

1 AN ORDINANCE TO AMEND CHAPTER 101 (GENERAL PROVISIONS AND  
2 COUNTY GOVERNING AUTHORITY), ARTICLE 2 (COUNTY GOVERNING  
3 AUTHORITY), DIVISION 1 (GENERALLY), SECTION 101-42 AND DIVISION 2  
4 (RULES OF ORDER AND PROCEDURE), SECTIONS 101-61 AND 101-66(a) AND  
5 (b)(3) OF THE FULTON COUNTY CODE OF ORDINANCES TO CHANGE THE TERM  
6 “REGULAR MEETING” TO “FIRST REGULAR MEETING” AND THE TERM  
7 “RECESS MEETING” TO “SECOND REGULAR MEETING; AND FOR OTHER  
8 PURPOSES.  
9

10 WHEREAS, in the lawful exercise of its home rule powers and in conformity with  
11 the provisions of the Open Meetings Act, O.C.G.A. § 50-14-1 *et seq.*, the Board of  
12 Commissioners enacted certain provisions of its Rules of Order and Procedure (the  
13 “Procedural Rules”) at its Regular Meeting on January 19, 1994, via Agenda Item 93-  
14 RC-701, and which have been codified in Chapter 101 (General Provisions and County  
15 Governing Authority), Article II (County Governing Authority), Division 1 (Generally) and  
16 Division 2 (Rules of Order and Procedure) of the Fulton County Code of Laws (“Code”) as  
17 Section 101-36, *et seq.* and Section 101-61 *et seq.*, respectively, and have been  
18 amended multiple times thereafter; and

19 WHEREAS, Code Section 101-61 (Procedural Rule 1)) provides that “[M]eetings  
20 are to be held at 10:00 a.m. on the first and third Wednesday of each month unless  
21 special circumstances dictate a different meeting date, time, or place”; and

22 WHEREAS, Code Section 101-66(a) (Procedural Rule 6) provides that “[T]he  
23 Fulton County Board of Commissioners holds a regular meeting (first Wednesday of the  
24 month) and a recess meeting (third Wednesday of the month);” and

25 WHEREAS, Code Section 101-66(b)(3) (Procedural Rule 6) provides that “During  
26 the public comment portion of a board meeting, citizens may voice county related  
27 requests, concerns, opinions, etc. At the regular meeting, speakers will be heard prior to  
28 the zoning portion of the agenda; if applicable, at the recess meeting, prior to the county  
29 manager's unfinished business”; and

1           **WHEREAS**, with the adoption of Code Section 101-42(a) (Procedural Rule 6(4))  
2 in 1994, in addition to proclamations being presented at the first meeting of the Board of  
3 Commissioners on the first Wednesdays of each month, it further provides that  
4 “Proclamations will be also presented at the recess meeting commencing with the first  
5 recess meeting of the board of commissioners in May 1995, beginning with  
6 presentations not to exceed 10:30 a.m.”; and

7           **WHEREAS**, the term “Recess Meeting” causes unnecessary confusion, as the  
8 meeting is merely a second regularly scheduled meeting with few substantive  
9 differences from the first regularly scheduled meeting; and

10          **WHEREAS**, the Board of Commissioners believes that the better practice is to  
11 adopt a clearer and more consistent naming convention for the two regularly scheduled  
12 meetings; and

13          **WHEREAS**, the Board of Commissioners desires to amend Code Sections 101-  
14 61 (Procedural Rule 1), 101-66(a) (Procedural Rule 6), Section 101-66(b)(3) (Procedural  
15 Rule 6) and 101-42 (Procedural Rule 6(4)) to eliminate the monthly, recess meeting  
16 requirement mandated therein and to include a requirement that, on the third  
17 Wednesday of each month said meeting will be designated as the “Second Regular  
18 Meeting” and the first meeting of the month designated as the “First Regular Meeting”;  
19 and

20          **WHEREAS**, pursuant to the County’s home rule powers found in the Constitution  
21 of the State of Georgia, Article 9, Sec. 2 ¶ 1(a), the Board of Commissioners is  
22 authorized to adopt reasonable ordinances, resolutions, or regulations relating to the  
23 County’s affairs for which no provision has been made by general law and which is not  
24 inconsistent with the Constitution or any local law applicable thereto; and

1           **NOW THEREFORE, BE IT ORDAINED**, that the Board of Commissioners of  
2   Fulton County hereby amends amend Fulton County Code Sections 101-61 (Procedural  
3   Rule 1), 101-66(a) (Procedural Rule 6), Section 101-66(b)(3) (Procedural Rule 6) and  
4   101-42 (Procedural Rule 6(4)), to eliminate the monthly, recess meeting requirement  
5   mandated therein so as to replace each use of the term “Regular Meeting” with the term  
6   “First Regular Meeting” and to replace each use of the term “Recess Meeting” with the  
7   term “Second Regular Meeting,” as reflected in Exhibit A, attached hereto and  
8   incorporated by reference.

9           **BE IT FINALLY ORDAINED**, that this Ordinance shall take effect upon its  
10   adoption, and all resolutions and parts of resolutions in conflict with this Resolution are  
11   hereby repealed to the extent of such conflict.

12           **SO PASSED AND ADOPTED**, this 10th day of April, 2024.

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14                           **FULTON COUNTY BOARD**  
15                           **OF COMMISSIONERS**

16  
17                           **SPONSORED BY:**

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20                           \_\_\_\_\_  
21                           Robert L. Pitts, Chairman (At-Large)

22                           **ATTEST:**

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25                           \_\_\_\_\_  
26                           Tonya R. Grier, Clerk to the Commission

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28           **APPROVED AS TO FORM:**

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32           \_\_\_\_\_  
33           Y. Soo Jo, County Attorney  
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## **ARTICLE II. COUNTY GOVERNING AUTHORITY<sup>1</sup>**

### ***DIVISION 1. GENERALLY***

#### **Sec. 101-36. Vice-chairman.**

- (a) The term of office of the vice-chairman of the board of commissioners is one year.
- (b) The board of commissioners, by four affirmative votes, shall elect a vice-chairman at the first regular meeting held in January, and the vice-chairman so elected shall be authorized to preside at meetings of the board of commissioners in the absence of the chairman and fulfill all of the duties of the chairman due to the death or vacancy of the chairman. No board member shall serve as vice-chairman until the member has served at least two years on the board.
- (c) The chairman of the board of commissioners or the vice-chairman, in the absence of the chairman, shall have the authority to execute contracts, deeds, and other documents on behalf of Fulton County, where the same have been approved by the board of commissioners.

(Code 1983, § 22-1-4; 91-RM-010, 1-2-91; 99-0102, § 1, 1-6-99; 18-0062, 1-24-18; 21-0839, 10-20-21)

#### **Sec. 101-37. Mandatory drug testing of commissioners.**

Members of the board of commissioners shall submit to voluntary drug testing by the agency designated by the Fulton County Board of Health twice each year.

(Mo. of 1-4-89; Ord. No. 18-0340, Att. A, 5-16-18)

Cross reference(s)—Drug testing of public safety and law enforcement employees and employees carrying firearms, § 154-8.

#### **Sec. 101-38. Budgetary controls over expenses.**

- (a) *Staffing.* All staffing for each individual commissioner's office shall exist and be implemented in accordance with the provisions contained in exhibit A attached the resolution adopted on February 17, 1988, and incorporated herein entitled "Commissioner's Personal Staff Members." Each commissioner may have his or her clerical staff persons selected with the assistance of the clerk to the commission.
- (b) *Office cost centers.* The director of finance immediately shall establish a separate cost center for each commissioner's office with separate expense accounts for furniture, equipment, stationery, postage, long

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<sup>1</sup>Cross reference(s)—Ordinances pertaining to general provisions and county governing authority, ch. 1; ordinances pertaining to officers and employees, § 2-36 et seq.; resolutions pertaining to officers and employees, § 102-81 et seq.; clerk to board of commissioners, § 102-111 et seq.; resolutions pertaining to personnel, ch. 154.

**Local Constitutional Amendments and Local Acts reference**—County governing authority, § 1-36 et seq.

**State law reference(s)**—County governing authorities, O.C.G.A. § 36-5-20 et seq.

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distance telephone charges, and general office supplies. The commission chairperson is allocated an annual budget for his or her office's cost center in the amount of \$10,000.00, and each other commissioner is allocated an annual cost center budget of \$6,000.00.

- (c) *Transportation.* The county shall lease an automobile for the use of the commission chairperson. The county's payment obligation under said lease shall not exceed \$350.00 per month. The county also shall pay for gasoline, maintenance, and repair for said automobile. Each other commissioner may utilize an automobile from the county motor pool for transportation as needed in order to accomplish specific commission-related business (which purpose and the expected duration thereof shall be so designated at the time said automobile is checked out from the motor pool). At the conclusion of each said use, said commissioner shall be reimbursed by the county for all documented expenses (e.g., gasoline, oil, tire repair, etc.) incurred in connection with said use of said automobile by said commissioner. For travel by a commissioner in his or her personal automobile for specific commission-related business, said commissioner shall be reimbursed by the county for incurred mileage expense at the prevailing U.S. Internal Revenue Service rate of allowance. Said commissioner shall submit a written request for said reimbursement and shall designate therein the specific commission-related purpose for said travel. The county shall pay no commissioner automobile expenses or charges except as provided in this subsection. Other than as provided in this subsection for the commission chairperson, the county shall not lease automobiles for the use of commissioners. The county manager, county attorney, and finance director hereby are authorized and directed immediately to review all existing such automobile leases and to negotiate their cancellations in such a manner that the county will not be prejudiced. Any such currently leased automobiles for which such lease cancellation cannot be achieved shall be assigned to the county motor pool for general use.
- (d) *Travel.* Each commissioner is allocated an annual travel budget of \$50,000.00 for specific commission-related business outside of Fulton County, including professional conferences and conventions. The finance director shall establish a separate travel account for each commissioner. Travel per diem for food and lodging shall be paid from said travel accounts when documented by the submission of receipts or other proofs of payment of said incurred expenses. Prior to undertaking each period of county travel status hereunder, said commissioner shall submit a written memorandum of travel to be maintained by the finance director with said commissioner's travel account. Said memorandum of travel shall specifically designate the travel destinations, the commission-related business and purposes of said travel, and the planned duration of said travel. Said memorandum shall also comply with Fulton County's Personnel Policy and Procedures for travel, training, parking automobile allowance and mileage reimbursement, No. 209-16. Funds allocated to annual travel budgets may be transferred from the travel expense account to any other operating account of the commissioner's office. Funds from the operations accounts, other than risk management-related accounts, may be transferred into the travel and training budget.
- (e) *Monthly report.* The finance director shall provide to each commissioner a monthly budget status report regarding all of said commissioner's accounts.
- (f) *Miscellaneous.*
  - (1) There shall be no expenditures permitted from county commissioners' budgets to provide for:
    - a. Emcees, disc jockeys or master/mistress of ceremonies;
    - b. Musicians; or
    - c. Any expenditures (including all party related expenses) for personal parties or events, including but not limited to birthdays, anniversaries, weddings, or principally for the benefit or recognition of the commissioner, other elected officials or candidates for elected office.
  - (2) Commissioners shall be personally responsible for payment of standard rental and usage fees of county facilities for items described in subsection (f)(1)c of this part and standard fees shall not be waived.

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- (3) The county department of external affairs staff shall not promote or provide coverage for events described in subsection (f)(1)c of this part, unless otherwise authorized to do so by the board of commissioners.
  - (4) The County Department of Real Estate and Asset Management (DREAM) shall not provide county assets to promote or provide coverage for events described subsection (f)(1)c of this part, unless otherwise authorized to do so by the board of commissioners.

(Res. of 2-17-88; Ord. No. 18-1040, 12-19-18; Ord. No. 22-0327, 5-4-22)

### **Sec. 101-39. Recitation of Pledge of Allegiance.**

The Pledge of Allegiance shall be recited at meetings of the board of commissioners after the opening prayer.

(Res. of 10-5-88)

### **Sec. 101-40. Placement of rezoning actions on agenda.**

Rezoning actions, including applications for use permits or modifications to conditions that have been previously heard or considered by the board of commissioners but deferred to a future agenda, shall be placed on such future agenda ahead of new rezoning cases which have not been previously presented to the board of commissioners for consideration.

(95-0225, 2-15-95)

Cross reference(s)—Zoning, app. B.

### **Sec. 101-41. Committee of the whole.**

The commission shall not appoint various committees, but will act as a committee of the whole, with all seven members holding frequent conferences with those connected with the various phases of the county government and the public.

(Code 1983, § 22-1-1)

### **Sec. 101-42. Presentation of proclamations.**

All proclamations shall be presented at the first meeting of the board of commissioners which takes place on the first Wednesday of each month. Proclamations will be presented at the ~~recess~~ **second regular** meeting commencing with the ~~first recess~~ **second regular** meeting of the board of commissioners in May 1995, beginning promptly with presentations not to exceed 10:30 a.m.

(95-0623, 5-17-95)

### **Secs. 101-43—101-60. Reserved.**

## ***DIVISION 2. RULES OF ORDER AND PROCEDURE***

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## **Sec. 101-61. Meeting times and places.**

All meetings of the Fulton County Board of Commissioners shall be held in the Assembly Hall of the Fulton County Government Center, 141 Pryor Street, S.W., Atlanta, Georgia 30303. In accordance with state law, the first **regular** meeting of the month shall be held without exception. In the event that there is no quorum present at the scheduled starting time for that meeting, the chair shall wait 30 minutes to see whether a quorum will be present. If a quorum is not obtained after this waiting period, the chair shall adjourn the meeting and readvertise it in accordance with state law. **Regular meetings** Meetings are held at 10:00 a.m. on the first and third Wednesday of each month unless special circumstances dictate a different meeting date, time, or place. In the event that special circumstances dictate a different meeting date, time, or place, the public shall be duly notified in accordance with O.C.G.A. tit. 50, ch. 14 (O.C.G.A. § 50-14-1 et seq.), the Georgia Open Meetings Law. The board holds regularly scheduled work sessions on the second Wednesday of each month at 2:00 p.m. or immediately following the board's scheduled meeting.

(93-RC-701, Rule 1, 1-19-94)

## **Sec. 101-62. Open meetings.**

- (a) All meetings of the Fulton County Board of Commissioners shall be held in accordance with O.C.G.A. tit. 50, ch. 14 (O.C.G.A. § 50-14-1 et seq.), the Georgia Open Meetings Law. The public shall be granted access to all meetings at all times except closed executive sessions. The law states that where a quorum of the governing authority or agency thereof are present, and where official action is to be discussed or taken, the meetings must be open and the public granted access.
- (b) Exceptions to the Georgia Open Meetings Act, O.C.G.A. tit. 50, ch. 14 (O.C.G.A. § 50-14-1 et seq.), are as follows:
  - (1) Staff meetings for investigative purposes under duties and responsibilities imposed by law;
  - (2) Meetings where future acquisition of real estate is being discussed;
  - (3) Meetings when the appointment, employment, disciplinary action, or dismissal of a public officer or employee is being discussed; or complaints or charges against a public officer or employee are being heard, unless the employee requests a public meeting;
  - (4) Most discussions with attorneys for the county are excluded from the open meetings law; and
  - (5) Where tax matters made confidential by Georgia law are being discussed.

(93-RC-701, Rule 2, 1-5-94)

State law reference(s)—Exemptions from open meeting requirements, O.C.G.A. § 50-14-3.

## **Sec. 101-63. Presiding officer and rules for debate.**

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

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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.

- (b) *Debate.* All resolutions, contracts, and items of business which require board approval prior to the expenditure of funds, as well as any other item which requires board action, shall be acted upon by the board only after a commissioner makes a motion and receives a second to the motion. A motion and proper second is recorded by the clerk. Each commissioner, by virtue of his/her election to the board, has the right and obligation to debate any and all issues which come before the board for consideration. However, to ensure an orderly and efficient meeting, each commissioner shall observe the following rules in regards to debate:
- (1) The chair, as presiding officer (or vice-chair in the chair's absence), shall call for discussion on an item. No debate on an item should begin until the item has been sounded by the clerk to the commission (the clerk), or in the clerk's absence, the chief deputy clerk.
  - (2) Once the item has been properly moved and seconded, the chair shall call for discussion.
  - (3) Thereafter, the chair shall open debate by recognizing each commissioner who wishes to speak for a period not to exceed ten total minutes, with the additional stipulation that no commissioner shall hold the floor for more than five consecutive minutes of their allotted time. However, at the opening of each board meeting, a commissioner may ask their colleagues to waive the normal time limits on issues they deem need more time. The board will vote on each request before the agenda begins and decide among themselves what additional amount of time to allot to each commissioner. The developmental services director or the board's designee shall be the official timekeeper for the board.
  - (4) If a commissioner believes that debate on an issue is too lengthy or that a vote should be called for immediately on an issue, he or she can "call the question" or "move the previous question." This motion is out of order if it is made while another commissioner has the floor or if the maker of the motion is not recognized by the chair. This is a motion that is not debatable and requires a second. Once the motion has been properly made and seconded, the chair shall immediately stop debate on the issue being debated and announce that there is a call the question motion on the floor. Immediately thereafter, the chair shall call for a vote on the call the question motion, not on the main motion. If the call the question motion fails, debate on the issue may continue, and then the chair may allow debate on the issue to resume. If it passes, the chair must immediately call for a vote on the issue which was the subject of the call the question motion.
  - (5) Any action by the board, including final action on applications for changes in land use status, but excluding a reconsideration of any action previously considered, i.e., motions to adjourn, motions to suspend the rules, an affirmative vote to lay on the table, or to take from the table, shall be subject to a motion to reconsider. After a motion to reconsider is made, a motion to rescind must also be made. After the motion to rescind is made, the matter would be appropriate for an additional passed motion and discussion thereon. Such motions can only be made by a member of the prevailing side on the original action. A motion to reconsider may be made immediately after it fails to prevail but in no case can it be made any later than the next scheduled board of commissioners meeting. A motion to reconsider is debatable only if the action being reconsidered is debatable. Upon passage of a motion to reconsider, the subject matter shall be considered anew without regard to previous board action. No reconsideration can be made on a zoning request at a subsequent meeting.
  - (6) Any zoning matter which is deferred or on which discussion is otherwise postponed by the board shall be heard at the next appropriate scheduled zoning meeting. Zoning matters are heard only on the first meeting of the month, in accordance with a schedule set by the director of developmental services. Ordinarily, no new zoning cases are heard in January.

(93-RC-701, Rule 3, 1-5-94)



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## **Sec. 101-64. Quorum.**

A quorum must be present for the transaction of business of the board. In accordance with the Georgia law, four of the seven elected commissioners must be present to constitute a quorum. It is the duty of the chair to enforce this rule. Any commissioner may raise a point of order if that commissioner believes that a quorum is not present. If during the course of a meeting a quorum is lost, the board cannot transact business. If, however, members of the board are in the commissioners' conference room adjacent to the assembly hall and are able to hear the business of the board through the public address system, the board has not lost a quorum. If a quorum is not attained within 30 minutes, the chair must adjourn the meeting.

(93-RC-701, Rule 4, 1-5-94)

## **Sec. 101-65. Voting.**

Four members of the board of commissioners shall constitute a quorum for the transaction of business. The affirmative vote of at least four members shall be required for said board of commissioners to take official action. Each commissioner shall record his or her vote by using the voting machine and should not vote by voice or by requesting that the clerk's staff manually record their vote.

(93-RC-701, Rule 5, 1-5-94)

## **Sec. 101-66. Agenda, preparation of; public comment.**

- (a) The Fulton County Board of Commissioners holds a **first** regular meeting (first Wednesday of the month) and a **second regular** ~~recess~~-meeting (third Wednesday of the month). The agenda is prepared by the clerk's office in concert with the county manager's office. The deadline for submitting items for regularly scheduled board of commissioners' meetings to the clerk's office for inclusion on the next agenda is 10:00 a.m. on Friday prior to the meeting. A final copy of the agenda is distributed to the commissioners, county attorney, county manager and appropriate staff by 2:00 p.m. on the Friday preceding the scheduled meeting of the board. Copies are also made available to the public at that time. A post agenda is provided after the meeting. The post agenda is a precursor to the final minutes and reflects actions taken by the board at a particular meeting. Post agendas/preliminary minutes are distributed by the clerk's office within 48 hours of a meeting.
- (b) The agenda preparation procedure is as follows:
  - (1) Any commissioner wishing to place an item on the agenda may do so and should submit a memorandum to the clerk stating the item to be placed on the agenda. Any supporting documents germane to the item should also be submitted.
  - (2) Adding of items to the agenda during the meeting is disfavored. Where there is a showing of an emergency or extraordinary circumstances exist, an item may be added to the agenda when it is separately voted on and is adopted during the meeting by a supermajority of the board of commissioners. A motion shall be properly made and must carry to add each item to the agenda on the day of the meeting. That item shall appear on the post agenda under the "added during the meeting" heading.
  - (3) During the public comment portion of a board meeting, citizens may voice county related requests, concerns, opinions, etc. At the regular meeting, speakers will be heard prior to the zoning portion of the agenda; if applicable, at the ~~recess~~ **second regular** meeting, prior to the county manager's unfinished business. Before speaking, each speaker presenting in person must fill out a speaker card, located at the assembly hall entrance and podium. All speaker cards must be submitted to the clerk's staff, prior to the commencement of public comment, who will accept them on a first-come, first

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served basis. The meeting will be aired live on all official Fulton County Government media platforms as designated by the Fulton County Department of External Affairs. Speakers wishing to submit public comment to the board in writing can do so by submitting their comments in all forms deemed allowable by the Fulton County Department of External Affairs. To be read into the record, written comments must be received by 5:00 p.m. on the Tuesday, immediately prior to the meeting in the form outlined. All virtual public comments and requests to speak in person must be submitted before the clerk sounds the start of the meeting.

- a. Speakers who cannot be present at assembly hall may speak live or via videoconference (ex. Zoom). Speakers can also speak live from other county facilities made available, such as the North Fulton Service Center or the South Fulton Service Center.
- b. Comments via e-mail shall be provided electronically to the BOC and their staff before the meeting begins and all comments shall be included as part of the minutes of the board of commissioners meeting.
- c. Comments via e-mail that are the same in nature or pertain to the same BOC agenda item number shall be categorized by county staff ahead of the meeting. To expedite time, for e-mailed public comments that are the same in nature or pertain to the same BOC agenda item number or subject matter/topic, the clerk or other assigned staff shall read the agenda item number and/or topic, and then read the list of public commenters' names and locations (if given) that are in support of the item; then read the list of public commenters' names and locations (if given) who oppose the agenda item or topic. This rule shall apply to all forms of pre-written/pre-recorded public comment.
- d. Public comment will occur prior to the business portion of the BOC meeting and will be strictly limited to 30 minutes. In-person comments will be made first, followed by written/emailed comments. Regardless of the form of the public comment (spoken/written) the time limit will be two minutes, and no time shall be yielded to other speakers. Priority for public comment will be given to Fulton County citizens and those individuals representing businesses or organizations located within Fulton County, including their employees, whether such persons are commenting in-person, via emails or via Zoom or other electronic media (i.e., phone call). Non-Fulton County citizens will only be heard after all in-person Fulton County citizens, representatives of business and organizations located within Fulton County, including their employees have been heard and the time allotted for public comment has not expired, except as otherwise provided in this code section. County staff shall verify the residency of each public speaker prior to such person being heard by the board.
- e. In the event the 30-minute time limit is reached prior to public comments being completed, public comment will be suspended and the business portion of the BOC meeting will commence. Public comment will resume at the end of the meeting. Similarly, written comments (that were timely submitted) not previously read, may be read at the end of the meeting.
- f. Speaker cards will provide three options for those individuals who want to speak that were not able to comment during the initial 30-minute public comment time limit:
  1. Speak at the end of the meeting;
  2. Be placed at the front of the line for public comment at the next meeting; or
  3. Provide written comment that will be read at the end of the BOC meeting.
- g. In the event that none of these three options are selected, the individual will forfeit their right to public comment for that day.

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NOTE: If the subject matter involves an issue to be resolved, the citizen should first contact the county manager's office, which will ensure that the relevant department heads and other individuals are contacted to rectify the matter. If the issue cannot be resolved through the county manager's efforts, the citizen may then contact a commissioner so that the matter can be placed on a board meeting agenda. The commissioner should then inform the clerk by memorandum stating the subject to be discussed and the citizen who will speak.

The address and phone number of the citizen should be conveyed. Any supporting material germane to the issue should also be submitted.

- (4) Whenever any agenda item, via resolution, seeks board approval of a written agreement, a copy of the written agreement shall be attached to the agenda item or resolution and shall be distributed by the clerk as with other agenda items. Upon approval of the item, the clerk shall include a copy of the written agreement in the official minutes of the board meeting at which such approval occurred.
- (c) Once the agenda has been approved in the meeting, it takes four affirmative votes to remove county manager items. If the county manager decides to remove an item from the agenda, he/she should suggest removal from the agenda by submitting a request in writing to the clerk who will announce it during the adoption of the agenda. Four votes are required for approval. The county manager should be prepared to state his/her reason for removal. Commissioners can remove their items at any time and this action does not require board approval. The board enacted a "Three Meeting Held Rule" that gives the clerk the authority to remove commissioners' items that have been on the agenda for three meetings. The clerk shall further have authority to remove commissioners' items that have previously been determined by the board of commissioners to be matters reserved for discussion in executive session.

(93-RC-701, Rule 6, 1-5-94; Res. No. 08-0255, 3-5-08; Ord. No. 19-0446, 6-19-19; Ord. No. 21-0578, 8-4-21; Res. No. 22-0330, 5-4-22; Ord. No. 22-0496, Att. A, 8-3-22)

### **Sec. 101-67. Consent agenda.**

The Fulton County Board of Commissioners uses a consent agenda which lists items of routine nature, such as renewal of grants, subdivision confirmations, refund reports, etc. Any items of business that are expected to receive unanimous approval and for which debate is not expected, should be placed on the consent agenda. Items may be removed from the consent agenda for further discussion, but may not be added. The consent agenda is adopted with one motion.

(93-RC-701, Rule 7, 1-5-94)

### **Sec. 101-68. Decorum.**

- (a) *General expectations.*
  - (1) All commissioners and all staff members shall treat each other and the public in a dignified, courteous and respectful manner; value all opinions; be tolerant of others and; recognize that inappropriate behavior damages the perception of the county.
  - (2) Commissioners seeking information from staff shall do so within the confines of proper decorum.
  - (3) A commissioner shall not speak until recognized by the chair and likewise shall not interrupt another commissioner's remarks. All comments made by a commissioner shall directly address the motion or item being discussed.
  - (4) Any commissioner shall have the right to express dissent from or protest against any resolution or action of the board and have the reason entered into the minutes.

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- (5) No commissioner shall make or cause to be made any defamatory statement about another commissioner. The phrase "defamatory statement" as used herein is defined by Georgia law and includes the statutory definitions outlined in O.C.G.A. §§ 51-5-1 and 51-5-4.
- (b) *Enforcement.*
- (1) The chair shall enforce the rules of decorum.
- (2) Violation by a commissioner.
- a. If a commissioner believes another member has violated a particular rule of decorum, he or she, upon recognition by the chair, may raise a point of order. Another commissioner need not second that point of order before the issue can be considered.
- b. Upon the raising of the point of order, the chair may rule on the issue or may allow the entire board to decide the issue by a majority vote.
- c. In the event the chair is the board member alleged to have violated a particular rule of decorum, the duties assigned to the chair in this subsection shall be performed by the vice-chair.
- d. The penalties provided in subsection (c) of this section may be imposed only where the following conditions are met:
1. The issue raised by the point of order is considered by the entire board;
2. The commissioner alleged to have committed the violation is provided written or oral notice of the alleged violation;
3. The commissioner alleged to have committed the violation is provided an opportunity to be heard by the other members of the board in defense of the charge; and
4. Five members of the board affirmatively vote to (i) find the violation occurred; and (ii) impose the penalty.
- (3) Violation by a staff member.
- a. If a commissioner believes a staff member has violated a particular rule of decorum, he or she, upon recognition by the chair, may raise a point of order. Another commissioner must second that point of order before the issue can be considered.
- b. Upon the raising of the point of order, the chair may rule on the issue or may allow the entire board to decide the issue by a majority vote.
- c. The penalties provided in subsection (c) of this section may be imposed only where the following conditions are met:
1. The issue raised by the point of order is considered by the entire board;
2. The staff member alleged to have committed the violation is provided written or oral notice of the alleged violation;
3. The staff member alleged to have committed the violation is provided an opportunity to be heard by the other members of the board in defense of the charge; and
4. Five members of the board affirmatively vote to (i) find the violation occurred; and (ii) impose the penalty.
- (c) *Penalties.*
- (1) For each violation of this section, the violator may be subject to the following penalties:
- a. *Administrative sanction.*

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1. For a first violation by the violator of this section, the board may impose upon the violator an administrative sanction in an amount not to exceed \$250.00.
  2. For a second violation by the violator of this section that occurs within 12 months after a first violation by him or her, the board may impose upon the violator an administrative sanction in an amount not to exceed \$500.00.
  3. For a third (or subsequent) violation by the violator of this section that occurs within 12 months after the first violation by him or her, the board may impose upon the violator an administrative fine in an amount not to exceed \$1,000.00.
  4. A second violation of this section by a violator that occurs more than 12 months after a prior violation by him or her shall be treated as a first violation under subsection (c)(1)a.1.
  5. Within 20 days of the imposition of any sanction imposed under this subsection, the violator shall deposit into the general fund of Fulton County monies equaling the entire amount of that sanction.
- b. *Public reprimand.* The board may publicly reprimand the violator for the offending conduct, which may be an official censure/reprimand expressing the board's displeasure with the offending conduct. In the event the violator is a member of the board, such censure/reprimand shall not have any legal effect on that member's ability to continue to serve as a member of the board.
  - c. *Denial of future legal defense.* In the case of a violation for making or causing a defamatory statement to be made about another commissioner, in addition to the sanctions herein, the board may also subject the violator to preemptive denial of all requests for legal representation in any civil or administrative proceeding against him or her individually arising out of the defamatory statement made.
- (2) The penalties provided in this subsection are not mutually exclusive. The board, in its discretion, may impose any combination of the penalties for a violation of this section.
  - (3) The penalties stated in this subsection are in addition to (and do not replace, limit or otherwise alter) any other lawful power provided to the commission under Georgia law, the Fulton County Code of Laws, or Robert's Rules of Order, Newly Revised.
  - (4) For purposes of this section, any of the following actions by a commissioner or a staff member supports a decision that said person violated subsection (c)(1):
    - a. Conduct that a reasonable person would find to be hostile, offensive, intimidating humiliating or threatening and is unrelated to a governance or public policy issue presently before the board;
    - b. Conduct that constitutes unlawful harassment or discrimination in violation of state or federal law or this Code;
    - c. Conduct that references sexual acts, bodily functions or demeans groups of people due to their religious beliefs or race; that is inherently inappropriate for a formal proceeding before the board; and that a reasonable person would find is vulgar, profane or obscene;
    - d. Conduct that would tend to incite violence;
    - e. Conduct that falsely disparages the character or reputation of another commissioner or a county employee; or
    - f. Any other conduct undertaken for the purpose of disrupting or undermining the order of any meeting or formal proceeding before the commission.

(93-RC-701, Rule 8, 1-5-94; Ord. No. 21-0582, 9-1-21; Ord. No. 22-0329, 5-4-22)

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## **Sec. 101-69. Public hearings and participation.**

- (a) In accordance with law and policy, the board frequently conducts public hearings on a number of matters and issues. These public hearing rules are intended to ensure that the public has the opportunity to fairly participate in the meeting while promoting the orderly, efficient, and effective flow of the meeting.
- (b) Rules for conducting public hearings are as follows:
  - (1) The chair shall announce that the public hearing on a matter is now open and should call forth those persons who wish to speak in favor, against, or otherwise on the particular issue. The chair shall inform the public that all comments by proponents, opponents, or the public shall be made from the podium and that any individual making a comment should first give their name and address. The chair shall also inform the public that comments will only be received from the podium.
  - (2) Members of the public who wish to speak should complete a speaker's card and should hand it to a representative of the clerk's office. Members of the public are expected to adhere to the rules of decorum outlined herein and should be informed of such at the beginning of the public hearing by the chair. There should be no vocal, boisterous, or other disruptive demonstrations which will disrupt the orderly flow of the meeting. Any persons engaging in this type of behavior shall be ruled out of order by the chair and shall, at the chair's discretion, be removed from the assembly hall.
  - (3) Time. At hearings on proposed rezonings, use permit, modification and/or concurrent variance petitions, as well as amendments to the text of the Fulton County Zoning Resolution (hereinafter "land-use petitions"), proponents and opponents are allowed ten minutes per side to present data, evidence and opinions. Each side's time period may be divided among multiple speakers in whatever manner desired. In the event a public hearing is conducted and final action on a land-use petition is deferred by the board of commissioners, a second public hearing (conducted under the same rules as set forth above) will be allowed when the petition is again considered by the board of commissioners following the deferral. No land-use petition shall be the subject of more than two public hearings before the board of commissioners, regardless of the number of times final action is deferred by the board of commissioners, unless four or more members of the board of commissioners vote to conduct such additional public hearing(s).
  - (4) Once the public hearing has concluded, the chair shall so announce, and the board shall convene into open executive session to make its decisions.
  - (5) As a general rule, members of the public do not speak on agenda items unless those items have been advertised for public hearing, have been placed in the public hearing segment of the agenda or unless the board, by four affirmative votes, has decided that public participation is necessary in its deliberative process. The board shall follow its public hearing rules when such participation is warranted.

(93-RC-701, Rule 9, 1-5-94; Res. No. 00-0570, 4-19-00)

## **Sec. 101-70. Amendments.**

Any amendment to this division by a commissioner shall be submitted to the clerk in writing one week before the designated meeting. The proposed amendment shall be included on the agenda for that meeting and distributed to all commissioners. All amendments require four affirmative votes by the board for adoption.

(93-RC-701, Rule 10, 1-5-94)

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**Sec. 101-71. Special meetings and rescheduled regular meetings.**

Commissioners shall hold one session on the first Wednesday of every month at the county site in the courthouse building or in such office as shall be prepared for them, provided that a majority of said board may convene in extraordinary session whenever in their judgment it may be necessary. A regular meeting, except the first meeting of the month required by state law, may be canceled, rescheduled, or moved to a new location within the county site by the chair for any reason. Whenever the chair cancels, reschedules, or moves the regularly scheduled meeting, it must be done in accordance with O.C.G.A. tit. 50, ch. 14 (O.C.G.A. § 50-14-1 et seq.) the Georgia Open Meetings Act which requires that notice of the change is posted for at least 24 hours at the place of the regular meeting. In addition, written or oral notice shall be given by the clerk at least 24 hours in advance of the meeting to either the legal organ of the county or a newspaper having a general circulation at least equal to that of the legal organ and to each member of the board. Other special meetings known as special call meetings may be scheduled by the chair at the request of four commissioners. Special call meetings are also governed by the notice requirements set forth above. When emergency circumstances occur, the board may hold a meeting with less than 24 hours' notice. When such meetings are held, the clerk shall provide notice to the legal organ of the county, or a newspaper with at least the general circulation of the legal organ, and to each member of the board as soon as practical. The notice shall include those subjects expected to be discussed at the meeting. In addition, the minutes shall reflect the reason for the emergency meeting and the nature of the notice given.

(93-RC-701, Rule 11, 1-19-94)

State law reference(s)—Due notice requirements for other than regular meetings, O.C.G.A. § 50-14-1(d).

**Sec. 101-72. Executive sessions.**

Executive sessions of the board may be held for the purpose of conducting business excepted by O.C.G.A. tit. 50, ch. 14 (O.C.G.A. § 50-14-1 et seq.), the Georgia Open Meetings Act requirements. Where a meeting is devoted in part to matters within the authorized exceptions to the Georgia Open Meetings Act requirements, any portion of the meeting not subject to any such exception shall be open to the public. No executive session shall be held except pursuant to a majority affirmative vote of the board taken in a public meeting. The minutes of the public meeting shall reflect the names of the commissioners present, those voting for the executive session, and the reasons for the session. Only necessary staff shall be present at the executive session.

(93-RC-701, Rule 12, 1-5-94)

**Sec. 101-73. Suspending the rules of order.**

Rules of order may be suspended where a motion to suspend is properly moved and seconded. Rules of order in this context means suspending the order of business, moving an item up or down on the agenda, or removing an item from the agenda. Four affirmative votes shall be required to suspend the rules of order. Rules governing a quorum, voting methods and requirements, the notification to commissioners of meetings, and rules necessary for compliance with state and/or federal law may not be suspended.

(93-RC-701, Rule 13, 1-5-94)

**Sec. 101-74. Parliamentarian.**

The county attorney shall serve as the parliamentarian for the board, and in that capacity will answer point of order questions when directed by the chair.

(93-RC-701, Rule 14, 1-5-94)

