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

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

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

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

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

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

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

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

- WHEREAS, the BOC further finds it necessary that all complaints by a Commissioner against a fellow Commissioner be subject to a pre-complaint meeting prior to being filed with the Board of Ethics.
- NOW, THEREFORE, BE IT ORDAINED, that the Fulton County Board of Commissioners hereby amends Fulton County Code of Ethics § 2-81 to read as follows:

## Sec. 2-81. - Hearings and procedures.

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

i) At the conclusion of the formal hearing, the board of ethics shall deliberate upon 1 its findings in public and shall determine its findings by majority vote. Findings that 2 a violation of this code of ethics has occurred must be based upon a clear and 3 convincing evidence standard. The board of ethics' decision shall subsequently be 4 reduced to writing and provided to the parties, which decision shall be final; 5 provided, however, that the decision shall be subject to review by writ of certiorari 6 to the superior court of Fulton County. 7 In addition to the provisions herein, if a member of the board of commissioners 8 desires to file a complaint under this section against another member of the board 9 of commissioners, the following pre-filing procedures must be completed before 10 the board of ethics takes any action on such a complaint: 11 The commissioner making the complaint and the commissioner who is the 12 subject of the complaint must participate in at least one good faith meeting 13 to attempt to resolve the concerns that underlie the complaint. 14 ii) If the meeting in (b)(i) does not result in a resolution of the complaint, the 15 commissioner making the complaint and the commissioner who is the 16 subject of the complaint must participate in a second meeting mediated by 17 the chair of the board of commissioners, the vice chair if the chair is 18 unavailable, or another member of the board of commissioners in order of 19 longest total tenure on the board of commissioners or lowest district number 20 among those of equal tenure in cases where the chair and vice chair are 21 both parties to the complaint or unavailable. The mediating commissioner 22 may choose to have the county attorney attend this meeting to offer an 23 unofficial assessment. 24 iii) If the meetings in (b)(i) and (ii) do not result in a resolution of the complaint, 25 the initiating commissioner may proceed with filing the complaint with the 26 Board of Ethics. 27 28 BE IT FINALLY ORDAINED, that this Ordinance shall become effective upon its 29 adoption, and that all ordinances, resolutions, and parts of ordinances and resolutions in 30 conflict with this Ordinance are hereby repealed to the extent of the conflict. 31 32 **PASSED AND ADOPTED** by the Board of Commissioners of Fulton County, Georgia, this 5<sup>th</sup> day of November, 2025. 33 **FULTON COUNTY BOARD OF COMMISSIONERS** 34 35 SPONSORED BY: 36

Bridget Thorne (District 1)

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6		Tonya R. Grier, Clerk to the Commission
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L2	APPROVED AS TO FORM:	
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L6	Y. Soo Jo, County Attorney	