

1 AN ORDINANCE TO AMEND CHAPTER 101 (GENERAL PROVISIONS AND
2 COUNTY GOVERNING AUTHORITY), ARTICLE 2 (COUNTY GOVERNING
3 AUTHORITY), DIVISION 2 (RULES OF ORDER AND PROCEDURE), SECTION 101-
4 63 (PRESIDING OFFICER AND RULES FOR DEBATE) OF THE FULTON COUNTY
5 CODE OF ORDINANCES; TO CLARIFY PROCEDURES FOR DESIGNATION OF A
6 PRESIDING OFFICER IN THE ABSENCE OF THE CHAIRMAN AND VICE-
7 CHAIRMAN; AND FOR OTHER PURPOSES.

8
9 **WHEREAS**, the duly elected governing authority of Fulton County (the "County"),
10 Georgia is the Fulton County Board of Commissioners (the "Board"); and

11 **WHEREAS**, the Board has the authority, pursuant to the Constitution of the State
12 of Georgia, Article 9, Sec. 2 ¶ 1(a), to adopt reasonable ordinances, resolutions, or
13 regulations relating to the County's affairs for which no provision has been made by
14 general law and which is not inconsistent with the Constitution or any local law
15 applicable thereto; and

16 **WHEREAS**, in conformity with the provisions of the Open Meetings Act,
17 O.C.G.A. § 50-14-1 *et seq.*, the Board enacted certain provisions of its Rules of Order
18 and Procedure (the "Rules") at its Regular Meeting on January 5, 1994, with said
19 regulations being codified in Chapter 101 (General Provisions and County Governing
20 Authority), Article II (County Governing Authority), Division 2 (Rules of Order and
21 Procedure) of the Fulton County of Ordinances ("Code") as Section 101-61 *et seq.*; and

22 **WHEREAS**, Section 101-63(a) of the Code currently provides that, when there is
23 an absence of both the chair and the vice-chair, the Board may designate an acting
24 presiding officer; and

25 **WHEREAS**, the orderly conduct of meetings requires that there needs to be a
26 clear and consistent process for identifying a presiding officer to ensure continued
27 operation of County business when both the chair and vice-chair are unavailable; and

28 **WHEREAS**, ambiguity in the current procedure could result in uncertainty or
29 delay in convening and/or continuing meetings in the absence of the Chair and Vice-
30 Chair, thereby impeding the Board's ability to carry out its legislative and administrative
31 duties; and

32 **WHEREAS**, adopting clear rules for the designation of a presiding officer
33 promotes transparency, predictability, and adherence to the established procedures;
34 and

35 **WHEREAS**, the Fulton County Board of Commissioners finds that amending
36 Section 101-63(a) of the Code is in the best interest of the County and necessary to
37 ensure efficient and orderly conduct of its meetings.

38 **NOW, THEREFORE, BE IT ORDAINED**, that the Fulton County Board of
39 Commissioners hereby amends Section 101-63 of the Fulton County Code of
40 Ordinances by adding and striking language to the Code Section as follows:

41 “Sec. 101-63. – Presiding officer and rules for debate.

42 (a) *Generally*. In accordance with the Fulton County Code of Laws, the chair of the
43 board of commissioners is responsible for the orderly conduct of the board during
44 the meeting and serves as the presiding officer. In order to ensure a fair, orderly,
45 and efficient meeting, the chair must enforce the rules of procedure adopted by
46 the board. ~~In the absence of the chair, the vice chair shall preside. Where a~~
47 ~~quorum is present and neither the chair or vice chair is present, the board may~~
48 ~~designate an acting presiding officer.~~ Meetings are conducted in accordance with
49 these procedural rules, applicable state law, and Robert's Rules of Order, Newly
50 Revised. Where a commissioner raises a procedural question and these rules

are silent, and in the absence of a specific statute, ordinance, or resolution, the question shall be resolved in accordance with the provisions of Robert's Rules of Order, Newly Revised, so long as the provision used to answer the question is not in violation of local, state or federal laws.

(1) Where a quorum is present and the chair is absent:

- a. The vice chair shall preside.
- b. If the vice chair is not present, the commissioner with the most seniority shall preside.
- c. If such commissioner is also absent, the presiding officer shall be the next most senior commissioner present, in descending order of seniority.
- d. If two or more commissioners share equal seniority, the presiding officer shall be selected among them by majority vote of the members present.

BE IT FINALLY ORDAINED, that this Ordinance shall become effective when passed and adopted, and that all ordinances and resolutions and parts of ordinances and resolutions in conflict with this Ordinance are hereby repealed to the extent of the conflict.

PASSED AND ADOPTED by the Board of Commissioners of Fulton County, Georgia this _____ day of _____, 2025.

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**FULTON COUNTY BOARD OF
COMMISSIONERS**

SPONSORED BY:

Marvin S. Arrington, Jr., Commissioner
(District 5)

ATTEST:

Tonya R. Grier, Clerk to the Commission

APPROVED AS TO FORM:

Y. Soo Jo, County Attorney