



Mary Hinkel, Chair
DeKalb Citizens Advocacy Council, Inc.
1718 Mason Mill Road, NE
Atlanta, GA 30329

July 25, 2019

Dear Ms. Hinkel:

I have looked over the materials sent to me regarding the proposal to change the ethics standards in DeKalb County. Here is my analysis, provided in my role as an expert in ethics:

1. The replacement of an “ethics officer” with an administrator weakens the ethics oversight of the county. Downgrading the office diminishes the role of the ethics office, lessens the responsibilities of the individual in the position, calls for a significantly less skilled individual to fulfill the role (a law degree is standard for an ethics officer, not so for an administrator), and moves important ethical functions out of the ethics office. In addition, an administrator will have less authority and will not have the responsibility of reporting criminal activity to law enforcement. The ethics officer has also traditionally been responsible for training the county employees in ethics. A bachelors-level ethics administrator will be unqualified to do that training, so will the training cease? And who will serve as the informal advisor when people have a quick, ad hoc ethics question? The substitution of an administrator for an officer will significantly diminish the ethics function of the county and is an unacceptable revision of the county’s Ethics Act.
2. It should not be permissible for policies and procedures of the ethics committee to be subject to approval by the CEO and the Board of Commissioners. Certainly, they should have a right to see and review any proposed policies, and to give feedback to the committee. But veto/approval power seems problematic, and would allow the officials to deny policies that hold them to high ethical standards. An exception might be if the ethics committee submits a policy that actually crosses the line into regulation or runs counter to or amends an existing regulation. The Ethics Commission does not have the right to legislate, only elected officials do. But the county legal function should oversee that kind of overreach should it occur.

3. A county employee should absolutely have the right to go straight to the ethics committee with a complaint. HR should not be an intermediary between an employee and an ethics committee. The Chair or the Ethics Officer should be the gatekeeper, not HR. HR has the ability to delay or subvert an ethics complaint with processes and procedures that could delay an employee's right to go the ethics committee indefinitely, which is not acceptable
4. It is recommended policy and common practice for the members of an ethics committee to be selected by other than those who are subject to it. For example, the Atlanta Public Schools' Ethics Commission appointment policy states:

The seven members of the Ethics Commission shall be recommended by the following community organizations and appointed by the Board in this order until seven (7) members are appointed. Each organization will have the opportunity to refill its seat if the Ethics Commission member resigns.

- 1. Atlanta Bar Association
- 2. Gates City Bar Association
- 3. Institute of Internal Auditors, Atlanta Chapter
- 4. Georgia School Boards Association
- 5. Atlanta Council of PTAs
- 6. Georgia Chamber
- 7. Emory University Center for Ethics
- 8. Georgia Partnership for Excellence in Education
- 9. Georgia School Superintendents Association

(Note that we are #7). The Mayor's Office does not get to select a member of the Atlanta Public Schools' Ethics Commission, though the Georgia School Boards Association does and the Superintendents Association does as well. I do not know why it is necessary for the county CEO to have a representative on the ethics committee; shouldn't a change in this law have a compelling rationale? On the other hand, while I think it is less than desirable for the CEO to appoint a member, I am not as worried about that. - it will be one member among many - as I am about the other three points above.

The bottom line is that this bill is clearly meant to weaken and dilute the excellent policy passed in 2015, without any convincing reasons to weaken the bill. DeKalb is slipping back to a former posture that got it in trouble in the first place. I would agree that this bill should be strongly opposed.

Sincerely,



Paul Root Wolpe, Ph.D
Director, Center for Ethics