

1 AN ORDINANCE TO AMEND CHAPTER 101 (GENERAL PROVISIONS AND
2 COUNTY GOVERNING AUTHORITY), ARTICLE 2 (COUNTY GOVERNING
3 AUTHORITY), DIVISION 2 (RULES OF ORDER AND PROCEDURE), SECTION 101-
4 66 (AGENDA, PREPARATION OF; PUBLIC COMMENT) OF THE FULTON COUNTY
5 CODE OF ORDINANCES REGARDING THE PROCEDURAL RULES FOR PUBLIC
6 COMMENT; TO ALLOW FOR PUBLIC COMMENTS TO BE HEARD VIA MULTIPLE
7 MEANS; AND FOR OTHER PURPOSES.
8

9 **WHEREAS**, the Fulton County Board of Commissioners (“BOC”) has authority,
10 pursuant to the Constitution of the State of Georgia, Article 9, Sec. 2 ¶ 1(a), to adopt
11 reasonable ordinances, resolutions, or regulations relating to its affairs for which no
12 provision has been made by general law and which is not inconsistent with the
13 Constitution or any local law applicable thereto; and

14 **WHEREAS**, in conformity with the provisions of the Open Meetings Act,
15 O.C.G.A. § 50-14-1 *et seq.*, the BOC enacted the Fulton County Board of
16 Commissioners’ Meetings Organization and Procedural Rules (“Procedural Rules”) at its
17 Recess Meeting on January 19, 1994, as codified in Section 101-61, *et seq.* of the
18 Fulton County Code; and

19 **WHEREAS**, although the Open Meetings Act does not require the BOC to allow
20 public participation at its meetings, the BOC allows, invites and encourages the public to
21 express their County-related concerns and opinions via public comment; and

22 **WHEREAS**, Rule 6 of the Procedural Rules, as codified in Section 101-66(b)(3),
23 currently outlines the process for public comment; and

24 **WHEREAS**, the BOC desires to expand the process for the public to make
25 comments at its meetings; and

1 **WHEREAS**, during the COVID-19 public health emergency, and pursuant to
2 O.C.G.A. § 50-14-1(g), the BOC allowed remote participation for its meetings, including
3 the public comment portion; and

4 **WHEREAS**, the BOC wishes to continue to allow remote participation for the
5 public comment portion of its meetings via in person comment at a satellite location,
6 written comment, electronic message comment and remote access with the use of
7 available electronic video teleconference technology.

8 **NOW, THEREFORE, BE IT ORDAINED**, that the Fulton County Board of
9 Commissioners hereby amends the Public Comment provisions of Rule 6 of its
10 Procedural Rules, as codified in the Fulton County Code of Ordinances, Section 101-
11 66(b)(3), by deleting that provision in its entirety, and substituting in lieu thereof the
12 following provision so that, when amended, Section 101-66(b)(3) shall read in full as
13 follows:

14 “During the Public Comment portion of a Board Meeting, citizens may voice
15 County related requests, concerns, opinions, etc. At the Regular Meeting,
16 speakers will be heard prior to the zoning portion of the agenda; if applicable, at
17 the Recess Meeting, prior to the County Manager’s Unfinished Business. Before
18 speaking, each speaker presenting in person must fill out a speaker card, located
19 at the Assembly Hall entrance and podium. All speaker cards must be submitted
20 to the Clerk’s staff, prior to the commencement of public comment, who will
21 accept them on a first-come, first served basis. The meeting will be aired live on
22 all official Fulton County Government media platforms as designated by the
23 Fulton County Department of External Affairs. Speakers wishing to submit public

1 comment to the Board in writing can do so by submitting their comments in all
2 forms deemed allowable by the Fulton County Department of External Affairs. To
3 be read into the record, written comments must be received by 5PM on the
4 Tuesday, immediately prior to the meeting in the form outlined. All virtual public
5 comments and requests to speak in person must be submitted before the Clerk
6 sounds the start of the meeting.

7 i. Speakers who cannot be present at Assembly Hall may speak live or via
8 videoconference (ex. Zoom). Speakers can also speak live from other
9 County facilities made available, such as the North Fulton Service Center
10 or the South Fulton Service Center.

11 ii. Comments via e-mail shall be provided electronically to the BOC and their
12 staff before the meeting begins and all comments shall be included as part
13 of the Minutes of the Board of Commissioners meeting.

14 iii. Comments via e-mail that are the same in nature or pertain to the same
15 BOC Agenda Item number shall be categorized by County staff ahead of
16 the meeting. To expedite time, for e-mailed public comments that are the
17 same in nature or pertain to the same BOC Agenda Item number or
18 subject matter/topic, the Clerk or other assigned staff shall read the
19 Agenda Item number and/or topic, and then read the list of public
20 commenters' names and locations (if given) that are in support of the Item;
21 then read the list of public commenters' names and locations (if given)
22 who oppose the Agenda item or topic. This rule shall apply to all forms of
23 pre-written/pre-recorded public comment.

1 iv. Public Comment will occur prior to the business portion of the BOC
2 meeting and will be strictly limited to 30 minutes. In-person comments will
3 be made first, followed by written/emailed comments. Regardless of the
4 form of the public comment (spoken/written) the time limit will be two (2)
5 minutes, and no time shall be yielded to other speakers.

6 v. In the event the 30 minute time limit is reached prior to public comments
7 being completed, public comment will be suspended and the business
8 portion of the BOC meeting will commence. Public comment will resume
9 at the end of the meeting. Similarly, written comments (that were timely
10 submitted) not previously read, may be read at the end of the meeting.

11 vi. Speaker cards will provide three (3) options for those individuals who want
12 to speak that were not able to comment during the initial 30 minute public
13 comment time limit:

14 a. Speak at the end of the meeting;

15 b. Be placed at the front of the line for public comment at the next
16 meeting; or

17 c. Provide written comment that will be read at the end of the BOC
18 meeting.

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

21 NOTE: If the subject matter involves an issue to be resolved, the citizen should
22 first contact the County Manager's Office, which will ensure that the relevant
23 Department Heads and other individuals are contacted to rectify the matter. If the

1 issue cannot be resolved through the County Manager’s efforts, the citizen may
2 then contact a Commissioner so that the matter can be placed on a Board
3 Meeting agenda. The Commissioner should then inform the Clerk by
4 memorandum stating the subject to be discussed and the citizen who will speak.
5 The address and phone number of the citizen should be conveyed. Any
6 supporting material germane to the issue should also be submitted.”

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

11 **PASSED AND ADOPTED** by the Board of Commissioners of Fulton County,
12 Georgia this _____ day of _____, 2021.

13 **Sponsored By:**

14
15 _____
16 Khadijah Abdur-Rahman, Commissioner
17 District 6

18
19 _____
20 Bob Ellis, Commissioner
21 District 2

22
23 _____
24 Natalie Hall, Commissioner
25 District 4
26
27
28

1 ATTEST:

2

3

4 _____
4 Tonya R. Grier, Clerk to the Commission

5

6

7 APPROVED AS TO FORM:

8

9

10 _____
10 Kaye Woodard Burwell, Interim County Attorney

11

12 P:\CALegislation\BOC\Resolutions\Ordinances\2021\8.4.21.Ordinance Amending BOC Procedural Rule 6-Public Comment.doc

13