

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) TO CREATE A  
4 NEW SECTION 101-61(1) AND TO AMEND SECTIONS 101-66(a) AND 101-66(b)(3)  
5 OF THE FULTON COUNTY CODE OF ORDINANCES TO CHANGE THE RECESS  
6 MEETING ON THE THIRD WEDNESDAY OF EACH MONTH TO A COMMITTEE OF  
7 THE WHOLE WORK SESSION; TO AMEND CHAPTER 101 (GENERAL  
8 PROVISIONS GOVERNING AUTHORITY), ARTICLE 1 (GENERALLY), SECTION  
9 101-42 TO REMOVE PROVISIONS ALLOWING PROCLAMATIONS DURING  
10 COMMITTEE OF THE WHOLE WORK SESSION MEETINGS; AND FOR OTHER  
11 PURPOSES.  
12

13         **WHEREAS**, the duly elected governing authority of Fulton County, Georgia (the  
14 “County”) is the Fulton County Board of Commissioners (the “Board of  
15 Commissioners”), comprised of a Chairman and six individual Commissioners, who are  
16 selected by a majority of the qualified electors voting in the respective County districts in  
17 which they reside; and

18         **WHEREAS**, Georgia law tasks the Board of Commissioners with significant  
19 decision-making duties in administering, at the County level, crucial public government  
20 policies and services; and

21         **WHEREAS**, the County and the general public are best served when the Board  
22 of Commissioners’ members, individually, are free to share their varying opinions about  
23 local government policies, programs and services in their public meetings and,  
24 collectively, are able to make decisions concerning the administration of the County’s  
25 policies, programs and services; and

26         **WHEREAS**, the Board of Commissioners recognizes that its procedures for the  
27 consideration of presented measures should afford as thorough and deliberative  
28 contemplation as practicable in advance of adoption or approval by the Board of  
29 Commissioners; and

30           **WHEREAS**, pursuant to the County’s home rule powers found in the Constitution  
31 of the State of Georgia, Article 9, Sec. 2 ¶ 1(a), the Board of Commissioners is  
32 authorized to adopt reasonable ordinances, resolutions, or regulations relating to the  
33 County’s affairs for which no provision has been made by general law and which is not  
34 inconsistent with the Constitution or any local law applicable thereto; and

35           **WHEREAS**, in the lawful exercise of said home rule powers and in conformity  
36 with the provisions of the Open Meetings Act, O.C.G.A. § 50-14-1 *et seq.*, the Board of  
37 Commissioners enacted certain provisions of its Rules of Order and Procedure (the  
38 “Procedural Rules”) at its Regular Meeting on January 19, 1994, via Agenda Item 93-  
39 RC-701, and which have been codified in Chapter 101 (General Provisions and County  
40 Governing Authority), Article II (County Governing Authority), Division 1 (Generally) and  
41 Division 2 (Rules of Order and Procedure) of the Fulton County Code of Laws (“Code”)  
42 as Section 101-36, *et seq.* and Section 101-61 *et seq.*, respectively, and have been  
43 amended multiple times thereafter; and

44           **WHEREAS**, Section 101-41 of the Code directs the Board of Commissioners to  
45 “act as a committee of the whole, with all seven members holding frequent conferences  
46 with those connected with the various phases of the county government and the public;”  
47 and

48           **WHEREAS**, Procedural Rule 1 (codified as Section 101-61 in the Code) provides  
49 that meetings of the Board of Commissioners are to be held at 10:00 a.m. on the first  
50 and third Wednesday of each month; and

51           **WHEREAS**, Procedural Rule 6 (codified as Section 101-66(a) in the Code)  
52 requires the Board of Commissioners to hold a *regular* meeting the first Wednesday of  
53 every month and a *recess* meeting the third Wednesday of every month; and

54           **WHEREAS**, Procedural Rule 6(4) (codified as Section 101-42 in the Code) also  
55 authorizes the presentation of proclamations during the recess meeting; and

56           **WHEREAS**, the Board of Commissioners desires to amend Procedural Rules 1  
57 and 6 (as well as Section 101-66 of the Code) to eliminate the monthly recess meeting  
58 requirement mandated therein and to include a requirement that, on the third  
59 Wednesday of each month, the Board of Commissioners must hold a meeting of the  
60 “Committee of the Whole Work Session”; and

61           **WHEREAS**, the Board of Commissioners further intends for a “Committee of the  
62 Whole Work Session” meeting to serve primarily as a work session of the Board of  
63 Commissioners;

64           **WHEREAS**, to that end, the Board of Commissioners desires to amend  
65 Procedural Rule 6 (codified as Section 101-66(a) in the Code) and Procedural Rule 6(4)  
66 (codified in Section 101-42 in the Code) to allow a formal, final vote in such work  
67 sessions only on Agenda Items presented on the Consent Agenda and to eliminate the  
68 ability to present proclamations during such Committee of the Whole Sessions; and

69           **WHEREAS**, the Board of Commissioners desires to amend Code Section 101-61  
70 to remove the requirement to hold regular scheduled work sessions on the second  
71 Wednesday of each month at 2:00 p.m. or immediately following the Board of  
72 Commissioners’ scheduled meeting and replace same with the Committee of the Whole  
73 Work Session meeting to be held in place of the monthly recess meetings; and

74           **WHEREAS**, it is the desire of the Board of Commissioners that no Agenda Item  
75 can appear on either the Consent Agenda of a Committee of the Whole Work Session  
76 or on the Consent Agenda or Regular Agenda at a Regular Meeting without first  
77 appearing as an Agenda Item at a Committee of the Whole Work Session, except in  
78 cases of an emergency as defined in the Codes; and

79           **WHEREAS**, it is also the desire of the Board of Commissioners, that all  
80 necessary documents supporting an Agenda Item must be submitted by the Agenda  
81 preparation deadline in order for the Agenda Item to appear on the Agenda either for  
82 discussion or action, except in cases of emergencies as defined in the Codes.

83           **NOW, THEREFORE, BE IT ORDAINED**, that the Fulton County Board of  
84 Commissioners hereby amends Rules 1 and 6 of its Rules of Order and Procedure (as  
85 well as Sections 101-42, 101-61, and 101-66 (a) and (b)(3) of the Fulton County Code  
86 of Laws), as follows:

87           **One.** The current language of Section 101-42 of the Fulton County Code of  
88 Laws (as well as the corresponding identical language found in Rule 6(4) of the Rules of  
89 Order and Procedure) is hereby deleted in its entirety, and is replaced with the following  
90 text so that said provision shall read in full as follows:

91           “Presentation of proclamations.  
92           All proclamations shall be presented at the first meeting of the Board of  
93           Commissioners on the first Wednesday of each month.”

94           **Two.** The current language of Section 101-61 of the Fulton County Code of  
95 Laws (as well as the corresponding identical language found in Rule 1 of the Rules of  
96 Order and Procedure) is hereby amended so that said provision shall read in full as  
97 follows:  
98 follows:

99 Sec. 101-61. Meeting times and places.

100  
101 All meetings of the Fulton County Board of Commissioners shall be held in  
102 the Assembly Hall of the Fulton County Government Center, 141 Pryor  
103 Street, S.W., Atlanta, Georgia 30303. In accordance with state law, the  
104 first meeting of the month shall be held without exception. In the event that  
105 there is no quorum present at the scheduled starting time for that meeting,  
106 the chair shall wait 30 minutes to see whether a quorum will be present. If  
107 a quorum is not obtained after this waiting period, the chair shall adjourn  
108 the meeting and readvertise it in accordance with state law. Meetings are  
109 held at 10:00 a.m. on the first and third Wednesday of each month unless  
110 special circumstances dictate a different meeting date, time, or place. In  
111 the event that special circumstances dictate a different meeting date, time,  
112 or place, the public shall be duly notified in accordance with O.C.G.A. tit.  
113 50, ch. 14 (O.C.G.A. § 50-14-1 et seq.), the Georgia Open Meetings Law.  
114 ~~The board holds regularly scheduled work sessions on the second~~  
115 ~~Wednesday of each month at 2:00 p.m. or immediately following the~~  
116 ~~board's scheduled meeting.~~

117  
118 (93-RC-701, Rule 1, 1-19-94)

119  
120 **Three.** New Section 101-61.1 shall be inserted and added to Rule 6 under the  
121 heading Committee of the Whole Work Session meeting as follows:

122 The Fulton County Board of Commissioners holds a Committee of the  
123 Whole Work Session meeting at 10:00 a.m. on the third Wednesday of  
124 every month. This meeting shall be a work session, during which there  
125 shall be no proclamations. Voting shall be limited to the Consent Agenda  
126 and emergency items, where "emergency" is defined as a sudden,  
127 generally unexpected occurrence or set of circumstances demanding  
128 immediate action. Items that are removed from the Consent Agenda  
129 during a Committee of the Whole Work Session meeting shall be moved  
130 to the regular portion of the Committee of the Whole Work Session for  
131 discussion and after discussion shall be placed on the next Regular  
132 Meeting Agenda for a vote. A determination of whether an item is an  
133 emergency shall require a supermajority vote of the Board of  
134 Commissioners.

135  
136 **Four.** The current language of Section 101-66(a) of the Fulton County Code of  
137 Laws (as well as the corresponding identical language found in Rule 6 of the Rules of  
138 Order and Procedure) is hereby deleted in its entirety, and is replaced with the following  
139 text so that said provision shall read in full as follows:

140 The Fulton County Board of Commissioners holds a Regular Meeting (first  
141 Wednesday of the month) and a Committee of the Whole Work Session  
142 meeting (third Wednesday of the month). The agenda is prepared by the  
143 Clerk's Office in concert with the County Manager's Office, provided,  
144 however, that the recommendations of the Tax Commissioner for Board  
145 action relating to the granting, denial or revocation of alcoholic beverage  
146 licenses shall be placed on the agenda upon request by the Tax  
147 Commissioner (Item #00-1315, 10/18/00 - Amendment #6). The deadline  
148 for submitting items for regularly scheduled Board of Commissioners'  
149 Meetings to the Clerk's Office for inclusion on the next agenda is 10:00  
150 a.m. on the Friday before the meeting. All necessary documents  
151 supporting an Agenda Item must be submitted by the agenda preparation  
152 deadline in order for the Agenda Item to appear on the agenda either for  
153 discussion or action, except in cases of emergencies as defined in these  
154 Codes. No Agenda Item can appear on the Regular Agenda at a Regular  
155 Meeting without first appearing as a Regular Agenda Item at a Committee  
156 of the Whole Work Session, except in cases of an emergency as defined  
157 in these Codes. A final copy of the agenda is distributed to the  
158 Commissioners, County Attorney, County Manager, and appropriate staff  
159 by 2:00 p.m. on the Friday preceding the scheduled meeting of the Board.  
160 Copies are also made available to the public at that time. A post agenda is  
161 provided after the meeting. The post agenda is a precursor to the final  
162 minutes and reflects actions taken by the Board at a particular meeting.  
163 Post agendas are distributed by the Clerk's Office within 48 hours of a  
164 meeting. During every meeting of the Commissioners, there shall be a ten-  
165 minute break every two hours for the duration of the open session of such  
166 meeting.

167  
168 **Five.** The current language of the first part of Section 101-66(b)(3) by shall be  
169 deleted in its entirety, and replaced with the following text so that, when amended, Rule  
170 6 Public Comment of the Rules of Order and Procedure (as well as Section 101-  
171 66(b)(3) of the Fulton County Code of Ordinances) shall read as follows:

172 During the public comment portion of a Regular Meeting, citizens may  
173 voice county related requests, concerns, opinions, etc. At the regular  
174 meeting, speakers will be heard prior to the zoning portion of the agenda  
175 but at the position reflected on the published agenda as prepared by the  
176 Clerk to the Commission; if applicable, at the Committee of the Whole  
177 Work Session meeting, prior to the County Manager's unfinished  
178 business, but at the position reflected on the published agenda as  
179 prepared by the Clerk to the Commission. Before speaking, each speaker  
180 presenting in person must fill out a speaker card, located at the assembly  
181 hall entrance and podium. All speaker cards must be submitted to the

182 clerk's staff, prior to the commencement of public comment, who will  
183 accept them on a first-come, first served basis. The meeting will be aired  
184 live on all official Fulton County Government media platforms as  
185 designated by the Fulton County Department of External Affairs. Speakers  
186 wishing to submit public comment to the board in writing can do so by  
187 submitting their comments in all forms deemed allowable by the Fulton  
188 County Department of External Affairs. To be read into the record, written  
189 comments must be received by 5:00 p.m. on the Tuesday, immediately  
190 prior to the meeting in the form outlined. All virtual public comments and  
191 requests to speak in person must be submitted before the clerk sounds  
192 the start of the meeting.

193  
194 **BE IF FURTHER ORDAINED**, that the changes in this Ordinance are reflected in  
195 Exhibit A, attached hereto and incorporated by reference.

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

200 **PASSED AND ADOPTED** by the Board of Commissioners of Fulton County,  
201 Georgia this 12<sup>th</sup> day of July 2023.

202 **FULTON COUNTY BOARD OF**  
203 **COMMISSIONERS**

204  
205 **SPONSORED BY:**

206  
207  
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209  
210 \_\_\_\_\_  
211 Dana Barrett, Commissioner (District 3)

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213  
214 **ATTEST:**

215  
216  
217 \_\_\_\_\_  
218 Tonya R. Grier, Clerk to the Commission  
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APPROVED AS TO FORM:

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Y. Soo Jo, County Attorney



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## EXHIBIT A

### Sec. 101-42. Presentation of proclamations.

~~All proclamations shall be presented at the first meeting of the board of commissioners which takes place on the first Wednesday of each month. Proclamations will be presented at the recess meeting commencing with the first recess meeting of the board of commissioners in May 1995, beginning promptly with presentations not to exceed 10:30 a.m.~~

All proclamations shall only be presented at the first meeting of the Board of Commissioners on the first Wednesday of each month."

95-0623, 5-17-95)

### Sec. 101-61. Meeting times and places.

All meetings of the Fulton County Board of Commissioners shall be held in the Assembly Hall of the Fulton County Government Center, 141 Pryor Street, S.W., Atlanta, Georgia 30303. In accordance with state law, the first meeting of the month shall be held without exception. In the event that there is no quorum present at the scheduled starting time for that meeting, the chair shall wait 30 minutes to see whether a quorum will be present. If a quorum is not obtained after this waiting period, the chair shall adjourn the meeting and readvertise it in accordance with state law. Meetings are held at 10:00 a.m. on the first and third Wednesday of each month unless special circumstances dictate a different meeting date, time, or place. In the event that special circumstances dictate a different meeting date, time, or place, the public shall be duly notified in accordance with O.C.G.A. tit. 50, ch. 14 (O.C.G.A. § 50-14-1 et seq.), the Georgia Open Meetings Law. ~~The board holds regularly scheduled work sessions on the second Wednesday of each month at 2:00 p.m. or immediately following the board's scheduled meeting.~~

(93-RC-701, Rule 1, 1-19-94)

### Sec. 101-66.1 Committee of the whole work session meeting.

The Fulton County board of commissioners holds a committee of the whole work session meeting at 10:00 a.m. on the third Wednesday of every month. This meeting shall be a work session, during which there shall be no proclamations. Voting shall be limited to the consent agenda and emergency items, where "emergency" is defined as a sudden, generally unexpected occurrence or set of circumstances demanding immediate action. Items that are removed from the consent agenda during a committee of the whole work session meeting shall be moved to the regular portion of the committee of the whole work session for discussion and after discussion shall be placed on the next regular meeting agenda for a vote. A determination of whether an item is an emergency shall require a supermajority vote of the board of commissioners.

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

- (a) ~~The Fulton County Board of Commissioners holds a regular meeting (first Wednesday of the month) and a recess meeting (third Wednesday of the month). The agenda is prepared by the clerk's office in concert with the county manager's office. The deadline for submitting items for regularly scheduled~~

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board of commissioners' meetings to the clerk's office for inclusion on the next agenda is 10:00 a.m. on Friday prior to the meeting. A final copy of the agenda is distributed to the commissioners, county attorney, county manager and appropriate staff by 2:00 p.m. on the Friday preceding the scheduled meeting of the board. Copies are also made available to the public at that time. A post agenda is provided after the meeting. The post agenda is a precursor to the final minutes and reflects actions taken by the board at a particular meeting. Post agendas/preliminary minutes are distributed by the clerk's office within 48 hours of a meeting.

- (a) **The Fulton County board of commissioners holds a regular meeting (first Wednesday of the month) and a committee of the whole work session meeting (third Wednesday of the month). The agenda is prepared by the clerk's office in concert with the county manager's office, provided, however, that the recommendations of the tax commissioner for board action relating to the granting, denial or revocation of alcoholic beverage licenses shall be placed on the agenda upon request by the tax commissioner (Item #00-1315, 10/18/00 - Amendment #6). The deadline for submitting items for regularly scheduled board of commissioners' meetings to the clerk's office for inclusion on the next agenda is 10:00 a.m. on the Friday before the meeting. All necessary documents supporting an agenda item must be submitted by the agenda preparation deadline in order for the agenda item to appear on the agenda either for discussion or action, except in cases of emergencies as defined in these codes. No agenda item can appear on the regular agenda at a regular meeting without first appearing as a regular agenda item at a committee of the whole work session, except in cases of an emergency as defined in these codes. A final copy of the agenda is distributed to the commissioners, county attorney, county manager, and appropriate staff by 2:00 p.m. on the Friday preceding the scheduled meeting of the board. Copies are also made available to the public at that time. A post agenda is provided after the meeting. The post agenda is a precursor to the final minutes and reflects actions taken by the board at a particular meeting. Post agendas are distributed by the Clerk's Office within 48 hours of a meeting. During every meeting of the commissioners, there shall be a ten-minute break every two hours for the duration of the open session of such meeting.**

(b) The agenda preparation procedure is as follows:

- (1) Any commissioner wishing to place an item on the agenda may do so and should submit a memorandum to the clerk stating the item to be placed on the agenda. Any supporting documents germane to the item should also be submitted.
- (2) Adding of items to the agenda during the meeting is disfavored. Where there is a showing of an emergency or extraordinary circumstances exist, an item may be added to the agenda when it is separately voted on and is adopted during the meeting by a supermajority of the board of commissioners. A motion shall be properly made and must carry to add each item to the agenda on the day of the meeting. That item shall appear on the post agenda under the "added during the meeting" heading.
- ~~(3) During the public comment portion of a board meeting, citizens may voice county related requests, concerns, opinions, etc. At the regular meeting, speakers will be heard prior to the zoning portion of the agenda; if applicable, at the recess meeting, prior to the county manager's unfinished business. Before speaking, each speaker presenting in person must fill out a speaker card, located at the assembly hall entrance and podium. All speaker cards must be submitted to the clerk's staff, prior to the commencement of public comment, who will accept them on a first come, first served basis. The meeting will be aired live on all official Fulton County Government media platforms as designated by the Fulton County Department of External Affairs. Speakers wishing to submit public comment to the board in writing can do so by submitting their comments in all forms deemed allowable by the Fulton~~

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County Department of External Affairs. To be read into the record, written comments must be received by 5:00 p.m. on the Tuesday, immediately prior to the meeting in the form outlined. All virtual public comments and requests to speak in person must be submitted before the clerk sounds the start of the meeting.

**(3) During the public comment portion of a regular meeting, citizens may voice county related requests, concerns, opinions, etc. At the regular meeting, speakers will be heard prior to the zoning portion of the agenda but at the position reflected on the published agenda as prepared by the clerk to the commission; if applicable, at the committee of the whole work session meeting, prior to the county manager's unfinished business, but at the position reflected on the published agenda as prepared by the clerk to the commission. Before speaking, each speaker presenting in person must fill out a speaker card, located at the assembly hall entrance and podium. All speaker cards must be submitted to the clerk's staff, prior to the commencement of public comment, who will accept them on a first-come, first served basis. The meeting will be aired live on all official Fulton County government media platforms as designated by the Fulton County department of external affairs. Speakers wishing to submit public comment to the board in writing can do so by submitting their comments in all forms deemed allowable by the Fulton County department of external affairs. To be read into the record, written comments must be received by 5:00 p.m. on the Tuesday, immediately prior to the meeting in the form outlined. All virtual public comments and requests to speak in person must be submitted before the clerk sounds the start of the meeting.**

- a. Speakers who cannot be present at assembly hall may speak live or via videoconference (ex. Zoom). Speakers can also speak live from other county facilities made available, such as the North Fulton Service Center or the South Fulton Service Center.
- b. Comments via e-mail shall be provided electronically to the BOC and their staff before the meeting begins and all comments shall be included as part of the minutes of the board of commissioners meeting.
- c. Comments via e-mail that are the same in nature or pertain to the same BOC agenda item number shall be categorized by county staff ahead of the meeting. To expedite time, for e-mailed public comments that are the same in nature or pertain to the same BOC agenda item number or subject matter/topic, the clerk or other assigned staff shall read the agenda item number and/or topic, and then read the list of public commenters' names and locations (if given) that are in support of the item; then read the list of public commenters' names and locations (if given) who oppose the agenda item or topic. This rule shall apply to all forms of pre-written/pre-recorded public comment.
- d. Public comment will occur prior to the business portion of the BOC meeting and will be strictly limited to 30 minutes. In-person comments will be made first, followed by written/mailed comments. Regardless of the form of the public 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.

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- e. In the event the 30-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.
  - f. Speaker cards will provide three options for those individuals who want to speak that were not able to comment during the initial 30-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.
  - g. 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.

(93-RC-701, Rule 6, 1-5-94; Res. No. 08-0255, 3-5-08; Ord. No. 19-0446, 6-19-19; Ord. No. 21-0578, 8-4-21; Res. No. 22-0330, 5-4-22; Ord. No. 22-0496, Att. A, 8-3-22)