

Ethics Law in DeKalb County

The ethics law that we had was found to be unconstitutional. However, we have two powerful entities that have the ability to enact ethics legislation to include (1) The DeKalb County Delegation and the (2) Board of Commissioners. I ask that everyone remember that there is nothing weaker than going over 2-3 years without an ethics law and/or ethics board. If the ethics law and/or board continued without constitutional legislation, the threat of defunding the ethics office was on the table.

As a newly elected official, I understand that no one elected official can move legislation without having the votes of other elected officials that add up to the magical number of nine (9) for the DeKalb Delegation. Remember, the Board of Commissioners was asked by our coalition in 2017 to enact ethics legislation before I was elected. We need to work together to ensure an ethics law and board exist.

We had multiple extreme versions of the ethics legislation that was unable to produce enough votes to pass. Senator Emanuel Jones walked a fine line to produce legislation that would produce the 9 votes needed. Senator Jones explained to me that it is easier to amend the ethics legislation after we produce an ethics law that's constitutional. Senator Jones also pointed to the fact that the board has the power to keep the ethics officer. However, the ethics legislation was voted down with over 60% of voters.

We need to work together to ensure our ethics legislation is constitutional and provides an independent Board of Ethics to create an overall strong law.

Four Point Action Plan to the Ethics Legislation

1. **Restore** - Restore an independent ethics board with constitutional legislation.

2. **Repeal** - Repeal the practice of vendors and contractors giving gift cards to employees during the procurement process and/or at any other time to ensure there are no malfeasance, wrongdoing, and alleged criminal activity.
3. **Recuse** - Recusal process for episodes of conflict of interest. There must be a method for a person to recuse themselves when there is a conflict of interest.
4. **Respect** – Respect the opinions of everyone involved in the process of developing and/or analyzing the ethics legislation and ensuring civil behavior free of intimidation, retaliation, racial overtones, and overall behavior that threatens the elected officials and the general public.

Serious issues to address concerning Ethics Legislation

1. The research will demonstrate that DeKalb County ethics legislation is unique because Metro Atlanta has ethics legislation written on the local level through the ordinance process to include:

Review of some of the other jurisdictions to include the City of Atlanta, Cobb County, Gwinnett County and Fulton County have ethics codes that were adopted as ordinances and thus their codes can be changed by their governing authority or city council without going through a referendum unlike DeKalb whose ethics code was adopted by a local act of the General Assembly with a referendum.

- a. **Cobb County Code of Ethics -**

<https://www.cobbcounty.org/board/county-clerk/boards-and-authorities/board-ethics>; <http://cobbcounty.elaws.us/code/coor>

b. Gwinnett County Ethics -

<https://www.gwinnettcountry.com/web/gwinnett/departments/countyclerk/codeofethics>

a) <https://www.gwinnettcountry.com/web/gwinnett/departments/countyclerk/codeofethics>

Code of Ethics

b) https://library.municode.com/ga/gwinnett_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH54HURE_ARTIICOE_T

c. Fulton County Ethics

a) <https://fultoncountyga.gov/commissioners/clerk-to-the-commission/code-of-ethics>

d. City of Atlanta Ethics

b) <https://www.atlantaga.gov/government/boards-and-commissions/board-of-ethics/code-of-ethics>

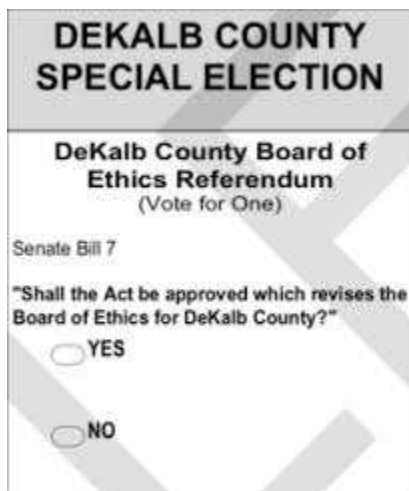
2. The research will demonstrate that there are a number of cities within DeKalb County that do not have ethics legislation written within their charter. We have received requests from taxpayers and voters to write legislation that can be applied to the county and cities alike.
- a. Request copies of the city's ethics legislation and/or laws
 - b. Verify the legislation is within the charter
 - c. Verify that the prior ethics legislation did not apply to the cities

- Research has found a true racial divide among the minority elected officials that has a few demanding a true check and balance on the power given to the ethics officer due to the overall fear of acts of discrimination through the ethics officer targeting black elected officials.

Ethics Referendum Mandate for 2019:

Results:

Ethics Referendum Ballot Question:



Ethics Referendum SB7 Vote Count:

DeKalb - Board of Ethics Referendum SB 7 Special				
	Polling	ABM	AIP1	Total
Number of Precincts	194	194	194	194
Precincts Reporting	194	194	194	194 100.0 %
Times Counted (Reg. Voters 514368)	48364	624	7424	56412 11.0 %
Total Votes	47010	604	7101	54715
YES	18037	240	2883	21160 38.67%
NO	28973	364	4218	33555 61.33%

City	Abbr.	Had elec.?	Yes	No	Total	% Yes	% No	Turnout	Registered	% skipped	% RV turnout	% of co. turnout
Atlanta [pt.]	ATL	No	407	2,191	2,598	15.67%	84.33%	2,604	32,274	0.23%	8.07%	4.62%
Avondale Estates	AVO	Yes	400	1,123	1,523	26.26%	73.74%	1,614	2,749	5.64%	58.71%	2.86%
Brookhaven	BHAVN	Yes	2,173	3,441	5,614	38.71%	61.29%	6,001	31,831	6.45%	18.85%	10.64%
Chamblee	CHA	Yes	647	892	1,539	42.04%	57.96%	1,594	12,877	3.45%	12.38%	2.83%
Clarkston	CLA	Yes	444	240	684	64.91%	35.09%	732	5,974	6.56%	12.25%	1.30%
Decatur	DEC	Yes	674	3,973	4,647	14.50%	85.50%	4,794	14,986	3.07%	31.99%	8.50%
Doraville	DOR	Yes	585	429	1,014	57.69%	42.31%	1,168	4,067	13.18%	28.72%	2.07%
Dunwoody	DUN	Yes	2,473	4,975	7,448	33.20%	66.80%	7,942	30,515	6.22%	26.03%	14.08%
Lithonia	LIT	Yes	297	85	382	77.75%	22.25%	403	1,619	5.21%	24.89%	0.71%
Pine Lake	PIN	No	17	125	142	11.97%	88.03%	144	608	1.39%	23.68%	0.26%
Stonecrest	STCRST	Yes	3,743	1,385	5,128	72.99%	27.01%	5,267	45,382	2.64%	11.61%	9.34%
Stone Mountain	STO	Yes	284	214	498	57.03%	42.97%	519	4,512	4.05%	11.50%	0.92%
Tucker	TUC	Part	675	2,081	2,756	24.49%	75.51%	2,791	25,221	1.25%	11.07%	4.95%
Unincorporated	NON	No	8,341	12,401	20,742	40.21%	59.79%	20,839	301,753	0.47%	6.91%	36.94%
All of DeKalb County			21,160	33,555	54,715	38.67%	61.33%	56,412	514,368	3.01%	10.97%	100.00%

1. **Keep the Ethics Officer**
2. **Remove the Human Resource Requirement**
3. **Remove the DeKalb County CEO and BOC from the legislation**

Future Legislation:

Goals and Objectives are to create legislation that is constitutional to include:

1. **Reconstitute the Ethics Board**
2. **Remove the Gift section of the Ethics Law**
3. **Recusal - Address the issue of “conflict of interest” and “recusal”**

Legislative Counsel noted there would be no need for a referendum if the ethics legislation does not include the Board of Commissioners and the Chief Executive Officer within the legislation. However, there have been multiple threats of further court challenges if there is not a referendum.

Timeline for the Ethics Legislation for Legislative Session 2020-2021:

Schedule 3-4 days of testimony designed to help craft the ethics legislation. After the testimony, we must have public comment and input to ensure there is not a repeat of last year's feeling of the public being excluded from the process.

Testimony examples:

1. A representative from the Solicitor's office
2. A representative from the District Attorney's office
3. A representative from the CEO office
4. A representative from the BOC office
5. Ethics experts to assess the legislation presented
6. The attorney that has sued DeKalb County concerning ethics legislation
7. A representative from the DeKalb Ethics office
8. A representative from the Board of Ethics in DeKalb County
9. Public comment after testimonies

Members of the Joint Senate and House Committee/Task Force will have the opportunity to question the people providing the testimony.

Update: Chair Karla Drenner has changed the Joint Senate and House Committee/Task Force to a House Ethics Committee.