

Steve Farrow  
*Chairman*

Jack Williams  
*Vice-Chairman*

C. Theodore Lee  
*Executive Secretary*



## State Ethics Commission

205 Jesse Hill Jr. Dr. S.E.  
East Tower - Suite 478  
Atlanta, Georgia 30334  
(404) 463-1980  
Facsimile (404) 463-1988

Emmett W. Bowers  
*Member*

David H. Moskowitz  
*Member*

Sonny Watson  
*Member*

December 16, 2005

Ms. Viola Davis  
Unhappy Taxpayer and Voter Alliance  
909 Rays Road  
Stone Mountain, Georgia 30083

RE: Viola Davis (Unhappy Taxpayer and Voter Alliance) v. Dekalb County CEO  
Vernon Jones and Dekalb County Board of Commissioners

Dear Ms. Davis:

Enclosed please find a copy of the Response in the above-styled matter.

Respectfully yours,

Jennifer Ward  
Compliance Coordinator

Enclosure: Filed Response



RECEIVED  
DEC 16 2005

## DEKALB COUNTY LAW DEPARTMENT

THE MALOOF CENTER, 5<sup>TH</sup> FLOOR  
1300 COMMERCE DRIVE  
Decatur, Georgia 30030  
TELEPHONE: (404) 371-3011  
FACSIMILE: (404) 371-3024

December 16, 2005

**Hand delivered**

State Ethics Commission  
c/o C. Theodore Lee, Executive Secretary  
205 Jesse Hill Jr. Dr., S.E.  
Suite 478 - East Tower  
Atlanta, Georgia 30334

Re: State Ethics Commission  
The 2005 DeKalb Bond Referendum – Complaint  
Filed by Viola Davis  
(Our File No. 02-0233)

Dear Mr. Lee:

Please consider this to be the response on behalf of DeKalb County Chief Executive Officer, Vernon Jones (hereinafter “CEO”) and each member of the DeKalb County Board of Commissioners (hereinafter collectively referred to as the “Commissioners”) in their official capacities only<sup>1</sup> to the above-referenced Complaint filed with the State Ethics Commission on or about November 7, 2005 by Viola Davis (hereinafter “Davis” and “the Complaint”).

### I. Scope of Response

This response is limited in scope because the Complaint primarily discusses the actions of the Commissioners and/or the CEO in their personal capacities. In her Complaint, Davis alleges certain facts in eight numbered paragraphs. A review of those numbered paragraphs shows that only paragraphs 1 and 7 relate to alleged acts that could be considered to be “official acts” (i.e., actions arising out of the performance of their duties as Commissioners and/or the

<sup>1</sup> The members of the DeKalb County Board of Commissioners are Elaine Boyer, Gale Walldorff, Larry Johnson, Burrell Ellis, Henry C. Johnson, Jr., Kathie Gannon, and Connie Stokes. This response is submitted only on behalf of each of the above-referenced Commissioners, and CEO Vernon Jones, in their official capacities. A separate additional response may or may not be filed on behalf of the same individuals in their individual capacities. (See Affidavits of each Commissioner and the Chief Executive Officer attached hereto and incorporated by reference). A copy of Commissioner Henry C. Johnson’s affidavit is attached hereto as the original is attached to a separate response.

CEO).<sup>2</sup> The actions referenced in paragraphs 1 and 7 of the Complaint do relate to the actions of the Commissioners and/or the CEO in the performance of their duties as elected officials, and thus only those paragraphs will be discussed in this particular response. As to those two paragraphs, the CEO and the Commissioners vehemently deny that there was any violation of the Ethics in Government Act, as set forth in detail below.

## **II. Procedural Defenses**

### **A. The Board of Commissioners is not a legal entity subject to suit.**

The Complaint only alleges a cause of action against “CEO Vernon Jones and [the DeKalb Board of Commissioners]”<sup>3</sup> rather than a cause of action against each individual commissioner. To the extent the Complaint alleges a cause of action against the DeKalb County Board of Commissioners, the Complaint fails to state a claim for which relief may be granted. Simplistically the “DeKalb County Board of Commissioners” is not a legal entity capable of being sued. Accordingly, any designation of the Board of Commissioners as a defendant in this matter should be precluded. More than one hundred years ago the Supreme Court of Georgia stated that a suit cannot be brought against the board of commissioners collectively.<sup>4</sup> This proposition of law remains unchanged.<sup>5</sup> Certainly, if a plaintiff is not legally entitled to file suit against the Board of Commissioners, one should not be allowed to file an ethics complaint against the Board since it is not a legal entity capable of being sued or responding to a complaint. Accordingly, Davis has failed to state a claim upon which relief can be granted against the “Board of Commissioners”, and the “DeKalb County Board of Commissioners” should be dismissed as a matter of law.

### **B. Davis’ Complaint fails to state a claim as she failed to identify the provisions of Georgia law alleged to have been violated by the Defendants.**

While it appears that Davis alleges that the actions recounted in the eight numbered paragraphs amounted to violations of the Ethics in Government Act<sup>6</sup> (hereinafter the “Act”), she has failed to list or cite any specific provision of the Act allegedly violated by the “facts” set forth in paragraph 1 or 7 of the Complaint. Without more, the Commissioners and the CEO can only speculate as to the nature of the alleged violations. In simplistic terms, the Complaint fails to state a claim and Davis should be required to provide the Ethics Commission and the

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<sup>2</sup> Paragraph 8 of the Davis Complaint shall be addressed in a separate response.

<sup>3</sup> See Complaint, “Party Against Whom Complaint is Brought”.

<sup>4</sup> See *Arnett v. Board of Commissioners of Decatur County*, 75 Ga. 782 (1885).

<sup>5</sup> *Id.*

<sup>6</sup> See O.C.G.A. §§ 21-5-1 *et seq.*

Defendants with a more definite statement of the purported violation alleged to have occurred in paragraphs 1 and 7 of the Complaint.

That having been said, with respect to paragraphs 1 and 7, the CEO and the Commissioners will assume for the purposes of this response, that Davis intends to set forth a violation of O.C.G.A. § 21-5-30.2 (b). This section of Georgia law holds it to be improper for a county department or similar authority to make a direct or indirect contribution to a campaign committee, political action committee, political organization, or candidate. It appears that the State Ethics Commission construes this provision to prohibit a county or person acting on behalf of the county from committing or using government resources, directly or indirectly, in support of or in opposition to a bond referendum. Because the Commissioners and the CEO have not been provided with more specific citations to any alleged violations of the Act, this response will proceed under the assumption that the only portion of the Act at issue with respect to paragraphs 1 and 7 is O.C.G.A. § 21-5-30.2 (b).

### **III. Davis' Factual Allegations**

This response will factually address the two following allegations set forth in the Complaint:

- (1) the allegation that the public comment portion of meetings of the Board of Commissioners was "cut" in order to avoid public broadcast of unfavorable information about the bond referenda (paragraph 1); and
- (2) the changing of the standing procedural rules of the Board of Commissioners in an alleged attempt to "silence the voice of dissent" during the "public comment" portion of Board of Commissioner meetings (paragraph 7).

#### **A. The Alleged "Cutting" of the Public Comment Portion of Commission Meetings Did Not Violate the Ethics In Government Act.**

In paragraph 1 of her Complaint, Ms. Davis contends that "Vernon Jones and the DeKalb Board of Commissioners cut the public comment portion of the commissioners meeting" because Ms. Davis and others expressed opposition to the bond referenda. However, she admits later in her Complaint that Chief of Staff Ann Kimbrough was in fact the official who instructed the DCTV staff to "cut" the public comment portion. There simply is no factual evidence whatsoever of a violation of the Ethics in Government Act by cutting the public comment portion of the DCTV feed. Therefore, the State Ethics Commission should immediately dismiss paragraph 1 of Ms. Davis' Complaint since there are no reasonable grounds to believe that a violation has occurred.<sup>7</sup>

<sup>7</sup> See O.C.G.A. §21-5-6 (a)(10)(A), "If there are found no reasonable grounds to believe that a violation has occurred, the complaint shall be dismissed."

DeKalb County currently operates a cable television channel (“DCTV”) via a franchise agreement with local cable providers. In partial exchange for the right to run cable television cables and other facilities through the public right of way in DeKalb County, cable television companies have agreed to provide the County with access to the DCTV cable channel. (See Exhibit “A”, the Affidavit of Ann Wead Kimbrough, Chief of Staff of DeKalb County, attached hereto and incorporated by reference).

Extensive franchise agreements govern the relationship between the County and the cable television companies. (See Exhibit A, Attachment “A-1”, a Fact Sheet from the Federal Communications Commission (“FCC”). The Fact Sheet shows that governmental access channels are used for programming by local governments, and that the franchising authority (i.e. the local government) directly controls the channels. Governmental channels are not mandated by federal law, but are instead a right given to local governments, which they may choose to exercise.<sup>8</sup> DeKalb County does operate the DCTV channel.

Local government franchising authorities are also allowed to adopt their own non-content based rules governing the use of such channels.<sup>9</sup> (See Exhibit “A”, Attachment “A-2”, a true and correct copy of DeKalb County’s Government Cable Station and Program Policy). This policy shows that DCTV exists to provide countywide video notification of government and government-related events, programs, and activities that impact the lives of DeKalb County citizens. The mission statement in the policy specifically states that DCTV does not promote any cause or movement, nor does it favor viewpoints espoused by individuals or groups.<sup>10</sup> The policy also states that DCTV will not be utilized to endorse a candidate, issue, company, specific purpose, or brand name of a product for consumer use.<sup>11</sup> The editing policy for DCTV states that as to County meetings, live cablecasts will not be edited or subjected to editorial comment. The meetings must be covered from gavel to gavel.<sup>12</sup> Commission meetings may be videotaped for later broadcast per the discretion of the Cable TV Supervisor.<sup>13</sup>

Chief of Staff Ann W. Kimbrough, has testified a decision has been made to broadcast the County Commission meetings live “gavel to gavel”, and the meeting of October 25, 2005 was in fact broadcast live on DCTV “gavel to gavel” beginning at 9:00 a.m. on October 25, 2005. Therefore, the comments made by Ms. Davis during the public comment section of the

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<sup>8</sup> See Exhibit “A”, Attachment “A-1” at p.1.

<sup>9</sup> See Exhibit “A”, Attachment “A-1” at p.2.

<sup>10</sup> See Exhibit “A”, Attachment “A-2” at p.1.

<sup>11</sup> See Exhibit “A”, Attachment “A-2” at p.2 (Sec. III).

<sup>12</sup> See Exhibit “A” paragraph 9, where Ms. Kimbrough testified that the phrase “county meetings” refers to the official meetings of the DeKalb County Board of Commissioners, commonly referred to as the “Commission meetings”.

<sup>13</sup> See Exhibit “A”, Attachment “A-2” at p.3 (Sec. XI).

October 25, 2005 Commission meeting were actually aired on DCTV during the initial live broadcast of the meeting.

After the Commission meeting ended, Ms Kimbrough did edit Ms. Davis' comments from the rebroadcast of that particular Commission meeting.<sup>14</sup> There were no comments made at this meeting in favor of the bond referenda; thus no favorable comments were edited during rebroadcast. Ms. Kimbrough has testified that she made this decision in order to make sure that DCTV was not used to endorse a particular issue in violation of the DCTV policy.<sup>15</sup>

In fact, not only was the decision to cut the public comment portion of rebroadcast Commission meetings consistent with policy, it also is consistent with O.C.G.A. § 21-5-30.2 (b) in that in this way, government resources (i.e. DCTV) are not used to support or oppose the passage of the bond referendum at issue in this Complaint.

The decision to limit the rebroadcast of Ms. Davis comments in no way violates the Ethic in Government Act and provides no reasonable grounds to believe that a violation has occurred. There are no reasonable grounds to believe that there will be any evidence that the failure to rebroadcast Davis' public comments on October 25, 2005 resulted in the direct or indirect use of government resources to advocate for or oppose the passage of the subject bond referenda.

Additionally, since Ms. Kimbrough actually made the decision at issue in paragraph 1 of the Complaint, neither the Commissioners nor the CEO have violated the Ethics in Government Act as alleged in paragraph 1; thus, this allegation against these eight elected officials in paragraph 1 of the Complaint should be dismissed instantler.

## **B. The Enactment of Standing Procedural Rules Did Not Violate the Ethics In Government Act.**

In paragraph 7 of her Complaint, Ms. Davis alleges that on September 27, 2005 the Commissioners and the CEO violated the Ethics in Government Act by enacting new standing procedural rules that reduced the amount of time that each member of the public is allowed to speak from five minutes to three minutes.<sup>16</sup> (See Exhibit "B", Affidavit of Michael J. Bell, Clerk to the Board of Commissioners, including Attachment "B-1", a true and accurate copy of the current standing procedural rules, attached hereto and incorporated by reference). The State

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<sup>14</sup> See Exhibit "A", Attachment "A-3", a true and accurate copy of the video of the October 25, 2005 Commission meeting that was not rebroadcast. This video shows that Ms. Kimbrough's decision was entirely consistent with Section XI of the County's policy, attached hereto as Attachment "A-2".

<sup>15</sup> See Exhibit "A", paragraph 11.

<sup>16</sup> The method by which the standing procedural rules were enacted obviously fails to state a claim as the legality of such enactment does not and could never violate the Ethics in Government Act. While not relevant in any way to this Complaint, the standing procedural rules were in fact enacted after two readings in conformity with applicable requirements. (See Exhibit "B", Attachments "B-3").

Ethics Commission should immediately dismiss this portion of the Davis Complaint for numerous reasons.

- 1. The CEO has no involvement in the enactment of the standing procedural rules and thus the allegation in paragraph 7 of the Complaint against the CEO must be dismissed.**

There is no evidence that the CEO has taken any action with respect to the enactment of the standing procedural rules by the Commission. The standing procedural rules of DeKalb County provide that the CEO only votes in tie situations and local law provides that the CEO does not even have the power to veto the standing procedural rules enacted by the Board of Commissioners.<sup>17</sup> With respect to the enactment of the standing procedural rules, there are no reasonable grounds to believe that the CEO violated the Ethics in Government Act and this allegation against the CEO should be dismissed immediately.

- 2. The enactment of the standing procedural rules by the Commission does not in any way constitute a violation of the Ethics in Government Act and must be dismissed.**

There are no reasonable grounds to believe that the amendment of the standing procedural rules were changed in order to suppress opposition to the bond referenda. In fact, the Amendments to the standing procedural rules remain in place after the bond referenda appeared on the ballot.<sup>18</sup> As reflected in the agenda item for the amendments, the time change in the rules simply made the rules similar to and in fact more expansive than the public comment rules currently in force in Fulton County.<sup>19</sup> In fact the amendment also reflects rules that had been in place for some time but had simply not been reduced to writing.<sup>20</sup> Davis' Complaint centers around the following text and this amendment clearly shows that the revision of such rules has absolutely nothing to do with any sort of violation of the Act:

*The purpose of public comment is to allow the public to voice county-related requests, concerns or opinions during the public comment portion*

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<sup>17</sup> See Exhibit "B", Attachment "B-1", Standing Procedural Rules, Section I, paragraph 1 ("The chief executive officer shall have no vote unless the members of the commission are equally divided or unless otherwise provided by law.") and Exhibit "B", Attachment "B-2", a copy of the Code of DeKalb County Georgia, Organizational Act, Section 15, "Nothing in this section shall authorize the chief executive to exercise a veto...over any rule adopted by the commission pursuant to its authority under paragraph (19) of subsection (a) of section 9 of this act [This subsection allows the Board of Commissioners to enact rules regulating the operation of the commission, in essence rules like the Standing procedural rules at issue in this matter]."

<sup>18</sup> See Exhibit "B", paragraph 3.

<sup>19</sup> See Exhibit "B", Attachment "B-3", a true and accurate copy of the agenda item that accompanied the amendments and a copy of the rules showing the actual amendments italicized for ease of reference.

<sup>20</sup> See Exhibit "B", Attachment "B-3".

*of the Commission meeting. Individual speakers will only have the opportunity for one public comment per meeting. Prior to speaking, each speaker must please complete a speaker card and present it to the clerk before the beginning of the public comment portion of the meeting. The clerk will accept cards on a first come first served basis. Speakers who are residents of DeKalb County shall be allowed to speak before residents of other counties are allowed to speak. Once the public comment portion of the meeting begins, speaker cards will no longer be accepted. Speakers will be allowed to speak for three minutes each and public comment shall not exceed 30 minutes in length. When the buzzer sounds to indicate that time has run out, the speaker will be expected to immediately cease speaking and to yield the podium. Those who submitted speaker cards but did not speak because of the time allotment, will be allowed to speak first at the next regularly scheduled commission meeting without regard to residence. For more information about scheduling this opportunity, please speak with a member of the Clerk's staff. If you would like to fill out a written comment concerning county-related service complaints, this will help the governing authority to forward the complaints to the appropriate department for follow up. When speaking, always talk directly into the microphone and begin by stating your name, full address and the name of any organization you represent. Abusive, profane or derogatory language will not be permitted. Holding up signs, clapping and yelling to show support for or opposition to a speaker will not be permitted, but a show of hands or quietly standing will be permitted to show support for or opposition to a speaker's position.<sup>21</sup>*

There are no reasonable grounds to believe that the changes to the rules had anything whatsoever to do with the bond referenda and the changes to the rules do not contain any direct or indirect reference to the bond referenda. As a result of the changes, the Commission reduced the amount of time that each person could speak during the public comments portion of the meeting, without regard to the viewpoint of the speaker. There is no evidence that anyone speaking in favor of any bond referendum has been given more time to speak than was allowed under the standing procedural rules then in effect. Thus, there is simply no evidence that the changes to the standing procedural rules amounted to a "contribution" to support the bond referenda. The allegations in this paragraph are simply frivolous and fail to state a claim against any of the Commissioners or the CEO.

#### **IV. Conclusion**

The State Ethics Commission should clearly dismiss the portions of the Davis Complaint addressed herein without any further action. There is simply no evidence that the failure to rebroadcast the public comment portion of the October 25, 2005 Commission meeting, or the

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<sup>21</sup> See Exhibit "B", Attachment "B-1", Section 5, paragraph 4 (emphasis added).

amendments to the standing procedural rules, violated the Ethics in Government Act. To the contrary, the response and the testimony show that any attempt to link either action to the bond referenda is merely speculation that is not, and cannot, be supported.

The CEO of DeKalb County and the Members of the DeKalb County Board of Commissioners believe that the State Ethics Commission will dismiss Ms. Davis' Complaint for the numerous reasons expressed herein, and will provide any supporting documentation or information that would assist the Commission towards this end. Please consider this response to be a formal Motion to Dismiss paragraphs 1 and 7 of Ms. Davis' Complaint.

Please let me know if you have any questions. Trusting the above is in order, I am

Very truly yours,



Viviane H. Ernstes  
Acting County Attorney

cc: Vernon Jones, Chief Executive Officer  
Members, DeKalb County Board of Commissioners

BEFORE THE STATE ETHICS COMMISSION

STATE OF GEORGIA

IN RE: COMPLAINT BY VIOLA  
DAVIS/UNHAPPY TAXPAYER AND  
VOTER ALLIANCE

No. 2005-0107

AFFIDAVIT OF VERNON JONES

STATE OF GEORGIA

COUNTY OF DEKALB

Personally appeared before me, the undersigned officer, duly authorized to administer oaths, Vernon Jones, who, after being duly sworn, deposes as follows:

1.

I, Vernon Jones, am a competent adult, and I have personal knowledge of the facts set forth in this Affidavit which I make for any lawful use or purpose.

2.

I currently serve as Chief Executive Officer of DeKalb County.

3.

I have reviewed the Complaint filed by Ms. Viola Davis with the State Ethics Commission. A copy of the Complaint is attached hereto as Exhibit "A".

4.

Paragraph 8 does not relate to me, or any action allegedly taken by me.

5.

Paragraph 2 relates to my appearance on Good Day Atlanta. My appearance on Good Day Atlanta did not relate to my official duties as the Chief Executive Officer of DeKalb County. Instead, any statements I made during my appearance on Good Day Atlanta were made

in my role as a citizen . Paragraph 3 contains an allegation concerning a voice mail message and any involvement in such a voice mail message did not relate to my official duties as the Chief Executive Officer of DeKalb County. Instead, any statements I made were made in my role as a citizen.

6.

Paragraph 4 relates to a mail out from the Committee for a Better DeKalb. The mail out did not relate to my official duties as the Chief Executive Officer of DeKalb County. Instead any role I played in the mail out was accomplished in my role as a citizen.

7.

Paragraph 5 relates to my appearance at a meeting for Representative Stan Watson. My appearance at that meeting did not relate to my official duties as the Chief Executive Officer of DeKalb County. Instead, any statements I made during my appearance at that meeting were made in my role as a citizen.

8.

Paragraph 6 relates to a commercial advertisement airing during the "Georgia Gang" program. Any role I played in that advertisement did not relate to my official duties as the Chief Executive Officer of DeKalb County. Instead, any role I played in said advertisement was accomplished in my role as a citizen.

FURTHER AFFIANT SAITH NOT.

  
VERNON JONES

Sworn to and subscribed  
before me this 15 day  
of December, 2005.

  
Notary Public

Notary Public, DeKalb County, Georgia  
My Commission Expires Aug. 19, 2006

BEFORE THE STATE ETHICS COMMISSION

STATE OF GEORGIA

IN RE: COMPLAINT BY VIOLA  
DAVIS/UNHAPPY TAXPAYER AND  
VOTER ALLIANCE

No. 2005-0107

AFFIDAVIT OF ELAINE BOYER

STATE OF GEORGIA

COUNTY OF DEKALB

Personally appeared before me, the undersigned officer, duly authorized to administer oaths, Elaine Boyer, who, after being duly sworn, deposes as follows:

1.

I, Elaine Boyer, am a competent adult, and I have personal knowledge of the facts set forth in this Affidavit which I make for any lawful use or purpose.

2.

I currently serve as District 1 Commissioner on the DeKalb County Board of Commissioners.

3.

I have reviewed the Complaint filed by Ms. Viola Davis with the State Ethics Commission. A copy of the Complaint is attached hereto as Exhibit "A".


4.

Paragraphs 2, 3, 5, 6, and 8 do not relate to me, or any action allegedly taken by me.

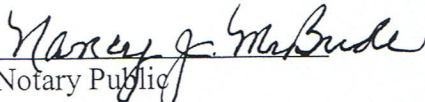
5.

Paragraph 4 relates to a mail out from the Committee for a Better DeKalb. The mail out did not relate to my official duties as a DeKalb County Commissioner. Any role I played in the mail out was accomplished in my role as a citizen.

FURTHER AFFIANT SAITH NOT.

  
ELAINE BOYER

Sworn to and subscribed  
before me this 15 day  
of December, 2005.

  
Notary Public

BEFORE THE STATE ETHICS COMMISSION

STATE OF GEORGIA

IN RE: COMPLAINT BY VIOLA  
DAVIS/UNHAPPY TAXPAYER AND  
VOTER ALLIANCE

No. 2005-0107

AFFIDAVIT OF GALE WALLDORFF

STATE OF GEORGIA

COUNTY OF DEKALB

Personally appeared before me, the undersigned officer, duly authorized to administer oaths, Gale Walldorff, who, after being duly sworn, deposes as follows:

1.

I, Gale Walldorff, am a competent adult, and I have personal knowledge of the facts set forth in this Affidavit which I make for any lawful use or purpose.

2.

I currently serve as District 2 Commissioner on the DeKalb County Board of Commissioners.

3.

I have reviewed the Complaint filed by Ms. Viola Davis with the State Ethics Commission. A copy of the Complaint is attached hereto as Exhibit "A".

4.

Paragraphs 2, 3, 5, 6, and 8 do not relate to me, or any action allegedly taken by me.

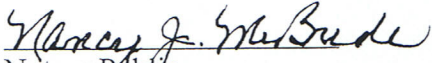
5.

Paragraph 4 relates to a mail out from the Committee for a Better DeKalb. The mail out did not relate to my official duties as a DeKalb County Commissioner. Instead any role I played in the mail out was accomplished in my role as a citizen.

FURTHER AFFIANT SAITH NOT.

  
GALE WALLDORFF

Sworn to and subscribed  
before me this 15 day  
of December, 2005.

  
Notary Public

BEFORE THE STATE ETHICS COMMISSION

STATE OF GEORGIA

IN RE: COMPLAINT BY VIOLA  
DAVIS/UNHAPPY TAXPAYER AND  
VOTER ALLIANCE

No. 2005-0107

AFFIDAVIT OF LARRY JOHNSON

STATE OF GEORGIA

COUNTY OF DEKALB

Personally appeared before me, the undersigned officer, duly authorized to administer oaths, Larry Johnson, who, after being duly sworn, deposes as follows:

1.

I, Larry Johnson, am a competent adult, and I have personal knowledge of the facts set forth in this Affidavit which I make for any lawful use or purpose.

2.

I currently serve as District 3 Commissioner on the DeKalb County Board of Commissioners.

3.

I have reviewed the Complaint filed by Ms. Viola Davis with the State Ethics Commission. A copy of the Complaint is attached hereto as Exhibit "A".

4.

Paragraphs 2, 5, 6, and 8 do not relate to me, or any action allegedly taken by me.

5.

Paragraph 3 contains an allegation concerning a voice mail message and any involvement in such a voice mail message did not relate to my official duties as a Commissioner. Instead,

any statements I made were made in my role as a citizen. Paragraph 4 relates to a mail out from the Committee for a Better DeKalb. The mail out did not relate to my official duties as a DeKalb County Commissioner. Instead any role I played in the mail out was accomplished in my role as a citizen.

FURTHER AFFLIANT SAITH NOT.

  
LARRY JOHNSON

Sworn to and subscribed  
before me this 15<sup>th</sup> day  
of December, 2005.

  
Notary Public



BEFORE THE STATE ETHICS COMMISSION

STATE OF GEORGIA

IN RE: COMPLAINT BY VIOLA  
DAVIS/UNHAPPY TAXPAYER AND  
VOTER ALLIANCE

No. 2005-0107

AFFIDAVIT OF BURRELL ELLIS

STATE OF GEORGIA

COUNTY OF DEKALB

Personally appeared before me, the undersigned officer, duly authorized to administer oaths, Burrell Ellis, who, after being duly sworn, deposes as follows:

1.

I, Burrell Ellis, am a competent adult, and I have personal knowledge of the facts set forth in this Affidavit which I make for any lawful use or purpose.

2.

I currently serve as the District 4 Commissioner on the DeKalb County Board of Commissioners.

3.

I have reviewed the Complaint filed by Ms. Viola Davis with the State Ethics Commission. A copy of the Complaint is attached hereto as Exhibit "A".

4.


Paragraphs 2, 5, 6, and 8 do not relate to me, or any action allegedly taken by me.

5.

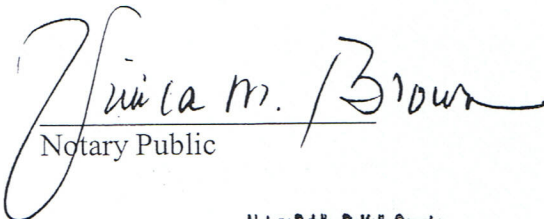
Paragraph 3 contains an allegation concerning a voice mail message and any involvement in such a voice mail message did not relate to my official duties as a Commissioner. Instead,

any statements I made were made in my role as a citizen. Paragraph 4 relates to a mail out from the Committee for a Better DeKalb. The mail out did not relate to my official duties as a DeKalb County Commissioner. Instead any role I played in the mail out was accomplished in my role as a citizen.

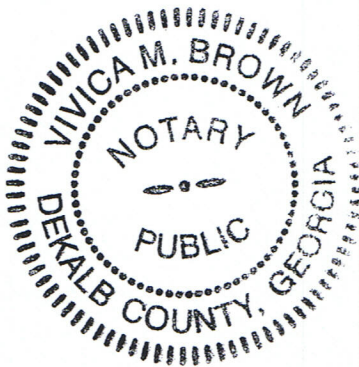
FURTHER AFFIANT SAITH NOT.

  
BURRELL ELLIS

Sworn to and subscribed  
before me this 15<sup>th</sup> day  
of December 2005.

  
Notary Public

Notary Public, DeKalb County,  
Vivica M. Brown  
My Commission Expires, Oct. 7, 2007



BEFORE THE STATE ETHICS COMMISSION

STATE OF GEORGIA

IN RE: COMPLAINT BY VIOLA  
DAVIS/UNHAPPY TAXPAYER AND  
VOTER ALLIANCE

No. 2005-0107

AFFIDAVIT OF KATHIE GANNON

STATE OF GEORGIA

COUNTY OF DEKALB

Personally appeared before me, the undersigned officer, duly authorized to administer oaths, Kathie Gannon, who, after being duly sworn, deposes as follows:

1.

I, Kathie Gannon, am a competent adult, and I have personal knowledge of the facts set forth in this Affidavit which I make for any lawful use or purpose.

2.

I currently serve as District 6 Commissioner on the DeKalb County Board of Commissioners.

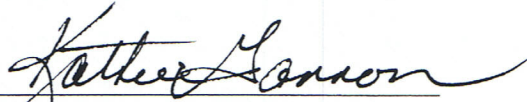
3.

I have reviewed the Complaint filed by Ms. Viola Davis with the State Ethics Commission. A copy of the Complaint is attached hereto as Exhibit "A".


4.

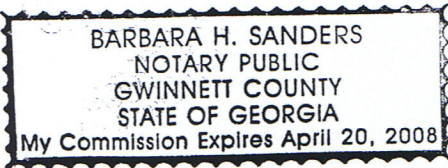
Paragraphs 2, 3, 5, 6, and 8 do not relate to me, or any action allegedly taken by me.

FURTHER AFFIANT SAITH NOT.

  
KATHIE GANNON

Sworn to and subscribed  
before me this 15<sup>th</sup> day  
of December, 2005.

  
Notary Public



BEFORE THE STATE ETHICS COMMISSION

STATE OF GEORGIA

IN RE: COMPLAINT BY VIOLA  
DAVIS/UNHAPPY TAXPAYER AND  
VOTER ALLIANCE

No. 2005-0107

AFFIDAVIT OF HENRY C. JOHNSON, JR.

STATE OF GEORGIA

COUNTY OF DEKALB

Personally appeared before me, the undersigned officer, duly authorized to administer oaths, Henry C. Johnson, Jr., who, after being duly sworn, deposes as follows:

1.

I, Henry C. "Hank" Johnson, Jr., am a competent adult, and I have personal knowledge of the facts set forth in this Affidavit which I make for any lawful use or purpose.

2.

I currently serve as the District 5 Commissioner on the DeKalb County Board of Commissioners.

3.

I have reviewed the Complaint filed by Ms. Viola Davis with the State Ethics Commission. A copy of the Complaint is attached hereto as Exhibit "A".

4.

Paragraphs 2, 5, and 6 do not relate to me, or any action allegedly taken by me.

5.

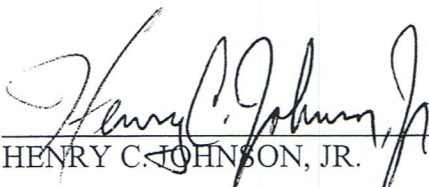
Paragraph 3 contains an allegation concerning a voice mail message and any involvement in such a voice mail message did not relate to my official duties as a Commissioner. Instead,

any statements I made were made in my role as a citizen. Paragraph 4 relates to a mail out from the Committee for a Better DeKalb. The mail out did not relate to my official duties as a DeKalb County Commissioner. Instead any role I played in the mail out was accomplished in my role as a citizen.

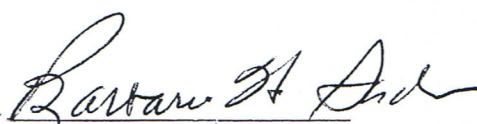
6.

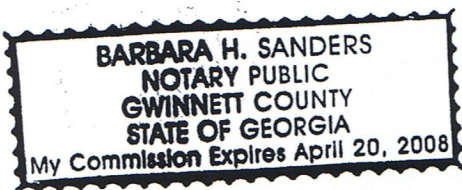
Paragraph 8 relates to statements I allegedly made during a meeting of the DeKalb County Board of Commissioners on September 13, 2005. The only statement I recall making was a brief statement that the bond referenda were coming up for election. I did not advocate for the bond referenda.

FURTHER AFFIANT SAITH NOT.

  
HENRY C. JOHNSON, JR.

Sworn to and subscribed  
before me this 15<sup>th</sup> day  
of December, 2005.

  
Notary Public



BEFORE THE STATE ETHICS COMMISSION

STATE OF GEORGIA

IN RE: COMPLAINT BY VIOLA  
DAVIS/UNHAPPY TAXPAYER AND  
VOTER ALLIANCE

No. 2005-0107

AFFIDAVIT OF CONNIE STOKES

STATE OF GEORGIA

COUNTY OF DEKALB

Personally appeared before me, the undersigned officer, duly authorized to administer oaths, Connie Stokes, who, after being duly sworn, deposes as follows:

1.

I, Connie Stokes, am a competent adult, and I have personal knowledge of the facts set forth in this Affidavit which I make for any lawful use or purpose.

2.

I currently serve as District 7 Commissioner on the DeKalb County Board of Commissioners.

3.

I have reviewed the Complaint filed by Ms. Viola Davis with the State Ethics Commission. A copy of the Complaint is attached hereto as Exhibit "A".

4.

Paragraphs 2, 5, 6, and 8 do not relate to me, or any action allegedly taken by me.

5.

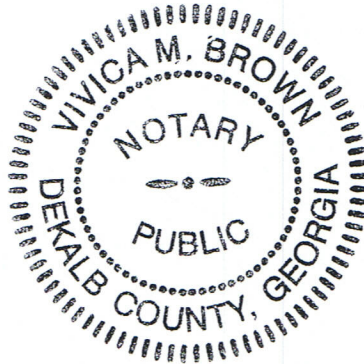
Paragraph 3 contains an allegation concerning a voice mail message and any involvement in such a voice mail message did not relate to my official duties as a Commissioner. The claims concerning campaign contributions in paragraph 3 do not contain an allegation concerning me. Paragraph 4 relates to a mail out from the Committee for a Better DeKalb. The mail out did not relate to my official duties as a DeKalb County Commissioner. Instead any role I played in the mail out was accomplished in my role as a citizen.

FURTHER AFFIANT SAITH NOT.

*Connie Stokes*  
CONNIE STOKES

Sworn to and subscribed  
before me this 15<sup>th</sup> day  
of December 2005.

Notary Public, DeKalb County,  
Vivica M. Brown  
My Commission Expires, Oct. 7, 2007  
Notary Public  
*Vivica M. Brown*





RECEIVED  
DEC 16 2005

## DEKALB COUNTY LAW DEPARTMENT

THE MALOOF CENTER, 5<sup>TH</sup> FLOOR  
1300 COMMERCE DRIVE  
Decatur, Georgia 30030  
TELEPHONE: (404) 371-3011  
FACSIMILE: (404) 371-3024

December 16, 2005

**Hand delivered**

State Ethics Commission  
c/o C. Theodore Lee, Executive Secretary  
205 Jesse Hill Jr. Dr., S.E.  
Suite 478 - East Tower  
Atlanta, Georgia 30334

Re: State Ethics Commission  
The 2005 DeKalb Bond Referendum – Complaint- Filed by Viola Davis  
(Our File No. 02-0233)

Dear Mr. Lee:

Please consider this to be the response on behalf of Henry C. Johnson, a member of the DeKalb County Board of Commissioners, (hereinafter “Commissioner Hank Johnson”) in his official capacity to paragraph 8 of the above-referenced Complaint filed with the State Ethics Commission on or about November 7, 2005 by Viola Davis (hereinafter “Davis” and “the Complaint”).

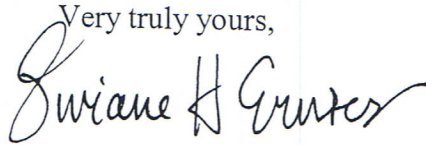
In her Complaint, Davis alleges certain facts in paragraph 8. As to this paragraph, Commissioner Hank Johnson denies that there was any violation of the Ethics in Government Act.<sup>1</sup> The State Ethics Commission should dismiss paragraph 8 of the Davis Complaint. Any alleged statement made by Commissioner Hank Johnson during the course of a board of commissioners’ meeting did not advocate for the passage of the bond referenda but rather provided information. Commissioner Hank Johnson adopts by reference the DeKalb Acting County Attorney’s December 16, 2005 response and all defenses raised therein that has been filed on behalf of all the Commissioners and the Chief Executive Officer as if fully set forth herein.

---

<sup>1</sup> See Affidavit of Henry C. Johnson, attached hereto and incorporated by reference.

Please let me know if you have any questions. Trusting the above is in order, I am

Very truly yours,

A handwritten signature in black ink, appearing to read "Viviane H. Ernstes". The signature is written in a cursive style with a large initial "V".

Viviane H. Ernstes  
Acting County Attorney

cc: Hank Johnson, Commissioner

**BEFORE THE STATE ETHICS COMMISSION**

**STATE OF GEORGIA**

IN RE: COMPLAINT BY VIOLA  
DAVIS/UNHAPPY TAXPAYER AND  
VOTER ALLIANCE

No. 2005-0107

**AFFIDAVIT OF HENRY C. JOHNSON, JR.**

STATE OF GEORGIA

COUNTY OF DEKALB

Personally appeared before me, the undersigned officer, duly authorized to administer oaths, Henry C. Johnson, Jr., who, after being duly sworn, deposes as follows:

1.

I, Henry C. "Hank" Johnson, Jr., am a competent adult, and I have personal knowledge of the facts set forth in this Affidavit which I make for any lawful use or purpose.

2.

I currently serve as the District 5 Commissioner on the DeKalb County Board of Commissioners.

3.

I have reviewed the Complaint filed by Ms. Viola Davis with the State Ethics Commission. A copy of the Complaint is attached hereto as Exhibit "A".

4.

Paragraphs 2, 5, and 6 do not relate to me, or any action allegedly taken by me.

5.

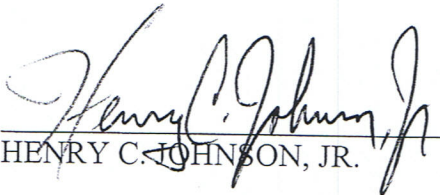
Paragraph 3 contains an allegation concerning a voice mail message and any involvement in such a voice mail message did not relate to my official duties as a Commissioner. Instead,

any statements I made were made in my role as a citizen. Paragraph 4 relates to a mail out from the Committee for a Better DeKalb. The mail out did not relate to my official duties as a DeKalb County Commissioner. Instead any role I played in the mail out was accomplished in my role as a citizen.


6.

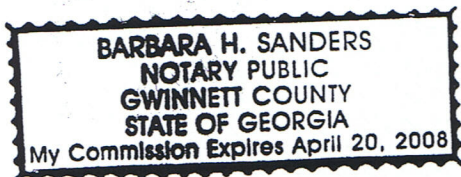
Paragraph 8 relates to statements I allegedly made during a meeting of the DeKalb County Board of Commissioners on September 13, 2005. The only statement I recall making was a brief statement that the bond referenda were coming up for election. I did not advocate for the bond referenda.

FURTHER AFFIANT SAITH NOT.

  
HENRY C. JOHNSON, JR.

Sworn to and subscribed  
before me this 15<sup>th</sup> day  
of December, 2005.

  
Notary Public



RECEIVED  
DEC 16 2005

BEFORE THE STATE ETHICS COMMISSION

STATE OF GEORGIA

IN RE: COMPLAINT BY VIOLA  
DAVIS/UNHAPPY TAXPAYER AND  
VOTER ALLIANCE

No. 2005-0107

AFFIDAVIT OF ANN W. KIMBROUGH

STATE OF GEORGIA  
COUNTY OF DEKALB

Personally appeared before me, the undersigned officer, duly authorized to administer oaths, Ann W. Kimbrough, who, after being duly sworn, deposes as follows:

1.

I, Ann W. Kimbrough, am a competent adult, and I have personal knowledge of the facts set forth in this Affidavit which I make for any lawful use or purpose.

2.

I currently serve as Chief of Staff to the Chief Executive Officer of DeKalb County. I am the custodian of records for my office and the communications department is a division of my office. I am the custodian of the records attached to this affidavit and they are true and accurate copies of records maintained by personnel in my office.

3.

DeKalb County currently runs a cable television channel called DCTV that has been made possible by the County's franchise agreements with cable television companies.

4.

DeKalb County currently operates a cable television channel ("DCTV") via a franchise agreement with local cable providers. In partial exchange for the right to run cable television

cables and other facilities through the public right of way in DeKalb County, cable television companies have agreed to provide the County with access to the DCTV cable channel.

5.

Extensive franchise agreements govern the relationship between the County and the cable television companies. Attached hereto is Attachment "A-1", true and accurate copy of a Fact Sheet from the Federal Communications Commission ("FCC").

6.

The Fact Sheet shows that governmental access channels are used for programming by local governments, and that the franchising authority (i.e. the local government) directly controls the channels. Governmental channels are not mandated by federal law, but are instead a right given to local governments, which they may choose to exercise. DeKalb County does operate the DCTV channel and utilizes County resources to broadcast meetings on such channel.

7.

Local government franchising authorities are also allowed to adopt their own non-content based rules governing the use of such channels. (Attached hereto is Attachment "A-2", a true and correct copy of DeKalb County's Government Cable Station and Program Policy).

8.

This policy shows that DCTV exists to provide countywide video notification of government and government-related events, programs, and activities that impact the lives of DeKalb County citizens. The mission statement in the policy specifically states that DCTV does not promote any cause or movement, nor does it favor viewpoints espoused by individuals or groups. The policy also states that DCTV will not be utilized to endorse a candidate, issue, company, specific purpose, or brand name of a product for consumer use.

9.

The editing policy for DCTV states that as to County meetings, live cablecasts will not be edited or subjected to editorial comment. The meetings must be covered from gavel to gavel. When the term "county meeting" is used in this policy it includes meetings of the DeKalb County Board of Commissioners. Commission meetings may be videotaped for later broadcast per the discretion of the Cable TV Supervisor.

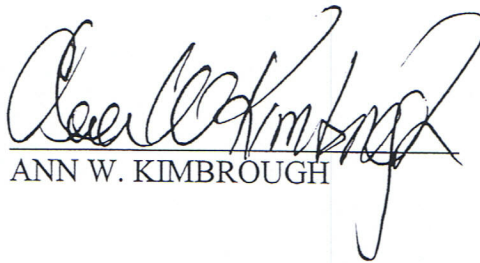
10.

It is my understanding that a decision has been made to broadcast the County Commission meetings live "gavel to gavel", and the meeting of October 25, 2005 was in fact broadcast live on DCTV "gavel to gavel" beginning at 9:00 a.m. on October 25, 2005. Therefore, the comments made by Ms. Davis during the public comment section of the Commission meeting, were actually aired on DCTV during the initial live broadcast of the October 25, 2005 Commission meeting. Attached hereto is Attachment A-3, a true and accurate copy of the video showing the comments made by Davis that were initially aired on October 25, 2005 but were not rebroadcast.

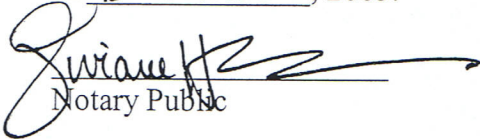
11.

After the Commission meeting ended, I made the decision to edit Ms. Davis' comments from the rebroadcast of that particular Commission meeting. There were no comments made at this meeting in favor of the bond referenda; thus no favorable comments were edited during rebroadcast. I made this decision in order to make sure that DCTV was not used to endorse a particular issue in violation of the DCTV policy.

FURTHER AFFIANT SAITH NOT.

  
ANN W. KIMBROUGH

Sworn to and subscribed  
before me this 16 day  
of December, 2005.

  
Notary Public

Notary Public, DeKalb County, Georgia  
My Commission Expires Aug. 19, 2006

BEFORE THE STATE ETHICS COMMISSION

STATE OF GEORGIA

IN RE: COMPLAINT BY VIOLA  
DAVIS/UNHAPPY TAXPAYER AND  
VOTER ALLIANCE

No. 2005-0107

AFFIDAVIT OF MICHAEL J. BELL

STATE OF GEORGIA

COUNTY OF DEKALB

Personally appeared before me, the undersigned officer, duly authorized to administer oaths, Michael J. Bell, who, after being duly sworn, deposes as follows:

1.

I, Michael J. Bell, am a competent adult, and I have personal knowledge of the facts set forth in this Affidavit which I make for any lawful use or purpose.

2.

I currently serve as clerk to the DeKalb County Board of Commissioners and the Chief Executive Officer. I am the custodian of the Code of DeKalb County, Georgia and the minutes of the meetings of the governing authority of DeKalb County. I am the custodian of the records attached to this affidavit and they are true and accurate copies of records maintained by personnel in my office.

3.

Attached hereto as Attachment B-1, is a true and accurate copy of the current Standing Procedural Rules enacted by the DeKalb County Board of Commissioners on October 11, 2005. The rules found in Attachment B-1 are the current rules that govern Commission meetings.

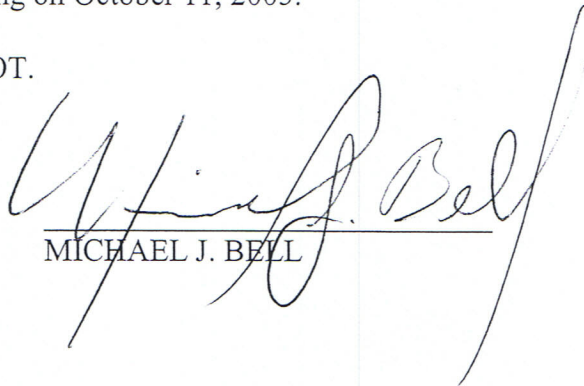
4.

Attached hereto is Attachment B-2, a true and accurate a copy of the Organizational Act of DeKalb County, Georgia.

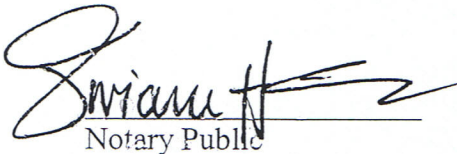
5.

Attached hereto is Attachment B-3, a true and accurate copy of the agenda item and italicized version of the standing procedural rules that were considered by the Commission for the first reading on September 27, 2005 and the agenda item for the standing procedural rules that were considered for the second reading on October 11, 2005.

FURTHER AFFLIANT SAITH NOT.

  
MICHAEL J. BELL

Sworn to and subscribed  
before me this 16 day  
of December, 2005.

  
Notary Public

**Notary Public, DeKalb County, Georgia**  
My Commission Expires Aug. 19, 2008



## FEDERAL COMMUNICATIONS COMMISSION

# FACT SHEET

May 1998

### CABLE TELEVISION FACT SHEET

#### PUBLIC, EDUCATIONAL, AND GOVERNMENTAL ACCESS CHANNELS ("PEG CHANNELS")

Pursuant to Section 611 of the Communications Act, local franchising authorities may require cable operators to set aside channels for public, educational, or governmental ("PEG") use.

**Public** access channels are available for use by the general public. They are usually administered either by the cable operator or by a third party designated by the franchising authority.

**Educational** access channels are used by educational institutions for educational programming. Time on these channels is typically allocated by either the franchising authority or the cable operator among local schools, colleges and universities.

**Governmental** access channels are used for programming by organs of local government. In most jurisdictions, the franchising authority directly controls these channels.

PEG channels are not mandated by federal law, rather they are a right given to the franchising authority, which it may choose to exercise. The decision whether to require the cable operator to carry PEG channels is up to the local franchising authority. If the franchise authority does require PEG channels, that requirement will be set out in the franchise agreement between the franchising authority and the cable operator.

Franchising authorities may also require cable operators to set aside channels for educational or governmental use on institutional networks; i.e., channels that are generally available only to institutions such as schools, libraries, or government offices.

Franchising authorities may require cable operators to provide services, facilities, or equipment for the use of PEG channels.

[REDACTED]

For example:

- Rules may be adopted for allocating time among competing applicants on a reasonable basis other than the content of their programming.
- Minimum production standards may be required.
- Users may be required to undergo training.

Federal law permitted a cable operator to prohibit the use of a PEG channel for programming which contained obscene material, sexually explicit conduct, indecency, nudity, or material soliciting or promoting unlawful conduct. However, The U.S. Supreme Court determined that this law was unconstitutional. Therefore, cable operators may not control the content of programming on public access channels with the exception that the cable operator may refuse to transmit a public access program, or a portion of the program, which the cable operator reasonably believes contains obscenity.

PEG channel capacity which is not in use for its designated purpose may, with the franchising authority's permission, be used by the cable operator to provide other cable services. Franchising authorities are directed by federal law to prescribe rules governing when such use is permitted.

**For additional information:**

Any questions or comments about PEG channels on a particular system should be directed to the cable operator or the local franchising authority, and not to the Federal Communications Commission. The name and telephone number of your franchising authority should appear on your cable bill, or should be available through your cable operator. With very limited exceptions, the Federal Communications Commission is not responsible for enforcing the federal statute governing PEG channels.

- FCC -

*(Additional items taken from FCC Regulations-DL)*

## **ACCESS AND ORIGINATION CHANNELS**

Access channels typically provide community-oriented programming, such as local news, public announcements and government meetings. They are usually programmed by individuals or groups, on either public, educational or governmental access channels or on commercial leased access channels.

Origination channels are usually programmed by the cable system and may include many types of specialized program packages such as movies, sports, national news and public affairs, feature entertainment, children's programming or programming for specific ethnic or other minority groups.

The Commission's rules do not require cable operators to originate programming. Operators who originate programming, however, are required to comply with the Commission's program content rules.

### **Channels For Public, Educational, Or Governmental Use**

Under the 1984 Cable Act, local franchising authorities may require that cable operators set aside channels for public, educational, or governmental ("PEG") use. In addition, franchising authorities may require cable operators to provide services, facilities, and equipment for the use of these channels. Many cable systems include several PEG channels.

In general, cable operators are not permitted to control the content of programming on PEG channels. Cable operators may impose non-content-based requirements, such as minimum production standards, and may mandate equipment user training.

PEG channel capacity which is not in use for its designated purpose may, with the franchising authority's permission, be used by the cable operator to provide other services. Under certain conditions, a franchising authority may authorize

the use of unused PEG channels to carry low power commercial television stations and local noncommercial educational television stations that are required by law.

Information relating to PEG channels may be obtained directly from the cable system or the local franchising authority.



## DeKalb County Government Cable Station and Program Policy

### MISSION

DCTV exists to provide countywide video notification of government and government-related events, programs and activities that impact the lives of DeKalb County citizens. Its programming includes, but is not limited to, emergency actions, Board of Commissioners' meetings, special proceedings and news broadcasts. DCTV does not promote any cause or movement, or favor viewpoints espoused by individuals or groups.

### PURPOSE

This policy provides specific guidelines for the operation of DeKalb County Government cable television channel. It also outlines the programming structure for DCTV.

### OBJECTIVES

- ❑ To adhere to the regulations of the local cable franchise agreement regarding the government programming that provides public service information to the citizens of DeKalb County.
- ❑ To broadcast programming that demonstrates the responsibilities and functions of DeKalb County Government departments and agencies.
- ❑ To offer a forum for the presentation of legislative and administrative activities of the government and related entities.
- ❑ To inform citizens of the actions performed by, supported or sponsored by DeKalb County Government municipalities.

#### I. CHANNEL DESIGNATION

The government access channel, DeKalb County Government Cable Television, shall operate on franchised cable systems within the county.

#### II. COUNTY RESPONSIBILITY

DeKalb County Government officials, and the management and staff of DCTV, is not responsible for the accuracy of any information cablecast on the channel that is provided by outside sources.

**III. ENDORSEMENTS**

DCTV will not be utilized to endorse a candidate, an issue, company, specific purpose, or brand name of a product for consumer use.

**IV. PROMOTIONS**

Promotional announcements for government events and purposes will be permitted for broadcast on DCTV. Promotional announcements for commercial events, charities or other outside organizations in which DeKalb County Government has no ownership or sponsorship, shall not be permitted.

**V. ACCESS POLICY**

All programming cablecast over DCTV must be government-related or further a legitimate government interest.

**VI. ACCESS PRIORITIES**

In general, priorities for broadcasting government access programming are: 1) emergencies that involve public safety or health matters; 2) meetings of policy-making bodies of county government; 3) services of departments and agencies; 4) factual information on any ballot issue affecting county services; 5) productions of or for local, state and federal governments and other agencies utilizing public dollars; and 6) productions of external sources that are relevant to local government.

**VII. BUDGET**

Funding for DCTV staff salaries and benefits, equipment, vendors, facilities and other operations, will be provided through the resources paid to the county by Comcast. Financing of special equipment rentals, vendors or any other costs not forecast in the departmental budget, will be responsibility of the requestor. The latter also must adhere to the policies and procedures outlined in this document.

**VIII. MANAGEMENT OF GOVERNMENT CABLE ACCESS CHANNEL**

At the direction of the Chief Executive Officer, the Director of Communications manages DCTV. Programming, scheduling and day-to-day management of the cable station is the responsibility of the Supervisor of Cable Operations.

## **IX. USE OF COUNTY-OWNED VIDEO EQUIPMENT**

Use of county-owned video and digital equipment shall be restricted to employees of DCTV or trained personnel operating under the direction of the station supervisor or assistant. Utilization of county-owned media production facilities shall be limited to DCTV staff or others who are trained to conduct such activities. This must be executed under the direct supervision of qualified DCTV staff.

Loaning of equipment for personal or outside use shall not be permitted.

## **X. DCTV MANAGEMENT COORDINATION**

- The cable television supervisor will manage staff and vendors.
- The cable television supervisor will prioritize daily and weekly scheduling based on emergency messages, order of requests and proposals, production limitations and timely submission of requests.
- The cable television (designated) employee(s) will catalog video programs and coordinate programming records.
- The appropriate employees will handle administrative tasks including, but not limited to, the production and distribution of programming schedules, and answering cable TV inquiries from citizens.
- Public affairs officers will assist in program and content writers and advisors.

## **XI. EDITING POLICY**

- County meetings – County meetings *live* cablecasts shall not be edited or subjected to editorial comment. Meeting coverage shall be from gavel to gavel. Meetings may be videotaped for later broadcast, *per the discretion of the Cable TV Supervisor*.
- Department and agency programs – These programs may be produced by DCTV or its vendor designee, and may be modified or edited as appropriate based upon an approved script and editorial directions. Editing will be completed based on availability of scheduling and staffing.
- Bulletin Board – Messages programmed into the computer graphics bulletin board of DCTV must meet the approval of the cable television supervisor.

## **XII. TYPES OF PROGRAMS**

Live cast – Live coverage of events originating from county offices will be provided. This will generally consist of cablecasts of official DeKalb County

meetings such as the Board of Commissioners' meetings, public hearings, and other live programming as may be determined from time to time.

Tape delayed – This type of programming represents most packaged shows that will be aired on DCTV. This type of show will be aired on DCTV in the most appropriate time slots for DeKalb County citizens. There will also be tape delayed cablecasting of public meetings and other live programming. Some meetings will be cablecast both live and subsequently by tape delay on other dates.

The scheduling of all tape delayed and live programming will be managed by the Supervisor of Cable Operations. The programming schedule will be available to the public on the DeKalb County website and through the mailing of programming guides.

### **XIII. PROGRAMMING STANDARDS AND PRODUCTION**

All programming shall consist of any information relative to the operation of DeKalb County services, explanation of the function of government, documentation of issues, general information to the public relative to meetings, times, dates, places, emergency information as necessary, and general announcements of current events in the county. Also included are special events such as coverage of park openings, recreational events, public forums held by the CEO, Board of Commissioners and other requested DeKalb County agencies and departments.

All programming and production must present clear, concise information and must be packaged and edited for a professional and high-quality presentation. All DCTV programming must adhere to these standards, as enforced by the Communications department through the direction of the Supervisor of Cable Operations.

### **XIV. RETENTION OF OWNERSHIP OF VIDEO BROADCASTS**

All videotapes and digital tapes shall remain the property of DCTV. The tapes will be stored and retained for a period of time as determined by the County Law Department. The tapes shall not be considered an official record of any meeting and there shall be no liability for inadvertent omissions or erasures.

**XV. PROGRAMMING GUIDELINES FOR ELECTED OFFICIALS**

**DeKalb County Government**  
CEO and Commissioners

**Maximum time allowed**

One hour of direct television appearances per week, in addition to the unlimited appearances on regularly televised public meetings or events in which they participate in their official capacities.

County constitutional officers

Two, one-hour (direct) appearances per month on a rotating basis.

DeKalb County (city) mayors

Two, one-hour (direct) appearances per year.

DeKalb County (State) delegation

January – April: One-hour (direct) appearances per month.  
May – December: One-hour appearances per month on a rotating basis.

State elected leaders

Two, one-hour (direct) appearances per year.

Congressional delegation

Two, one-hour (direct) appearances per year on a rotating basis.

Other elected officials

Based on availability in scheduling.

\*Please note that all when an office is declared vacant or open, or when an incumbent occupies cable television airtime outside of his or her official duties, all other candidates for such office may ask for and receive equal time on the government access channel.