

OPEN LETTER TO DEKALB STATE LEGISLATORS AND DEKALB CITIZENS

Last week the remaining two town hall meetings where Senate Bill 7 revising the 2015 Ethics Act was to be discussed were cancelled by the leaders of the Delegation. We had been attending those meetings, distributing materials to attendees, and speaking against the legislation in the limited time allowed.

We appreciate those legislators who spoke of their disapproval of the cancellations through emails, public announcements, and the media. It is our understanding that various senators and representatives will host the next two meetings in Decatur and Brookhaven as planned.

We hope that the format of these meetings will allow both sides of this discussion to be aired. In particular, we observed that not only was the presentation at the previous meetings unilaterally in favor of the bill, but the presentation didn't address the questions that we, the DeKalb Citizens Advocacy Council, have been asking. Thus, if there are legislators present who voted for the bill, we hope to get answers to these questions, which we are submitting in advance of the meeting:

What was the reason for the multiple successive versions of SB 7, why was communication with the public so limited, and why was it done in such a rush? Why was a decision made to make such substantial changes instead of waiting for the CEO's Charter Commission to review the Act, have public hearings, and make recommendations for these additional changes to the Code of Ethics, before we're asked to vote on them?

SB 7 started out as simply an amendment to the appointment process of members of the Board of Ethics, as necessitated by a Georgia Supreme Court decision. Then it was amended, amended again, amended a third time, and amended yet again on the date the House vote on the bill was taken. There was no transparency in the process, and no reasons have been given for the drastic changes that were made.

What is the reason for removing the internal Ethics Officer position, which functions as the de facto Executive Director of the Ethics Office?

The bill downgrades the position of ethics officer, who is currently required to be an attorney with ethics experience, to an ethics administrator, who will only be required to have a college degree, and will not be authorized by statute or qualified to perform the majority of the current duties of the ethics officer. Specifically,

- The administrator will not be required to alert the board to any possible ethics violations that the administrator believes should be investigated.

- He or she will not be able to act upon information obtained from the ethics hotline, perform a preliminary investigation to determine board jurisdiction, be qualified to provide advisory opinions, or even to personally file an ethics complaint.
- In addition to that, the administrator will not even have the authority to report suspected criminal violations to state or federal law enforcement agencies.

The invaluable service that the office currently provides to citizens of DeKalb County and to the volunteer members of the Board of Ethics will be eviscerated.

Why did the Delegation add an amendment requiring county employees to file any complaint against a supervisor with human resources before filing an ethics complaint?

The ethics office already counsels employees who file complaints to pursue the matter with Human Resources when it is appropriate, and the ethics officer is much more qualified to make that determination than the director of human resources. It will deter whistleblowers and will delay, if not altogether prevent, many ethics violations from being properly and promptly addressed by the ethics board. And what if the problem has to do with Human Resources?

What was the reasoning behind adding a requirement that the policies and procedures adopted by the Board of Ethics be subject to review by the CEO and confirmation by the Board of Commissioners?

The CEO and Commissioners do not require this review and confirmation of any other independent board in the county. Furthermore, SB 7 makes no provision for how this review and confirmation will occur and what happens if the Board of Ethics challenges the suggested changes from the CEO/Commissioners. This requirement flies in the face of the law requiring that “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.”

Why did the Delegation give the CEO and Board of Commissioners an appointment to the Board of Ethics?

The most common complaint about the Code of Ethics prior to 2015 was that the CEO and Commission members were able to make appointments to the ethics board. Citizens did not want to have “the fox guarding the henhouse,” which is the reason why the law was changed to provide that four of the board members were to be appointed by DeKalb community organizations, and

the other three by other elected officials. But in this bill, the Delegation has once again given the CEO and Board of Commissioners an appointment to the ethics board. Even one appointment is too many. Why was it added?

What was the reason behind dismissing complaints once officials and employees leave office?

One of the amendments in the bill provides that, once officials and employees leave office, the Board of Ethics will lose jurisdiction over complaints for alleged violations that occurred during their service with the county.

Why will the ethics board be prohibited from issuing rulings on complaints 45 days prior to an election?

This will deprive voters of vital information about candidates who are subject to a complaint, and will equally deprive those parties of the opportunity to exonerate themselves prior to the election.