

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

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

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

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

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

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

- a. Subject to the requirement stated below in (b)(1)(b) of this 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

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

- d. The clerk to the commission shall ensure that a proposed resolution or ordinance must appear as a discussion item on the published agenda at the first meeting of the board of commissioners in which it is introduced and voted on, by the members of the board of commissioners, at the second meeting.
- e. Nothing herein shall be construed to eliminate where there is a showing of an emergency or extraordinary circumstances exist, an item may be added to the agenda and voted on during the same meeting, when it is separately voted on and is adopted during the meeting by a supermajority of the board of commissioners.

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

PASSED AND ADOPTED by the Board of Commissioners of Fulton County, Georgia this 7th day of June, 2023.

FULTON COUNTY BOARD OF COMMISSIONERS

SPONSORED BY:

Marvin S. Arrington, Jr., Commissioner
District 5

126 ATTEST:

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131 _____
132 Tonya R. Grier, Clerk to the Commission
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134 APPROVED AS TO FORM:

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140 _____
141 Y. Soo Jo, County Attorney
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148 <https://Fc0365.Sharepoint.Com/Sites/Countyattorney/Calegislation/BOC/Resolutions/Ordinances/2023/Arrington/6.7.23> Ordinance
149 To Amend Code Sec 101-66(B)(1) (Procedural Rule 6(B)(1)).Doc