

1 **A RESOLUTION IN SUPPORT OF THE CONTINUING TRANSITION OF THE**
2 **FULTON COUNTY BOARD OF HEALTH; FULLY RESCINDS AND REPLACES**
3 **THE PRIOR INTERGOVERNMENTAL AGREEMENT THAT INCLUDES**
4 **SERVICE LEVEL AGREEMENTS FOR THE PROVISION OF SERVICES FROM**
5 **FULTON COUNTY TO THE FULTON COUNTY BOARD OF HEALTH;**
6 **AUTHORIZING THE CHAIRMAN (OR COUNTY MANAGER, WHERE**
7 **APPROPRIATE) TO EXECUTE THE SECOND AMENDED AND RESTATED**
8 **INTERGOVERNMENTAL AGREEMENT AND ALL OF THE SERVICE LEVEL**
9 **AGREEMENTS; AND FOR OTHER PURPOSES.**

10
11 **WHEREAS**, through the adoption of House Bill 885 (Laws 201, Act 467, §
12 1, effective April 27, 2016) in the 2015-2016 Regular Session, the Georgia General
13 Assembly repealed O.C.G.A. § 31-3-2.1, which had allowed Fulton County to
14 operate its public health services through its internal Department of Health and
15 Wellness; and

16 **WHEREAS**, House Bill 885 further provided that the operation of public
17 health services in Fulton County was to transition from being a department within
18 the County to being a county board of health similar to the other boards of health
19 around the State of Georgia that were never incorporated into county
20 governments; and

21 **WHEREAS**, Fulton County therefore adopted Resolution Nos. 17-0298 and
22 17-0299 on April 12, 2017, dissolving the Department of Health and Wellness and
23 directing County staff to facilitate the creation of the Fulton County Board of Health
24 as a separate entity; and

25 **WHEREAS**, the Fulton County Board of Health enjoys all powers and
26 obligations of a county board of health that are set forth in O.C.G.A. § 31-3-1, et
27 seq. and as may be delegated by the Georgia Department of Public Health and by

1 and through the authorities established in O.C.G.A § 31-2-1, et seq., O.C.G.A. §
2 26-2-370, et seq., and other state laws as of July 1, 2017; and

3 **WHEREAS**, to facilitate a smooth transition for the new entity, Fulton
4 County and the newly established Fulton County Board of Health entered into an
5 Intergovernmental Agreement (Agenda Item No. 17-0300) for the provision of
6 services and personnel from Fulton County to the Fulton County Board of Health
7 (hereinafter “Services IGA”); and

8 **WHEREAS**, on January 20, 2021, the Board of Commissioners passed
9 Resolution 20-0622, enabling the complete separation of the BOH from the
10 County, including a Reduction in Force of all county employees serving the
11 BOH as of June 30, 2021, to enable the BOH to transition all of these
12 employees who chose to transfer into BOH positions established under the
13 State of Georgia’s personnel system; and providing certain ongoing support for
14 personnel, information technology services, facilities through June 30, 2021;
15 ongoing support for information technology services through June 30,
16 2023 at the latest; and ongoing support for legal services pursuant to state
17 laws; and

18 **WHEREAS**, the Exhibits attached to the Second Amended and Restated
19 Intergovernmental Agreement details those specific services that the County
20 would provide to the Fulton County Board of Health, with consideration for the sun-
21 setting of services as the Fulton County Board of Health develops the capacity to
22 operate those services on its own; and

1 **WHEREAS**, Fulton County and the Fulton County Board of Health are
2 forever seeking the fulfillment of the same goal of ensuring the best health
3 outcomes possible for the citizens within Fulton County; and

4 **WHEREAS**, Fulton County Board of Health desires to continue to utilize the
5 Facilities and Legal services provided by the County as specified by state law and
6 as prudent to maximize synergies across the entities for optimal provision of public
7 health services to the citizens of Fulton County; and

8 **WHEREAS**, Fulton County Code of Laws ("FCC") § 1-117 gives the Board
9 of Commissioners exclusive authority over the affairs of the County, and the Board
10 of Commissioners is authorized to enter into and amend Intergovernmental
11 Agreements with other entities pursuant to GA CONST Art. 9, § 3, ¶ I.

12 **NOW, THEREFORE, BE IT RESOLVED**, that the Board of Commissioners
13 of Fulton County hereby supports the continuing transition of the Fulton County
14 Board of Health, and authorizes the Chairman of the Board of Commissioners to
15 execute the Second Amendment to the Restated Intergovernmental Agreement
16 for the Provision of Services to the Fulton County Board of Health in a form similar
17 to the version provided in Exhibit 1, the Master Lease Agreement in a form similar
18 to the version provided in Exhibit 2, the Vehicle Use Agreement in a form similar
19 to the version provided in Exhibit 3, and the Information Technology Department
20 Scope of Work and Transition Plan in a form similar to the version provided in
21 Exhibit 4, to be effective upon signatures.

1 **BE IT FINALLY RESOLVED**, that this Resolution shall become effective
2 upon its adoption, and that all resolutions and parts of resolutions in conflict with
3 this Resolution are hereby repealed to the extent of the conflict.

4 **SO PASSED AND ADOPTED**, this 16th day of June, 2021.

5 **FULTON COUNTY BOARD OF**
6 **COMMISSIONERS**

7 **SPONSORED BY:**

8
9
10
11
12 _____
13 Chairman Robert L. Pitts
14

15
16 **ATTEST:**

APPROVED AS TO FORM:

17
18
19
20 _____
21 Tonya R. Grier
22 Clerk to the Commission

Kaye Burwell
Interim County Attorney

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