

FULTON COUNTY
BOARD OF COMMISSIONERS
PROCEDURAL RULES
FOR MEETINGS



Adopted January 19, 1994

Revised as of September 16, 2015, through Amendment #13

RULE ONE: MEETING TIMES AND PLACE. All meetings of the Fulton County Board of Commissioners shall be held in the Assembly Hall of the Fulton County Government Center, 141 Pryor Street, S.W., Atlanta, Georgia 30303. In accordance with state law, the first meeting of the month shall be held without exception. In the event that there is no quorum present at the scheduled starting time for that meeting, the Chair shall wait 30 minutes to determine whether a quorum will be present. If a quorum is not obtained after this waiting period, the Chair shall adjourn the meeting and re-advertise it in accordance with state law. Meetings are held at 10:00 a.m. on the first and third Wednesdays of each month unless special circumstances dictate a different meeting date, time, or place. In the event that special circumstances dictate a different meeting date, time, or place, the public shall be duly notified in accordance with the Georgia Open Meetings Act. The Board holds regularly scheduled Work Sessions on the second Wednesdays of each month at 2:00 p.m. or immediately following the Board's scheduled meeting.

RULE TWO: OPEN MEETINGS. All meetings of the Fulton County Board of Commissioners shall be held in accordance with the Georgia Open Meetings Act. The public shall be granted access to all meetings at all times except closed Executive Sessions. The law states that where a quorum of the governing authority or agency thereof are present, and where "official action" is to be discussed or taken, the meetings must be open and the public granted access.

Exceptions to the Georgia Open Meetings Act

1. Staff meetings for investigative purposes under duties and responsibilities imposed by law;
2. Meetings where future acquisition of real estate is being discussed;
3. Meetings when (a) the appointment, employment, disciplinary action, or dismissal of a public officer or employee is being discussed; or (b) complaints or charges against a public officer or employee are being heard, unless the employee requests a public meeting;
4. Most discussions with attorneys for the County are excluded from the Open Meetings Act; and,
5. Where tax matters made confidential by Georgia Law are being discussed.

RULE THREE: PRESIDING OFFICER AND RULES FOR DEBATE. In accordance with the Fulton County Code of Laws, the Chair of the

Board of Commissioners is responsible for the orderly conduct of the Board during the meeting and serves as the presiding officer. In order to ensure a fair, orderly, and efficient meeting, the Chair must enforce the rules of procedure adopted by the Board. In the absence of the Chair, the Vice Chair shall preside. Where a quorum is present and neither the Chair nor the Vice Chair is present, the Board may designate an acting presiding officer. Meetings are conducted in accordance with these procedural rules, applicable state law, and the *Roberts Rules of Order, Newly Revised*. Where a Commissioner raises a procedural question and these rules are silent, and in the absence of a specific statute, ordinance, or resolution, the question shall be resolved in accordance with the provisions of the *Roberts Rules of Order, Newly Revised* provided the provision used to answer the question is not in violation of local, state, or federal laws.

Debate

All resolutions, contracts, and items of business which require Board approval prior to the expenditure of funds, as well as any other item which requires Board action, shall be acted upon by the Board only after a Commissioner makes a motion and receives a second to the motion. A motion and proper second is recorded by the Clerk.

Each Commissioner, by virtue of his/her election to the Board, has the right and obligation to debate any and all issues which come before the Board for consideration. However, to ensure an orderly and efficient meeting, each Commissioner shall observe the following rules in regard to debate:

Rules for Debate

1. The Chair, as presiding officer (or Vice Chair in the Chair's absence) shall call for discussion on an item. No debate on an item should begin until the item has been sounded by the Clerk to the Commission or, in the Clerk's absence, the Chief Deputy Clerk.
2. Once the item has been properly moved and seconded, the Chair shall call for discussion.
3. Thereafter, the Chair shall open debate by recognizing each Commissioner who wishes to speak for a period not to exceed 10 total minutes with the additional stipulation that no Commissioner shall hold the floor for more than five consecutive minutes of their allotted time. However, at the opening of each Board Meeting, a Commissioner may ask their colleagues to waive the normal time limits on issues they deem need more

time. The Board will vote on each request before the agenda begins and decide among themselves what additional amount of time to allot to each Commissioner. The Clerk shall be the official timekeeper for the Board.

4. Calling the Question Motion: If a Commissioner believes that debate on an issue is too lengthy or that a vote should be called immediately on an issue, he or she can "call the question" or "move the previous question." This motion is out of order if it is made while another Commissioner has the floor or if the maker of the motion is not recognized by the Chair. This is a motion that is not debatable and requires a second. Once the motion has been properly made and seconded, the Chair shall immediately stop debate on the issue being debated and announce that there is a "call the question" motion on the floor. Immediately thereafter, the Chair shall call for a vote on the call the question motion, not on the main motion. If the call the question motion fails, debate on the issue may continue, then the Chair may allow debate on the issue to resume. If it passes, the Chair must immediately call for a vote on the issue which was the subject of the call the question motion.

Procedure for Reconsidering Board's Previous Actions
(Item #06-0775, 8/16/06 - Amendment #9)

5. Any action by the Board, including final action on applications for changes in land use status, shall be subject to a motion to reconsider as provided in this paragraph and Robert's Rules of Order. After a motion to reconsider is made and adopted, a motion to rescind must also be made. Motions to reconsider and to rescind may be made only by a member of the prevailing side on the original action. After the motion to rescind is made and adopted, the underlying matter shall be considered anew and is subject to any new motion by any member. A motion to reconsider may be made only in the same meeting in which the original action was adopted.

Reconsideration in Zoning Cases

6. Any zoning matter which is deferred or on which discussion is otherwise postponed by the Board shall be heard at the next appropriate scheduled zoning meeting. Zoning matters are heard only on the first meeting of the month in accordance with

a schedule set by the Director of Environment and Community Development. Ordinarily, no new zoning cases are heard in January.

7. Withdrawals are moved to the top of the agenda. Public hearings are still held; however, there is usually no opposition and cases are acted upon in a timely manner.

RULE FOUR: QUORUM. A quorum must be present for the transaction of business of the Board. In accordance with Georgia law, regarding Fulton County, four of the seven elected Commissioners must be present to constitute a quorum. It is the duty of the Chair to enforce this rule. Any Commissioner may raise a point of order if that Commissioner believes that a quorum is not present. If during the course of a meeting a quorum is lost, the Board cannot transact business. If, however, Members of the Board are in the Commissioners Conference Room adjacent to the Assembly Hall and are able to hear the business of the Board through the public address system, the Board has not lost a quorum. If a quorum is not attained within 30 minutes, the Chair must adjourn the meeting.

RULE FIVE: VOTING. Four members of the Board of Commissioners shall constitute a quorum for the transaction of business. The affirmative vote of at least four members shall be required for said Board of Commissioners to take official action; provided, further, that every item, requiring official action by the Board of Commissioners must be distinctly listed on the Board's Regular or Consent Agenda (**Item #01-0496, 4/18/01 - Amendment #7**). Each Commissioner shall record his or her vote by using the voting machine and should not vote by voice or by requesting that the Clerk's staff manually record their vote.

ABSTENTION. An officer or employee who has an interest that he or she has reason to believe may be affected by his or her official actions or by the official acts or actions of the County shall abstain from participating in such official act or actions affected thereby. In addition to such abstention, the officer or employee shall state publicly and shall orally disclose, on the official records of the Board of Commissioners, the nature of such interest prior to any determination of the matter. (**Item #00-1163, 9/06/00 - Amendment #5**)

RULE SIX: (Item #07-0809, 10/03/07-Amendment #11) AGENDA, PREPARATION OF AND PUBLIC COMMENT. The Fulton County Board of Commissioners holds a Regular meeting (first Wednesday of the month) and a Recess Meeting (third Wednesday of the month). The agenda is prepared by the Clerk's Office in concert with the County Manager's Office, provided, however, that the recommendations of the Tax Commissioner for Board action relating

to the granting, denial or revocation of alcoholic beverage licenses shall be placed on the agenda upon request by the Tax Commissioner (**Item #00-1315, 10/18/00 - Amendment #6**). The deadline for submitting items for regularly scheduled Board Of Commissioners' Meetings to the Clerk's Office for inclusion on the next agenda is 10:00 a.m. on the Friday before the meeting. A final copy of the agenda is distributed to the Commissioners, County Attorney, County Manager, and appropriate staff by 2:00 p.m. on the Friday preceding the scheduled meeting of the Board. Copies are also made available to the public at that time. A post agenda is provided after the meeting. The post agenda is a precursor to the final minutes and reflects actions taken by the Board at a particular meeting. Post agendas are distributed by the Clerk's Office within 48 hours of a meeting.

Agenda Preparation Procedure

1. Any Commissioner wishing to place an item on the agenda may do so and should submit a memorandum to the Clerk stating the item to be placed on the agenda. Any supporting documents germane to the item should also be submitted.
2. Adding of items to the agenda during the meeting is disfavored. When an emergency or extraordinary circumstance occurs, an item may be added to the agenda when it is adopted during the meeting by four affirmative votes. A motion shall be properly made and must carry to add each item to the agenda on the day of the meeting. That item shall appear on the post agenda under the "Added During the Meeting" heading.
3. Once the agenda has been approved in the meeting, it takes four affirmative votes to remove County Manager items. If the County Manager decides to remove an item from the agenda, he/she should suggest removal from the agenda by submitting a request in writing to the Clerk who will announce it during the adoption of the agenda. Four votes are required for approval. The County Manager should be prepared to state his/her reason for removal. Commissioners can remove their items at any time and this action does not require Board approval. The Board enacted a "Three Meeting Held Rule" that gives the Clerk the authority to remove Commissioners' items that have been on the agenda for three meetings. (**Item #96-0454, 4/3/96 - Amendment #2**)
4. Proclamations may be presented at the Recess Meeting with the meeting beginning promptly at 10:00 a.m., and presentations should not exceed 10:30 a.m. (**Item #95-0623, 5/17/95 - Amendment #1**)

5. Whenever any agenda item, via Resolution, seeks Board approval of a written agreement, a copy of the written agreement shall be attached to the agenda item or Resolution and shall be distributed by the Clerk as with other agenda items. Upon approval of the item, the Clerk shall include a copy of the written agreement in the official minutes of the Board meeting at which such approval occurred. **(Item #08-0255, 3/5/08 - Amendment #12)**

Public Comment

During the Public Comment portion of a Board Meeting, citizens may voice County-related requests, concerns, opinions, etc.

At the Regular Meeting, speakers will be heard prior to the zoning portion of the agenda; at the Recess Meeting, prior to the County Manager's Unfinished Business.

Before speaking, each participant must fill out a speaker card, located at the entryway, podium, and media and court reporter tables. All speaker cards must be submitted to the Clerk's staff, prior to the commencement of public comment, who will accept them on a first-come, first-served basis.

Speakers will be granted up to two minutes each. Members of the public will not be allowed to yield or donate time to other speakers. **(Item #15-0829, 9/16/15 - Amendment #13)** *THE PUBLIC COMMENT PORTION OF THE MEETING WILL NOT EXCEED 15 THIRTY MINUTES AT THE REGULAR MEETING, NOR WILL THIS PORTION EXCEED 30 THIRTY MINUTES AT THE RECESS MEETING.* **(Item #15-0829, 9/16/15 - Amendment #13)** Citizens who do not get an opportunity to speak will be allowed to speak first at a subsequent meeting. The clerk will hold their speaker cards until the date they choose to return. **(Item #99-1017, 8/4/99 - Amendment #3)**

NOTE:

If the subject matter involves an issue to be resolved, the citizen should first contact the County Manager's Office, which will ensure that the relevant Department Heads and other individuals are contacted to rectify the matter. If the issue cannot be resolved through the County Manager's efforts, the citizen may then contact a Commissioner so that the matter can be placed on a Board Meeting agenda. The Commissioner should then inform the Clerk by memorandum stating the subject to be discussed and the citizen who will speak. The address and phone number of the citizen should be conveyed. Any supporting material germane to the issue should also be submitted.

RULE SEVEN: (Item #07-0809, 10/03/07 - Amendment #11) CONSENT AGENDA. The Fulton County Board of Commissioners uses a consent agenda which lists items of routine nature such as renewal of grants, subdivision confirmations, refund reports, etc. Any items of business that are expected to receive unanimous approval and for which debate is not expected, should be placed on the consent agenda. Items may be removed from the consent agenda for further discussion but may not be added. The consent agenda is adopted with one motion.

RULE EIGHT: DECORUM. All Commissioners are expected to conduct themselves in a courteous and respectful manner. Commissioners seeking information from staff should do so within the confines of proper decorum. A Commissioner shall not speak until recognized by the Chair and likewise shall not interrupt another Commissioner's remarks. All comments made by a Commissioner shall directly address the motion or item being discussed. The Chair shall enforce the rules of decorum and if a Commissioner believes that a particular rule is being broken, he/she shall raise a point of order when recognized by the Chair. With a second, the Chair may either rule on the question or allow the Board to decide the issue by majority vote. 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.

RULE NINE: PUBLIC HEARINGS AND PARTICIPATION. In accordance with law and policy, the Board frequently conducts Public Hearings on a number of matters and issues. These Public Hearing rules are intended to ensure that the public has the opportunity to participate fairly in the meeting while promoting the orderly, efficient, and effective flow of the meeting.

Rules for Conducting Public Hearings

1. The Chair shall announce that the Public Hearing on a matter is now open and should call forth those persons who wish to speak in favor, against, or otherwise on the particular issue. The Chair shall inform the public that all comments by proponents, opponents, or the public shall be made from the podium and that any individual making a comment should first give their name and address. The Chair shall also inform the public that comments will only be received from the podium.
2. Members of the public who wish to speak must complete a speaker card, which must be given to a representative of the Clerk's Office prior to the commencement of the public hearing (Item# 03-0154, 1/15/03 - Amendment #8). Members of the public are expected to adhere to the

rules of decorum outlined herein and should be informed of such at the beginning of the Public Hearing by the Chair. There should be no vocal or boisterous demonstrations which will disrupt the orderly flow of the meeting. Any person(s) engaging in this type of behavior shall be ruled out of order by the Chair and shall, at the Chair's discretion, be removed from Assembly Hall.

3. Time. At hearings on proposed rezoning, use permits, modification and/or concurrent variance petitions, as well as amendments to the text of the Fulton County Zoning Resolution (hereinafter "land-use petitions"), proponents and opponents are allowed ten (10) minutes per side to present data, evidence and opinions. Each side's time period may be divided among multiple speakers in whatever manner desired. In the event a public hearing is conducted and final action on a land-use petition is deferred by the Board of Commissioners, a second public hearing (conducted under the same rules as set forth above) will be allowed when the petition is again considered by the Board of Commissioners following the deferral. No land-use petition shall be the subject of more than two (2) public hearings before the Board of Commissioners, regardless of the number of times final action is deferred by the Board of Commissioners, unless four or more members of the Board of Commissioners vote to conduct such additional public hearing(s). **(Item #00-0570, 4/19/00 - Amendment #4)**

Clerk's Note: State Law Mandates That the Time per Side Be Revised to 10 Minutes. (O.C.G.A. § 36-66-5)

4. Once the Public Hearing has concluded, the Chair shall so announce and the Board shall convene into open Executive Session to make its decisions.
5. As a general rule, members of the public do not speak on agenda items unless those items have been advertised for public hearing, have been placed in the public hearing segment of the agenda, or unless the Board by four affirmative votes has decided that public participation is necessary in its deliberative process. The Board shall follow its Public Hearing rules when such participation is warranted.

RULE TEN: AMENDMENTS TO THESE RULES. Any amendment to these rules of order by a Commissioner shall be submitted to the Clerk in writing one week before the designated meeting. The proposed

amendment shall be included on the agenda for that meeting and distributed to all Commissioners. All amendments require four affirmative votes by the Board for adoption.

RULE ELEVEN: SPECIAL MEETINGS AND RESCHEDULED REGULAR MEETINGS.

Commissioners shall hold one session on the first Wednesday of every month at the County site in the courthouse building or in such office as shall be prepared for them provided a majority of said Board convene in extraordinary session whenever in their judgment it may be necessary.

A regular meeting, except the first meeting of the month required by state law, may be canceled, rescheduled or moved to a new location within the County site by the Chair for any reason. Whenever the Chair cancels, reschedules, or moves the regularly scheduled meeting, it must be done in accordance with the *Georgia Open Meetings Act* which requires that notice of the change be posted for at least 24 hours at the place of the regular meeting. In addition, written or oral notice shall be given by the Clerk at least 24 hours in advance of the meeting to either the legal organ of the county or a newspaper having a general circulation at least equal to that of the legal organ and to each member of the Board. Other special meetings known as Special Call Meetings may be scheduled by the Chair at the request of four Commissioners. When emergency circumstances occur, the Board may hold a meeting with less than a 24-hour notice. When such meetings are held, the Clerk shall provide notice to the legal organ of the County or a newspaper with at least the general circulation of the legal organ and to each member of the Board as soon as practical. The notice shall include those subjects expected to be discussed at the meeting. In addition, the minutes shall reflect the reason for the emergency meeting and the nature of the notice given.

RULE TWELVE: EXECUTIVE SESSIONS. Executive Sessions of the Board may be held for the purpose of conducting business except by the *Georgia Open Meetings Act* requirements. Where a meeting is devoted in part to matters within the authorized exceptions to the *Georgia Open Meetings Act* requirements, any portion of the meeting not subject to any such exception shall be open to the public. No Executive Session shall be held except pursuant to a majority affirmative vote of the Board taken in a public meeting. The minutes of the public meeting shall reflect the names of the Commissioner present, those voting for the Executive Session and the reasons for the session. Only necessary staff shall be present at the Executive Session.

RULE THIRTEEN: SUSPENDING THE RULES OF ORDER. Rules of order may be suspended where a motion to suspend is properly moved and seconded. Rules of order in this context mean suspending the

order of business, moving an item up or down on the agenda, or removing an item from the agenda. Four affirmative votes shall be required to suspend the rules of order. Rules governing a quorum, voting methods and requirements, the notification to Commissioners of meetings and rules necessary for compliance with State and or Federal law may not be suspended.

RULE FOURTEEN: PARLIAMENTARIAN. The County Attorney shall serve as the Parliamentarian for the Board and in that capacity will answer to the Chair.

(original version, prior to amendments)

**RESOLUTION TO ADOPT MEETINGS ORGANIZATION
AND PROCEDURAL RULES
FOR THE FULTON COUNTY BOARD OF COMMISSIONERS**

WHEREAS, well organized meetings allow the Board of Commissioners the opportunity to reach decisions in an organized and fair manner; and,

WHEREAS, parliamentary procedure is the framework for organizing and conducting meetings; and,

WHEREAS, parliamentary procedure provides the rules by which the Board of Commissioners debates an issue and then comes to a decision,

NOW, THEREFORE, BE IT RESOLVED that all meetings of the Board of Commissioners of Fulton County shall be conducted in accordance with the provisions of this meetings organization and procedures ordinance.

ADOPTED THIS 19th Day of January 1994

Mitch J. Skandalakis, Chairman, Board of Commissioners

Attest: Avarita L. Hanson, Clerk to the Commission

Approved as to Form:

Susan Forsling, County Attorney

Introduced By: Commissioner Tom Lowe

93-RC-701

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