

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

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

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

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

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

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

47 **WHEREAS**, the Board of Commissioners desires to amend the text of Section  
48 101-68 (Decorum) of the Code so as to make the guidelines for appropriate conduct  
49 stated therein mandatory and to authorize the imposition of a penalty for a violation of  
50 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.

74 (1) If a commissioner believes another member has violated a  
75 particular rule of decorum, he or she, upon recognition by  
76 the chair, may raise a point of order. Another commissioner  
77 need not second that point of order before the issue can be  
78 considered.

79 (2) Upon the raising of the point of order, the chair may rule on  
80 the issue or may allow the entire Board to decide the issue  
81 by a majority vote.

82 (3) In the event the chair is the Board member alleged to have  
83 violated a particular rule of decorum, the duties assigned to  
84 the chair in this subsection shall be performed by the vice-  
85 chair.

86 (4) The penalties provided in subsection 3 of this section may  
87 be imposed only where the following conditions are met:

88 A. The issue raised by the point of order is considered  
89 by the entire Board;

90 B. The commissioner alleged to have committed the  
91 violation is provided written or oral notice of the  
92 alleged violation;

93 C. The commissioner alleged to have committed the  
94 violation is provided an opportunity to be heard by the  
95 other members of the Board in defense of the charge;  
96 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.

- 138 D. A second violation of this section by a violator that  
139 occurs more than twelve months after a prior violation  
140 by him or her shall be treated as a first violation under  
141 subsection A.



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

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

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

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

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

163 (1) conduct that a reasonable person would find to be hostile,  
164 offensive, intimidating humiliating or threatening and is

165 unrelated to a governance or public policy issue presently  
166 before the Board ;

167 (2) conduct that constitutes unlawful harassment or  
168 discrimination in violation of state or federal law or this Code;

169 (3) conduct that references sexual acts, bodily functions or  
170 demeans groups of people due to their religious beliefs or  
171 race; that is inherently inappropriate for a formal proceeding  
172 before the Board; and that a reasonable person would find is  
173 vulgar, profane or obscene;

174 (4) conduct that would tend to incite violence;

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

177 (6) any other conduct undertaken for the purpose of disrupting  
178 or undermining the order of any meeting or formal  
179 proceeding before the commission.

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

184

185



**PASSED AND ADOPTED** by the Board of Commissioners of Fulton County,  
Georgia this 1<sup>st</sup> day of Sept., 2021.

**Sponsored By:**

  
Liz Hausmann, Commissioner  
District 1

**CO-SPONSORED BY:**

  
Bob Ellis, Commissioner  
District 2

**CO-SPONSORED BY:**

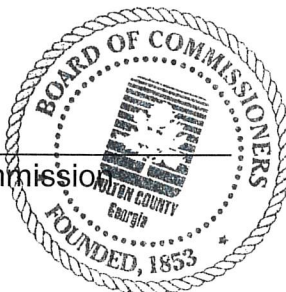
  
Lee Morris, Commissioner  
District 3

**CO-SPONSORED BY:**

  
Natalie Hall, Vice-Chair  
District 4

**ATTEST:**

  
Tonya R. Grier, Clerk to the Commission



**APPROVED AS TO FORM:**

  
Kaye Woodard Burwell, Interim County Attorney

ITEM # 21-0582 RM 9/1/21  
REGULAR MEETING