

1 **AN ORDINANCE TO AMEND CHAPTER 101 (GENERAL PROVISIONS AND COUNTY**
2 **GOVERNING AUTHORITY), ARTICLE 2 (COUNTY GOVERNING AUTHORITY),**
3 **DIVISION I (GENERALLY), TO CREATE A NEW SECTION 101-75 OF THE FULTON**
4 **COUNTY CODE OF LAWS TO PROVIDE A FAIR, OPEN AND TRANSPARENT**
5 **PROCEDURE FOR THE BOARD OF COMMISSIONERS TO MAKE FULL BOARD**
6 **APPOINTMENTS TO THE VARIOUS BOARDS, COMMISSIONS, TASKFORCES,**
7 **COMMITTEES, COUNCILS AND AUTHORITIES AFFLIATED WITH, OR OPERATING**
8 **ON BEHALF OF FULTON COUNTY, GEORGIA; AND FOR OTHER PURPOSES.**
9

10 **WHEREAS**, the duly elected governing authority of Fulton County, Georgia is the
11 Fulton County Board of Commissioners; and

12 **WHEREAS**, pursuant to its home rule powers found in the Constitution of the State
13 of Georgia, Article 9, Sec. 2, ¶ 1(a), the Board of Commissioners is authorized to create
14 certain boards, commissions, taskforces, committees, councils, authorities, or make
15 appointments to them, either pursuant to County resolutions and ordinances, the Fulton
16 County Code of Laws, general state statutes, municipal laws, or local laws passed by the
17 General Assembly applicable to Fulton County; and

18 **WHEREAS**, the Board of Commissioners depends on these boards, commissions,
19 taskforces, committees, councils and authorities to assist in the smooth operation of
20 county government and to further the interests of Fulton County and its citizens; and

21 **WHEREAS**, the Board of Commissioners desires to appoint diverse, qualified,
22 knowledgeable, and dedicated county residents or commissioners to serve on the various
23 boards, commissions, taskforces, committees, councils, and authorities operating within,
24 or on behalf of Fulton County; and

25 **WHEREAS**, the Board of Commissioners routinely appoints individuals or
26 commissioners to the various boards, commissions, taskforces, committees, councils,
27 and authorities operating within Fulton County as either a "*District Appointment*" or a "*Full*
28 *Board Appointment*;" and

1 **WHEREAS**, the Clerk to the Commission maintains a master list of all Fulton
2 County boards, commissions, taskforces, committees, councils, and authorities, and is
3 responsible for maintaining records of appointments and vacancies; and

4 **WHEREAS**, pursuant to *Board Procedural Rule Six*, “[T]he agenda is prepared by
5 the Clerk’s Office [Clerk to the Commission] in concert with the County Manager’s
6 Office...;” and

7 **WHEREAS**, in preparing Board of Commissioners’ appointments to the various
8 boards, commissions, taskforces, committees, councils and authorities, the Clerk to the
9 Commission will look to the establishing legislation of the particular organization to
10 determine whether each person being appointed will be made pursuant to a *District*
11 *Appointment* or as a *Full Board Appointment*; and

12 **WHEREAS**, there is no written definition for *District Appointment* to guide the Clerk
13 to the Commission in preparing the agenda, thus, where the establishing legislation states
14 that each member of the Board of Commissioners gets to make an appointment, it has
15 been the practice and custom of the Clerk to the Commission to designate each such
16 appointment as a *District Appointment*, with each commissioner getting to nominate one
17 person for appointment, which is then confirmed by the full Board of Commissioners
18 typically via placement on and adoption of the Consent Agenda; and

19 **WHEREAS**, because there is also no written definition for *Full Board Appointment*
20 to guide the Clerk to the Commission in preparing the agenda, where the establishing
21 legislation states that the Board of Commissioners gets to appoint one or more members
22 (but not seven), it has been the practice and custom of the Clerk to the Commission to
23 designate each such appointment as a *Full Board Appointment*, with the full Board of

1 Commissioners having to vote to confirm each appointment typically via placement on
2 the Regular Agenda; and

3 **WHEREAS**, currently for a *Full Board Appointment*, there is not a clear process or
4 procedure in place for choosing the person or persons nominated for Full Board
5 Appointments; and

6 **WHEREAS**, the Board of Commissioners desires to adopt a fair, open, and
7 transparent process outlining the procedure for making Full Board Appointments and
8 clarify the District appointments of individuals or commissioners to the various boards,
9 commissions, taskforces, committees, councils, and authorities operating within Fulton
10 County; and

11 **WHEREAS**, under its home rule powers, the Board of Commissioners has
12 authority to adopt reasonable ordinances, resolutions, or regulations relating to the
13 County's affairs for which no provision has been made by general law and which are not
14 inconsistent with the Constitution or any local law applicable thereto.

15 **NOW, THEREFORE, BE IT ORDAINED**, that the Fulton County Board of
16 Commissioners hereby amends Chapter 101 (General Provisions and County Governing
17 Authority), Article 2 (County Governing Authority), Division I (Generally), to create a new
18 Section 101-75 of the Fulton County Code of Laws to provide a fair, open and transparent
19 procedure for the Board of Commissioners to define District Appointments, to define Full
20 Board appointments, and to make District and Full Board Appointments to the various
21 boards, commissions, taskforces, committees, councils and authorities affiliated with, or
22 operating on behalf of Fulton County, Georgia, as reflected in Exhibit "A," attached hereto
23 and incorporated herein by reference.

1 **BE IT FURTHER ORDAINED**, that a *District Appointment* is defined to mean
2 where the establishing legislation states that each member of the Board of
3 Commissioners gets to make an appointment, each commissioner shall get to nominate
4 the requisite number of person(s) for appointment.

5 **BE IT FURTHER ORDAINED**, that a *Full Board Appointment* is defined to mean
6 where the establishing legislation states that the Board of Commissioners gets to appoint
7 one or more members (but not seven), the full Board of Commissioners shall get to vote
8 to confirm each appointment.

9 **BE IT FURTHER ORDAINED**, that the Clerk to the Commission will continue to
10 maintain the master list of all Fulton County boards, commissions, taskforces,
11 committees, councils, and authorities, and is hereby directed to notify the Board of
12 Commissioners of expiring terms and pending vacancies as soon as practicable.

13 **BE IT FURTHER ORDAINED**, that all appointments will be made in accordance
14 with applicable state law, county ordinance or resolution that created the organization,
15 and where there is a conflict with this Ordinance, the aforementioned authorities shall
16 control over this Ordinance; and

17 **BE IT FINALLY ORDAINED**, that this Ordinance shall become effective upon its
18 adoption, and that all resolutions or ordinances and parts of resolutions or ordinances in
19 conflict with this Ordinance are hereby repealed to the extent of the conflict.

20 **PASSED AND ADOPTED** by the Board of Commissioners of Fulton County,
21 Georgia, this 7th day of June 2023.

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23
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**FULTON COUNTY BOARD OF
COMMISSIONERS**

SPONSORED BY:

Marvin S. Arrington, Jr.
Commissioner, District 5

ATTEST:

Tonya R. Grier
Clerk to the Commission

APPROVED AS TO FORM:

Y. Soo Jo
County Attorney

[https://fc0365.sharepoint.com/sites/CountyAttorney/CAlegislation/BOC/Resolutions/Ordinances/2023/Arrington/6.7.23 Ordinance to Adopt BOC Appointment Policy.docx](https://fc0365.sharepoint.com/sites/CountyAttorney/CAlegislation/BOC/Resolutions/Ordinances/2023/Arrington/6.7.23%20Ordinance%20to%20Adopt%20BOC%20Appointment%20Policy.docx)

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EXHIBIT A

Sec. 101-75 – Procedure for a full board appointment by the board of commissioners of individuals or commissioners to boards, commissions, taskforces, committees, councils and authorities.

The following procedure shall be used whenever it becomes necessary for the board of commissioners to make a full board appointment of an individual or a commissioner to a board, commission, taskforce, committee, council and authority.

A. Full board appointment policy

(1) Notice of vacancy.

(a) Whenever a position on a board, commission, taskforce, committee, council or authority shall be or becomes vacant, notice of such vacancy shall be submitted by the affected organization in writing to the clerk to the commission within 15 business days, who shall then notify each member of the board of commissioners at the same time within 5 business days of receiving the notice of vacancy.

(b) The clerk to the commission shall notify each member of the board of commissioners that nomination of an individual or individuals (as may be required) shall be submitted to the clerk to the commission by a specified deadline.

(c) Where the member to be appointed will be a member of the board of commissioners, a member of the board of commissioners may submit her/his own name or the name of another member of the board of commissioners, for appointment to any such vacancy.

(2) Procedure for appointments.

(a) One vacancy, one nominee. For full board appointments, where there is one open nomination to be filled and only one name is submitted by the members of the board of commissioners to the clerk to the commission, this section shall apply.

(i) When only one vacancy of a board, commission, taskforce, committee, council or authority exists to be filled, and only one nominee has been submitted by the members of the board of commissioners to the clerk to the commission, the clerk to the commission shall place that nominee on the agenda for consideration by the full board of commissioners for final action.

(b) One vacancy, more than one nominee. For full board appointments, where there is more than one open membership to be filled and more than one name is submitted by the members of the board of commissioners to the clerk to the commission, this section shall apply.

(i) Should there be only one vacant position of a board, commission, taskforce, committee, council or authority exists to be filled and more than one nominee is submitted by the members of board of commissioners, the nominating commissioner for each nominee shall, prior to the next scheduled meeting of the board of commissioners, distribute biographical information and qualifications of their nominee(s) to all of the other members of the board of commissioners for consideration at the next meeting of the board of commissioners, provided however, if the date of the next regularly scheduled meeting is less than five business days from the date of the

1 required deadline, all information shall be provided for consideration at the next
2 following regularly scheduled meeting of the board of commissioners. The clerk to the
3 commission shall place the names of the nominees on the appropriate agenda for
4 consideration.

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6 (ii) At the next scheduled meeting of the board of commissioners after distribution of the
7 biographical information and qualification of said nominees, or at the next following
8 regularly scheduled meeting of the board of commissioners should the five-day
9 condition set forth in (b) (i) above be applicable, the clerk to the commission shall either
10 prepare the item for voting electronically by the commissioners present at the meeting,
11 or otherwise able to participate in the meeting as authorized by law, or issue a paper
12 ballot, whichever system is workable, which contains the names of all nominees for
13 said vacant position, to all of the members of board of commissioners present at said
14 meeting, or otherwise able to participate in the meeting as authorized by law.

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16 (iii) The members of the board of commissioners may either vote electronically on each
17 slot to be filled, or shall circle the name of the nominee of her/his choice, sign the ballot
18 and return it to the clerk to the commission. Such ballots shall become a part of the
19 official record for said board of commissioners' meeting.

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21 (iv) The clerk to the commission shall tally the electronic votes or the written ballots or
22 cause them to be tallied and announce the results in the open meeting. The nominee
23 receiving the majority of votes shall be chosen for the appointment.

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25 (c) *Single nominee failing to receive a majority vote or multiple nominees receiving an*
26 *equal number of votes*

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28 In the event that a single nominee fails to receive a majority vote of the members of the
29 board of commissioners present at the meeting of the board of commissioners, or there is
30 a tie among two or more nominees who receive the highest identical number of votes, then
31 a second ballot shall be issued. Those nominees not placing in the top two shall be
32 eliminated and not participate in the next round of voting. This ballot process shall be
33 continued until such time as one person receives a majority vote, or the tie fails to be broken
34 within two additional votes. If the original vote and two tiebreaking votes do not yield an
35 appointment, then the agenda item will be moved to the next agenda.(d) *More than one*
36 *vacancy. For full board appointments, where there is more than one open membership slot*
37 *to be filled and more than one name is submitted by the members of the board of*
38 *commissioners to the clerk to the commission, this section shall apply.*

39
40 (i) Should there be more than one vacant position on a board, commission, taskforce,
41 committee, council or authority exists of to be filled, and more than one nominee is
42 submitted to the clerk to the commission by the members of the board of
43 commissioners, each nominating commissioner shall, prior to the next scheduled
44 meeting of the board of commissioners, distribute biographical information and
45 qualifications of all nominees to all of the other members of the board of commissioners
46 for consideration at the next regular scheduled meeting of the board of commissioners,
47 provided however, if the date of the next full meeting of the board of commissioners is
48 less than five business days from the date of the required deadline, all information shall
49 be provided for consideration at the next following regularly scheduled meeting of the
50 board of commissioners. The clerk to the commission shall place the names of the
51 nominees on the appropriate agenda for consideration.

52
53 (ii) When more than one vacancy exists, the clerk to the commission shall prepare the
54 item for electronic voting by all of the members present at the meeting or authorize by
55 law to otherwise participate, or shall issue a paper ballot which contains the names of
56 all nominees for said vacant positions to all of the members of the board of

1 commissioners present at said meeting, or otherwise able to participate in the meeting
2 as authorized by law, depending on the method utilized for voting by the clerk to the
3 commission.

4
5 (iii) the members of the board of commissioners shall vote electronically or circle the
6 names of the nominees of her/his choice; indicating the corresponding position, sign
7 the ballot, and return it to the clerk to the commission, depending on the voting method
8 utilized by the clerk to the commission. Such ballots shall become a part of the official
9 record for said meeting of the board of commissioners.

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11 (iv) The clerk to the commission shall tally the votes or the written ballots or cause them to
12 be tallied and announce the results. The nominees receiving the highest number of
13 votes; in correlation to the number of vacant positions, shall be chosen for appointment
14 to the available positions.

15
16 (d) Single nominee failing to receive a majority vote or multiple nominees receiving an equal
17 number of votes.

18
19 In the event that a single nominee fails to receive a majority vote of the members of the
20 board of commissioners present at the meeting of the board of commissioners, or there is
21 a tie among two or more nominees who receive the highest identical number of votes, then
22 a second ballot shall be issued. Those nominees not placing in the top two shall be
23 eliminated and not participate in the next round of voting. This ballot process shall be
24 continued until such time as one person receives a majority vote, or the tie fails to be broken
25 within two additional votes. If the original vote and two tiebreaking votes do not yield an
26 appointment, then the agenda item will be moved to the next agenda.

27
28 B. District Appointments

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30 Where there are 7 appointments, they shall be considered district appointments and each
31 Commissioner shall be entitled to appoint the requisite number of district appointments. If
32 there is a vacancy and there is no district commissioner, then the full board appointment
33 policy shall apply to the appointment of district appointments.