

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), SECTION 101-63 (PRESIDING**  
4 **OFFICER AND RULES FOR DEBATE) OF THE FULTON COUNTY CODE OF**  
5 **ORDINANCES; AND FOR OTHER PURPOSES.**

6  
7 **WHEREAS**, the duly elected governing authority of Fulton County, Georgia (the  
8 “County”) is the Fulton County Board of Commissioners (the “BOC”); and

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

14 **WHEREAS**, in conformity with the provisions of the Open Meetings Act, O.C.G.A.  
15 § 50-14-1 et seq., the BOC enacted certain provisions of its Rules of Order and Procedure  
16 (the “Rules”) at its Regular Meeting on January 5, 1994, with said regulations being  
17 codified in Chapter 101 (General Provisions and County Governing Authority), Article II  
18 (County Governing Authority), Division 2 (Rules of Order and Procedure) of the Fulton  
19 County Code of Ordinances (“Code”) as Section 101-61 et seq.; and

20 **WHEREAS**, the rules governing debate and procedures at the meetings of the  
21 Board of Commissioners are codified in Fulton County Code Section 101-63; and

22 **WHEREAS**, Fulton County Code Section 101-63 provides in part that procedural  
23 questions about which the Code Section is silent shall be resolved in accordance with the  
24 provisions of Robert’s Rules of Order, Newly Revised, so long as the provision used to  
25 answer the question is not in violation of local, state, or federal laws; and

26           **WHEREAS**, Robert's Rules of Order permit smaller bodies such as the Board of  
27 Commissioners to have procedural practices such as motions that are clear to all  
28 Commissioners when presented for a vote; and

29           **WHEREAS**, in recent Board of Commissioners meetings, questions were asked  
30 regarding the meaning of a Motion to File and a Motion to Deny, two motions historically  
31 utilized as a practice of the Board of Commissioners; and

32           **WHEREAS**, the Board of Commissioners deems it to be in the best interest of  
33 orderly proceedings to codify the effect of these longstanding practices by amending the  
34 Board's Procedural Rules.

35           **NOW, THEREFORE, BE IT ORDAINED**, that the Fulton County Board of  
36 Commissioners hereby amends Section 101-63(b) of the Fulton County Code of  
37 Ordinances in substantially the form outlined in **Attachment A** hereto, to include  
38 provisions defining Motions to File and Motions to Deny.

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

42           **BE IT FINALLY ORDAINED** that, upon the effective date of this Ordinance, the  
43 Clerk to the Commission shall update the Board of Commissioners' Procedural Rules to  
44 reflect the amendments set forth herein and the Clerk to the Commission shall transmit  
45 the updated Board of Commissioners' Procedural Rules to Municode.

46           **PASSED AND ADOPTED** by the Board of Commissioners of Fulton County,  
47 Georgia this 17<sup>th</sup> day of September, 2025.

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FULTON COUNTY BOARD OF COMMISSIONERS

SPONSORED BY:

Robert L. Pitts, Chairman (At-Large)

ATTEST:

Tonya R. Grier, Clerk to the Commission



APPROVED AS TO FORM:

Y. Soo Jo, County Attorney

## ATTACHMENT A

1 Sec. 101-63. - Presiding officer and rules for debate.

2 ...

3 (b) *Debate.* All resolutions, contracts, and items of business which require board  
4 approval prior to the expenditure of funds, as well as any other item which requires  
5 board action, shall be acted upon by the board only after a commissioner makes a  
6 motion and receives a second to the motion. A motion and proper second is recorded  
7 by the clerk. Each commissioner, by virtue of his/her election to the board, has the right  
8 and obligation to debate any and all issues which come before the board for  
9 consideration. However, to ensure an orderly and efficient meeting, each commissioner  
10 shall observe the following rules in regards to debate:

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12 (1) The chair, as presiding officer (or vice-chair in the chair's absence), shall call for  
13 discussion on an item. No debate on an item should begin until the item has  
14 been sounded by the clerk to the commission (the clerk), or in the clerk's  
15 absence, the chief deputy clerk.

16 (2) Once the item has been properly moved and seconded, the chair shall call for  
17 discussion.

18 (3) Thereafter, the chair shall open debate by recognizing each commissioner who  
19 wishes to speak for a period not to exceed ten total minutes, with the additional  
20 stipulation that no commissioner shall hold the floor for more than five  
21 consecutive minutes of their allotted time. However, at the opening of each board  
22 meeting, a commissioner may ask their colleagues to waive the normal time  
23 limits on issues they deem need more time. The board will vote on each request  
24 before the agenda begins and decide among themselves what additional amount  
25 of time to allot to each commissioner. The developmental services director or the  
26 board's designee shall be the official timekeeper for the board.

27 (4) If a commissioner believes that debate on an issue is too lengthy or that a vote  
28 should be called for immediately on an issue, he or she can "call the question" or  
29 "move the previous question." This motion is out of order if it is made while  
30 another commissioner has the floor or if the maker of the motion is not  
31 recognized by the chair. This is a motion that is not debatable and requires a

## ATTACHMENT A

32 second. Once the motion has been properly made and seconded, the chair shall  
33 immediately stop debate on the issue being debated and announce that there is  
34 a call the question motion on the floor. Immediately thereafter, the chair shall call  
35 for a vote on the call the question motion, not on the main motion. If the call the  
36 question motion fails, debate on the issue may continue, and then the chair may  
37 allow debate on the issue to resume. If it passes, the chair must immediately call  
38 for a vote on the issue which was the subject of the call the question motion.

39 **(5) Any commissioner, after being recognized by the chair, may make a motion**  
40 **to file an item presently before the board. A motion to file is a substitute**  
41 **motion. This motion requires a second. Once the motion has been properly**  
42 **made and seconded, the chair shall open debate on the motion to file. Once**  
43 **an affirmative vote of at least four commissioners is made, the**  
44 **commissioner who presented the item shall not present the same item to**  
45 **the board.**

46 **(6) Any commissioner, after being recognized by the chair, may make a motion**  
47 **to deny an item presently before the board. A motion to deny may be made**  
48 **directly or may be presented as a substitute motion. This motion requires a**  
49 **second. Once the motion has been properly made and seconded, the chair**  
50 **shall open debate on the motion to deny. Once an affirmative vote of at**  
51 **least four members is made, the clerk to the commission is not to**  
52 **automatically carry the item to a future agenda.**

53 (7) Any action by the board, including final action on applications for changes in land  
54 use status, but excluding a reconsideration of any action previously considered,  
55 i.e., motions to adjourn, motions to suspend the rules, an affirmative vote to lay  
56 on the table, or to take from the table, shall be subject to a motion to reconsider.  
57 After a motion to reconsider is made, a motion to rescind must also be made.  
58 After the motion to rescind is made, the matter would be appropriate for an  
59 additional passed motion and discussion thereon. Such motions can only be  
60 made by a member of the prevailing side on the original action. A motion to  
61 reconsider may be made immediately after it fails to prevail but in no case can it  
62 be made any later than the next scheduled board of commissioners meeting. A

## ATTACHMENT A

63 motion to reconsider is debatable only if the action being reconsidered is  
64 debatable. Upon passage of a motion to reconsider, the subject matter shall be  
65 considered anew without regard to previous board action. No reconsideration can  
66 be made on a zoning request at a subsequent meeting.

67 (8) Any zoning matter which is deferred or on which discussion is otherwise  
68 postponed by the board shall be heard at the next appropriate scheduled zoning  
69 meeting. Zoning matters are heard only on the first regular meeting of the month,  
70 in accordance with a schedule set by the director of developmental services.  
71 Ordinarily, no new zoning cases are heard in January.