

1 **AN ORDINANCE TO REPEAL AND REPLACE PART I, SUBPART B, CHAPTER 101**
2 **(GENERAL PROVISIONS AND COUNTY GOVERNING AUTHORITY), ARTICLE II**
3 **(COUNTY GOVERNING AUTHORITY), DIVISION 2 (RULES OF ORDER AND**
4 **PROCEDURE), SECTION 101-68 (DECORUM) 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 “Board”); and

9 **WHEREAS**, the Board has authority, pursuant to the Constitution of the State of
10 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 Board enacted certain provisions of its Rules of Order and
16 Procedure (the “Rules”) at its Regular Meeting on January 5, 1994, with said Rules 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 (“F.C.C.”) as Section 101-61 *et seq.*; and

20 **WHEREAS**, on May 4, 2022, via Agenda Item 22-0329, the Board last modified its
21 Rules, specifically the text of F.C.C. Sec. 101-68 (Decorum), to add an express prohibition
22 against defamatory statements and to authorize the imposition of a penalty for violation
23 of said provision; and

24 **WHEREAS**, the Board seeks to encourage an environment of respect,
25 professionalism and civility through its conduct and to provide a positive representation

26 of the County, its officials and employees to its citizens and the public at large during its
27 Board meetings; and

28 **WHEREAS**, the Board finds that certain disruptive conduct by commissioners and
29 staff, including but not limited to having cellular phone conversations, dressing
30 inappropriately and speaking disrespectfully, impedes the Board's ability to conduct its
31 meetings professionally, with civility and efficiently; and

32 **WHEREAS**, the Board continues to recognize the need for clear and enforceable
33 guidelines dictating what is appropriate conduct by commissioners and staff during official
34 meetings, as well as the need to enforce the penalties imposed for engaging in prohibited
35 conduct; and

36 **WHEREAS**, the Board seeks to encourage continued compliance with F.C.C. Sec.
37 101-68, and to ensure enforcement of all its provisions, including timely payment of
38 administrative sanctions imposed; and

39 **WHEREAS**, the Board desires to repeal and replace F.C.C. Sec. 101-68
40 (Decorum) with a revised ordinance to specify additional conduct that it deems disruptive
41 and inappropriate for commissioners and staff and to discourage such conduct by
42 increasing the penalties currently imposed for violation of the Board's decorum guidelines;
43 and

44 **WHEREAS**, the Board finds that it is in the best interest of its citizens to repeal
45 and replace F.C.C. Sec. 101-68 to also provide that the Finance Department shall deduct
46 payment of administrative sanctions from the paycheck of the violator for operational
47 efficiency.

48 **NOW, THEREFORE, BE IT ORDAINED**, that the Fulton County Board of
49 Commissioners hereby repeals Section 101-68 of the Fulton County Code of Ordinances
50 (Decorum) in its entirety, and replaces it with the revised Section 101-68, as reflected in
51 the attached **Exhibit A**.

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

55 **PASSED AND ADOPTED** by the Board of Commissioners of Fulton County,
56 Georgia this 8 day of January 2025.

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**FULTON COUNTY BOARD OF
COMMISSIONERS**

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SPONSORED BY:

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Robert L. Pitts, Chairman (At-Large)

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ATTEST:

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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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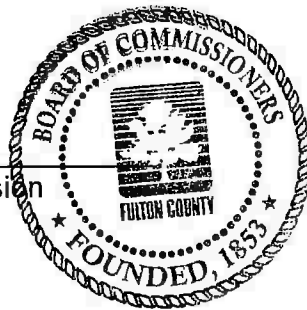


EXHIBIT A

1 **Sec. 101-68. - Decorum.**

2 (a) *Rules of Decorum*

3 (1) All commissioners and all staff members shall dress in professional business attire when
4 participating during board of commissioners meetings.

5 (2) Cellular phone conversations are prohibited in the assembly hall while a board of
6 commissioners meeting is in open session. In the event of an emergency, calls may be
7 answered but conversations should be continued outside of assembly hall.

8 (3) All commissioners and all staff members shall treat each other and the public in a dignified,
9 courteous and respectful manner; value all opinions; be tolerant of others and; recognize
10 that disrespectful behavior damages the perception of the county.

11 (4) All commissioners shall use decorous language in addressing fellow commissioners and staff,
12 and shall make no personal attack or personally derogatory remark to or about any
13 commissioner or staff member.

14 (5) Use of obscene or profane language is prohibited and shall constitute a breach of decorum.

15 (6) Commissioners seeking information from staff shall do so within the confines of
16 proper decorum.

17 (7) A commissioner shall not speak during a meeting until recognized by the chair and likewise
18 shall not interrupt another commissioner's remarks. All comments made by a commissioner
19 during a meeting shall directly address the motion or item being discussed.

20 (8) Any commissioner shall have the right to express dissent from or protest against any
21 resolution or action of the board and have the reason entered into the minutes.

22 (9) No commissioner shall make or cause to be made any defamatory statement about another
23 commissioner. The phrase "defamatory statement" as used herein is defined by Georgia law
24 and includes the statutory definitions outlined in O.C.G.A. §§ 51-5-1 and 51-5-4.

25 (b) *Enforcement.*

26 (1) The chair shall enforce the rules of decorum.

27 (2) Violation by a commissioner during a board of commissioners meeting

28 a. If a commissioner believes another member has violated a particular rule of decorum,
29 he or she, upon recognition by the chair, may raise a point of order. Another
30 commissioner must second that point of order before the issue can be considered.

EXHIBIT A

- 1 b. Upon a second of the point of order, the chair may rule on the issue or may allow the
2 entire board to decide the issue by an affirmative supermajority vote of the
3 commissioners present.
- 4 c. In the event the chair is the board member alleged to have violated a particular rule
5 of decorum, the duties assigned to the chair in this subsection shall be performed by
6 the vice-chair.
- 7 d. If the point of order is decided by an affirmative supermajority vote of the
8 commissioners present and a violation is found, the clerk to the commission will
9 automatically place the matter on the agenda for the next regularly scheduled
10 meeting of the board of commissioners so that the commissioner found or alleged
11 to be in violation will have an opportunity to be heard before the board considers
12 and votes on the imposition of penalties under subsection (d) of this Code.
- 13 e. The penalties provided in subsection (d) of this Code may be imposed only where the
14 following conditions are met:
- 15 1. The issue raised by the point of order is considered by all of the board
16 members present;
 - 17 2. The commissioner found or alleged to have committed the violation is
18 provided written or oral notice of the alleged violation, which requirement is
19 satisfied by the publication of a meeting agenda prior to a board of
20 commissioners meeting at which the commissioner found or alleged to be in
21 violation will have the opportunity to be heard;
 - 22 3. The commissioner alleged to have committed the violation is provided an
23 opportunity to be heard by the other members of the board in defense of
24 the charge; and
 - 25 4. During the hearing on the matter at the meeting subsequent to when the
26 violation occurred, a supermajority of the board votes to (i) affirm the
27 violation occurred; and (ii) impose the penalty. In the event of a vacancy on
28 the board, the vote requirement in this subsection shall be satisfied with at
29 least 4 votes.

30 (3) Violation by a staff member during a board of commissioners meeting

EXHIBIT A

- 1 a. If a commissioner believes a staff member has violated a particular rule of decorum,
2 he or she, upon recognition by the chair, may raise a point of order. Another
3 commissioner must second that point of order before the issue can be considered.
4 b. Upon a second of the point of order, the chair may rule on the issue or may allow the
5 entire board to decide the issue by a majority vote.
6 c. The board of commissioners may impose a penalty no greater than a public reprimand
7 as outlined in section (d)(1)(b), and such penalty may be imposed only when the
8 following conditions are met:
- 9 1. The issue raised by the point of order is considered by the board members
10 present;
 - 11 2. The staff member alleged to have committed the violation is provided notice
12 of the alleged violation by the chair who shall say, "Mr./Ms.____, you are in
13 violation of the Rules of Decorum. The board members present will consider if a
14 public reprimand will be entered into the record. Prior to that decision, you will
15 be afforded an opportunity respond. Would you like to respond?";
 - 16 3. The staff member alleged to have committed the violation is provided an
17 opportunity to be heard in defense of the charge; and
 - 18 4. A majority of the board affirmatively vote to (i) find the violation occurred;
19 and (ii) impose the penalty.

20 (d) *Penalties.*

21 (1) For each violation by a commissioner, the violator may be subject to the following penalties:

22 a. *Administrative sanction.*

- 23 1. For a first violation by the violator of this section, the board may impose upon
24 the violator an administrative sanction in an amount not to exceed \$500.00.
- 25 2. For a second violation by the violator of this section that occurs within 12
26 months after a first violation by him or her, the board may impose upon the
27 violator an administrative sanction in an amount not to exceed \$1,000.00.
- 28 3. For a third (or subsequent) violation by the violator of this section that occurs
29 within 12 months after the first violation by him or her, the board may impose
30 upon the violator an administrative sanction in an amount not to exceed
31 \$2,000.00.

EXHIBIT A

1 4. A second violation of this section by a violator that occurs more than 12
2 months after a prior violation by him or her shall be treated as a first violation
3 under subsection (d)(1) a.1.

4 5. The Finance Department shall deduct the monetary value of the
5 administrative sanction from the violator's paycheck for the next pay period
6 occurring after the imposition of the sanction.

7 b. *Public reprimand.* The board may publicly reprimand the violator for the offending
8 conduct, which may be an official censure/reprimand expressing the board's
9 displeasure with the offending conduct. In the event the violator is a member of the
10 board, such censure/reprimand shall not have any legal effect on that member's
11 ability to continue to serve as a member of the board.

12 c. *Denial of future legal defense.* In the case of a violation for making or causing a
13 defamatory statement to be made about another commissioner, in addition to the
14 sanctions herein, the board may also subject the violator to preemptive denial of all
15 requests for legal representation in any civil or administrative proceeding against
16 him or her individually arising out of the defamatory statement made.

17 (2) The penalties provided in this subsection are not mutually exclusive. The board, in its
18 discretion, may impose any combination of the penalties for a violation of this section.

19 (3) The penalties stated in this subsection are in addition to (and do not replace, limit or
20 otherwise alter) any other lawful power provided to the commission under Georgia law, the
21 Fulton County Code of Laws, or Robert's Rules of Order, Newly Revised.

22 (4) For purposes of this section, any of the following actions by a commissioner or a staff
23 member supports a decision that said person violated provisions of subsection ~~(e)(1)~~(a):

24 a. Conduct that a reasonable person would find to be hostile, offensive, intimidating
25 humiliating or threatening and is unrelated to a governance or public policy issue
26 presently before the board;

27 b. Conduct that constitutes unlawful harassment or discrimination in violation of state or
28 federal law or this Code;

29 c. Conduct that references sexual acts, bodily functions or demeans groups of people
30 due to their religious beliefs or race; that is inherently inappropriate for a formal
31 proceeding before the board; and that a reasonable person would find is vulgar,
32 profane or obscene;

EXHIBIT A

- 1 d. Conduct that would tend to incite violence;
- 2 e. Conduct that falsely disparages the character or reputation of another commissioner
- 3 or a county employee; or
- 4 f. Any other conduct undertaken for the purpose of disrupting or undermining the order
- 5 of any meeting or formal proceeding before the commission.
- 6

EXHIBIT A

1 **Sec. 101-68. –_Decorum.**

2 ~~(a) —General expectations.~~

3 ~~(a) (1) Rules of Decorum~~

4 (1) All commissioners and all staff members shall dress in professional business attire when
5 participating during board of commissioners meetings.

6 (2) Cellular phone conversations are prohibited in the assembly hall while a board of
7 commissioners meeting is in open session. In the event of an emergency, calls may be
8 answered but conversations should be continued outside of assembly hall.

9 (3) All commissioners and all staff members shall treat each other and the public in a dignified,
10 courteous and respectful manner; value all opinions; be tolerant of others and; recognize
11 that inappropriate ~~disrespectful~~ behavior damages the perception of the county.

12 (24) All commissioners shall use decorous language in addressing fellow commissioners and staff,
13 and shall make no personal attack or personally derogatory remark to or about any
14 commissioner or staff member.

15 (5) Use of obscene or profane language is prohibited and shall constitute a breach of decorum.

16 (6) Commissioners seeking information from staff shall do so within the confines of
17 proper decorum.

18 ~~(37)~~ A commissioner shall not speak during a meeting until recognized by the chair and likewise
19 shall not interrupt another commissioner's remarks. All comments made by a commissioner
20 during a meeting shall directly address the motion or item being discussed.

21 ~~(4) —8)~~ Any commissioner shall have the right to express dissent from or protest against any
22 resolution or action of the board and have the reason entered into the minutes.

23 ~~(5) —9)~~ No commissioner shall make or cause to be made any defamatory statement about
24 another commissioner. The phrase "defamatory statement" as used herein is defined by
25 Georgia law and includes the statutory definitions outlined in O.C.G.A. §§ 51-5-1 and 51-5-4.

26 ~~(b) —Enforcement.~~

27 ~~(1) —The chair shall enforce the rules of decorum.~~

28 ~~(2) —Violation by a commissioner— during a board of commissioners meeting~~

29 a. If a commissioner believes another member has violated a particular rule of decorum,
30 he or she, upon recognition by the chair, may raise a point of order. Another
31 commissioner ~~need not~~ must second that point of order before the issue can be
32 considered.

EXHIBIT A

1 b. —Upon ~~the raising a~~ second of the point of order, the chair may rule on the issue or
2 may allow the entire board to decide the issue by ~~a majority~~ an affirmative
3 supermajority vote of the commissioners present.

4 c. —In the event the chair is the board member alleged to have violated a particular rule
5 of decorum, the duties assigned to the chair in this subsection shall be performed
6 by the vice-chair.

7 d. —If the point of order is decided by an affirmative supermajority vote of the
8 commissioners present and a violation is found, the clerk to the commission will
9 automatically place the matter on the agenda for the next regularly scheduled
10 meeting of the board of commissioners so that the commissioner found or alleged
11 to be in violation will have an opportunity to be heard before the board considers
12 and votes on the imposition of penalties under subsection (d) of this Code.

13 e. The penalties provided in subsection (e) of this ~~Code~~ section may be imposed only
14 where the following conditions are met:

15 1. —The issue raised by the point of order is considered by all of the entire
16 board; ~~members present;~~

17 2. —The commissioner found or alleged to have committed the violation is
18 provided written or oral notice of the alleged violation; which requirement
19 is satisfied by the publication of a meeting agenda prior to a board of
20 commissioners meeting at which the commissioner found or alleged to be in
21 violation will have the opportunity to be heard;

22 3. —The commissioner alleged to have committed the violation is provided an
23 opportunity to be heard by the other members of the board in defense of
24 the charge; and

25 4. —~~Five members~~ During the hearing on the matter at the meeting subsequent
26 to when the violation occurred, a supermajority of the board affirmatively
27 votes to: (i) find affirm the violation occurred; and (ii) impose the penalty. ~~In~~
28 the event of a vacancy on the board, the vote requirement in this subsection
29 shall be satisfied with at least 4 votes.

30 (3) —Violation by a staff member; during a board of commissioners meeting

EXHIBIT A

- 1 a. If a commissioner believes a staff member has violated a particular rule of decorum,
2 he or she, upon recognition by the chair, may raise a point of order. Another
3 commissioner must second that point of order before the issue can be considered.
4 ~~b.~~ —Upon ~~the raising a second~~ of the point of order, the chair may rule on the issue or
5 may allow the entire board to decide the issue by a majority vote.
6 ~~c.~~ —The ~~penalties provided in subsection (c)~~ board of this commissioners may impose a
7 penalty no greater than a public reprimand as outlined in section (d)(1)(b), and such
8 penalty may be imposed only where when the following conditions are met:
9 1. —The issue raised by the point of order is considered by the ~~entire board;~~
10 members present;
11 2. —The staff member alleged to have committed the violation is provided
12 ~~written or oral notice of the alleged violation; by the chair who shall say,~~
13 “Mr./Ms. _____, you are in violation of the Rules of Decorum. The board members
14 present will consider if a public reprimand will be entered into the record. Prior
15 to that decision, you will be afforded an opportunity respond. Would you like to
16 respond?”;
17 3. —The staff member alleged to have committed the violation is provided an
18 opportunity to be heard ~~by the other members of the board~~ in defense of the
19 charge; and
20 4. —~~Five members~~ A majority of the board affirmatively vote to: (i) find the
21 violation occurred; and (ii) impose the penalty.

22 ~~(e)~~ d) Penalties.

23 (1) —For each violation of ~~this section~~ by a commissioner, the violator may be subject to the
24 following penalties:

25 a. —*Administrative sanction.*

- 26 1. —For a first violation by the violator of this section, the board may impose
27 upon the violator an administrative sanction in an amount not to exceed
28 ~~\$250~~500.00.
29 2. —For a second violation by the violator of this section that occurs within 12
30 months after a first violation by him or her, the board may impose upon the
31 violator an administrative sanction in an amount not to exceed ~~\$500~~1,000.00.

EXHIBIT A

1 3. —For a third (or subsequent) violation by the violator of this section that
2 occurs within 12 months after the first violation by him or her, the board may
3 impose upon the violator an administrative ~~fine~~sanction in an amount not to
4 exceed \$~~12~~,000.00.

5 4. —A second violation of this section by a violator that occurs more than 12
6 months after a prior violation by him or her shall be treated as a first violation
7 under subsection ~~(e)~~(1)_a.1.

8 5. —~~Within 20 days~~The Finance Department shall deduct the monetary value of
9 ~~the imposition of any administrative sanction imposed under this subsection, the~~
10 ~~violator shall deposit into~~from the general fund of Fulton County monies
11 ~~equaling violator's paycheck for the entire amount of that next pay period~~
12 occurring after the imposition of the sanction.

13 b. —*Public reprimand.*—The board may publicly reprimand the violator for the offending
14 conduct, which may be an official censure/reprimand expressing the board's
15 displeasure with the offending conduct. In the event the violator is a member of the
16 board, such censure/reprimand shall not have any legal effect on that member's
17 ability to continue to serve as a member of the board.

18 c. —*Denial of future legal defense.*—In the case of a violation for making or causing a
19 defamatory statement to be made about another commissioner, in addition to the
20 sanctions herein, the board may also subject the violator to preemptive denial of all
21 requests for legal representation in any civil or administrative proceeding against
22 him or her individually arising out of the defamatory statement made.

23 (2) —The penalties provided in this subsection are not mutually exclusive. The board, in its
24 discretion, may impose any combination of the penalties for a violation of this section.

25 (3) —The penalties stated in this subsection are in addition to (and do not replace, limit or
26 otherwise alter) any other lawful power provided to the commission under Georgia law, the
27 Fulton County Code of Laws, or Robert's Rules of Order, Newly Revised.

28 (4) —For purposes of this section, any of the following actions by a commissioner or a staff
29 member supports a decision that said person violated provisions of subsection ~~(e)(1)-(a)~~:

30 a. —Conduct that a reasonable person would find to be hostile, offensive, intimidating
31 humiliating or threatening and is unrelated to a governance or public policy issue
32 presently before the board;

EXHIBIT A

- 1 b. —Conduct that constitutes unlawful harassment or discrimination in violation of state
- 2 or federal law or this Code;
- 3 c. —Conduct that references sexual acts, bodily functions or demeans groups of people
- 4 due to their religious beliefs or race; that is inherently inappropriate for a formal
- 5 proceeding before the board; and that a reasonable person would find is vulgar,
- 6 profane or obscene;
- 7 d. —Conduct that would tend to incite violence;
- 8 e. —Conduct that falsely disparages the character or reputation of another
- 9 commissioner or a county employee; or
- 10 f. —Any other conduct undertaken for the purpose of disrupting or undermining the
- 11 order of any meeting or formal proceeding before the commission.

12 {Ord. No. 2024-0248, 4-10-24}