CITY COUNCIL
ATLANTA, GEORGIA

01-O-1643

AN ORDINANCE

BY COUNCILMEMBER FELICIA A. MOORE

AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF ATLANTA ADOPTED UNDER AND BY VIRTUE OF THE AUTHORITY OF THE MUNICIPAL HOME RULE ACT OF 1965 (GA. LAWS 1965, P. 298, ET. SEQ.) AS AMENDED, TO AMEND PART I, SUBPART A, ARTICLE VII, CHAPTER 3, SECTION 2-301 OF THE CHARTER OF THE CITY OF ATLANTA, GEORGIA (GA. LAWS 1996, P. 4469, ET SEQ.), APPROVED APRIL 15, 1996, AS AMENDED, SO AS TO DESIGNATE EXISTING LANGUAGE OF SECTION 2-301 AS SECTION 2-301 (A) ORGANIZATIONAL MEETING AND (B) OATH OF OFFICE AND TO CREATE A NEW SUB SECTION TITLED (C) MANDATORY TRAINING; TO MAKE SUCH TRAINING MANDATORY FOR CITY OF ATLANTA ELECTED OFFICIALS; AND FOR OTHER PURPOSES

WHEREAS, the Georgia Ethics in Government Act was adopted by the Georgia State Legislature; and

WHEREAS, the City of Atlanta, by local laws, has adopted a myriad of legislation relating to, and regulating campaign contributions, conflict(s) of interest(s) and public disclosure; and

WHEREAS, there is no central location of these various stipulations regarding legal and ethical requirements and practices; and

WHEREAS, oftentimes newly-elected as well as current City officials are not aware of these stipulations including changes to existing laws; and

WHEREAS, it is in the best interest of the City that current and newly elected officials be made and kept aware of these matters; and

WHEREAS, it is also of extreme importance that current and newly elected officials be completely aware of the legislative process and related matters.

THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:

Section 1: That Part I, Subpart A, Article VII, Chapter 3, Section 2-301 of the Charter of the City of Atlanta be amended to read :

Section 2-301. Organizational meeting; oath of office; mandatory training.

(a.) Organizational meeting.
The council shall meet for organization in the council chamber, or any other designated public place, on the first Monday in January following each regular election, or, if such Monday is a legal holiday, then on the next following day not a legal holiday.

(b.) Oath of office.
At such organizational meeting, the mayor, president of the council, and councilmembers shall take and subscribe before a judge of the superior court, or any official authorized to administer oaths, the following oath of office: "I do solemnly swear (or affirm) that I will faithfully and impartially discharge the duties of the mayor, the president of the council or councilmember of the City of Atlanta, Georgia, during my term in office. I will not knowingly permit my vote in the election or appointment of any person to a position in the city government to be influenced by fear, favor, or affection, reward or expectation thereof. In all things pertaining to my said office, I will be governed by the public good and interests of the city. I will observe the provisions of the Charter, ordinances, and regulations of the City of Atlanta. I further swear that I will support and defend the Constitutions and laws of the State of Georgia and of the United States of America."

(c.) Mandatory training.
The mayor, president of the council, and councilmembers shall, following each regular Municipal General Election or such election held in place thereof, attend a mandatory training session that shall include, but not be limited to, matters of campaign and financial disclosure requirements, standards of conduct, conflict(s) of interest(s), and the legislative process.

(1) The Municipal Clerk, shall hold, or cause to be held, a training session for all current and newly elected city of Atlanta officials that shall include, but not be limited to, matters of campaign and financial disclosure requirements, standards of conduct, conflict(s) of interest(s), and the legislative process. Said training session shall be offered on two separate dates, but no later than January 31 of the year following each municipal general election or no later that 60 days following any election held in lieu thereof, and no later than 60 days following a Special Election held to fill a vacancy in office. Persons required to attend shall be present at the entirety of a session, or at a combination of the offered sessions whereby all training modules designated for the particular office held are covered. Attendance as noted shall be mandatory. Each official shall be required to sign an affidavit stating that he/she has completed

training, with said affidavit to be certified by the Clerk or the Clerk's designee.

(2) Any official required to attend who has not completed the mandatory training by the end of the second available training session, shall be deemed non-compliant and shall be immediately fined $1,000. An additional $500 fine shall continuously be assessed each non-compliant official, every thirty (30) days after the date of non-compliance in which an official has not paid the assessed fine or received a waiver and completed a makeup training session as outlined in subsection (c) (5) and (6) of this Section.

(3) All payments of fines shall be paid to the City of Atlanta and shall be submitted to the Municipal Clerk, or designee who shall then record that the fine has been received and forward each payment to the Chief Financial Officer.

(4) Immediately following the second offered training session, and if necessary upon the assessment of further fines, the Municipal Clerk shall notify, by certified mail, each official who has not completed mandatory training that he or she is in non-compliance of the law and of the penalty thereby imposed. The Clerk shall simultaneously notify the Chief Financial Officer of the City, the President of Council and the Chairperson of the Committee on Council of any official's non-compliance. However, failure of receipt of such notification does not relieve the official of the obligation to attend the mandatory training and to pay the assessed fine.

(5) Any non-compliant official may submit, through the Chair of the Committee on Council, a written appeal to the Council requesting a waiver of the assessed fine. Supporting evidence of the reason(s) of his/her non-compliance must be presented in the appeal. If due cause is shown, the Council may adopt a resolution, by majority vote, to waive the fine.

(6) In all such cases, whether the assessed fine is paid or waived, any non-compliant official shall be required to attend a make-up training session scheduled by appointment with the Municipal Clerk. Such session may be provided through a videotaped session, but shall cover in its entirety all required training modules. The non-compliant official's signed affidavit of completion of training and the Clerk's or the Clerk's designee's certification of same, shall be required to avoid

further assessments of fines. There shall be no waiver of training attendance granted under any circumstances.

(7) If an official has been in non-compliance for sixty (60) days, the Municipal Clerk shall then publish or cause to be published, by display advertisement in a newspaper of general circulation and by broadcast on the City's Cable Channel 26, the name of the non-compliant official(s) and a statement indicating that the official(s) have not completed all required training and/or have not paid assessed fines. The Clerk shall cause the published advertisement and broadcast on City Cable 26, every 60 days until such time as all elected officials are in compliance.

(8) The Municipal Clerk shall develop, or cause to be developed, a manual detailing all of the above.

Section 2: That a copy of this proposed amendment to the Charter of the City of Atlanta, Georgia 1996 Ga. L. (Act No. 1019, p. 4469), *et seq.* as amended, shall be filed in the Office of the Municipal Clerk of the City of Atlanta and in Offices of the Clerks of the Superior Courts of Fulton and DeKalb Counties and that a "Notice of Proposed Amendment to the Charter of the City of Atlanta, Georgia," attached hereto and marked Exhibit "A" and made a part of this ordinance, be published in the official organ of the county of the legal situs of the City of Atlanta or in a newspaper of general circulation in the City of Atlanta once a week for three weeks within a period of 60 days immediately preceding its final adoption, and that a copy of said advertisement be attached to this ordinance prior to its final adoption by the Council of the City of Atlanta.

Section 3: That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

"Notice of Proposed Amendment to the Charter of the City of Atlanta, Georgia"

Notice is hereby given that an ordinance has been introduced to amend Section 6-310 (Entitled "Increase in Salaries") of the Charter of the City of Atlanta, Georgia (1996 Ga. L. (Act No. 1019), p. 4469, *et. seq.*) as amended, so as to make Campaign Reform Training Mandatory for new City of Atlanta elected officials; and for other purposes.

A copy of the proposed amendment is on file in the office of the Municipal Clerk of the City of Atlanta and in the offices of the Clerks of the Superior Courts of Fulton and DeKalb Counties, Georgia, for purposes of examination and inspection by the public.

This _____ day of September, 2001

_____

Rhonda Dauphin Johnson
Municipal Clerk
City of Atlanta

Exhibit "A"

RCS# 3274
11/19/01
2:28 PM

Atlanta City Council

Regular Session

01-O-1643

Amend Charter to Require Mandatory
Training for Elected Officials
2nd/ADOPT/AMENDED
AS

FAILED

YEAS:	7
NAYS:	4
ABSTENTIONS:	0
NOT VOTING:	1
EXCUSED:	0
ABSENT	4

N McCarty	B Dorsey	Y Moore	Y Thomas
B Starnes	Y Woolard	N Martin	Y Emmons
B Bond	B Morris	N Maddox	Y Alexander
N Winslow	Y Muller	Y Boazman	NV Pitts

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(Do Not Write Above This Line)

AN ORDINANCE

BY COUNCILMEMBER FELICIA A. MOORE

AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF ATLANTA ADOPTED UNDER AND BY VIRTUE OF THE AUTHORITY OF THE MUNICIPAL HOME RULE ACT OF 1965 (GA. LAWS 1965, P. 298, ET. SEQ.) AS AMENDED, TO AMEND PART I, SUBPART A, ARTICLE VII, CHAPTER 3, SECTION 2-301 OF THE CHARTER OF THE CITY OF ATLANTA, GEORGIA (GA. LAWS 1996, P. 4469, ET SEQ.), APPROVED APRIL 15, 1996, AS AMENDED, SO AS TO DESIGNATE EXISTING LANGUAGE OF SECTION 2-301 AS SECTION 2-301 (A) ORGANIZATIONAL MEETING AND (B) OATH OF OFFICE AND TO CREATE A NEW SUB SECTION TITLED (C) MANDATORY TRAINING; TO MAKE SUCH TRAINING MANDATORY FOR CITY OF ATLANTA ELECTED OFFICIALS; AND FOR OTHER PURPOSES

- ☐ CONSENT REFER
- ☐ REGULAR REPORT REFER
- ☐ ADVERTISE & REFER
- ☐ 1st ADOPT 2nd READ & REFER
- ☑ PERSONAL PAPER REFER

FAILED DUE TO LACK OF MAJORITY VOTE NOV 19 2001

Motion

Date Referred	10/1/01
Referred To:	Committee on Council
Date Referred	10/15/01
Referred To:	Committee on Council
Date Referred	REFERRED BY CITY COUNCIL NOV 05 2001
Referred To:	to COC

First Reading

Committee
Date
Chair
Referred to

Committee	COC
Date	10/15/01
Chair	Able "Mable" Thomas
Action:	Fav, Adv, Hold (see rev. side)
Other:	2nd Read, 1st Adopt
Members	Felicia A. Moore, Clair Muller
Refer To	

Committee	COC
Date	11/19/01
Chair	
Action:	Fav, Adv, Hold (see rev. side)
Other:	3rd Reading, Adopt As Amended
Members	C.T. Martin, Felicia A. Moore, Clair Muller
Refer To	

Committee	COC
Date	11/5/01
Chair	Able "Mable" Thomas
Action:	Failed Fav, Adv, Hold (see rev. side)
Other:	2nd Reading, 1st Adopt
Members	No Recommendation, C.T. Martin, Felicia A. Moore (YES), Clair Muller (YES) (YES)
Refer To	

Committee	
Date	
Chair	
Action:	Fav, Adv, Hold (see rev. side)
Other:	
Members	
Refer To	

FINAL COUNCIL ACTION

☐2nd ☐1st & 2nd Readings ☐3rd

☐Consent ☐V Vote ☑RC Vote

CERTIFIED

CERTIFIED NOV 19 2001 ATLANTA CITY COUNCIL PRESIDENT

CERTIFIED NOV 19 2001 MUNICIPAL CLERK

MAYOR'S ACTION