

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   
71 Marvin S. Arrington, Jr., Commissioner  
72 District 5

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78 ATTEST:

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*Tonya R. Grier*

82 Tonya R. Grier, Clerk to the Commission

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85 APPROVED AS TO FORM:

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*Y. Soo Jo*

88 Y. Soo Jo, County Attorney

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94 of Executive Session Items.doc

