

Governing Board of the Office of the Inspector General for the City of Atlanta

Bylaws

1. General

- 1.1. The name of this Board shall be the Governing Board of the Office of the Inspector General (“Board”) for the City of Atlanta (“City”). The Board is established to ensure the independence of the Office of the Inspector General, pursuant to Section 8-102 of the City’s Code of Ordinances (“Code”).
- 1.2. The purpose of the Board shall be to uphold the independence of the Office of the Inspector General through an orderly and fair process for raising and addressing ethical questions; discipline those officials and employees and other persons who violate the Standards of Conduct set forth in Chapter 2, Article VII, Division 2 of the Code; reasonably ensure that the City, and its officials and employees are complying with all applicable laws, rules and regulations, and internal policies and procedures; provide and enforce standards of practice related to the performance and financial operation of the City; and oversee allegations of waste, fraud, abuse and misconduct.
- 1.3. For the Board to effectively fulfill its purpose, the Board shall have the power to:
 - 1.3.1. Hear all appeals that may be filed from any adverse decision issued by the Office of the Inspector General, or a motion to quash a subpoena issued by the Inspector General or the Ethics Officer.
 - 1.3.2. Select and appoint the Inspector General and Ethics Officer.

2. Membership and Officers

- 2.1. The Board is composed of nine (9) members who are nominated by citizen groups and appointed by the mayor and city council, as set out in section 8-104 of the Code. The Board shall elect a chairperson and vice-chairperson to serve for a term of one (1) year and shall be eligible to serve as chair in successive years. A board member may serve as the chairperson or vice-chairperson for more than one (1) term. The election of the chairperson or vice-chairperson shall occur as the first order of business at the first meeting of the calendar year or whenever a vacancy occurs.
- 2.2. The chairperson of the Board shall preside at all meetings of the Board and shall appoint board members to committees, issue subpoenas for any party to an appellate hearing, and perform all other duties delegated by the Board.

2.2.1. The appeals committee will consist of any and all board members who wish to volunteer for the position. In the instance that there are no volunteers, the committee members will be appointed by the chairperson. In addition, the appeals committee at minimum must include the chairperson, the vice-chair and at least one of three attorney positions and one of the two compliance positions, that are currently appointed to the Board.

2.3. In the absence of the chairperson, the vice-chairperson shall perform the duties of the chairperson. In addition, the vice-chairperson may assume any duties delegated by the chairperson.

2.4. Members shall serve without compensation. Members may be reimbursed for parking fees incurred to attend meetings.

3. Location, Dates, and Times of Regular and Special Meetings

3.1. The regular meetings of the Board shall be held on the third Thursday of every odd number month, and appellate board meeting to be held on the third Thursday of every even number month, except for December, starting at 6 p.m. in City Council Committee Room 1, Atlanta City Hall, 55 Trinity Avenue, Second Floor, Atlanta, Georgia 30303. The Board or the Chair may reschedule or cancel a meeting, provided adequate notice is given to its members and the public as required under the Open Meetings Act.

3.2. Regular monthly board meetings are televised on Channel 26 as required by law.

3.3. Special meetings of the Board may be convened at the call of the chairperson or vice-chairperson. In the absence of the chairperson, a special meeting may be convened either by the Office of the Inspector General or by a majority of board members on a petition for appeal. Board members shall be given at least 48 hours' notice prior to any special meeting. The notice and agenda for any special meeting will be posted and distributed as required under the Georgia Open Meetings Act.

3.4. The Board, along with the Office of the Inspector General, shall hold a board retreat at least once every year in December, which may be held in a location other than City Hall. Notice of the meetings shall be given as required under the Georgia Open Meetings Act.

3.5. Committee meetings may be held as needed to conduct the work of the Board. Each committee shall report its activities to the Board at the next regularly scheduled board meeting. The Board must approve any official action with

exception of matters exempt under the Open Records Act.

4. Agenda for Meetings

- 4.1.** The chairperson of the Board, in consultation with the Office of the Inspector General, shall establish the proposed agenda for meetings of the Board.
 - 4.1.1.** The agenda shall always include an Office of the Inspector General report, which shall include all dismissals, all final decisions, full log of active investigations that are not exempt under the Open Record Act, and all administrative sanctions issued by the Inspector General and the Ethics Officer.
- 4.2.** To the extent practicable, the Office of the Inspector General shall distribute the proposed agenda and materials to the members of the Board at least seven (7) calendar days prior to the meeting date. No item shall be ineligible for consideration by the Board solely on the basis that the agenda was distributed less than seven (7) calendar days prior to the meeting. The agenda shall be posted at the Board's website.

5. Conduct of General Meetings

- 5.1.** Except as permitted under state law, board meetings shall be open public meetings.
- 5.2.** The chairperson of the Board shall preside at all meetings, and the vice-chairperson shall preside in the absence of the chairperson at a meeting. If both the chairperson and vice-chairperson are absent, the remaining board members shall vote to elect a temporary presiding officer for that meeting.
- 5.3.** Five (5) members of the Board shall constitute a quorum. The affirmative vote of a majority of the quorum shall be required for any action to be taken. If any member is disqualified or abstains from participating, the disqualified member shall not be counted towards this quorum requirement or as present for the particular matter under consideration.
- 5.4.** The rules of parliamentary practice set forth in Robert's Rules of Order, Newly Revised, shall be used at all regular monthly meetings.
- 5.5.** Unless stated otherwise, The Office of the Inspector General is expected to ensure that its directors or a proxy, are in attendance at all board meetings, regular, special, appellate and retreats.

6. Conduct of Appellate Meetings

- 6.1. APPEAL PROCEDURE:** Any person aggrieved by an action that comes under the Board's jurisdiction pursuant to Section 8-103(a) must file an appeal or motion to quash, in writing, on forms stipulated, within fourteen (14) days of the granting or denial. Fourteen (14) days begins the day following the date of receipt of the adverse decision or subpoena delivered by the Office of the Inspector General. If the 14th day occurs on a non-working day for the City, the final date for filing an appeal or motion to quash subpoena shall be on the next regular workday for the City. In the event of "failure to act" by any applicable supervising officer or the Board within the time limits set forth in the controlling Ordinance, an appeal or motion to quash may be filed on or after the day following the expiration of the time limit as set forth in the controlling Ordinance. The applicant shall file this appeal at the office of the Board, setting forth the grounds for his/her appeal. Upon receiving the appeal, the office secretary shall notify the chairperson of the Board or his/her designee.
- 6.2. HEARINGS:** The Board shall schedule a public hearing on all appeals and motions to quash within thirty (30) days from the acceptance of a completed appeal or motion to quash. The board shall consider any request for an appeal at the next regularly scheduled board meeting and attempt to issue an opinion within ninety (90) days of the hearing. Each board opinion shall be in writing and state the facts, issue(s) presented, decision(s) of the board, and reasons for its ruling. A majority vote of the members present at any meeting shall govern the board's decision, provided that at least five members vote.
- 6.2.1.** The Board shall cause notice of the date, time and place of such hearing, the location of the building, to be given to the person making the appeal or motion to quash. The Board shall also cause notice of the hearing to be given to the Inspector General or Ethics Officer, as applicable, at least seven (7) days in advance.
- 6.3. DECISIONS:** The Board's decision on an appeal or a motion to quash shall be either to affirm or overturn the decisions of the Inspector General or the Ethics Officer. The decision shall be issued in writing by the Chair or any member of the Board presiding over the hearing and shall be issued within fifteen (15) days from the close of the presentment of evidence. The decisions shall be transmitted to the parties or their representatives.
- 6.4.** The final decision on any matter before the Board shall be made by written order signed by the chairperson or chairperson's designated alternate. The transcript of testimony, if any, and exhibits, together with all papers and requests filed in the proceedings, shall constitute the record. All decisions shall become a part of the record and shall include a statement of findings and conclusions, as well as the

reasons or basis, thereof. In reviewing an application on any matter, the standards in any applicable local ordinance or state statute shall take precedence over the standards of these rules whenever a conflict occurs. In all other instances, the more restrictive rule shall apply.

7. Minutes

Pursuant to Section 8-102(e)(3), the Board shall elect a secretary to provide administrative assistance to the Board. The minutes shall be considered final upon approval by a majority of board members. The Office of the Inspector General shall maintain the official minutes of the meetings and post approved minutes.

8. Public Participation

- 8.1.** Public participation at regular monthly meetings is encouraged. All persons who wish to appear before the Board shall sign up to speak at the beginning of the meeting. Each person may speak for two (2) minutes. Public comment shall not be permitted at hearings.
- 8.2.** The two-minute time limit does not apply to any person appearing at the Board's invitation, as a party in an official action or proceeding, as an attorney or representative on behalf of a party, or as a person adversely affected by comments during an enforcement hearing.
- 8.3.** Any board member or the Office of the Inspector General may question any person speaking. No other person at a meeting will be permitted to question any speaker, unless the chairperson grants permission.
- 8.4.** Any party who wishes to be added to the agenda must contact the Office of the Inspector General at least seven (7) calendar days prior to the meeting and identify the matter to be placed on the agenda. The chairperson reserves the right to add items and parties to the agenda when less notice is given.

9. Orientation and Training

- 9.1.** All new board members should attend a workshop on the City's Code of Ethics within six (6) months of their appointment. Any current board member who has not attended a workshop at the time these bylaws are adopted shall fulfill the training requirement within twelve (12) months of their adoption.
- 9.2.** Members of the Board may fulfill this training requirement by attending a citywide ethics workshop for board members, a special workshop offered at a board retreat or meeting or taking the e-learning course.

10. Removal of Board Members

Any board member who fails to regularly attend meetings and hearings without good cause or grossly fails to perform his or her duties may be recommended for removal by a vote of five (5) members of the Board.

11. Amendment of Bylaws

Any proposed amendments to the bylaws shall be submitted in writing to the Board at a regular monthly meeting and may be voted on at the next regular monthly meeting. An amendment becomes effective at the time of its adoption by a majority of the Board.

Adopted this 20th day of August, 2020.

**City of Atlanta Governing Board of the
Office of the Inspector General**

Nichola Hines, Chair
Todd Gray, Vice-Chair
Christopher Gilmore
Matt Grosvenor
Vic Hartman
Gerald Neumark
Lisa Liang
Wesley Tharpe