



DeKalb County Government

Manuel J. Maloof Center
1300 Commerce Drive
Decatur, Georgia 30030

Agenda Item

File ID: 2019-3360

Substitute

Public Hearing: YES NO

Department: Board of Commissioners

SUBJECT:

Commission District(s): All Districts

DeKalb County Financial Disclosure Policy

Information Contact: John Manson

Phone Number: 404 371 6207

PURPOSE:

To update the County's Financial Disclosure Policy;

NEED/IMPACT:

To ensure an effective disclosure procedure and policy;

FISCAL IMPACT:

None

RECOMMENDATION:

To approve the resolution and authorize the chief executive officer to execute all necessary documents.....

**AN ORDINANCE
TO AMEND THE CODE OF DEKALB COUNTY,
AS REVISED 1988, CHAPTER TWO, FINANCIAL DISCLOSURE REPORTS AND FOR
OTHER PURPOSES**

WHEREAS, the Governing Authority of DeKalb County is tasked with the protection of the County's health, safety, and general welfare;

WHEREAS, the Governing Authority finds that these amendments will promote transparency and ethics in DeKalb County government; and

WHEREAS, the Governing Authority finds that it is essential to the proper administration and operation of 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

WHEREAS, the Governing Authority desires to strengthen the financial disclosure requirements of employees and public officials in order to obtain these goals;

WHEREAS, the Governing Authority, pursuant to its police power, finds that this ordinance will protect and preserve the health, safety, and general welfare of the County by strengthening these financial disclosure requirements;

NOW, THEREFORE, be it ordained by the Governing authority of DeKalb County, Georgia, and it is hereby ordained by the authority of same, that Chapter 2 of the Code of DeKalb County, as Revised 1988, be and the same is hereby amended as follows:

PART I. ENACTMENT

By adding Article XIII to Chapter 2 of the Code to read as follows:

ARTICLE XIII. FINANCIAL DISCLOSURE REPORTS

Sec. 2-900. Purpose.

It is essential to the proper administration and operation of 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 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 DeKalb County to protect against such conflicts of interest by establishing a financial disclosure policy to ensure transparency in the conduct of business by employees and public officials.

Sec. 2-901. Definitions.

Division heads and directors means all directors or leaders of divisions or departments including instances where such director's department is part of a larger division. For instance, the director of public works is required to complete a financial disclosure as well as all directors of divisions within public works, such as sanitation and roads and drainage.

Financial Disclosure Report means an annual report disclosing sources of income as set forth in this article.

Gift means any gratuity, favor, discount, entertainment, trip, hospitality, loan, forbearance, or other item having monetary value from a Prohibited Source. It includes services as well as gifts of transportation, local travel, lodgings and meals, whether provided in-kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred. A gift does not include:

- (a) modest items of prepared food and refreshments, such as soft drinks, or coffee and donuts, offered other than as part of a meal;
- (b) greeting cards and items with little intrinsic value, such as plaques, certificates, and trophies, which are intended solely for presentation;
- (c) loans from banks and other financial institutions on terms generally available to the public.

Prohibited Source means any person or entity who: (a) is seeking official action by the Reporter or the Reporter's department; (b) does business or seeks to do business with the county or the Reporter's department; (c) conducts activities regulated by the Reporter or the Reporter's department; or (d) has interests that may be substantially affected by performance or nonperformance of the Reporter's official duties.

Reporter does not include any elected official who is required to file reports required by the State Campaign Finance Act nor does this term include any member of the judiciary, the tax commissioner, the clerk of the superior court, the district attorney, the solicitor-general, the public defender, the marshal, the sheriff or any of their respective employees. **Reporter** shall mean any person who holds any of the following positions:

- (a) employees who report directly to the chief executive officer;
- (b) the clerk to the chief executive officer and board of commissioners
- (c) the executive assistant/chief operating officer and deputy chief operating officer(s);
- (d) employees who report directly to the executive assistant and the deputy chief operating officer(s);
- (e) all department directors, division heads, deputy, assistant or associate department head

- directors;
- (f) employees of the purchasing and contracting department;
 - (g) within the departments of finance and budget, all employees who have discretionary or supervisory authority over the investment of county funds or the auditing of county finances or contracts;
 - (h) the county attorney and all assistant county attorneys;
 - (i) the zoning administrator and any assistant zoning administrators;
 - (j) all inspectors of private property or businesses regulated by the County;
 - (k) members of the DeKalb County Ethics Board, the Planning Commission, Zoning Board of Appeals, Technical Board of Appeals.

All members of county boards, commissions, councils or authorities and other similar bodies created by this Code who are appointed by (1) the governing authority, (2) the board of commissioners, (3) members of the board of commissioners or (4) the chief executive officer shall not be considered Reporters under this section but shall be required to annually file an ethics pledge with the finance director. The format of the ethics pledge shall be approved by the finance director with input from the Ethics Officer.

Reporting year shall mean the prior calendar year covered by any Financial Disclosure Report.

- (a) Reporters shall file annually with the director of finance a Financial Disclosure Report disclosing the sources of any income, whatever its nature, in excess of one thousand dollars (\$1,000.00) derived from any one (1) source for the Reporting Year. The Financial Disclosure Report shall be filed on or before April 30 of each year for the preceding calendar year in a format approved by the board of commissioners. Failure of any Reporter to file the Financial Disclosure Report shall be reported by the finance director and reported to the board of commissioners within sixty (60) days of the April 30th deadline. The Financial Disclosure Reports shall be considered public documents upon filing and shall contain the following information:
 - (1) The source of each of the following items received or accrued during the Reporting Year by a Reporter or the Reporter's spouse, including the name and address of the source:
 - i. Any income for services rendered of one thousand dollars (\$1,000.00) or more;
 - ii. Any interest or dividend income of a business or investment of five thousand dollars (\$5,000.00) or more (excluding mutual fund investments);
 - iii. Reimbursement for expenses of one thousand dollars (\$1,000.00) or more in each instance;
 - iv. Honoraria accepted by a Reporter from speaking engagements, participation in seminars, discussion panels or other activities which directly relate to the official duties of the Reporter where such honoraria is in the aggregate amount of one hundred dollars (\$100.00) or more in each instance; and
 - v. Any Gift, as that term is defined by this article, from any single source received during the Reporting Year from any individual, company or organization which is doing business with the County, is requesting official action from the County or is regulated by the County.
 - (2) The name, address and type of organization in which the Reporter or his/her spouse is an officer, director, partner, proprietor, or employee, or serves in any advisory or contractual capacity from

which income of one thousand dollars (\$1,000.00) or more was derived.

- (3) Each creditor, including the name and address, to whom the Reporter or his/her spouse was indebted for a period of ninety (90) consecutive days or more during the Reporting year in an amount of seven thousand five hundred dollars (\$7,500.00) or more, except for retail installment debt, any debt secured by real property or vehicles, credit card debt, medical expense debt, student loan debt, debt for child support or alimony, or any tax debt.
- (b) The clerk to the chief executive officer and the board of commissioners shall provide a complete list to the finance director by February 15 of each calendar year of current members of all county boards, committees, authorities or commissions defined as Reporters in this article. The executive assistant or his designee shall provide a complete list to the finance director by February 15 of each calendar year of all employees required to submit Financial Disclosure Reports, including the employee's name, title and department. The finance director shall make the Financial Disclosure Report available in electronic format for completion by Reporters by March 15th of each calendar year.
- (c) Any individual who is newly employed by the County and who qualifies as a Reporter shall file the Financial Disclosure Report for activities in the calendar year prior to employment within 45 days of the employee's start date. If the individual's employment start date is between January 1 and April 30, the individual will file on the April 30th deadline set forth in this article.
- (d) Any individual who is promoted or transferred into a position which qualifies as a Reporter shall file the Financial Disclosure Report for activities in the calendar year prior to promotion or transfer within 45 days of the effective date of the employee's promotion or transfer. If the individual's employment promotional or transfer date is between January 1 and April 30, the individual will file on the April 30th deadline set forth in this article. It shall be the responsibility of the human resources division to inform any Reporter of the filing requirement under this section if the individual Reporter is newly employed, promoted or transferred into a position which qualifies as a Reporter.

Sec. 2-901. Violations.

Failure to file a Financial Disclosure Report, as required by this section, may result in discipline by the Chief Executive Officer.

PART II. EFFECTIVE DATE

This ordinance shall become effective upon adoption by the Board of Commissioners and approval by the Chief Executive Officer.

PART III. SEVERABILITY

Should any section or provision of this ordinance be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the ordinance as a whole, nor any part thereof, other than the part so declared to be invalid or unconstitutional. All ordinances or resolutions, or parts thereof, in conflict with this ordinance are repealed.

ADOPTED by the DeKalb County Board of Commissioners, this _____ day of _____, 2020.

STEPHEN BRADSHAW
Presiding Officer, Board of Commissioners
DeKalb County, Georgia

APPROVED by the Chief Executive Officer of DeKalb County, this _____ day of _____, 2020.

MICHAEL L. THURMOND
Chief Executive Officer
DeKalb County, Georgia

ATTEST:

BARBARA H. SANDERS-NORWOOD, CCC
Clerk to the Board of Commissioners and
Chief Executive Officer
DeKalb County, Georgia

APPROVED AS TO SUBSTANCE:

(DEPARTMENT HEAD'S NAME)
(Department Head's Title)
DeKalb County, Georgia

APPROVED AS TO FORM:

VIVIANE H. ERNSTES
County Attorney
DeKalb County, Georgia