

1 **AN ORDINANCE TO AMEND CHAPTER 101 (GENERAL PROVISIONS AND COUNTY**
2 **GOVERNING AUTHORITY), ARTICLE II (COUNTY GOVERNING AUTHORITY),**
3 **DIVISION 2 (RULES OF ORDER AND PROCEDURE) OF THE FULTON COUNTY**
4 **CODE OF ORDINANCES TO MODIFY SECTION 101-66(b)(3) TO DISCONTINUE E-**
5 **MAILED PUBLIC COMMENTS; AND FOR OTHER PURPOSES.**

6
7 **WHEREAS**, in conformity with the Open Meetings Act, O.C.G.A. § 50-14-1 *et seq.*,
8 the Board of Commissioners enacted the Fulton County Board of Commissioners'
9 Meetings Organization and Procedural Rules ("Procedural Rules") at its Meeting on
10 January 19, 1994; and

11 **WHEREAS**, the Board of Commissioners' Procedural Rules are codified in Section
12 101-61 *et seq.* of the Fulton County Code; and

13 **WHEREAS**, the Board of Commissioners allows public participation at its meetings
14 in the form of public comments to provide members of the public with an opportunity to
15 address and share their concerns regarding matters affecting Fulton County, Georgia with
16 the Board of Commissioners; and

17 **WHEREAS**, the procedure for conducting public comments at meetings of the
18 Board of Commissioners is codified in Fulton County Code Section 101-66(b)(3); and

19 **WHEREAS**, on August 4, 2021, due to the ongoing COVID-19 public health
20 emergency, the Board of Commissioners amended Section 101-66(b)(3) through Item
21 No. 21-0578 to allow the public to submit comments via e-mail, among other things; and

22 **WHEREAS**, on January 16, 2024, the Board of Commissioners again amended
23 Section 101-66(b)(3) through Item No. 24-0020 to discontinue the reading of e-mailed
24 comments and to increase the time allotted for in-person and videoconference comments;
25 and

26 **WHEREAS**, the Board of Commissioners continues to offer multiple alternative
27 methods for public comment, including in-person or by videoconference; and

28 **WHEREAS**, the COVID-19 public health emergency which prompted the Board of
29 Commissioners to permit submission of public comments by e-mail has ended; and

30 **WHEREAS**, the Board of Commissioners no longer deems it necessary to receive
31 public comments by e-mail; and

32 **WHEREAS**, the Board of Commissioners has authority, pursuant to the
33 Constitution of the State of Georgia, Article 9, Sec. 2, ¶ 1(a), to adopt and amend
34 reasonable ordinances, resolutions, or regulations relating to its affairs for which no
35 provision has been made by general law and which is not inconsistent with the Georgia
36 Constitution or any local law applicable thereto.

37 **NOW, THEREFORE, BE IT ORDAINED**, that the Fulton County Board of
38 Commissioners hereby amends Section 101-66(b)(3) of the Fulton County Code of
39 Ordinances in substantially the form outlined in **Attachment A** hereto to strike the
40 provision permitting submission of public comment by e-mail.

41 **BE IT FINALLY ORDAINED**, that this Ordinance shall become effective when
42 passed and adopted, and that all ordinances and resolutions and parts of ordinances and
43 resolutions in conflict with this Ordinance are hereby repealed to the extent of the conflict.

44 **SO PASSED AND ADOPTED**, this 21 day of May, 2025.

45
46 **FULTON COUNTY BOARD OF**
47 **COMMISSIONERS**

48 **Sponsored by:**

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51 Bridget Thorne, Commissioner (District 1)

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ATTEST:

Tonya R. Grier
Clerk to the Commission

APPROVED AS TO FORM:

Y. Soo Jo
County Attorney

ATTACHMENT A

1 Sec. 101-66. - Agenda, preparation of; public comment.

2 (a) The Fulton County Board of Commissioners holds a first regular meeting (first Wednesday of the
3 month) and a second regular meeting (third Wednesday of the month). The agenda is prepared by the
4 clerk's office in concert with the county manager's office. The deadline for submitting items for regularly
5 scheduled board of commissioners' meetings to the clerk's office for inclusion on the next agenda is
6 10:00 a.m. on Friday prior to the meeting. A final copy of the agenda is distributed to the
7 commissioners, county attorney, county manager and appropriate staff by 2:00 p.m. on the Friday
8 preceding the scheduled meeting of the board. Copies are also made available to the public at that
9 time. A post agenda is provided after the meeting. The post agenda is a precursor to the final minutes
10 and reflects actions taken by the board at a particular meeting. Post agendas/preliminary minutes are
11 distributed by the clerk's office within 48 hours of a meeting.

12 (b) The agenda preparation procedure is as follows:

13 (1) Any commissioner wishing to place an item on the agenda may do so and should submit a
14 memorandum to the clerk stating the item to be placed on the agenda. Any supporting documents
15 germane to the item should also be submitted.

16 (2) Adding of items to the agenda during the meeting is disfavored. Where there is a showing of an
17 emergency or extraordinary circumstances exist, an item may be added to the agenda when it is
18 separately voted on and is adopted during the meeting by a supermajority of the board of
19 commissioners. A motion shall be properly made and must carry to add each item to the agenda
20 on the day of the meeting. That item shall appear on the post agenda under the "added during
21 the meeting" heading.

22 (3) During the public comment portion of a board meeting, citizens may voice county related
23 requests, concerns, opinions, etc. At the regular meeting, speakers will be heard prior to the
24 zoning portion of the agenda; if applicable, at the second regular meeting, prior to the county
25 manager's unfinished business. Before speaking, each speaker presenting in person must fill out
26 a speaker card, located at the assembly hall entrance and podium. All speaker cards must be
27 submitted to the clerk's staff, prior to the commencement of public comment, who will accept them
28 on a first-come, first served basis. The meeting will be aired live on all official Fulton County
29 Government media platforms as designated by the Fulton County Department of External Affairs.
30 ~~Speakers wishing to submit public comment to the board in writing can do so by submitting their~~
31 ~~comments in all forms deemed allowable by the Fulton County Department of External Affairs. To~~
32 ~~be read into the record, written comments must be received by 5:00 p.m. on the Tuesday,~~
33 ~~immediately prior to the meeting in the form outlined. All virtual public comments and requests to~~
34 ~~speak in person must be submitted before the clerk sounds the start of the meeting.~~

35 a. Speakers who cannot be present at assembly hall may speak live or via videoconference
36 (ex. Zoom). Speakers can also speak live from other county facilities made available, such
37 as the North Fulton Service Center or the South Fulton Service Center.

38 ~~b. Comments via e-mail shall be provided electronically to the BOC and their staff before the~~
39 ~~meeting begins and all comments shall be included as part of the minutes of the board of~~
40 ~~commissioners meeting.~~

41 ~~c. Comments via e-mail that are the same in nature or pertain to the same BOC agenda item~~
42 ~~number shall be categorized by county staff ahead of the meeting. To expedite time, for e-~~
43 ~~mailed public comments that are the same in nature or pertain to the same BOC agenda~~
44 ~~item number or subject matter/topic, the clerk or other assigned staff shall read the agenda~~
45 ~~item number and/or topic, and then read the list of public commenters' names and locations~~
46 ~~(if given) that are in support of the item; then read the list of public commenters' names and~~
47 ~~locations (if given) who oppose the agenda item or topic. This rule shall apply to all forms of~~
48 ~~pre-written/pre-recorded public comment.~~

49 ~~db.~~ Public comment will occur prior to the business portion of the BOC meeting and will be
50 strictly limited to 360 minutes. In-person comments will be made first, followed by
51 ~~written/mailed public comments via videoconference.~~ Regardless of the form of the public
52 comment ~~(spoken/written)~~ the time limit will be two minutes, and no time shall be yielded to

other speakers. Priority for public comment will be given to Fulton County citizens and those individuals representing businesses or organizations located within Fulton County, including their employees, whether such persons are commenting in-person, via emails or via Zoom or other electronic media (i.e., phone call). Non-Fulton County citizens will only be heard after all in-person Fulton County citizens, representatives of business and organizations located within Fulton County, including their employees have been heard and the time allotted for public comment has not expired, except as otherwise provided in this code section. County staff shall verify the residency of each public speaker prior to such person being heard by the board.

ec. In the event the 360-minute time limit is reached prior to public comments being completed, public comment will be suspended and the business portion of the BOC meeting will commence. Public comment will resume at the end of the meeting. ~~Similarly, written comments (that were timely submitted) not previously read, may be read at the end of the meeting.~~

fd. Speaker cards will provide three options for those individuals who want to speak that were not able to comment during the initial 360-minute public comment time limit:

1. Speak at the end of the meeting;
2. Be placed at the front of the line for public comment at the next meeting; or
3. Provide written comment that will be read at the end of the BOC meeting.

ge. In the event that none of these three options are selected, the individual will forfeit their right to public comment for that day.

NOTE: If the subject matter involves an issue to be resolved, the citizen should first contact the county manager's office, which will ensure that the relevant department heads and other individuals are contacted to rectify the matter. If the issue cannot be resolved through the county manager's efforts, the citizen may then contact a commissioner so that the matter can be placed on a board meeting agenda. The commissioner should then inform the clerk by memorandum stating the subject to be discussed and the citizen who will speak.

The address and phone number of the citizen should be conveyed. Any supporting material germane to the issue should also be submitted.

(4) Whenever any agenda item, via resolution, seeks board approval of a written agreement, a copy of the written agreement shall be attached to the agenda item or resolution and shall be distributed by the clerk as with other agenda items. Upon approval of the item, the clerk shall include a copy of the written agreement in the official minutes of the board meeting at which such approval occurred.

(c) Once the agenda has been approved in the meeting, it takes four affirmative votes to remove county manager items. If the county manager decides to remove an item from the agenda, he/she should suggest removal from the agenda by submitting a request in writing to the clerk who will announce it during the adoption of the agenda. Four votes are required for approval. The county manager should be prepared to state his/her reason for removal. Commissioners can remove their items at any time and this action does not require board approval. The board enacted a "Three Meeting Held Rule" that gives the clerk the authority to remove commissioners' items that have been on the agenda for three meetings. The clerk shall further have authority to remove commissioners' items that have previously been determined by the board of commissioners to be matters reserved for discussion in executive session.

[NOTE: The yellow highlighted text above in Attachment A reflects previous amendments, unrelated to this Resolution, that were approved by the Fulton County Board of Commissioners via Item 24-0020 at the Board's January 16, 2024 Meeting, but which have not yet been updated in Municode.]