCRC made edits to the Organizational Act to address these challenges.

Organizational Act Edits

In his presentation, Campbell recommended the DCCRC reduce the timeframe for the governing authority to respond to the draft audit report from 60 to 30 days to encourage management to develop corrective action plans sooner and allow the final report to be communicated to the public more quickly.¹⁸ The DCCRC amended the timeframe from 60 to 45 days and required that audited agencies respond to status report requests from the OIIA within 45 days of receiving the requests. Additionally, the DCCRC required the final audit report be sent to the DeKalb County Legislative Delegation and be posted to the county website to ensure transparency.

To better track performance and government efficiency, the DCCRC included a new subsection requiring the OIIA to include benchmarking in their individual agency reports and annual reports to the CEO and BOC. Commissioners hope this edit increases government accountability to the public and effective delivery of services.



Conclusion

The DCCRC spent many months researching and reviewing the Organizational Act. Their edits, which required an affirmative vote by at least 10 members, reflect the conversations and questions posed by members of the commission throughout the process. The DCCRC hopes this document informs the legislature as to the thought processes and discussions that arose frequently during this review.

Endnotes

¹ "Neighborhood Planning Units About and History," City of Atlanta, <https://www.npuatlanta.org/about-and-history>.

² "Code of DeKalb County, as Revised 1988" Sec. 27-7.1.2.

³ Richard Campbell, David Ammons, and Dave Wills. 2010. *Handbook for County Commissioners, 5th Edition*. Hudson, Betty J. and Paul T. Hardy (eds.) Carl Vinson Institute of Government: Athens, GA.

⁴ Ibid.

⁵ Clint Mueller and Bill Twomey. "Forms of County Government." (presentation, "Forms of County Government," June 6, 2022).

⁶ Richard Campbell, David Ammons, and Dave Wills. 2010. *Handbook for County Commissioners, 5th Edition*. Hudson, Betty J. and Paul T. Hardy (eds.) Carl Vinson Institute of Government: Athens, GA.

⁷ Clint Mueller and Bill Twomey. "Forms of County Government." (presentation, "Forms of County Government," June 6, 2022).

⁸ Richard Campbell, David Ammons, and Dave Wills. 2010. *Handbook for County Commissioners, 5th Edition*. Hudson, Betty J. and Paul T. Hardy (eds.) Carl Vinson Institute of Government: Athens, GA.

⁹ Ibid.

¹⁰ Clint Mueller and Bill Twomey. "Forms of County Government." (presentation, "Forms of County Government," June 6, 2022).

¹¹ Richard Campbell, David Ammons, and Dave Wills. 2010. *Handbook for County Commissioners, 5th Edition*. Hudson, Betty J. and Paul T. Hardy (eds.) Carl Vinson Institute of Government: Athens, GA.

¹² Clint Mueller and Bill Twomey. "Forms of County Government." (presentation, "Forms of County Government," June 6, 2022).

¹³ DeKalb County Organizational Act §9, §13, §17

¹⁴ DeKalb County Organizational Act §17

¹⁵ Lavois Campbell. "Overview of the Office of Independent Internal Audit." (presentation, DeKalb County Charter Review Commission Meeting, Decatur, GA, June 8, 2023).

¹⁶ DeKalb County Organizational Act §10A (c)

¹⁷ DeKalb County Organizational Act §10A (d)

¹⁸ Lavois Campbell. "Overview of the Office of Independent Internal Audit." (presentation, DeKalb County Charter Review Commission Meeting, Decatur, GA, June 8, 2023).

