

1 AN ORDINANCE TO AMEND TO THE CODE OF LAWS OF FULTON COUNTY,  
2 GEORGIA, AS AMENDED, SPECIFICALLY TO AMEND SUBPART B - CODE OF  
3 RESOLUTIONS, CHAPTER 146 - LAW ENFORCEMENT, ARTICLE III. - JAIL,  
4 DIVISION 2. - COUNTY JAIL WELFARE FUND, SECTIONS 146-81 *ET SEQ.*  
5 REGARDING THE ESTABLISHMENT AND USE OF THE COUNTY JAIL WELFARE  
6 FUND, ALSO KNOWN AS THE INMATE WELFARE FUND BY ABOLISHING DIVISION  
7 2. - COUNTY JAIL WELFARE FUND, IN ITS ENTIRETY; TO PROVIDE THAT ALL  
8 FUNDS GENERATED AT THE FULTON COUNTY JAIL FACILITIES USING COUNTY  
9 PROPERTY, FACILITIES, OR OTHER RESOURCES SHALL BE DEPOSITED INTO  
10 THE FULTON COUNTY GENERAL FUND; AND FOR OTHER PURPOSES.  
11  
12

13 **WHEREAS**, the Code of Laws of Fulton County, Georgia, Subpart B - Code of  
14 Resolutions, Chapter 146 - Law Enforcement, Article III. - Jail, Division 2. - County Jail  
15 Welfare Fund, Sections 146-81 through 146-84, provides for the establishment,  
16 administration and financial record keeping of the County Jail Welfare Fund, which is  
17 commonly called the Inmate Welfare Fund (“Welfare Fund”); and

18 **WHEREAS**, Section 146-81 currently provides that the Sheriff is authorized to  
19 “establish a bank account in the name of [the] county jail welfare fund, for recording all  
20 concession purchases, sales, and all other welfare disbursements, and all funds for the  
21 welfare of persons committed to the jail shall be promptly deposited in said account”; and

22 **WHEREAS**, Section 146-82 states that “[a] committee composed of the sheriff, the  
23 chief jailer, and the chairman of the board of commissioners or his appointee is hereby  
24 established, who shall be responsible for all items purchased out of the welfare fund”; and

25 **WHEREAS**, Section 146-83 states that “[t]he jail food supervisor shall be  
26 responsible for all concession purchases from a list approved by the committee and all  
27 concession sales, and may designate a salaried deputy sheriff to assist him, provided the  
28 name of this employee is recorded in an appropriate record of daily sales”; and

1           **WHEREAS**, Section 146-83 further provides that “[t]he food supervisor shall have  
2 continuing responsibility for all inventory, sales, and money relating to the welfare fund”;  
3 and

4           **WHEREAS**, Section 146-84 states that “[a]ll purchases and other disbursement  
5 shall be made by check signed by the chief jailor and countersigned by the sheriff”; and

6           **WHEREAS**, Section 146-84 further provides that “[a]ll financial records relating to  
7 said welfare fund shall be approved and audited by the internal audit division [ ] and also  
8 subject to the general county audit”; and

9           **WHEREAS**, the committee process to purchase items out of the Welfare Fund is  
10 not being followed; and

11           **WHEREAS**, the Fulton County Board of Commissioners requested a detailed list  
12 of all expenditures from the Welfare Fund to include the date of payment, amount of  
13 payment, payee name, and the purpose of the expenditure; and

14           **WHEREAS**, the list included expenditures that were not related to providing for the  
15 welfare of inmates; and

16           **WHEREAS**, the Fulton County Board of Commissioners has original and exclusive  
17 jurisdiction over “[t]he directing and controlling of all the property of the county, according  
18 to law, as the governing authority deems expedient;” and “[t]he examining and auditing of  
19 the accounts of all officers having the care, management, keeping, collection, or  
20 disbursement of money belonging to the county or appropriated for its use and benefit  
21 and the settling of the same.” O.C.G.A. § 36-5-22.1(a)(1) and (7) and Code of Laws of  
22 Fulton County, Georgia, Part I - Local Constitutional Amendments and Local Acts,  
23 Chapter 1 - General Provisions and County Governing Authority, Article II. - County

1 Governing Authority, Division 3. - Miscellaneous Powers, Section 1-117. - Enumeration of  
2 matters over which commissioners have exclusive jurisdiction and control; and

3 **WHEREAS**, “revenue generated using county property, facilities, or other  
4 resources is itself county property and therefore subject to county authority under  
5 [O.C.G.A.] § 36–5–22.1.” *Lawson v. Lincoln County*, 292 Ga. App. 527, 531 (2008); and

6 **WHEREAS**, more specifically, revenue generated from a contract that depends on  
7 the existence and use of the County’s jail facilities, which are County property, is County  
8 property. *See Lawson v. Lincoln County*, 292 Ga. App. 527, 531 (2008); and

9 **WHEREAS**, the Fulton County Board of Commissioners finds that it is in the best  
10 interest of its citizens and the individuals housed in the County’s jail facilities that the  
11 Welfare Fund, which is County property, be abolished in its entirety; and that all funds  
12 generated at Fulton County jail facilities using County property, facilities, or other  
13 resources shall be deposited into the Fulton County General Fund.

14 **NOW, THEREFORE, BE IT ORDAINED**, that the Fulton County Board of  
15 Commissioners hereby amends the Code of Laws of Fulton County, Georgia, as  
16 amended, specifically to amend Subpart B - Code of Resolutions, Chapter 146 - Law  
17 Enforcement, Article III. - Jail, Division 2. - County Jail Welfare Fund, Sections 146-81 *et*  
18 *seq.* regarding the establishment and use of the County Jail Welfare Fund, also known  
19 as the Inmate Welfare Fund, by striking Division 2. - County Jail Welfare Fund, Sections  
20 146-81 *et seq.* in their entirety.

21 ~~DIVISION 2. – COUNTY JAIL WELFARE FUND [4]~~

22 Footnotes:

23 —(4)—

1           ~~Cross reference— Finance, § 102-251.~~

2           ~~Sec. 146-81.— Establishment.~~

3           ~~The sheriff is hereby authorized to establish a bank account in the name of county~~  
4 ~~jail welfare fund, for recording all concession purchases, sales, and all other welfare~~  
5 ~~disbursements, and all funds for the welfare of persons committed to the jail shall be~~  
6 ~~promptly deposited in said account, and not less than twice weekly.~~

7           ~~(Code 1983, § 27-2-11)~~

8           ~~Sec. 146-82.— Committee established to take responsibility for purchases.~~

9           ~~A committee composed of the sheriff, the chief jailer, and the chairman of the board~~  
10 ~~of commissioners or his appointee is hereby established, who shall be responsible for all~~  
11 ~~items purchased out of the welfare fund.~~

12           ~~(Code 1983, § 27-2-12)~~

13           ~~Sec. 146-83.— Duties of jail food supervisor.~~

14           ~~The jail food supervisor shall be responsible for all concession purchases from a~~  
15 ~~list approved by the committee and all concession sales, and may designate a salaried~~  
16 ~~deputy sheriff to assist him, provided the name of this employee is recorded in an~~  
17 ~~appropriate record of daily sales. The food supervisor shall have continuing responsibility~~  
18 ~~for all inventory, sales, and money relating to the welfare fund.~~

19           ~~(Code 1983, § 27-2-13)~~

20           ~~Sec. 146-84.— Financial records.~~

21           ~~All purchases and other disbursement shall be made by check signed by the chief~~  
22 ~~jailer and countersigned by the sheriff. All financial records relating to said welfare fund~~

1 ~~shall be approved and audited by the internal audit division of the comptroller's office and~~  
2 ~~also subject to the general county audit.~~

3 ~~(Code 1983, § 27-2-14)~~

4 **BE IT FURTHERED ORDAINED**, that all revenue generated at Fulton County jail  
5 facilities using county property, facilities, or other resources, shall be deposited into the  
6 Fulton County General Fund, including telephone, commissary, video calls, and other  
7 revenue from goods and services sold to inmates housed in Fulton County jail facilities.

8 **BE IT FURTHERED ORDAINED**, that no further expenditures from the Welfare  
9 Fund shall be made immediately upon this Ordinance becoming effective.

10 **BE IT FURTHERED ORDAINED**, that all funds currently in the Welfare Fund shall  
11 be transferred to the Fulton County General Fund within fourteen (14) calendar days of  
12 the effective date of this Ordinance, along with a final detailed accounting of expenditures  
13 to date.

14 **BE IT FINALLY ORDAINED**, that this Ordinance shall become effective upon its  
15 adoption, and that all resolutions or ordinances and parts of resolutions or ordinances in  
16 conflict with this Ordinance are hereby repealed to the extent of the conflict.

17 **PASSED AND ADOPTED** by the Board of Commissioners of Fulton County,  
18 Georgia, this 15th day of November 2023.

19 **FULTON COUNTY BOARD OF COMMISSIONERS**

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Sponsored by:

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Robert L. Pitts, Chairman (At-Large)

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ATTEST:

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Tonya R. Grier, Clerk to the Commission

APPROVED AS TO FORM:

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Y. Soo Jo, County Attorney