

1 A RESOLUTION TO AMEND THE PROCEDURAL RULES OF THE FULTON
2 COUNTY BOARD OF COMMISSIONERS TO AUTHORIZE THE CLERK TO THE
3 BOARD OF COMMISSIONERS TO REMOVE ITEMS FROM THE AGENDA THAT
4 HAVE BEEN DETERMINED BY THE BOARD TO BE RESERVED FOR EXECUTIVE
5 SESSION; AND FOR OTHER PURPOSES.

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

9 WHEREAS, the Georgia Open Meetings Act at O.C.G.A. § 50-14-2 through 50-
10 14-3 provides that executive sessions shall be permitted for discussion of certain
11 matters including pending or potential litigation, settlement of claims, real estate,
12 personnel (excluding evidentiary hearings), tax, and cybersecurity; and

13 WHEREAS, it is in the best interest of Fulton County to avoid discussions in
14 open meetings about matters for which the Georgia Open Meetings Act makes
15 provision for discussion in a closed executive session; and

16 WHEREAS, the benefit of discussing confidential matters, especially with regard
17 to the legal rights and any potential exposure of Fulton County, in closed executive
18 session include the ability to candidly discuss all relevant information needed for the
19 Board of Commissioners to ultimately reach a considered and well-reasoned decision
20 without compromising the County's interests during the initial discussion; and

21 WHEREAS, that benefit to Fulton County, which is specifically provided by state
22 law, would be lost if matters reserved for executive session were discussed in an open
23 meeting, contrary to the best interests of Fulton County; and

24 WHEREAS, the Board of Commissioners is responsible for safeguarding the
25 best interests of the County for which it serves as the governing authority; and

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

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

38 **WHEREAS**, the Board finds it necessary to prevent its members from initiating
39 discussion of matters in open meetings that have been deemed reserved for executive
40 session such that the interests of Fulton County would be compromised by premature
41 public discussion; and

42 **WHEREAS**, the Board of Commissioners desires to amend its Procedural Rules
43 for Meetings by adding the language below to "Agenda and Preparation Procedure"
44 paragraph 3.

45 **NOW, THEREFORE, BE IT RESOLVED**, that the Fulton County Board of
46 Commissioners hereby amends its Procedural Rules for Meetings by amending
47 "Agenda and Preparation Procedure" paragraph 3 which shall read in full as follows:

48 "Once the agenda has been approved in the meeting, it takes four affirmative
49 votes to remove County Manager items. If the County Manager decides to
50 remove an item from the agenda, he/she should suggest removal from the
51 agenda by submitting a request in writing to the Clerk who will announce it during
52 the adoption of the agenda. Four votes are required for approval. The County
53 Manager should be prepared to state his/her reason for removal. Commissioners
54 can remove their items at any time and this action does not require Board
55 approval. The Board enacted a 'Three Meeting Held Rule' that gives the Clerk
56 the authority to remove Commissioners' items that have been on the agenda for
57 three meetings. (Item #96-0454, 4/3/96 - Amendment #2) The Clerk shall
58 further have authority to remove Commissioners' items that have
59 previously been determined by the Board of Commissioners to be matters
60 reserved for discussion in executive session."

61 **BE IT FURTHER RESOLVED**, that this amendment to the Fulton County Board
62 of Commissioners' Procedural Rules for Meetings shall become effective when passed
63 and adopted, and that all resolutions and parts of resolutions in conflict with this
64 resolution are hereby repealed to the extent of the conflict.

65 **PASSED AND ADOPTED** by the Board of Commissioners of Fulton County,
66 Georgia this 4th day of May, 2022.

67 **FULTON COUNTY BOARD OF**
68 **COMMISSIONERS**

69 **SPONSORED BY:**

70 Marvin S. Arrington, Jr.
71 Marvin S. Arrington, Jr., Commissioner
72 District 5
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78 ATTEST:

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80 Tonya R. Grier
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82 Tonya R. Grier, Clerk to the Commission
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85 APPROVED AS TO FORM:

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87 Y. Soo Jo
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89 Y. Soo Jo, County Attorney
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94 of Executive Session Items.doc