

1 **A RESOLUTION BY THE FULTON COUNTY BOARD OF COMMISSIONERS**
2 **AMENDING THE RULES OF PROCEDURE OF THE BOARD OF COMMISSIONERS**
3 **TO PROVIDE THAT A VOTING ITEM RECEIVING FOUR OR MORE NEGATIVE**
4 **VOTES SHALL NOT BE AUTOMATICALLY CONTINUED TO A SUBSEQUENT**
5 **MEETING; AND FOR OTHER PURPOSES.**

6
7 **WHEREAS**, the duly elected governing authority of Fulton County, Georgia (the
8 “County”) is the Fulton County Board of Commissioners (“Board of Commissioners”); and

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

14 **WHEREAS**, in accordance with the Georgia Open Meetings Act, O.C.G.A. § 50-
15 14-1 et seq., the Board of Commissioners enacted the Fulton County Board of
16 Commissioners Meetings Organization and Procedural Rules (“Procedural Rules”) at its
17 Regular Meeting on January 19, 1994 via Item 93-RC-701, with said regulations being
18 codified in Chapter 101 (General Provisions and County Governing Authority), Article II
19 (County Governing Authority), Division 2 (Rules of Order and Procedure) of the Fulton
20 County Code of Ordinances (“F.C.C.”) as Section 101-61 et seq.; and

21 **WHEREAS**, the Board of Commissioners consists of seven members, and
22 pursuant to the Procedural Rules and F.C.C. Section 101-65, the affirmative vote of four
23 members is required to adopt any motion, resolution, ordinance, or other voting item; and

24 **WHEREAS**, the current practice is that whenever a voting item fails to receive four
25 affirmative votes, the item is automatically continued and placed on the agenda for an
26 additional hearing and vote at the next regular meeting of the Board of Commissioners,
27 without regard to whether the failure to reach four affirmative votes resulted from an

1 indecisive vote, such as a tie or the absence of a clear majority in either direction, or from
2 an actual majority of four or more members voting in the negative to reject the item; and

3 **WHEREAS**, this undifferentiated automatic-continuance means that a voting item
4 which has been fully debated and affirmatively rejected by four or more members of the
5 Board of Commissioners, a clear and final expression of the Board's will, is nonetheless
6 automatically re-noticed, re-briefed, and re-heard at a subsequent meeting, requiring the
7 Board, staff, applicants, and members of the public to expend additional time and
8 resources revisiting a matter that has already been conclusively decided; and

9 **WHEREAS**, in order to avoid this unnecessary and duplicative rehearing of
10 matters that have been definitively rejected by the Board of Commissioners, individual
11 Commissioners have in practice resorted to alternative procedural devices, such as a
12 motion to deny or a motion to file, in an effort to render a defeated item finally disposed
13 of, resulting in inconsistent parliamentary practice from meeting to meeting; and

14 **WHEREAS**, the automatic-continuance practice serves a legitimate purpose
15 where a voting item's disposition is genuinely unresolved, such as where the vote results
16 in a tie or otherwise fails to produce four votes in either direction, and the Board of
17 Commissioners does not intend by this Resolution to alter the automatic-continuance rule
18 as applied to such genuinely indecisive outcomes; and

19 **WHEREAS**, the Board of Commissioners finds that it is in the best interest of
20 Fulton County, its taxpayers, and the efficient conduct of the Board's business to amend
21 the Procedural Rules to provide that a voting item which receives four or more negative
22 votes is thereby finally decided and shall not be automatically continued to a subsequent
23 meeting without the need for a separate motion.

1 **NOW, THEREFORE, BE IT RESOLVED**, that the Fulton County Board of
2 Commissioners Meetings Organization and Procedural Rules, as codified in Fulton
3 County Code Section 101-66(c), are hereby amended to provide that whenever a voting
4 item receives four (4) or more negative votes, the item shall be deemed finally denied and
5 defeated by the Board, and such item shall not be automatically continued, re-noticed, or
6 otherwise placed on the agenda for an additional hearing or vote at a subsequent meeting
7 on the basis that it failed to receive four affirmative votes, as follows:

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

9 (c) Once the agenda has been approved in the meeting, it takes four affirmative
10 votes to remove county manager items. If the county manager decides to remove
11 an item from the agenda, he/she should suggest removal from the agenda by
12 submitting a request in writing to the clerk who will announce it during the adoption
13 of the agenda. Four votes are required for approval. The county manager should
14 be prepared to state his/her reason for removal. Commissioners can remove their
15 items at any time and this action does not require board approval. The board
16 enacted a "Three Meeting Held Rule" that gives the clerk the authority to remove
17 commissioners' items that have been on the agenda for three meetings. Whenever
18 a voting item receives four or more negative votes, the item shall be deemed finally
19 denied and defeated by the board, and the clerk shall not automatically continue,
20 re-notice, or otherwise place the item on the agenda for an additional hearing or
21 vote at a subsequent meeting on the basis that it failed to receive four affirmative
22 votes. The clerk shall further have authority to remove commissioners' items that
23 have previously been determined by the board of commissioners to be matters
24 reserved for discussion in executive session.

25
26 **BE IT FURTHER RESOLVED**, that the practice of automatic-continuance shall
27 continue to apply, and a voting item shall continue to be automatically continued to the
28 next regular meeting for an additional hearing and vote, only where the item fails to
29 receive both (a) four or more affirmative votes and (b) four or more negative votes, such
30 as where the vote results in a tie or otherwise does not produce a clear majority of the
31 Board of Commissioners in either direction.

1 **BE IT FURTHER RESOLVED**, that nothing in this Resolution shall be construed
2 to limit the right of any Commissioner to bring forward a new item, a substantially
3 amended item, or a motion for reconsideration in accordance with the Fulton County
4 Board of Commissioners Meetings Organization and Procedural Rules.

5 **BE IT FURTHER RESOLVED**, that the Clerk to the Commission is directed to
6 update the official Fulton County Board of Commissioners Meetings Organization and
7 Procedural Rules to incorporate the amendment adopted by this Resolution and to make
8 the amended Procedural Rules available to the Board and to the public.

9 **BE IT FURTHER RESOLVED**, that the Clerk to the Commission, with the
10 assistance of the County Attorney, shall take all steps necessary to ensure codification of
11 this legislative change within the Fulton County Code.

12 **BE IT FURTHER RESOLVED**, that this Resolution shall become effective upon its
13 adoption by the Board of Commissioners and shall apply to voting items considered at
14 meetings occurring on or after the date of adoption.

15 **BE IT FINALLY RESOLVED**, that all resolutions, rules, and parts of resolutions or
16 rules in conflict with this Resolution are hereby repealed to the extent of such conflict.

17 **PASSED AND ADOPTED** by the Board of Commissioners of Fulton County,
18 Georgia this _____ day of _____, 2026.

19
20 **FULTON COUNTY BOARD OF**
21 **COMMISSIONERS**

22 **SPONSORED BY:**

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27 _____
28 Bob Ellis, Commissioner
 (District 2)

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ATTEST:

Tonya R. Grier, Clerk to the Commission

APPROVED AS TO FORM:

Y. Soo Jo, County Attorney