



ASSOCIATION OF INSPECTORS GENERAL

524 West 59th Street, 53334HH
New York, NY, 10019
212-237-8001

January 21, 2025

Honorable Mayor and
Members of the City Council
55 Trinity Ave. SW
Atlanta, GA 30303

Re: Ordinance #25-O-1009 amending elements related to the Governing Board of the Office of Inspector General and the Office of Inspector General.

Honorable Mayor, Members of the City Council:

The Association of Inspectors General (AIG) is an independent, non-partisan 501(c)(3) organization that has represented thousands of members working in hundreds of Inspectors General offices across the United States and internationally in advancing the mission of independent oversight in government for more than 30 years. The AIG promulgates the Principles and Standards for Offices of Inspector General, known as the Green Book; that provides guidance and best practices considered to be the gold standard for state and local government Offices of Inspector General.

The AIG strongly opposes proposed Ordinance #25-O-1009 in its current form and recommends that the City Council reject it in its entirety.

The AIG continues to have grave concerns over proposed ordinance #25-O-1009, as amended on January 15, 2025 by the City Council's Finance Executive Committee. When viewed in totality, the original and the amended bill are simply two peas in a pod, both destined to render the OIG incapable of providing effective, independent oversight for the residents of Atlanta.

We continue to urge great caution as the City works through this issue. The AIG understands that a City Council work session has been recommended. Further, should a work session be planned, the AIG respectfully requests the opportunity to participate, present, and answer questions for the benefit of the Council and public.

There remain numerous elements of the amended proposed Ordinance #25-O-1009 that are contrary to best practices, examples include:

- **Reinserting the term “corruption” into the proposed ordinance was good; however, the new language oddly seeks to limit the OIG’s ability to investigate illegal acts.** It should go without saying that it is impossible to separate fraud from illegal conduct. Further, inspectors general regularly identify suspected criminal conduct during investigations and must be able to work effectively with law enforcement when the situation arises. There are many practical measures in place

all over the country that allow inspectors general to successfully perform their duties of investigating evidence of administrative violations while referring matters or partnering with law enforcement agencies for investigating suspected criminal activity. This is an area that inspectors general at the local, state and federal levels excel in.

As the Atlanta OIG is not an enumerated law enforcement agency, they do not possess law enforcement authority. Thus, the language of the proposed ordinance is redundant and serves no purpose.

- **Appointments to the OIG's Governing Board by the Mayor and City Council represent an inherent conflict of interest, political entities that are subject to the OIG's jurisdiction.** While the new proposed ordinance removes the language that gave the Mayor the authority to make all Governing Board appointments, the amendment removes two community stakeholders, the League of Women Voters and the Atlanta Planning Advisory Board (APAB)¹, and replaces them with direct appointments by the Mayor and City Council, respectively. There is an inherent conflict of interest as both appointing entities are within the jurisdiction of the OIG. The current ordinance ensured the OIG's independence and prioritized community involvement – fundamental principles that would be in jeopardy if the Mayor and City Council appointed members of the Governing Board.
- **Subpoena Authority**

The proposed legislation mandates an overly rigid subpoena process and mandates its use more broadly than necessary. The City has chosen to not authorize the use of an administrative subpoena, a well-recognized process that often resolves issues prior to the issuance of a court ordered subpoena.

An administrative subpoena is an investigative resource that many OIGs have to obtain materials from third-parties (e.g., vendors, contractors) that are not directly under a governmental entity's authority. If the administrative subpoena is not honored, then the OIG would seek to enforce it with a court ordered subpoena. Court-ordered subpoenas are typically used only when the IG has been refused access to materials that should have been produced through other means.

An OIG does not need to exercise subpoena authority for access to persons for interview or for access to property owned or under the control of the City, they are entitled to it as they represent the City. This amendment requires not only subpoena, but judicial subpoena. An employee who refuses should be directed by superiors to cooperate and is subject to discipline by their supervisors for not doing so. In the rare instance where a senior official who refuses to direct an employee to comply or refuses to comply themselves an IG may seek a judicial subpoena. The proposed ordinance fails to authorize administrative subpoena authority and seeks to incorporate a new tier of process that is not lawfully required.

The continued reliance on the Temporary Task Force (TTF) should be reconsidered. When one wishes to solve a problem, it is best to hear from all persons involved and those with expertise. The TTF was provided too narrow of a scope and insufficient time to complete a meaningful review; thus, there was not open discussion with affected stakeholders, subject-

¹ The AIG understands that APAB may be under the jurisdiction of the OIG.

matter experts, nor the Inspector General herself.

The AIG looks forward to collaborating on new legislation that incorporates the needs of the OIG and ensures the office remains fully independent and empowered to perform its work on behalf of Atlanta's residents.

Sincerely,



Will Fletcher
President, Association of Inspectors General

DM/wf

cc: Andre Dickens, Mayor
Doug Shipman, City Council President
Michael Julian Bond, At Large Post 1
Matt Westmoreland, At Large Post 2
Jason Winston, District 1
Amir R. Farokhi, District 2
Byron Amos, District 3
Jason Dozier, District 4
Lilliana Bakhtiari, District 5
Alex Wan, District 6
Howard Shook, District 7
Mary Norwood, District 8
Dustin Hillis, District 9
Andrea I. Boone, District 10
Marci Collier Overstreet, District 11
Antonio Lewis, District 12
Corrine Lindo, Municipal Clerk
Nicola Hines, Chair - Governing Board
Todd Gray, Vice Chair – Governing Board
Rebecca Brubaker, Governing Board
Andrew Cohen, Governing Board
Natalie Lewis, Governing Board
Lisa Liang, Governing Board
Terri Simmons, Governing Board
Richard Taylor, Governing Board
Cecily Welch, Governing Board
Shannon K. Manigault, Inspector General