

STATE OF GEORGIA

COUNTY OF CLAYTON

ORDINANCE NO. 2019 - 24

AN ORDINANCE TO AMEND THE CODE OF CLAYTON COUNTY, GEORGIA, AS AMENDED, SPECIFICALLY, CODE OF CLAYTON COUNTY, GEORGIA, CHAPTER 70 "PERSONNEL", ARTICLE II "CODE OF ETHICS" TO MODIFY THE PROCESS FOR APPOINTMENT OF MEMBERS TO THE BOARD OF ETHICS; TO REPEAL CONFLICTING LAWS, ORDINANCES, AND RESOLUTIONS; TO PROVIDE SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Clayton County Board of Ethics is responsible for the investigation of ethics complaints, adjudicating alleged ethics violations, providing advisory opinions regarding the ethics code and recommending revisions to the ethics code, as necessary, to the Clayton County Board of Commissioners; and

WHEREAS, the Clayton County Board of Ethics was initially created with staggered terms with appointees from various civic and community partners to serve one, two and four-year terms; and

WHEREAS, the Clayton County Board of Commissioners affirms its right and obligation to appoint members to county boards; and

WHEREAS, the Clayton County Board of Commissioners values the input of non-public stakeholders within the County to supply recommendations for persons to serve on the Board of Ethics; and

WHEREAS, the Clayton County Board of Commissioners continues to desire input from the Clayton County Chamber of Commerce, Clayton County Bar Association, Clayton County NAACP, and Clayton State University – Office of the President to provide

recommendations for individuals to be appointed to the Clayton County Board of Ethics;
and

WHEREAS, the Board of Commissioners deems it in the best interest of Clayton County, and the County will best be served by considering the recommendations of these non-public stakeholders in appointing the members of the Clayton Board of Ethics.

NOW THEREFORE, BE IT ORDAINED BY THE CLAYTON COUNTY BOARD OF COMMISSIONERS AND IT IS HEREBY ORDAINED

Section 1. The Code of Clayton County, Georgia, as amended, is hereby further amended by deleting Chapter 70 "Personnel", Article II "Code of Ethics", section 70-79 "Board of Ethics; creation; duties", subsection (b)(2) in its entirety and replacing it with a new subsection (b)(2) to read as follows:

Sec. 70-79. Board of ethics; creation; duties.

.....

(b) Membership.

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(2) The board of ethics shall consist of seven members to be appointed by the Board of Commissioners. One member shall be appointed annually by vote of the entire Board of Commissioners with the nominee to be recommended on a rotating basis between all commission districts (beginning with District 4 and continuing thereafter in consecutive numerical order) on January 1st of each year. One member shall be appointed by the chairman of the Clayton County Board of Commissioners. The Board of Commissioners may consider recommendations for members to be appointed to the Board of Ethics from the following entities:

- (A) Clayton County Chamber of Commerce;*
- (B) Clayton County Bar Association;*
- (C) Clayton County National Association for the Advancement of Colored People (NAACP);*

(D) Clayton County Council of Mayors;

(E) Clayton State University, Office of the President.

Any member recommended by these entities must be a resident of Clayton County.

Section 2. The Code of Clayton County, Georgia, as amended, is hereby further amended by deleting Chapter 70 "Personnel", Article II "Code of Ethics", section 70-79 "Board of Ethics; creation; duties", subsection (f) in its entirety and replacing it with a new subsection (f) to read as follows:

Sec. 70-79. Board of ethics; creation; duties.

.....

(f) Terms of office. The board of ethics shall serve staggered tenures except as otherwise indicated in this subparagraph. Members recommended by the entities listed in subparagraph (b)(2)(A), (C) and (E) above shall serve four-year terms consistent with those current members whose term(s) expire on February 2, 2022. Members recommended by the chairman of the Board of Commissioners and the entities listed in subparagraph (b)(2)(B) and (D) above shall serve four-year terms consistent with those current members whose term(s) expire on February 2, 2020. Members appointed by the Board of Commissioners pursuant to the rotating commission district nomination process shall serve a one-year term. The member elected as chair of the board will serve only one year as such regardless what length term this individual is serving.

Section 3. The Code of Clayton County, Georgia, as amended, is hereby further amended by deleting Chapter 70 "Personnel", Article II "Code of Ethics", section 70-79 "Board of Ethics; creation; duties", subsection (i) in its entirety and replacing it with a new subsection (i) to read as follows:

Sec. 70-79. Board of ethics; creation; duties.

.....

(i) *Vacancies.* Any vacancy on the board of ethics occurring before the end of the term of the departing member shall be filled with an individual who meets the criteria listed in subsection (b). The Board of Commissioners may consider any nominee recommended by the organization that nominated the departing member.

Section 4. The Code of Clayton County, Georgia, as amended, is hereby further amended by deleting Chapter 70 "Personnel", Article II "Code of Ethics", section 70-80 "Complaint process", subsection (n) in its entirety and replacing it with a new subsection (n) to read as follows:

Sec. 70-80. Complaint process.

.....

(n) *If the board of ethics by majority vote determines that clear and convincing evidence shows that the accused official or employee committed the offense for which he or she is accused, the board shall issue written findings with recommendations for imposition of sanction as provided for in section 70-76.*

Section 5. All laws, ordinances and resolutions, or parts thereof, which conflict with the provisions of this Ordinance are hereby repealed.

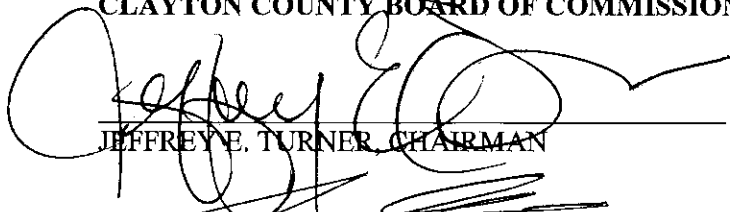
Section 6. If this Ordinance in whole or in part is determined to be unconstitutional by any court of competent jurisdiction, such unconstitutionality shall not affect the remainder of this enactment, and such remainder shall remain in full force and effect.

Section 7. This Ordinance shall become effective immediately upon its approval by the Board of Commissioners.

SO ORDAINED, this the 19th day of February, 2019.

{Signatures on the following page}

CLAYTON COUNTY BOARD OF COMMISSIONERS




JEFFREY E. TURNER, CHAIRMAN



FELICIA FRANKLIN WARNER, VICE CHAIRMAN



SONNA GREGORY, COMMISSIONER



GAIL HAMBRICK, COMMISSIONER



DEMONT DAVIS, COMMISSIONER

ATTEST:



BRENDA JAMES, CLERK