

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 68 (DECORUM) OF THE FULTON COUNTY CODE OF ORDINANCES TO MAKE  
5 CERTAIN PROVISIONS THEREIN MANDATORY AND TO PROVIDE PENALTIES  
6 FOR ANY VIOLATION; AND FOR OTHER PURPOSES.

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8 WHEREAS, the duly elected governing authority of Fulton County, Georgia (the  
9 “County”) is the Fulton County Board of Commissioners (the “Board”).

10 WHEREAS, Board meetings are the place where matters involving governance  
11 are discussed and decided and the place where commissioners execute their duties  
12 and responsibilities and the place where the execution of these duties is on public  
13 display; and

14 WHEREAS, professionalism and civility, at all times, by commissioners in the  
15 execution of their duties and responsibilities fosters respect between commissioners  
16 and thoughtful debate of issues and results in the efforts of commissioners to be  
17 directed to issues and not cause personal ill will; and

18 WHEREAS, professionalism and civility between commissioners fosters  
19 participation and debate, promotes better policy and decision-making, is in keeping with  
20 our democratic model of self-governance, and presents an opportunity to set a positive  
21 example of conduct; and

22 WHEREAS, each commissioner represents not himself, herself or theirselves but  
23 the constituents of his/her/their district and Fulton County, so the conduct of each  
24 commissioner is a reflection of his, her or their constituents; and

25 WHEREAS, the Board has authority, pursuant to the Constitution of the State of  
26 Georgia, Article 9, Sec. 2 ¶ 1(a), to adopt reasonable ordinances, resolutions, or  
27 regulations relating to the County’s affairs for which no provision has been made by

general law and which is not inconsistent with the Constitution or any local law applicable thereto; and

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

**WHEREAS**, Section 101-68 (Decorum) of the Code sets forth advisory guidelines for what is appropriate conduct by each member of the Board during official meetings and contains no text providing for any penalty for a violation of those guidelines; and

**WHEREAS**, the Board has a duty to proceed with the business of the County in an efficient and orderly manner and while doing so strives to improve how commissioners work as a team while promoting mutual respect and civility; and

**WHEREAS**, the Board does not intend to deprive any person of his, her or their right to freedom of expression but only to foster and encourage positive communication and discourage volatile, hostile or aggressive actions or conduct; and

**WHEREAS**, the Board of Commissioners desires to amend the text of Section 101-68 (Decorum) of the Code so as to make the guidelines for appropriate conduct stated therein mandatory and to authorize the imposition of a penalty for a violation of those guidelines.

51           **NOW, THEREFORE, BE IT ORDAINED**, that the Fulton County Board of  
52 Commissioners hereby amends Section 101-68 of the Fulton Code of Ordinances, by  
53 deleting the current language of that provision in its entirety, and substituting in lieu  
54 thereof the following text so that, when amended, Section 101-68 shall read in full as  
55 follows:

56           “Sec. 101-68. - Decorum.

57           1. General Expectations.

58           (a) All commissioners will work together for the common good of the  
59 residents of Fulton County and in doing so shall treat each other  
60 and the public in a dignified, courteous and respectful manner;  
61 value all opinions; be tolerant of others and; recognize that  
62 inappropriate behavior damages the perception of the County.

63           (b) Commissioners seeking information from staff shall do so within the  
64 confines of proper decorum.

65           (c) A commissioner shall not speak until recognized by the chair and  
66 likewise shall not interrupt another commissioner's remarks. All  
67 comments made by a commissioner shall directly address the  
68 motion or item being discussed.

69           (d) The chair shall enforce the rules of decorum and if a commissioner  
70 believes that a particular rule is being broken he, she or they shall  
71 raise a point of order when recognized by the chair. A second on a  
72 point of order issue is not required, and the chair may either rule on  
73 the question or allow the Board to decide the issue by majority vote.

Any complaint that a rule of decorum has been breached must be raised within one (1) meeting in which the alleged violation occurred.

- (e) Any commissioner shall have the right to express dissent from or protest against any resolution or action of the Board and have the reason entered into the minutes.

## 2. Enforcement.

- (a) For each violation by a commissioner of this section, the violator shall be subject to the following penalties: (i) an administrative sanction in an amount not to exceed \$1,000.00, which sanction shall be deposited into the general fund of Fulton County within 20 days after the date of the finding that the violation occurred; and/or (ii) a public reprimand.

- (b) No penalty may be imposed under this subsection until the following requirements are met: (1) the commissioner alleged to have committed the violation has been provided notice of the alleged violation; (2) the commissioner alleged to have committed the violation is provided an opportunity to be heard by the other commissioners in defense of the charge; and (3) a majority of the other commissioners finds the violation occurred and determines the penalty for the violation.

- (c) The penalties stated in this subsection are in addition to (and do not replace, limit or otherwise alter) any other lawful power provided to

the commission under Georgia law, the Fulton County Code of Laws, or Robert's Rules of Order, Newly Revised.

(d) For purposes of this section, any of the following actions by a commissioner supports a finding that the commissioner violated subsection (a):

(1) verbal or non-verbal abusive, abrasive, hostile and/or disrespectful conduct;

(2) conduct that constitutes unlawful harassment or discrimination;

(3) conduct that is vulgar, profane or obscene;

(4) conduct that would tend to incite violence;

(5) conduct that falsely disparages the character or reputation of another commissioner or a County employee; or

(4) any other conduct intentionally done for the purpose of disrupting or undermining the order of any meeting or formal proceeding before the commission.

**BE IT FINALLY 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 \_\_\_\_\_ day of \_\_\_\_\_, 2021.

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**Sponsored By:**

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Liz Hausmann, Commissioner  
District 1

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130   **ATTEST:**

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Tonya R. Grier, Clerk to the Commission

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137   **APPROVED AS TO FORM:**

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Kaye Woodard Burwell, Interim County Attorney