



CITY COUNCIL
ATLANTA, GEORGIA

10-0 -0773

AN ORDINANCE

BY COUNCILMEMBERS IVORY LEE YOUNG, JR., AND H. LAMAR WILLIS

AN ORDINANCE TO AMEND CHAPTER 2, SECTION 2-2211(i) AND (h) AND CHAPTER 2, 2212 (b) OF THE CODE OF ORDINANCES, CITY OF ATLANTA, GEORGIA TO AUTHORIZE THE ATLANTA CITIZEN REVIEW BOARD TO HAVE DIRECT SUBPOENA POWER, TO PROVIDE FOR THE RELEASE OF THE BOARD'S FINDINGS TO INSURE CONSISTENCY BETWEEN THE GEORGIA OPEN RECORDS ACT AND THE ORDINANCE, AND TO REQUIRE THAT THE POLICE CHIEF AND CORRECTIONS CHIEF NOTIFY THE ATLANTA CITIZEN REVIEW BOARD IF AN EMPLOYEE FAILS TO COOPERATE WITH THE BOARD, AND TO PROPERLY DISCIPLINE SAID EMPLOYEE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta ("City") has an interest in maintaining public health, safety and welfare; and

WHEREAS, the City is authorized, through its legislative power, to adopt reasonable ordinances, resolutions, or regulations relating to its property, affairs, and local government for which no provision has been made by general law; and

WHEREAS, on March 13, 2007, Mayor Shirley Franklin approved Ordinance 07-O-0141 which amended the City of Atlanta Code of Ordinances Chapter 2, Article XVI (Boards, Councils, Commissions and Authorities) to create Division 11 Atlanta Citizen Review Board (the "Board") in order to codify the establishment of a citizen review board. The purpose of the Board is to ensure that agencies directly responsible for public safety, particularly the Police Department and the Department of Corrections have the proper support from the government and its various agencies, including a credible and independent review Board to review allegations of misconduct against police and corrections officers; and

WHEREAS, the current ordinance requires the Board to withhold public release of any of its findings until such findings have been provided to the Mayor, the President of Council, Council members, and the Chief of Police or Corrections, and a period of three (3) working days has elapsed. This provision appears to violate the Georgia Open Meetings Act which requires municipal boards to vote in public and may require correction. It also appears to contradict the requirement stated in the Code of Ordinances that all hearings be open to the public, except when, in the opinion of the Board, executive sessions are required. The current ordinance requires the Board to obtain its subpoenas through a request to the Committee on Council. The amended ordinance will require that the Police Chief or Corrections Chief notify the Board if an employee fails to cooperate with the Board, and for the chief to properly discipline said employee.



IT IS HEREBY ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

Section 1: That Section 2-2211 (i) of the City of Atlanta Code of Ordinance is amended by deleting the existing language in its entirety and substituting as follows:

The board may exercise subpoena power by majority vote, and compel access to or production of such materials or the appearance of such person as may be relevant to investigate or study or review matters within the board's authority and discretion.

Section 2: That Section 2-2211(h) of the City of Atlanta Code of Ordinances is amended by inserting the following language at the end of the paragraph in question:

Upon notification by the executive director of the board that an employee has not cooperated as requested, the police chief or corrections chief shall cause appropriate disciplinary action to be instituted against the employee, and shall notify the board of the outcome of such action.

Section 2-2211 (h), as revised will then read as follows:

(h) All employees of Atlanta City Government are hereby directed to fully cooperate with the board by promptly producing documents, records, files, and any other information that the board may request. In addition, employees on request of the board, shall be available to meet with and be interviewed by, the board or its representatives, and/or to testify before the board. Upon notification by the executive director of the board that an employee has not cooperated as requested, the police chief or corrections chief shall cause appropriate disciplinary action to be instituted against the employee, and shall notify the board of the outcome of such action.

Section 3: That Section 2-2212 (b) of the City of Atlanta Code of Ordinances is amended, as set out in bold and strikethrough text to revise said section as follows:

(b) The board and its members shall not make public any confidential police document, or information derived from any such confidential police document. The findings of the board as they may relate to conclusions drawn from interviews, study, and review of documents, shall remain confidential until the board officially releases such findings; ~~provided, however, that the board shall not publicly release any of its findings until such findings have been provided to the mayor, the president of council, council members and the chief of police or corrections, and a period of three (3) working days has elapsed.~~ **Any findings and conclusions of the board will be by majority vote by the board members, and voting by board members will be conducted in public. Said findings will be provided to the mayor, the president of**



council, council members and the chief of police or corrections, within a period of three (3) working days from the date of the vote.

Section 2-2212 (b), as revised will then read as follows:

(b) The board and its members shall not make public any confidential police document, or information derived from any such confidential police document. The findings of the board as they may relate to conclusions drawn from interviews, study, and review of documents, shall remain confidential until the board officially releases such findings. Any findings and conclusions of the board will be by majority vote by the board members, and voting by board members will be conducted in public. Said findings will be provided to the mayor, the president of council, council members and the chief of police or corrections, within a period of three (3) working days from the date of the vote.

Section 4: All ordinances or parts of ordinances in conflict herewith are hereby waived to the extent of any conflict.

A true copy,

Rhonda Daughin Johnson
Municipal Clerk

ADOPTED by the Atlanta City Council
RETURNED WITHOUT SIGNATURE OF THE MAYOR
APPROVED as per City Charter Section 2-403

MAY 17, 2010

MAY 26, 2010

10-0773
 (Do Not Write Above This Line)

AN ORDINANCE BY
 COUNCILMEMBERS

H LAMAR WILLIS
 IVORY LEE YOUNG, JR. AND

AN ORDINANCE TO AMEND CHAPTER 2, SECTION 2-2211 (b) AND CHAPTER 2-2212 (b) OF THE CODE OF ORDINANCES, CITY OF ATLANTA, GEORGIA TO AUTHORIZE THE ATLANTA CITIZEN REVIEW BOARD TO HAVE DIRECT SUBPOENA POWER, TO PROVIDE FOR THE RELEASE OF THE BOARD'S FINDINGS TO INSURE CONSISTENCY BETWEEN THE GEORGIA OPEN RECORDS ACT AND THE ORDINANCE, AND TO REQUIRE THAT THE POLICE CHIEF AND CORRECTIONS CHIEF NOTIFY THE ATLANTA CITIZEN REVIEW BOARD IF ANY EMPLOYEE FAILS TO COOPERATE WITH THE BOARD, AND TO PROPERLY DISCIPLINE SAID EMPLOYEE; AND FOR OTHER PURPOSES.

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER
- PERSONAL PAPER REFER

Date Referred: 4/19/10
 Referred To: Public Safety
 Date Referred: ADOPTED BY
 Referred To: MAY 17 2010
 Referred To: COUNCIL

First Reading

Committee _____
 Date _____
 Chair _____
 Referred To _____

PSLA Committee

4/27/10 Date

Chair

Action
 Fav, Adv, Hold (see rev. side)
 Other

Members

Refer To

PSLA Committee

still Date

Chair

Action
 Fav, Adv, Hold (see rev. side)
 Other

Members

Refer To

Committee

Date

Chair

Action
 Fav, Adv, Hold (see rev. side)
 Other

Members

Refer To

Committee

Date

Chair

Action
 Fav, Adv, Hold (see rev. side)
 Other

Members

Refer To

- FINAL COUNCIL ACTION
- 2nd
 - 1st & 2nd
 - 3rd
 - Consent
 - V Vote
 - RC Vote

CERTIFIED

CERTIFIED
 MAY 17 2010

ATLANTA CITY COUNCIL PRESIDENT

MAY 17 2010

R. L. D...
 MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

MAY 24 2010

WITHOUT SIGNATURE
 BY OPERATION OF LAW

RCS# 250
5/17/10
3:42 PM

Atlanta City Council

REGULAR SESSION

10-0-0773

AMEND CHAP.2SEC.2-2211(I) AND CHAPT.2
SEC.2212(B) OF CODE OF ORDINANCES
ADOPT

YEAS: 13
NAYS: 1
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 1

N Smith	Y Archibong	Y Moore	Y Bond
Y Hall	Y Wan	Y Martin	Y Watson
Y Young	Y Shook	B Bottoms	Y Willis
Y Winslow	Y Adrean	Y Sheperd	NV Mitchell

10-0-0773