

11-0-1495

(Do Not Write Above This Line)

AN ORDINANCE TO CLARIFY THE SELECTION PROCESS FOR THE CITY OF ATLANTA ETHICS OFFICER AS SET OUT AT SECTION 2-805 (a) OF THE ATLANTA CITY CODE OF ORDINANCES; AND FOR OTHER PURPOSES.

AN ORDINANCE BY COMMITTEE ON COUNCIL

First Reading

Committee Committee on Council
Date 10/17/11
Chair David L. Moore
Referred To Committee on Council

Committee

Date

Chair

Action
Fav, Adv, Hold (see rev. side)
Other

Members

Committee

Date

Chair

Action
Fav, Adv, Hold (see rev. side)
Other

Members

Refer To

Refer To

Committee

Date

Chair

Action
Fav, Adv, Hold (see rev. side)
Other

Members

Committee

Date

Chair

Action
Fav, Adv, Hold (see rev. side)
Other

Members

Date Referred

10/17/11

Referred To:

Comm on Council

Date Referred

Referred To:

Date Referred

Referred To:

FINAL COUNCIL ACTION
 2nd 1st & 2nd 3rd
Readings
 Consent V Vote RC Vote

CERTIFIED

MAYOR'S ACTION

RCS# 1492
10/17/11
3:27 PM

Atlanta City Council

REGULAR SESSION

MULTIPLE

11-O-1494 AND 11-O-1495

REFER

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Bond
Y Hall	Y Wan	Y Martin	NV Watson
Y Young	Y Shook	Y Bottoms	Y Willis
Y Winslow	Y Adrean	NV Sheperd	NV Mitchell

MULTIPLE

**AN ORDINANCE
BY COMMITTEE ON COUNCIL**

**AN ORDINANCE TO CLARIFY THE SELECTION PROCESS FOR THE
CITY OF ATLANTA ETHICS OFFICER AS SET OUT AT SECTION 2-
805 (a) OF THE ATLANTA CITY CODE OF ORDINANCES; AND FOR
OTHER PURPOSES.**

WHEREAS, Section 2-805 (a) of the City of Atlanta Code of Ordinances provides that the Ethics Officer “shall be appointed by a majority of the members of the board of ethics, subject to confirmation by a majority of the council and approval by the mayor, for a period not to exceed six years”; and

WHEREAS, controversy has recently arisen with respect to whether the council may revise the term proposed by the board of ethics when the council determines whether the ethics board’s nominee should be approved; and

WHEREAS, Section 36-24-2 of the Georgia State Code provides that the governing body of any municipal corporation shall have the power to “define, regulate and alter the powers, duties, qualifications, compensation, and tenure of all municipal officers, agents, and employees . . .”; and

WHEREAS, the Supreme Court of the State of Georgia has determined that such power is not delegable.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, AS FOLLOWS:

SECTION 1. That Section 2-805 (a) of the City of Atlanta Code of Ordinances is amended, as set out below in bold and strikeout text, to revise said section as follows:

- (a) There is hereby created as a full time salaried position an ethics officer for the city. The city ethics officer must be an active member of the Georgia Bar Association in good standing with five years experience in the practice of law. The ethics officer shall be appointed by a majority of the members of the board of ethics **for a period of five years**, subject to confirmation by a majority of the council and approval by the mayor, ~~for a period not to exceed six years~~. Removal of the ethics officer before the expiration of the designated term shall be for cause by a majority vote of the members of the board of ethics.

Section 2-805 (a), as revised above will then read as follows:

- (a) There is hereby created as a full time salaried position an ethics officer for the city. The city ethics officer must be an active member of the Georgia Bar Association in good standing with five years experience in the practice of law. The ethics officer shall be appointed by a majority of the members of the board of

ethics for a period of five years, subject to confirmation by a majority of the council and approval by the mayor. Removal of the ethics officer before the expiration of the designated term shall be for cause by a majority vote of the members of the board of ethics.

SECTION 2. That all other ordinances and parts of ordinances in conflict herewith are hereby waived to the extent of said conflict in this instance only.