

1 **A RESOLUTION BY THE FULTON COUNTY BOARD OF COMMISSIONERS**
2 **DIRECTING AN EXTERNAL REVIEW OF THE ACTIONS AND PROCEDURES OF THE**
3 **BOARD OF ETHICS OVER THE PAST 5 YEARS; AND FOR OTHER PURPOSES.**

4
5 **WHEREAS**, pursuant to the Constitution of the State of Georgia, Article IX, Sec.
6 2, Par. 1(a) (Home rules of counties) “[t]he governing authority of each county shall have
7 legislative power to adopt clearly reasonable ordinances, resolutions, or regulations
8 relating to its property, affairs, and local government for which no provision has been
9 made by general law and which is not inconsistent with this Constitution or any local law
10 applicable thereto”; and

11 **WHEREAS**, pursuant to its home rule powers, the Board of Commissioners
12 (“BOC”) first established the Board of Ethics at a Special Meeting on October 16, 1985
13 (Item # 12, page 151) to act as a neutral body to render advisory opinions and investigate
14 allegations of ethical violations; and

15 **WHEREAS**, the Board of Ethics has recently demonstrated an inability to follow its
16 governing laws and rules by (i) failing to notify the subjects of ethics complaints about the
17 existence of such complaints as required by Fulton County Code of Ordinances (“FCC”)
18 § 2-81(c); (ii) conducting preliminary hearings and issuing findings from said hearings and
19 failing to provide its findings in writing to the subjects of the hearings as required by FCC
20 § 2-81(d); (iii) failing to provide public notice of its public meetings as required by O.C.G.A.
21 § 50-14-1; and (iv) failing to make the minutes of its meetings available for public
22 inspection as required by O.C.G.A. § 50-14-1; and

23 **WHEREAS**, the Board of Ethics has committed the following infractions: (i)
24 exceeding its authority by filing a lawsuit against a Fulton County official and a non-Fulton
25 County employee who is not subject to the Code of Ethics; (ii) exceeding its authority by
26 not dismissing a complaint after a finding of no probable cause; (iii) exceeding its authority
27 by not terminating investigations after determining that there is no probable cause to
28 proceed; (iv) not providing probable cause hearings within 60 days; and (v) ruling on

1 matters where it has inherent conflicts, because the Board of Ethics made itself a party
2 to an action against one of the parties in an ethics complaint; and

3 **WHEREAS**, in light of the above infractions and their egregious nature, the BOC
4 has grave concerns about the previous substantive and procedural actions taken by the
5 Board of Ethics; and

6 **WHEREAS**, it is in the interest of Fulton County, Georgia and its citizens, to ensure
7 that the body established to investigate ethical violations and advise on compliance with
8 ethical standards is itself functioning within the bounds of its authority and in compliance
9 with applicable laws and rules; and

10 **WHEREAS**, the BOC is open to considering amendments to the Code of Ethics to
11 abolish and/or reconstitute a new body, entity or person(s) to handle ethical matters for
12 Fulton County; and

13 **WHEREAS**, pursuant to 1880-81 Ga. Laws 508, codified in FCC § 1-117, the
14 BOC has, as part of its “home rule powers,” the “exclusive jurisdiction and control” to
15 exercise powers that are “indispensable to [the] jurisdiction over county matters and
16 county finances.”

17 **NOW, THEREFORE, BE IT RESOLVED**, that the Board of Commissioners hereby
18 directs and authorizes the County Attorney to select an outside legal professional to
19 perform a review of the actions and procedures of the Board of Ethics over the past five
20 (5) years and independently determine whether the Board of Ethics has been functioning
21 within the bounds of its authority and in compliance with applicable laws and rules.

22 **BE IT FURTHER RESOLVED**, that the outside legal professional should also
23 present recommendations on options available to the Board of Commissioners to abolish
24 and/or reconstitute a new body, entity or person(s) to handle ethical matters for Fulton
25 County.

26 **BE IT FINALLY RESOLVED**, that this Resolution shall become effective upon its
27 adoption, and that all resolutions and parts of resolutions in conflict with this Resolution
28 are hereby repealed to the extent of the conflict.

1 **PASSED AND ADOPTED** by the Board of Commissioners of Fulton County,
2 Georgia, this 24th day of January, 2024.

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FULTON COUNTY BOARD OF COMMISSIONERS

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Sponsored by:

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Marvin S. Arrington, Jr., District 5

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15 ATTEST:

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Tonya R. Grier, Clerk to the Commission

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APPROVED AS TO FORM:

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Y. Soo Jo, County Attorney

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