



THURBERT E. BAKER  
ATTORNEY GENERAL

Department of Law  
State of Georgia

APPENDIX A

40 CAPITOL SQUARE SW  
ATLANTA GA 30334-1300

Writer's Direct Dial:  
404-656-3352  
FAX: 404-657-9932

July 24, 2000

Mr. C. Theodore Lee  
Executive Secretary  
State Ethics Commission  
8440 Courthouse Square East  
Suite C  
Douglasville, Georgia 30134

Re: Community Improvement Districts

Dear Mr. Lee:

This Office has received a letter from Mark Cohen who represents several Community Improvement Districts (CID) regarding my previous letter of advice to you on CIDs. My earlier letter to you stated that members of the Board of CIDs were required to file Financial Disclosure Statements pursuant to the Ethics in Government Act if they were elected rather than appointed which was based on the definitions of "public official" and "elected office" in conjunction with the information provided to me regarding CIDs.

The letter notes that "electors within a CID generally are comprised of landowners or the representatives which may or may not be residents of the State." Further, documentation is provided showing there is no requirement that these landowners be registered voters of any particular governmental unit. After review of the new information provided to me, I am in agreement that CID Board members who are elected by individual and business landowners, and not necessarily registered voters, would not meet the definition of a "public officer" as defined by the Ethics in Government Act.

The Georgia Ethics in Government provides that each "public officer" as defined by O.C.G.A. § 21-5-3 shall file a financial disclosure statement in accordance with the statute. O.C.G.A. § 21-5-50. "Public officer" is defined in part as "Every elected official", "Every elected county official" and "Every elected municipal official." O.C.G.A. § 21-5-3(15) (B), (F) and (G). In other words, one who holds

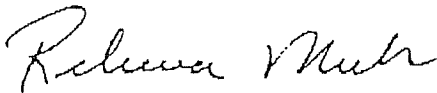
APPENDIX A

Mr. C. Theodore Lee  
July 24, 2000  
Page 2

an elected office. As I stated in my earlier letter, the Supreme Court has held that the term "elected office" generally refers to an office filled by citizens "registered to vote and voting at an election." *Ingram v. State*, 253 Ga. 622, 624 (1984); 1988 Op. Att'y Gen. U88-17. Given this new information that Board members of CIDs are not elected by voters registered to vote in an election but by landowners in the CID, I must agree that they are not subject to the filing requirements of the Ethics in Government Act and thus, must change my advice given to you earlier.

I apologize if the earlier letter caused any confusion on this matter. Please do not hesitate to contact me with any questions or concerns.

Sincerely,



REBECCA S. MICK  
Assistant Attorney General