

A BILL TO BE ENTITLED  
AN ACT

1 To amend an Act creating a board of commissioners for Rockdale County, approved  
2 March 4, 1977 (Ga. L. 1977, p. 2817), as amended, so as to provide for a code of ethics and  
3 prohibit certain conduct and activities; to provide for the creation of a board of ethics and  
4 appointment of members; to provide for the appointment and duties of an ethics officer and  
5 ethics administrator; to provide procedures for the reporting, investigation, and hearing of  
6 complaints; to provide for violations and penalties; to provide for an effective date; to repeal  
7 conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 An Act creating a board of commissioners for Rockdale County, approved March 4, 1977  
11 (Ga. L. 1977, p. 2817), as amended, is amended by revising Section 24 as follows:

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"SECTION 24.  
Code of ethics.

(a) Purpose.

(1) It is essential to the proper administration and operation of the Rockdale County government that its officials and employees be, and give the appearance of being, independent and impartial, that public office not be used for private gain, and that there be public confidence in the integrity of Rockdale County officials and employees. Because the attainment of one or more of these ends is impaired whenever there exists in fact, or appears to exist, a conflict between the private interests and public responsibilities of officials and employees, the public interest requires that the General Assembly protect against such conflicts of interest by establishing by law appropriate ethical standards with respect to the conduct of the officials and employees of Rockdale County in situations where a conflict may exist; and

(2) The General Assembly recognizes that an appropriate and effective code of ethics for appointed officials and employees of Rockdale County is also essential for the proper administration and operation of the Rockdale County government.

(b) Definitions. As used in this section, the term:

(1) 'Agency' means any board, bureau, body, commission, committee, department, or office of Rockdale County to which the board of commissioners or chairperson has appointment powers.

(2) 'Business' means any corporation, partnership, organization, sole proprietorship, other entity operated for economic gain, whether professional, industrial, or commercial, and entity which for purposes of federal income taxation is treated as a nonprofit organization.

(3) 'Confidential information' means information which has been obtained in the course of holding public office, employment, acting as an independent contractor, or otherwise

38 acting as an official or employee and which information is not available to members of  
39 the public under state law or other law or regulation and which the official, independent  
40 contractor, or employee is not authorized to disclose.

41 (4) 'Contract' means any claim or demand against or any lease, account, or agreement  
42 with any person, whether express or implied, executed or executory, verbal or in writing.

43 (5) 'Emergency situation' means any circumstance or condition giving rise to an  
44 immediate necessity for the execution of a contract by and between Rockdale County and  
45 an official or employee or between Rockdale County and a business in which an official  
46 or employee has an interest and where, to the satisfaction of the board of commissioners,  
47 it is shown that there is no one other than such persons with whom the contract could  
48 have been made and that the necessity was not brought about by such persons' own fault  
49 or neglect.

50 (6) 'Immediate family' means an official or employee and his or her spouse, parents,  
51 brothers, sisters, and natural or adopted children.

52 (7) 'Interest' means any direct or indirect pecuniary or material benefit held by or  
53 accruing to the official or employee as a result of a contract or transaction which is or  
54 may be the subject of an official act or action by or with Rockdale County. Unless  
55 otherwise provided in this section, the term 'interest' does not include any remote interest.  
56 An official or employee shall be deemed to have an interest in transactions involving:

57 (A) Any person in the official's or employee's immediate family;

58 (B) Any person, business, or entity that the official or employee knows or should know  
59 is seeking official action with Rockdale County, is seeking to do or does business with  
60 Rockdale County, has interests that may be substantially affected by performance or  
61 nonperformance of the official's or employee's official duties, or with whom a  
62 contractual relationship exists whereby the official or employee may receive any  
63 payment or other benefit;

- 64 (C) Any business in which the official or employee is a director, officer, employee,  
 65 shareholder, or consultant; or
- 66 (D) Any person of whom the official or employee is a creditor, whether secured or  
 67 unsecured.
- 68 (8) 'Official act or action' means any legislative, administrative, appointive, or  
 69 discretionary act of the board of commissioners, the chairperson of the board of  
 70 commissioners, or a commissioner.
- 71 (9) 'Official or employee' means any person elected or appointed to or employed or  
 72 retained by Rockdale County or any agency, whether paid or unpaid and whether part  
 73 time or full time. Such term includes retired employees or former county employees  
 74 during the period of time in which they are later employed or retained by the county or  
 75 any agency. Such term does not include superior and state court judges and their  
 76 immediate staffs, the district attorney, the solicitor of the state court, the clerks of the  
 77 superior and state courts, magistrates, the judge of the probate court, the sheriff, the tax  
 78 commissioner, the coroner, and their respective staffs.
- 79 (10) 'Paid' means the receipt of, or right to receive, a salary, commission, percentage,  
 80 brokerage, or contingent fee.
- 81 (11) 'Participate' means to take part in official acts, actions, or proceedings personally  
 82 as an official or employee through approval, disapproval, decision, recommendation,  
 83 investigation, the rendering of advice, or the failure to act or perform a duty.
- 84 (12) 'Person' means any individual, business, labor organization, representative,  
 85 fiduciary, trust, or association, whether paid or unpaid, and includes any official or  
 86 employee of Rockdale County.
- 87 (13) 'Property' means any property, whether real or personal or tangible or intangible,  
 88 and includes currency and commercial paper.
- 89 (14) 'Remote interest' means the interest of:
- 90 (A) A nonsalaried director, officer, or employee of a nonprofit organization;

91 (B) A holder of less than 5 percent of the legal or beneficial ownership of the total  
 92 shares of a business;

93 (C) Any person in a representative capacity, such as a receiver, trustee, or  
 94 administrator; or

95 (D) Any person who, by determination of the board of ethics, is deemed to have such  
 96 an interest.

97 (15) 'Transaction' means the conduct of any activity that results in or may result in an  
 98 official act or action of an official or employee of Rockdale County.

99 (c) Proscribed conduct. No official or employee of Rockdale County shall:

100 (1)(A) Directly or indirectly request, exact, receive, or agree to receive a gift, loan,  
 101 favor, promise, or thing of value for himself or herself or another person if:

102 (i) It tends to influence him or her in the discharge of his or her official duties; or

103 (ii) He or she recently has been, or is now, or in the near future may be, involved in  
 104 any official act or action directly affecting the donor or lender.

105 (B) Subparagraph (A) of this paragraph shall not apply in the case of:

106 (i) An occasional nonpecuniary gift of a value less than \$100.00;

107 (ii) An award publicly presented in recognition of public service; or

108 (iii) A commercially reasonable loan made in the ordinary course of business by an  
 109 institution authorized by the laws of Georgia to engage in the making of such a loan;

110 (2) Disclose or otherwise use confidential information acquired by virtue of his or her  
 111 position for his or her or another person's private gain;

112 (3) Appear on his or her own personal behalf, or represent, advise, or appear on the  
 113 personal behalf, whether paid or unpaid, of any person before any court or before any  
 114 legislative, administrative, or quasi-judicial board, agency, commission, or committee of  
 115 this state or of any county or municipality concerning any contract or transaction which  
 116 is or may be the subject of an official act or action of Rockdale County or otherwise use

117 or attempt to use his or her official position to secure unwarranted privileges or  
118 exemptions for himself or herself or other persons;

119 (4) Engage in, accept employment with, or render services for any agency, private  
120 business, or professional activity when such employment or rendering of services is  
121 adverse to and incompatible with the proper discharge of his or her official duties;

122 (5) Acquire an interest in any contract or transaction at a time when he or she believes  
123 or has reason to believe that such an interest will be affected directly or indirectly by his  
124 or her official act or actions or by the official acts or actions of other officials or  
125 employees of Rockdale County;

126 (6) Engage in any activity or transaction that is prohibited by law now existing or  
127 hereafter enacted which is applicable to him or her by virtue of his or her being an official  
128 or employee of Rockdale County; or

129 (7) Issue directives to employees who report to the county manager, threaten to terminate  
130 the employment of a county employee, threaten to terminate a county contract so as to  
131 exert undue influence, or engage in conduct that is unbecoming of a member of the board  
132 of commissioners.

133 (d) Gifts to certain employees. No employee of the purchasing department of Rockdale  
134 County shall accept any gift of value from anyone who has had or may reasonably be  
135 anticipated to have any business with or before such department. Gifts from persons who  
136 do not have or who would not be reasonably anticipated to have any business with or  
137 before such department may be accepted by an employee of such department only when  
138 such gifts are based solely on a family relationship or personal friendship.

139 (e) Disclosure of interests. An official or employee who has an interest that he or she has  
140 reason to believe may be affected by his or her official acts or actions or by the official acts  
141 or actions of another official or employee of Rockdale County shall disclose the precise  
142 nature and value of such interest by sworn written statement to the board of ethics and ask  
143 for the board's opinion as to the propriety of such interest. Every official or employee who

144 knowingly has any interest, direct or indirect, in any contract to which Rockdale County  
145 is or is about to become a party, or in any other business with Rockdale County, shall make  
146 full disclosure of such interest to the board of commissioners, the ethics officer provided  
147 for by subsection (j) of this section, and the board of ethics provided for by subsection (i)  
148 of this section. The information disclosed by such sworn statements, except for the  
149 valuation attributed to the disclosed interest, shall be made a matter of public record by the  
150 board of ethics. In cases where a conflict of interest exists, such official or employee shall  
151 recuse himself or herself from participating or taking any official acts or actions in any  
152 matter for the county affected by such conflict of interest. In the event that an official or  
153 employee has recused himself or herself from participating in or taking any official acts or  
154 actions pursuant to this subsection, such recusal shall not abridge, eliminate, or in any way  
155 limit the obligations, requirements, or limitations otherwise placed upon such official or  
156 employee by this section.

157 (f) Participation in contracts.

158 (1) An official or employee shall disqualify himself or herself from participating in any  
159 official act or action of Rockdale County directly affecting a business or activity in which  
160 he or she has any interest, whether or not a remote interest;

161 (2) Rockdale County shall not enter into any contract involving services or property with  
162 an official or employee of the county or with a business in which an official or employee  
163 of the county has an interest. This subsection shall not apply in the case of:

164 (A) The designation of a bank or trust company as a depository for county funds;

165 (B) The borrowing of funds from any bank or lending institution which offers the  
166 lowest available rate of interest for such loans;

167 (C) Contracts for services entered into with a business which is the only available  
168 source for such goods or services; or

169 (D) Contracts entered into under circumstances which constitute an emergency  
170 situation, provided that a record explaining the emergency is prepared by the board of

171 commissioners and submitted to the board of ethics at its next regular meeting and  
172 thereafter kept on file; and

173 (3) Rockdale County shall not enter into any contract with, or take any official act or  
174 action favorably affecting, any person, or business represented by such person, who has  
175 been within the preceding two-year period an official or employee of Rockdale County.

176 (g) Reporting violations.

177 (1) Any person who witnesses or becomes aware of a violation of this section may make  
178 a complaint of the violation in either of the following ways:

179 (A) A complaint may be communicated anonymously to the ethics administrator  
180 provided for by subsection (k) of this section. Such complaint shall be made in good  
181 faith and with veracity and sufficient specificity so as to provide the ethics officer with  
182 salient and investigable facts. The ethics administrator may require the anonymous  
183 complaint to be made in a manner and form that is intended only to obtain relevant facts  
184 related to the alleged violation of this section and that is not designed to reveal the  
185 identity of the complainant; and

186 (B) A sworn written complaint may be filed with the ethics administrator as described  
187 in this subparagraph. All written complaints to be considered by the board of ethics and  
188 the ethics officer shall contain the following, if applicable:

189 (i) The sworn verification and signature of the complainant;

190 (ii) The name and address of the party or parties against whom the complaint is filed  
191 and, if such party is a candidate, the office being sought;

192 (iii) A clear and concise statement of facts upon which the complaint is based along  
193 with an allegation that such facts constitute one or more violations of law under the  
194 jurisdiction of the board of ethics;

195 (iv) A general reference to the allegedly violated statutory provisions of the code of  
196 ethics within the jurisdiction of the board of ethics; and



197 (v) Any further information which might support the allegations in the complaint,  
 198 including, but not limited to, the following:

- 199 (I) The name and the address of the person filing the complaint;
- 200 (II) The names and addresses of all other persons who have first-hand knowledge  
 201 of the facts alleged in the complaint; and
- 202 (III) Any documentary evidence that supports the facts alleged in the complaint;  
 203 and

204 (2) Upon receipt of a complaint by the ethics administrator, the ethics administrator shall  
 205 send a written notice to the subject of the complaint at the same time and in the same  
 206 form that any disclosure of information is required by Article 4 of Chapter 18 of Title 50  
 207 of the O.C.G.A. Both this notice and any subsequent documents shall be subject to the  
 208 provisions of such article.

209 (h) Enactment.

- 210 (1) This section shall be construed liberally to effectuate its purpose and policies and to  
 211 supplement such existing laws as may relate to the conduct of officials or employees;
- 212 (2) The propriety of any official act or action taken by or transaction involving any  
 213 officials or employees immediately prior to the time this section shall take effect shall not  
 214 be affected by the enactment of this section; and
- 215 (3) The provisions of this section are severable, and, if any of its provisions shall be held  
 216 unconstitutional or invalid by a court of competent jurisdiction, the decision of the court  
 217 shall not affect or impair any of the remaining provisions.

218 (i) Board of ethics.

219 (1)(A) There is created the Board of Ethics of Rockdale County to be composed of  
 220 seven citizens of Rockdale County to be appointed as provided in paragraph (2) of this  
 221 subsection.

222 (B) Each member of the board of ethics shall have been a resident of Rockdale County  
 223 for at least one year immediately preceding the date of taking office and shall remain

224 a resident of the county and, where applicable, the commission district he or she  
225 represents, while serving as a member of the board of ethics.

226 (C) No person shall serve as a member of the board of ethics if the person has, or has  
227 had within the immediately preceding two-year period, any interest in any contract,  
228 transaction, or official act or action of Rockdale County.

229 (D) No member of the board of ethics shall be a member of an agency or an official or  
230 employee of Rockdale County or shall have served in such a capacity in the two-year  
231 period immediately preceding such person's appointment to the board of ethics.

232 (E) No person shall serve as a member of the board of ethics if the person has been a  
233 candidate for, or was elected to, public office in the immediately preceding three-year  
234 period. Filing for an elective office shall constitute a resignation from the board of  
235 ethics on the date of filing.

236 (F) Appointees to the board of ethics shall have professional knowledge or expertise  
237 in matters of ethics, finance, governance, or the law.

238 (G) All proposed appointments to the board of ethics shall be subject to an education  
239 and employment background check as well as a criminal history check. Persons  
240 proposed to be appointed to the board of ethics shall execute all releases necessary for  
241 the appointing authority to accomplish such checks. If the nominee is determined to  
242 have committed a felony, the nomination shall be withdrawn.

243 (2)(A) The initial board of ethics shall be appointed as provided in this paragraph to  
244 take office on July 1, 2024, and to serve for the terms prescribed in this paragraph.

245 (B) Following approval of this Act, but not later than May 30, 2024, the members of  
246 the initial board of ethics shall be selected as follows:

247 (i) Five members shall be appointed by the grand jury of Rockdale County, provided  
248 that three such members shall reside in a different commission district than the other  
249 members appointed pursuant to this subparagraph so that at least one resident of each  
250 commission district is appointed to the board of ethics; and

251 (ii) Two members shall be appointed by the clerk of the Superior Court of Rockdale  
252 County.

253 (C) In addition to the members appointed as provided in subparagraph (B) of this  
254 paragraph, there shall be two alternate members who shall serve to ensure a quorum  
255 when members of the board are absent, have a conflict of interest, or find it necessary  
256 to recuse themselves or while a vacancy exists on the board. The alternates shall be  
257 selected by the tax commissioner of Rockdale County.

258 (D) The members and alternates shall each serve for terms of three years; provided,  
259 however, that the terms of the initial appointees of the grand jury shall be specified at  
260 the time of their appointments. One shall serve until December 31, 2025, and until the  
261 appointment and qualification of his or her successor, whichever occurs later; one shall  
262 serve until December 31, 2026, and until the appointment and qualification of his or her  
263 successor, whichever occurs later; and one shall serve until December 31, 2027, and  
264 until the appointment and qualification of his or her successor, whichever occurs later.  
265 The initial member appointed by the clerk of the Superior Court of Rockdale County  
266 shall serve until December 31, 2026, and until the appointment and qualification of his  
267 or her successor, whichever occurs later. The initial alternate members appointed by  
268 the tax commissioner of Rockdale County shall serve the terms specified by the tax  
269 commissioner at the time of the initial appointments. One shall serve until  
270 December 31, 2025, and until the appointment and qualification of his or her successor,  
271 whichever occurs later, and one shall serve until December 31, 2026, and until the  
272 appointment and qualification of his or her successor, whichever occurs later.

273 (E) Successors to all members and alternates of the board of ethics and future  
274 successors shall be appointed by the respective appointing authorities not less than 30  
275 days prior to the expiration of each such member's term of office, and such successors  
276 shall take office on January 1 following such appointment and shall serve terms of three  
277 years and until their respective successors are appointed and qualified. No individual

278 shall be appointed to more than two consecutive terms, provided that the initial terms  
279 under this Act shall not be counted in such determination.

280 (F) The clerk of the Superior Court of Rockdale County shall provide administrative  
281 assistance to the grand jury regarding the appointment of board members pursuant to  
282 this section. Upon a vacancy occurring or the conclusion of the term of a board  
283 member appointed pursuant to division (i) of subparagraph (B) of this paragraph, the  
284 clerk of the Superior Court of Rockdale County shall notify the then-sitting grand jury  
285 of its duty pursuant to this section.

286 (3) If a member of the board of ethics ceases to be a resident of Rockdale County, and,  
287 where applicable, the commission district he or she represents, that member's position on  
288 the board of ethics, by operation of law, shall become vacant upon the establishment of  
289 the fact of such nonresidency, if contested, by a court of competent jurisdiction. A  
290 vacancy in the board of ethics shall exist by reason of death, the disability or incapacity  
291 of a member for more than 90 days, resignation, or loss of residency as described in this  
292 paragraph. A member of the board of ethics may be removed from office during a term  
293 if the member becomes ineligible to hold civil office within the meaning of Code  
294 Section 45-2-1 of the O.C.G.A. and that ineligibility is established by decision of a court  
295 of competent jurisdiction which declares the office vacant because of such ineligibility  
296 or for good cause by a majority vote of the board of ethics. The ethics officer shall notify  
297 the clerk of the Superior Court of Rockdale County and the tax commissioner of  
298 Rockdale County of a vacancy upon its occurrence, and such vacancy shall be filled for  
299 the unexpired term by the respective appointing authority;

300 (4) The members of the board of ethics shall serve without compensation, but shall be  
301 reimbursed for actual expenses incurred while serving on the board. The board of ethics  
302 shall elect from their own membership a chairperson and otherwise provide for their own  
303 internal organization. The board of commissioners shall provide adequate office and  
304 meeting space and pay all administrative costs, including those specifically stipulated in

305 this section, pertaining to the operation of the board of ethics. The board of ethics shall  
306 be authorized to employ its own staff and clerical personnel and contract for the services  
307 of a competent court reporter, an attorney, and a private investigator as it deems  
308 necessary. The members of the board of ethics shall have the authority to propose the  
309 budget of the board and shall recommend the budget to the board of commissioners, and  
310 said board of commissioners shall seriously consider it as a priority. In the event that the  
311 proposed budget is in excess of \$250,000.00, the board of commissioners shall have the  
312 authority to authorize the additional funds requested in accordance with standard  
313 budgetary procedures and requirements. The board of ethics shall be completely  
314 independent and shall not be subject to control or supervision by the chairperson of the  
315 board of commissioners, the board of commissioners, or any other official, employee, or  
316 agency of the county government; and

317 (5) The board of ethics shall have the following duties:

318 (A) To establish procedures, rules, and regulations governing its internal organization  
319 and the conduct of its affairs;

320 (B) To render advisory opinions with respect to the interpretation and application of  
321 this section to all officials or employees who seek advice as to whether a particular  
322 course of conduct would constitute a violation of the standards imposed in this section  
323 or other applicable ethical standards. Such opinions shall be binding on the board of  
324 ethics in any subsequent complaint concerning the official or employee who sought the  
325 opinion and acted in good faith, unless material facts were omitted or misstated in the  
326 request for the advisory opinion;

327 (C) To prescribe forms for the disclosures required in this section and to make  
328 available to the public the information disclosed as provided in this section;

329 (D) To receive and hear complaints of violations of the standards required by this  
330 section over which it has personal and subject matter jurisdiction;

331 (E) To make such investigations as it deems necessary to determine whether any  
 332 official or employee has violated or is about to violate any provisions of this section;  
 333 and

334 (F) To hold such hearings and make such inquiries as it deems necessary for it to carry  
 335 out properly its functions and powers.

336 (j) Ethics officer.

337 (1) There is hereby created as a full-time salaried position an ethics officer for Rockdale  
 338 County. The ethics officer shall receive compensation annually in an amount equal to 82  
 339 percent of the base salary paid to judges of the superior court by the State of Georgia;  
 340 such compensation shall be paid from county funds and shall not be in addition to the  
 341 budget provided for the board of ethics in paragraph (4) of subsection (i) of this section.  
 342 The ethics officer must be an active member of the State Bar of Georgia in good standing  
 343 with five years' experience in the practice of law. The ethics officer shall be appointed  
 344 by a majority of the members of the board of ethics for a period not to exceed six years.  
 345 Removal of the ethics officer before the expiration of the designated term shall be for  
 346 cause by a majority vote of the members of the board of ethics. The ethics officer need  
 347 not be a resident of the county at the time of his or her appointment, but he or she shall  
 348 reside in Rockdale County within six months of such appointment and continue to reside  
 349 therein throughout such appointment;

350 (2) The ethics officer shall not be involved in partisan or nonpartisan political activities  
 351 or the political affairs of Rockdale County; and

352 (3) The duties of the ethics officer shall include, but not be limited to, the following:

353 (A) Educating and training all county officials and employees to have an awareness  
 354 and understanding of the mandate for and enforcement of ethical conduct and advising  
 355 them of the provisions of the code of ethics of Rockdale County;

356 (B) Meeting with the board of ethics;

- 357 (C) Advising officials and employees regarding disclosure statements and reviewing  
 358 the same to ensure full and complete financial reporting;
- 359 (D) Urging compliance with the code of ethics by calling to the attention of the board  
 360 of ethics any failure to comply or any issues, including the furnishing of false or  
 361 misleading information, that the ethics officer believes should be investigated by the  
 362 board of ethics so that the board of ethics may take such action as it deems appropriate;
- 363 (E) Monitoring, evaluating, and acting upon information obtained from an ethics  
 364 hotline, which shall be a county telephone number for the receipt of information about  
 365 ethical violations. Each complaint, as of the time it is reported, whether by telephone  
 366 or otherwise, shall be deemed to be a separate pending investigation of a complaint  
 367 against a public officer or employee as provided by Article 4 of Chapter 18 of Title 50  
 368 of the O.C.G.A.;
- 369 (F) Reporting, as appropriate, suspected ethical violations to the board of ethics;
- 370 (G) Reporting, as appropriate, suspected criminal violations to state or federal law  
 371 enforcement agencies; and
- 372 (H) Filing with the board of ethics and the board of commissioners on the first Tuesday  
 373 of each February a written report describing the activities of the ethics officer in  
 374 carrying out the goals of his or her office and reporting on the ethical health of  
 375 Rockdale County.
- 376 (k) Ethics administrator.
- 377 (1) There is hereby created as a full-time salaried position an ethics administrator for  
 378 Rockdale County. The annual compensation provided to the ethics administrator shall  
 379 be set by the board of ethics, shall be paid from county funds, and shall not be considered  
 380 part of the budget for the board of ethics provided for in paragraph (4) of subsection (i)  
 381 of this section. The ethics administrator shall be selected by the board of ethics and shall  
 382 serve at the pleasure of the board;

383 (2) The ethics administrator shall not be involved in partisan or nonpartisan political  
 384 activities or the political affairs of Rockdale County; and

385 (3) The duties of the ethics administrator shall include, but not be limited to, the  
 386 following:

387 (A) Maintaining the records of the board of ethics as required by Article 4 of  
 388 Chapter 18 of Title 50 of the O.C.G.A.;

389 (B) Notifying the subject of a report of any alleged violation of the ethics code,  
 390 whether the report is anonymous, made by an identified individual, or written. Such  
 391 notice shall be given in writing to the subject of the complaint at the same time and in  
 392 the same form that any disclosure of information is required by Article 4 of Chapter 18  
 393 of Title 50 of the O.C.G.A.;

394 (C) Notifying the board of ethics of any report of an alleged violation of the ethics code  
 395 received by the ethics administrator; and

396 (D) Such other duties as may be assigned by the board of ethics.

397 (l) Investigations and hearings.

398 (1) The board of ethics shall conduct investigations into alleged violations of the code  
 399 of ethics, hold hearings, and issue decisions as prescribed in this subsection;

400 (2) The proceedings and records of the board of ethics shall be open unless otherwise  
 401 permitted by state law;

402 (3) Upon request of the board of ethics, the Rockdale County Solicitor or any attorney  
 403 representing the office of the Rockdale County Solicitor, or, in the event of a conflict, any  
 404 attorney who shall be selected by a majority vote of the board of ethics, shall advise the  
 405 board of ethics;

406 (4) A complaint may be filed by the ethics officer, any person, or a group of people by  
 407 submitting to the ethics administrator a written, verified, and sworn complaint under the  
 408 penalty of perjury or false swearing. The complaint shall specifically identify all  
 409 provisions of the Rockdale County code of ethics which the subject of the complaint is



410 alleged to have violated, set forth facts as would be admissible in evidence in a court  
411 proceeding, and show affirmatively that the complainant or affiant, if in addition to or  
412 different from the complainant, is competent to testify to the matter set forth therein. All  
413 documents referenced in the complaint as well as supporting affidavits shall be attached  
414 to the complaint;

415 (5) Upon receipt of the complaint, the ethics administrator shall bring the complaint  
416 before the board of ethics which shall cause the ethics officer to conduct a preliminary  
417 investigation to determine whether it meets the jurisdictional requirements as set forth in  
418 this section. Upon the conclusion of the preliminary investigation, the ethics officer shall  
419 report his or her findings to the board. If, in the opinion of the board, the complaint fails  
420 to meet the jurisdictional requirements as set forth in this section, the board shall direct  
421 the ethics officer to notify the person who filed the complaint and such person shall have  
422 ten days from the date of notice to correct and refile the complaint with the board. A  
423 complaint which fails to satisfy the jurisdictional requirements as established by this  
424 section and by the rules and procedures established by the board of ethics shall be  
425 dismissed by the board of ethics no later than 30 days after the complaint is filed with the  
426 ethics administrator, unless extended by a majority vote of the board of ethics;

427 (6) The ethics officer will report his or her findings and recommendation to the board of  
428 ethics and advise whether there is probable cause for belief that the code of ethics has  
429 been violated, warranting a formal hearing. If the board of ethics determines, after the  
430 preliminary investigation of a complaint by the ethics officer, that there does not exist  
431 probable cause for belief that this section has been violated, the board of ethics shall so  
432 notify the complainant and the subject of the investigation, and the complaint will be  
433 dismissed. If the board of ethics determines, after a preliminary investigation of the  
434 complaint by the ethics officer, that there does exist probable cause for belief that this  
435 section has been violated, the board of ethics shall give notice to the person involved to  
436 attend a hearing to determine whether there has been a violation of this section;

- 437 (7) For use in proceedings under this section, the board of ethics shall have the power to  
438 issue subpoenas to compel any person to appear, give sworn testimony, or produce  
439 documentary or other evidence. Any person who fails to respond to such subpoenas may  
440 be subjected to the penalties set forth in subsection (m) of this section;
- 441 (8) All hearings of the board of ethics pursuant to this section shall be as follows:
- 442 (A) All testimony shall be under oath, which shall be administered by a member of the  
443 board of ethics. Any person who appears before the board of ethics shall have all of the  
444 due process rights, privileges, and responsibilities of a witness appearing before the  
445 courts of this state. Any person whose name is mentioned during a proceeding of the  
446 board of ethics and who may be adversely affected thereby may appear personally  
447 before the board of ethics on such person's own behalf or may file a written sworn  
448 statement for incorporation into the record to be made part of all proceedings pursuant  
449 to this subsection;
- 450 (B) The decision of the board of ethics shall be governed by the clear and convincing  
451 evidence standard; and
- 452 (C) At the conclusion of proceedings concerning an alleged violation, the board of  
453 ethics shall immediately begin deliberations on the evidence and proceed to determine  
454 by a majority vote of members present whether there has been a violation of this  
455 section. The findings of the board of ethics concerning a violation and the record of the  
456 proceedings shall be made public by the ethics officer as soon as practicable after the  
457 determination has been made;
- 458 (9) Any investigation or hearing pursuant to this subsection shall be commenced within  
459 two years of the date of the alleged violation; provided, however, that any complaint filed  
460 against an elected official within 60 days of an election in which such official is a  
461 candidate for public office shall not be acted upon until such election is concluded and  
462 certified; and

463 (10) The county attorney shall be prohibited from appearing before the board of ethics  
464 on behalf of any person.

465 (m) Violations; appeals.

466 (1) Any intentional violation of this section, furnishing of false or misleading  
467 information to the board of ethics or the ethics officer, failure to follow an opinion  
468 rendered by the board of ethics, or failure to comply with a subpoena issued by the board  
469 of ethics pursuant to this section shall subject the violator to any one or more of the  
470 following:

471 (A) Administrative sanction of not more than \$1,000.00 assessed by the board of  
472 ethics, which said board shall pay over to the county's general fund;

473 (B) For employees subject to this section, the board of ethics may recommend  
474 termination of employment with the county;

475 (C) Public reprimand by the board of ethics; and

476 (D) Prosecution by the Rockdale County Solicitor in the magistrate court of Rockdale  
477 County and, upon conviction, a fine of up to \$1,000.00 per violation and up to six  
478 months' imprisonment whether the official or employee is elected or appointed, paid or  
479 unpaid. Nothing in this section shall be interpreted to conflict with state law. An action  
480 for violation of this section or the furnishing of false or misleading information or the  
481 failure to comply with a subpoena issued by the board of ethics must be brought within  
482 two years after the violation is discovered;

483 (2) With regard to violations by persons other than officials or employees, in addition to  
484 the remedies in paragraph (1) of this subsection, the board of ethics may recommend to  
485 the board of commissioners any one or more of the following:

486 (A) Suspension of a contractor; and

487 (B) Disqualification or debarment from contracting or subcontracting with Rockdale  
488 County;

489 (3) The decision of the board of ethics after a hearing shall be final; provided, however,  
 490 that such proceeding shall be subject to review by writ of certiorari to the Superior Court  
 491 of Rockdale County. The ethics administrator shall be authorized to acknowledge service  
 492 of any such writ and shall, within the time provided by law, certify and cause to be filed  
 493 with the clerk of the superior court a record of the proceedings before the board of ethics,  
 494 the decision of the board of ethics, and the notice of the final actions of the board of  
 495 ethics.

496 (n) Any employee of the county filing a complaint pursuant to this section or providing  
 497 information to the board of ethics, ethics officer, or ethics administrator in the course of an  
 498 investigation undertaken pursuant to this section shall not be disciplined or subject to any  
 499 adverse employment action as a result of filing such complaint or cooperating with an  
 500 investigation.

501 (o) The provisions of this section shall supersede any conflicting policies or procedures  
 502 adopted by the board of commissioners or any agency, officer, or employee subject to this  
 503 section."

504 **SECTION 2.**

505 This Act shall become effective upon its approval by the Governor or upon its becoming law  
 506 without such approval

507 **SECTION 3.**

508 All laws and parts of laws in conflict with this Act are repealed.