

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(b)(1) OF THE FULTON COUNTY CODE OF ORDINANCES IN ORDER TO  
5 IMPOSE A DISTRIBUTION REQUIREMENT BEFORE A MEMBER OF THE FULTON  
6 COUNTY BOARD OF COMMISSIONERS MAY PLACE A PROPOSED RESOLUTION  
7 OR ORDINANCE ON THE AGENDA FOR CONSIDERATION OR FINAL VOTE; TO  
8 REQUIRE THAT THE PROPOSED RESOLUTION OR ORDINANCE APPEAR AS A  
9 DISCUSSION ITEM AT THE FIRST MEETING IN WHICH IT IS INTRODUCED AND  
10 VOTED ON AT THE SECOND MEETING; AND FOR OTHER PURPOSES.

11  
12 **WHEREAS**, the duly elected governing authority of Fulton County, Georgia (the  
13 “County”) is the Fulton County Board of Commissioners, comprised of a Chairman and  
14 six individual Commissioners, who are selected by a majority of the qualified electors  
15 voting in the respective County districts in which they reside; and

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

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

24 **WHEREAS**, a key component to such discussions and effective decision-making  
25 is the ability of the members of the Board of Commissioners to prepare for an upcoming  
26 meeting with a full understanding and insight into the matters to be discussed and  
27 considered at meeting; and

28 **WHEREAS**, pursuant to the County’s home rule powers found in the Constitution  
29 of the State of Georgia, Article 9, Sec. 2 ¶ 1(a), the Board of Commissioners is

30 authorized to adopt reasonable ordinances, resolutions, or regulations relating to the  
31 County's affairs for which no provision has been made by general law and which is not  
32 inconsistent with the Constitution or any local law applicable thereto; and

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

41 **WHEREAS**, Procedural Rule 6(a) (codified as Section 101-66(a) in the Code)  
42 ensures that members of the Board of Commissioners and the general public receive  
43 advance notice of the matters to be considered at an upcoming meeting by setting a  
44 deadline for submitting items to be placed on the meeting's agenda and by requiring the  
45 final agenda to be available to members of the Board of Commissioners and the general  
46 public prior to such meeting being held; and

47 **WHEREAS**, Procedural Rule 6(b) (codified as Section 101-66(b) in the Code)  
48 furthers efficient preparation of the final agenda for a meeting by setting forth rules for  
49 placement of an item on that agenda by a member of the Board of Commissioners; and

50 **WHEREAS**, the Board of Commissioners desires to amend Procedural Rule  
51 6(b)(1) (as well as Section 101(b)(6) of the Code) to implement a requirement that a  
52 member of the Board of Commissioners presenting a resolution or ordinance for action

53 or discussion at a meeting shall distribute the proposed resolution or ordinance to the  
54 other members of the Board of Commissioners before that item may be placed on an  
55 agenda for consideration or final vote; and

56 **WHEREAS**, the Board of Commissioners finds the implementation of said  
57 distribution requirement will further ensure each member has, in advance of an  
58 upcoming meeting, a full understanding of a proposed resolution or ordinance and  
59 sufficient time to individually consider the matter before discussion during the meeting;  
60 and

61 **WHEREAS**, additional changes to Procedural Rule 6(b) (codified as Section 101-  
62 66(b) in the Code) foster transparency and provide sufficient advance notice to  
63 constituents, Commissioners and staff by requiring that a proposed resolution or  
64 ordinance must appear as a discussion item at the first meeting in which it is introduced  
65 and voted on at the second meeting.

66 **NOW, THEREFORE, BE IT ORDAINED**, that the Fulton County Board of  
67 Commissioners hereby amends Rule 6(b)(1) of its Rules of Order and Procedure (as  
68 well as Subsection (b)(1) of Section 101-66 of the Fulton County Code of Laws), by  
69 deleting the current language of said provision in its entirety, and by substituting in lieu  
70 thereof the following text so that, when amended, Rule 6(b)(1) of the Rules of Order and  
71 Procedure (as well as Subsection (b)(1) of Section 101-66 of the Fulton County Code of  
72 Ordinances (attached)) shall read in full as follows:

73 “(1) Placement of an item on the agenda by a commissioner.

74 a. Subject to the requirement stated below in (b)(1)(b) of this  
75 subsection, any commissioner wishing to place an item on the

76 agenda may do so by timely informing the clerk to the commission  
77 of such inclusion.

78 b. For any item sought to be placed on the agenda that, if approved by  
79 the board of commissioners, would require the adoption of a  
80 resolution or ordinance, a commissioner shall distribute a copy of  
81 the proposed resolution or ordinance and any attachments to all of  
82 the other members of the board of commissioners (by email, hand  
83 delivery or otherwise) not less than seventy-two (72) hours before  
84 notifying the clerk to the commission of the desire to place the item  
85 on the agenda. Along with such request, the commissioner shall  
86 inform the clerk to the commission that this seventy-two (72) hour  
87 notice requirement has been satisfied. The clerk to the commission  
88 shall not place any item on the agenda if the seventy-two (72) notice  
89 requirement has not been met and shall notify the affected  
90 commissioner. If the item does not make the agenda for the  
91 scheduled meeting, the clerk shall place the item on the agenda for  
92 the next scheduled meeting upon the commissioner confirming that  
93 the distribution requirement has been met.

94 c. Simultaneously with informing the clerk to the commission of the  
95 desire to include an item on the agenda, the commissioner should  
96 submit sufficient written information about the item to aid the clerk to  
97 the commission to properly note the item on the agenda. Any

98 supporting documents germane to the item should also be  
99 submitted to the clerk to the commission.

100 d. The clerk to the commission shall ensure that a proposed resolution  
101 or ordinance must appear as a discussion item on the published  
102 agenda at the first meeting of the board of commissioners in which it  
103 is introduced and voted on, by the members of the board of  
104 commissioners, at the second meeting.”

105 e. Nothing herein shall be construed to eliminate where there is a  
106 showing of an emergency or extraordinary circumstances exist, an  
107 item may be added to the agenda and voted on during the same  
108 meeting, when it is separately voted on and is adopted during the  
109 meeting by a supermajority of the board of commissioners.

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

114 **PASSED AND ADOPTED** by the Board of Commissioners of Fulton County,  
115 Georgia this 7<sup>th</sup> day of June, 2023.

116 **FULTON COUNTY BOARD OF**  
117 **COMMISSIONERS**

118 **SPONSORED BY:**

119  
120  
121  
122  
123  
124 \_\_\_\_\_  
125 Marvin S. Arrington, Jr., Commissioner  
District 5

126 ATTEST:

127

128

129

130

131

132 \_\_\_\_\_  
Tonya R. Grier, Clerk to the Commission

133

134

135 APPROVED AS TO FORM:

136

137

138

139

140

141 \_\_\_\_\_  
Y. Soo Jo, County Attorney

142

143

144

145

146

147

148 <https://Fc0365.Sharepoint.Com/Sites/Countyattorney/Calgislation/BOC/Resolutions/Ordinances/2023/Arrington/6.7.23> Ordinance  
149 To Amend Code Sec 101-66(B)(1) (Procedural Rule 6(B)(1).Doc