

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.

7
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 and all staff members shall treat each other and
59 the public in a dignified, courteous and respectful manner; value all
60 opinions; be tolerant of others and; recognize that inappropriate
61 behavior damages the perception of the County.

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

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

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

71 2. Enforcement.

72 (a) The chair shall enforce the rules of decorum.

73 (b) Violation by a commissioner.

- (1) If a commissioner believes another member has violated a particular rule of decorum, he or she, upon recognition by the chair, may raise a point of order. Another commissioner need not second that point of order before the issue can be considered.
- (2) Upon the raising of the point of order, the chair may rule on the issue or may allow the entire Board to decide the issue by a majority vote.
- (3) In the event the chair is the Board member alleged to have violated a particular rule of decorum, the duties assigned to the chair in this subsection shall be performed by the vice-chair.
- (4) The penalties provided in subsection 3 of this section may be imposed only where the following conditions are met:
- A. The issue raised by the point of order is considered by the entire Board;
 - B. The commissioner alleged to have committed the violation is provided written or oral notice of the alleged violation;
 - C. The commissioner alleged to have committed the violation is provided an opportunity to be heard by the other members of the Board in defense of the charge; and

- 97 D. Five members of the Board affirmatively vote to (i)
98 find the violation occurred; and (ii) impose the penalty.
- 99 (c) Violation by a staff member.
- 100 (1) If a commissioner believes a staff member has violated a
101 particular rule of decorum, he or she, upon recognition by
102 the chair, may raise a point of order. Another commissioner
103 must second that point of order before the issue can be
104 considered.
- 105 (2) Upon the raising of the point of order, the chair may rule on
106 the issue or may allow the entire Board to decide the issue
107 by a majority vote.
- 108 (3) The penalties provided in subsection 3 of this section may
109 be imposed only where the following conditions are met:
- 110 A. The issue raised by the point of order is considered
111 by the entire Board;
- 112 B. The staff member alleged to have committed the
113 violation is provided written or oral notice of the
114 alleged violation;
- 115 C. The staff member alleged to have committed the
116 violation is provided an opportunity to be heard by the
117 other members of the Board in defense of the charge;
118 and

119 D. Five members of the Board affirmatively vote to (1)
120 find the violation occurred; and (ii) impose the penalty.

121 3. Penalties

122 (a) For each violation of this section, the violator may be subject to the
123 following penalties:

124 (1) Administrative sanction.

125 A. For a first violation by the violator of this section, the
126 Board may impose upon the violator an administrative
127 sanction in an amount not to exceed \$250.

128 B. For a second violation by the violator of this section
129 that occurs within twelve months after a first violation
130 by him or her, the Board may impose upon the
131 violator an administrative sanction in an amount not to
132 exceed \$500.

133 C. For a third (or subsequent) violation by the violator of
134 this section that occurs within twelve months after the
135 first violation by him or her, the Board may impose
136 upon the violator an administrative fine in an amount
137 not to exceed \$1000; The issue raised by the point of
138 order is considered by the entire Board.

139 D. A second violation of this section by a violator that
140 occurs more than twelve months after a prior violation

141 by him or her shall be treated as a first violation under
142 subsection A.

143 E. Within 20 days of the imposition of any sanction
144 imposed under this subsection, the violator shall
145 deposit into the general fund of Fulton County monies
146 equaling the entire amount of that sanction.

147 (2) Public reprimand. The Board may publicly reprimand the
148 violator for the offending conduct, which may be an official
149 censure/reprimand expressing the Board's displeasure with
150 the offending conduct. In the event the violator is a member
151 of the Board, such censure/reprimand shall not have any
152 legal effect on that member's ability to continue to serve as a
153 member of the Board.

154 (b) The penalties provided in this subsection are not mutually
155 exclusive. The Board, in its discretion, may impose either or both
156 penalties for a violation of this section.

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

161 (d) For purposes of this section, any of the following actions by a
162 commissioner or a staff member supports a decision that said
163 person violated subsection (a):

- (1) conduct that a reasonable person would find to be hostile, offensive, intimidating humiliating or threatening and is unrelated to a governance or public policy issue presently before the Board ;
- (2) conduct that constitutes unlawful harassment or discrimination in violation of state or federal law or this Code;
- (3) conduct that references sexual acts, bodily functions or demeans groups of people due to their religious beliefs or race; that is inherently inappropriate for a formal proceeding before the Board; and that a reasonable person would find 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
- (6) any other conduct undertaken 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.

186 **PASSED AND ADOPTED** by the Board of Commissioners of Fulton County,
187 Georgia this _____ day of _____, 2021.

188 **Sponsored By:**

189	
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191	Liz Hausmann, Commissioner
192	District 1

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194 **CO-SPONSORED BY:**

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197 Bob Ellis, Commissioner
198 District 2

199 **CO-SPONSORED BY:**

200
201
202 Lee Morris, Commissioner
203 District 3

204 **CO-SPONSORED BY:**

205
206
207 Natalie Hall, Vice-Chairman
208 District 4

209

210 ATTEST:

211
212
213 Tonya R. Grier, Clerk to the Commission

215 APPROVED AS TO FORM:

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218 Kaye Woodard Burwell, Interim County Attorney