

1 **AN ORDINANCE TO AMEND CHAPTER 2, ARTICLE II, DIVISION 2 OF THE CODE**
2 **OF LAWS OF FULTON COUNTY RELATING TO THE CODE OF ETHICS REGARDING**
3 **A PRELIMINARY PROCESS FOR COMMISSIONERS WHO SEEK TO FILE ETHICS**
4 **COMPLAINTS AGAINST OTHER COMMISSIONERS; AND FOR OTHER PURPOSES.**

5 **WHEREAS**, the Fulton County Board of Commissioners (“BOC”) has authority,
6 pursuant to the Constitution of the State of Georgia (Art. 9, § 2, ¶ 1(a)) to adopt reasonable
7 ordinances, resolutions, or regulations relating to the affairs of Fulton County, Georgia for
8 which no provision has been made by general law and which is not inconsistent with the
9 Constitution or any local law applicable thereto; and

10 **WHEREAS**, the BOC has, by ordinance, established a Code of Ethics (Fulton
11 County Code of Ordinances (“FCC”) § 2-66, *et seq.*) governing minimum standards of
12 conduct for Fulton County “officers or employees”; and

13 **WHEREAS**, the BOC values and supports transparency and accountability in all
14 aspects of Fulton County Government and its operations; and

15 **WHEREAS**, FCC § 2-81 allows any person to make a sworn complaint of a
16 violation of the Code of Ethics to the Board of Ethics, and requires the Board of Ethics to
17 hold a preliminary hearing within sixty (60) days of the filing of such a complaint to
18 determine whether there is specific, substantial evidence to support a reasonable belief
19 that there has been a violation of the Code of Ethics; and

20 **WHEREAS**, it is in the best interest of Fulton County that resources of the County
21 and the Board of Ethics not be wasted on frivolous matters, or on matters that could be
22 resolved by communication among Commissioners; and

23 **WHEREAS**, baseless complaints distract from the conduct of normal business and
24 undermine public confidence in government function; and

25 **WHEREAS**, the BOC finds it necessary to provide additional mechanisms to
26 prevent the filing and consideration of frivolous complaints by a Commissioner against a
27 fellow Commissioner; and

1 **WHEREAS**, the BOC further finds it necessary that all complaints by a
2 Commissioner against a fellow Commissioner be subject to a pre-complaint meeting prior
3 to being filed with the Board of Ethics.

4 **NOW, THEREFORE, BE IT ORDAINED**, that the Fulton County Board of
5 Commissioners hereby amends Fulton County Code of Ethics § 2-81 to read as follows:

6 ***Sec. 2-81. - Hearings and procedures.***

- 7 a) Any person may initiate a complaint of a violation of this code of ethics by
8 submitting to the secretary to the board of ethics, a written, sworn complaint under
9 penalty of perjury, upon a form prescribed by the board of ethics.
- 10 b) The board of ethics may also initiate an investigation on its own initiative.
- 11 c) Within five (5) business days following the filing of a complaint, the subject of the
12 complaint shall be notified of the existence and nature of the complaint.
- 13 d) The board of ethics shall, within sixty (60) days following the filing of a complaint
14 or initiation of an investigation on its own initiative, conduct a preliminary hearing
15 to determine whether specific, substantial evidence exists to support a reasonable
16 belief that there has been a violation of this code of ethics.
- 17 e) If the board of ethics determines by majority vote at the preliminary hearing that
18 specific, substantial evidence exists to support a reasonable belief that there has
19 been a violation of this code as to any claim in a complaint or subject matter of an
20 investigation it has initiated, the involved parties shall be so advised in writing and
21 the board of ethics shall schedule a formal hearing to further consider those claims
22 or subjects for which such a determination has been made. The board of ethics
23 shall notify all involved parties in writing of the time and place of the formal hearing,
24 which hearing shall not be held sooner than ten (10) days following notice of same.
- 25 f) If at least one-half of the voting members of the board of ethics conclude at the
26 preliminary hearing that specific, substantial evidence does not exist to support a
27 reasonable belief that there has been a violation of this code as to any claim in a
28 complaint or subject matter of an investigation it has initiated, those claims shall
29 be dismissed or the investigation terminated and the parties will be so advised in
30 writing.
- 31 g) Formal hearings shall be public, and all parties shall have the opportunity to be
32 heard, to summon witnesses, and to present evidence. Persons alleged to have
33 violated this code of ethics shall have the right to be represented by counsel at
34 their own expense.
- 35 h) The board of ethics shall have the power to compel the attendance of witnesses
36 and the production of records by subpoena, and to take testimony under oath.
37 Fulton County shall bear the costs of issuing subpoenas and, if desired by the
38 board of ethics, the cost of having a court reporter present to record hearings. Any
39 matters related to enforcing or quashing subpoenas may be submitted to the
40 superior court of Fulton County.

- 1 i) At the conclusion of the formal hearing, the board of ethics shall deliberate upon
2 its findings in public and shall determine its findings by majority vote. Findings that
3 a violation of this code of ethics has occurred must be based upon a clear and
4 convincing evidence standard. The board of ethics' decision shall subsequently be
5 reduced to writing and provided to the parties, which decision shall be final;
6 provided, however, that the decision shall be subject to review by writ of certiorari
7 to the superior court of Fulton County.
- 8 j) In addition to the provisions herein, if a member of the board of commissioners
9 desires to file a complaint under this section against another member of the board
10 of commissioners, the following pre-filing procedures must be completed before
11 the board of ethics takes any action on such a complaint:
- 12 i) The commissioner making the complaint and the commissioner who is the
13 subject of the complaint must participate in at least one good faith meeting
14 to attempt to resolve the concerns that underlie the complaint.
- 15 ii) If the meeting in (b)(i) does not result in a resolution of the complaint, the
16 commissioner making the complaint and the commissioner who is the
17 subject of the complaint must participate in a second meeting mediated by
18 the chair of the board of commissioners, the vice chair if the chair is
19 unavailable, or another member of the board of commissioners in order of
20 longest total tenure on the board of commissioners or lowest district number
21 among those of equal tenure in cases where the chair and vice chair are
22 both parties to the complaint or unavailable. The mediating commissioner
23 may choose to have the county attorney attend this meeting to offer an
24 unofficial assessment.
- 25 iii) If the meetings in (b)(i) and (ii) do not result in a resolution of the complaint,
26 the initiating commissioner may proceed with filing the complaint with the
27 Board of Ethics.

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29 **BE IT FINALLY ORDAINED**, that this Ordinance shall become effective upon its
30 adoption, and that all ordinances, resolutions, and parts of ordinances and resolutions in
31 conflict with this Ordinance are hereby repealed to the extent of the conflict.

32 **PASSED AND ADOPTED** by the Board of Commissioners of Fulton County,
33 Georgia, this 5th day of November, 2025.

34 **FULTON COUNTY BOARD OF COMMISSIONERS**

35
36 **SPONSORED BY:**

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40 _____
41 Bridget Thorne (District 1)

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ATTEST:

Tonya R. Grier, Clerk to the Commission

APPROVED AS TO FORM:

Y. Soo Jo, County Attorney