

EXECUTIVE ORDER NUMBER 2020-01

BY THE MAYOR

CALLING FOR THE EXPEDITIOUS AMENDMENT TO THE CHARTER OF THE CITY OF ATLANTA VIA 19-O-1729 TO CREATE OFFICE OF THE INSPECTOR GENERAL WHICH SHALL, IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE TASK FORCE FOR THE PROMOTION OF PUBLIC TRUST, BE INDEPENDENT FROM THE MAYOR AND THE ATLANTA CITY COUNCIL, SHALL HAVE BROAD JURISDICTION TO SEEK OUT FRAUD, WASTE, ABUSE, CORRUPTION, AND MISCONDUCT, AND SHALL HAVE BUDGETARY PROTECTION; AND WHICH SHALL BE GOVERNED BY AN INDEPENDENT BOARD WITH THE AUTHORITY TO CONDUCT ADMINISTRATIVE APPEALS AND TO APPOINT AND REMOVE INSPECTOR GENERAL, THE CITY AUDITOR, AND THE CITY ETHICS OFFICER, CONTAIN THE FUNCTIONS AND OPERATIONS OF THE CURRENT INDEPENDENT COMPLIANCE OFFICER, THE CITY AUDITOR AND THE CITY ETHICS OFFICE WHILE PRESERVING THE INDEPENDENCE OF THE APPOINTMENT OF THE CITY AUDITOR AND CITY ETHICS OFFICER; CALLING FOR THE EXPEDITIOUS AMENDMENT TO THE CHARTER VIA 19-O-1729 TO CREATE THE POSITION OF A STRONG AND INDEPENDENT INSPECTOR GENERAL OF THE CITY OF ATLANTA WHO, IN ACCORDANCE WITH THE TASK FORCE RECOMMENDATIONS, SHALL BE APPOINTED BY A FIXED TERM OF APPOINTMENT WITH REMOVAL ONLY FOR CAUSE; AND WHO SHALL BE AN ATTORNEY WITH A BACKGROUND IN INVESTIGATIONS, HAVE DIRECT SUBPOENA POWER; AND WHO SHALL HAVE AUTHORITY OVER THE ADMINISTRATION, MANAGEMENT AND DIRECTION OF THE AFFAIRS AND OPERATIONS OF THE OFFICE OF THE INSPECTOR GENERAL, INCLUDING THE AUTHORITY TO APPOINT AND REMOVE ALL OF ANY OF THE PERSONNEL ASSIGNED TO SUCH OFFICE WITH THE EXCEPTION OF THE CITY AUDITOR AND CITY ETHICS OFFICER.

WHEREAS, the City of Atlanta is committed to increasing the City of Atlanta's commitment to transparency, compliance, and other factors that would provide its residents and the public at large

with the assurance that the City and its employees are conducting business in a manner that is honest, transparent, lawful, and in the sole interests of its residents; and

WHEREAS, in accordance with these goals, the City of Atlanta established the Task Force for the Promotion of Public Trust to evaluate the efficacy of the City's current legislative and administrative policies and procedures related to ethics, transparency, and compliance and surveying national models of government and corporate transparency, ethics, and compliance; and

WHEREAS, the Task Force was charged with making written recommendations to the Mayor, the Council President, and the Atlanta City Council for meaningful reforms; and on or about October 14, 2019, the Task Force issued its final report; and

WHEREAS, the Task Force recommended the creation of an Inspector General's (IG) Office for the City of Atlanta to root out fraud, waste, abuse, corruption and misconduct, and with the power and responsibility to investigate wide ranging types of misconduct, with the independence to do so separate from any political influence; and

WHEREAS, accordingly, Ordinance 19-O-1729 was introduced in coordination with the Administration by the entire membership of the Atlanta City Council, and is currently pending before the Atlanta City Council's Finance and Executive Committee; and

WHEREAS, the purpose of 19-O-1729 is to amend the Charter of the City of Atlanta to create the Office of the Inspector General and the position of Inspector General of the City of Atlanta; and

WHEREAS, following the introduction of 19-O-1729 I have been informed that intergovernmental stakeholders agree that the creation of a strong and independent Inspector General for the City of Atlanta would be beneficial to the City's commitment to transparency, compliance, and other factors that would provide its residents and the public at large with the assurance that the City and its employees are conducting business in a manner that is honest, transparent, lawful, and in the sole interests of its residents; and

WHEREAS, accordingly I urge the Atlanta City Council to act with all deliberate speed to pass 19-O-1729 to create the Office of the Inspector General and the position of the Inspector General of the City of Atlanta; and

WHEREAS, to ensure the Office and position of Inspector General have the appropriate strength to provide the oversight and accountability necessary to give the public the assurance that the City and its officials and employees are conducting business in a manner that is honest, transparent, lawful, and in the sole interests of its residents, I am calling for the legislation creating the Office and position of Inspector General to contain the following elements:

1. That the Office be independent from the Mayor and the Atlanta City Council;
2. That that the Office shall be governed by an independent board with the authority to conduct administrative appeals and to appoint and remove Inspector General, the City Auditor, and the City Ethics Officer, rather than by an administrative investigatory board;

3. That the Office shall have broad jurisdiction to seek out fraud, waste, abuse, corruption, and misconduct;
4. That the Office shall have budgetary protection;
5. That the Office shall contain the functions and operations of the current Independent Compliance Officer, the City Auditor and the City Ethics Office while preserving the independence of the appointment of the City Auditor and City Ethics Officer;
6. That the position of the Inspector General shall be appointed by a fixed term of appointment with removal only for cause;
7. That the Inspector General shall be an attorney with a background in investigations;
8. That the Inspector General shall have direct subpoena power; and
9. That the Inspector General shall have authority over the administration, management and direction of the affairs and operations of the Office of the Inspector General including the authority to appoint and remove all of any of the personnel assigned to such office except for the City Auditor and City Ethics Officer, which should remain independently appointed.

NOW THEREFORE, I, KEISHA LANCE BOTTOMS, AS MAYOR OF THE CITY OF ATLANTA, HEREBY AUTHORIZE, ORDER AND DIRECT AS FOLLOWS:

SECTION 1: That the Atlanta City Council is urged to act with all deliberate speed to pass 19-O-1729 to create the Office of the Inspector General and the position of the Inspector General of the City of Atlanta.

SECTION 2: That to ensure the Office and position of Inspector General have the appropriate strength to provide the oversight and accountability necessary to give the public the assurance that the City and its officials and employees are conducting business in a manner that is honest, transparent, lawful, and in the sole interests of its residents, I furthermore call for the legislation creating the Office and position of Inspector General to contain the following elements:

1. That the Office be independent from the Mayor and the Atlanta City Council;
2. That the Office shall be governed by an independent board with the authority to conduct administrative appeals and to appoint and remove Inspector General, the City Auditor, and the City Ethics Officer, rather than by an administrative investigatory board;
3. That the Office shall have broad jurisdiction to seek out fraud, waste, abuse, corruption, and misconduct;
4. That the Office shall have budgetary protection;
5. That the Office shall contain the functions and operations of the current Independent Compliance Officer, the City Auditor and the City Ethics Office while preserving the independence of the appointment of the City Auditor and City Ethics Officer;
6. That the position of the Inspector General shall be appointed by a fixed term of appointment with removal only for cause;
7. That it is preferred that the Inspector General be an attorney;

8. That the Inspector General shall have direct subpoena power; and
9. That the Inspector General shall have authority over the administration, management and direction of the affairs and operations of the Office of the Inspector General including the authority to appoint and remove all of any of the personnel assigned to such office except for the City Auditor and City Ethics Officer, which should remain independently appointed.

This 13th day of January 2020.

Keisha Lance Bottoms, Mayor

ATTESTED:

Municipal Clerk