

Ethics Rewrite Bill ([SB 7](#)) - Representative Becky Evans

This ethics referendum and what to communicate to you has weighed heavily on my mind. This legislation is a re-write of the 2015 Ethics referendum, passed by 92% of the voters, for the [DeKalb Board of Ethics and Ethics Office](#). DeKalb county has a 7,000 person workforce and a \$1.3 billion-dollar budget, and it is critical to have strong and independent oversight. The Ethics board has been disabled since August of 2018, when the [Ga Supreme Court declared the board appointment method unconstitutional](#). The Ethics Officer and Deputy Officer are still in place, conducting ethics training for employees.

This legislation goes far beyond fixing the method of board appointment, required by the Supreme Court decision. It weakens the role and requirements of the Ethics Officer to an Ethics Administrator, reassigning responsibilities to a weakened Ethics board, creating new dependencies on Human Resources and the Board of Commissioner and CEO approval, and will thus likely create additional barriers to employees who witness corruption and wish to file complaints.

Why was this done? There is a sentiment among the influential persons that the bill's sponsor worked with that the current law provides too much independence and power to the Ethics Office. One of my colleagues who is in favor of this bill told me they like the model of a jury, where the foreman is elected by his peers, and has no expertise. But as one of my colleagues who was against this re-write of the bill replied, "well the jury has a judge to provide guidance!" In current law, the Ethics Officer has the expertise to provide guidance, and the board is the jury, where the chair of the board is like the foreman of the jury. But the re-write of the law would give all responsibility and power to the board, or the jury, with an Ethics Administrator who has no expertise to provide guidance.

A group of advocates from around the county have formed a group, the DeKalb Citizens Advocacy Council, to campaign against the passage of the referendum. Many of them worked on the 2015 Ethics legislation, and their research, especially the advisory opinion of [Director of Emory's Ethics Center](#) and [Commissioner Gannon's letter to the Governor](#) informs my position. Visit the DeKalb's Citizens Advocacy Council website [here](#).

The basics are that I voted no to this re-write within the DeKalb delegation and on the House floor, and I have not been persuaded to change my mind for the November 5 referendum. I am obviously a member of the minority, or we wouldn't be voting on this! I lost more sleep over this than I should have, because I like to think of myself as a listener, seeking common ground. Compromise is not a dirty word to me. But the reality was that most of the delegation was left out of the re-writing process and had to make a last minute up or down vote. Those of you that read Senator Parent's e-news know that she worked hard to pass amendments to the bill that would strengthen the legislation, but was unsuccessful.

All that being said, I appreciate the hard work the sponsor, Senator Emanuel Jones put into this bill. Ethics is not sexy and does not whip up the votes like funding for a new senior center or technical school. And I especially respect my colleague Rep Viola Davis,

who is the one who filed many ethics complaints, thus having the most investment in this legislation, and who voted yes. She is in a unique position to influence significant changes that bring back the independence of the Board and Ethics office to the legislation over this month of public hearings. And you, our voters, are extremely influential. I will be closely listening to you and my fellow delegation members during these public hearings. If delegation members can agree on important fixes to the legislation during this public hearing process, it is possible that I will decide to vote yes. I will be certain to communicate with you about this. Stay tuned.

Ethics Rewrite Bill ([SB 7](#)) – Senator Elena Parent

Senate Bill 7, authored by Emanuel Jones, is an effort to enable the DeKalb Ethics Board to get back to work after the courts ruled that a majority of the members were appointed by an unconstitutional method. The approval of these changes to the Ethics Act will be on the November ballot before all DeKalb County voters. These changes to the Ethics Department are controversial.

Background: As a result of a lawsuit brought by former Commissioner Sharon Barnes Sutton, the DeKalb Ethics Board has essentially disbanded because the Georgia Supreme Court ruled that the members appointed by private groups such as the DeKalb Chamber of Commerce, Leadership DeKalb, and the DeKalb Bar Association were unconstitutional because they are unelected entities. This is a decision I dislike, but it necessitated trying to amend the Ethics law.

Various delegation members, including me and Rep. Scott Holcomb, tried to pass legislation to fix this problem in 2018 but tricky political dynamics thwarted that effort. Essentially, there are certain elected officials in our Delegation that have no interest in seeing the Ethics Department operating in a muscular capacity. This Session, Senator Emanuel Jones, the Chairman of the Senate Delegation, spearheaded the effort. We passed a very simple and appropriate fix to the legislation very early in the Session. It got tied up in the House Delegation. Once it emerged after many weeks, at the very end of the Session, it had several significant changes that I find to be problematic. I voted "yes" when SB 7 came back to the Senate, but I did this to thank Sen. Jones for his hard work and in recognition of the tricky politics involved. I put forth a huge effort myself with the Senate delegation right at the end of the Session to get some of the problems I saw with the last version remedied, but I was unsuccessful.

Where does that leave us? You have to decide if you are going to vote YES or NO on this Ethics rewrite.

Reasons to vote YES on November 5 are:

1. Currently, there is no functioning Ethics Board at all.
2. Any fix has to go through the DeKalb delegation and due to a lot of chaos during the legislative Session and individuals who do not want the strongest Ethics Department possible in DeKalb

County, that is easier said than done. 3. Compromise is a part of any legislative process. 4. There is no guarantee any stronger version will emerge from the DeKalb Delegation, meaning that failure of the referendum could mean there would not be an Ethics Board for any number of additional years.

Reasons to vote NO on November 5:

1. The legislation weakens the Ethics Department by eliminating the position of Ethics Officer and instead putting in an Ethics Administrator, which is a bachelor's degree level position instead of the attorney currently required.
2. Ethics complainants that work for the county will have to lodge complaints about HR matters with HR before they can go to Ethics, an obstacle that does not currently exist.
3. The Board of Commissioners, who is covered by the Ethics Act, would need to approve or veto the policies and procedures put forth by the Board of Ethics.
4. The Board of Commissioners would have an appointment to the Board of Ethics.
5. The Ethics Officer can currently bring forward an Ethics complaint and that ability is removed in the duties and powers of the Ethics administrator.

So, the legislation does lessen the independence of the operations of the Board of Ethics from the County employees they oversee. It makes it more difficult for county employees to have ethics complaints addressed by the Board of Ethics. It downgrades the professionalism of the full-time staff from a required attorney to an "administrator."

A group of advocates from around the county have formed a group, the DeKalb Citizens Advocacy Council, to campaign against the passage for the referendum. Visit their website [here](#).

How am I voting? I am still deciding. I think we need to make some changes to fix the issues with this bill. Right now, I am not hearing key legislators express interest in taking input from the community and improving the legislation in 2020. If we had that, I'd be more inclined to vote for it.