



Fulton County Board of Commissioners

15-0148

Agenda Item Summary: Item #15-0148

MEETING DATE:

2-18-15

Requesting Agency
COMMISSIONERS

Requested Action *(Identify appropriate Action or Motion, purpose, cost, timeframe, etc.)*

APPROVAL

Requirement for Board Action *(Cite specific Board policy, statute or code requirement)*

Is this Item Goal Related? *(If yes, describe how this action meets the specific Board Focus Area or Goal)*

Yes No

Summary & Background

(First sentence includes Agency recommendation. Provide an executive summary of the action that gives an overview of the relevant details for the item.)

15-0148

REQUEST APPROVAL OF A RESOLUTION TO AMEND THE TERMS AND PROCESS OF APPOINTMENT OF MEMBERS OF THE FULTON COUNTY BOARD OF ZONING APPEALS, AND TO AMEND SECTION 58-80 OF THE FULTON COUNTY CODE OF ORDINANCES, SO AS TO ENSURE THAT SUCH TERMS EXPIRE UPON THE EXPIRATION OF THE TERM OF SERVICE OF THE APPOINTING COUNTY COMMISSIONER; AND FOR OTHER PURPOSES. (BOC)

Fiscal Impact / Funding Source

(Include projected cost, approved budget amount and account number, source of funds, and any future funding requirements.)

Exhibits Attached *(Provide copies of originals, number exhibits consecutively, and label all exhibits in the upper right corner.)*

Source of Additional Information

(Type Name, Title, Agency and Phone)

OFFICE OF THE COUNTY ATTORNEY

R. David Ware
COUNTY ATTORNEY

TELEPHONE (404) 612-0246
FACSIMILE (404) 730-6324



ATTORNEY-CLIENT PRIVILEGED COMMUNICATION

TO: Mark Massey, Clerk
FROM: R. David Ware, County Attorney
DATE: February 11, 2015
RE: Boards, Commissions and Authorities

A handwritten signature in black ink, appearing to read "R. David Ware", is written over the "FROM:" line of the header.

THIS DOCUMENT AND ANY ATTACHMENT THERETO ARE PROTECTED BY THE ATTORNEY-CLIENT PRIVILEGE AND THE ATTORNEY WORK PRODUCT RULE. IT IS NOT SUBJECT TO PUBLIC DISCLOSURE OR TO RELEASE IN RESPONSE TO AN OPEN RECORDS ACT REQUEST. IT IS NOT SUBJECT TO RELEASE DURING LITIGATION OR DISCOVERY. IT MAY NOT BE PRESENTED AS EVIDENCE IN ANY JUDICIAL OR ADMINISTRATIVE PROCEEDING.

We have enclosed the Amended Resolution relating to the process for appointment of members to the Fulton County Board of Zoning Appeals. As you may recall, a previous version of this Resolution was approved by the Board of Commissioners ("BOC") in Agenda Item 15-0109. This Amendment modifies the language of the version approved at the February 4, 2015 BOC meeting to ensure that the Resolution's provisions setting the compensation for members of the Fulton County Board of Zoning Appeals are consistent with Section 58-80 of the Fulton County Code of Ordinances. Please place this Item on the February 18, 2015 Agenda.

xc: Jerolyn Webb Ferrari, Deputy County Attorney
W. Shannon Sams, Senior Attorney
Marvin J. Harkins, Staff Attorney

Enclosures

P:\CAProjects\BOC\Boards and Commissions\2.11.15 Clerk, Boards and Commissions, Transmittal.docx

1 RESOLUTION TO AMEND THE TERMS AND PROCESS OF APPOINTMENT
2 OF MEMBERS OF THE FULTON COUNTY BOARD OF ZONING APPEALS,
3 AND TO AMEND SECTION 58-80 OF THE FULTON COUNTY CODE OF
4 ORDINANCES, SO AS TO ENSURE THAT SUCH TERMS EXPIRE UPON THE
5 EXPIRATION OF THE TERM OF SERVICE OF THE APPOINTING COUNTY
6 COMMISSIONER; AND FOR OTHER PURPOSES

7 WHEREAS, the Fulton County Clerk has identified approximately fifty-one
8 (51) active boards or authorities to which the Fulton County Board of
9 Commissioners makes membership appointments;

10 WHEREAS, the process of appointing members and terms of service for
11 the various boards and authorities is inconsistent;

12 WHEREAS, the boundaries of the Fulton County Board of Commissioners
13 districts were recently redistricted so as to change the geographic boundaries of
14 each district and to rename the individual districts;

15 WHEREAS, certain boards and authorities have the requirement that their
16 appointment terms expire upon the expiration of the term of the appointing
17 Commissioner;

18 WHEREAS, alternatively, certain boards and authorities have the
19 requirement that appointees reside within the geographic boundaries of the
20 appointing Commissioner's district; and, given the change in such district
21 boundaries, confusion has resulted as to whether the member/appointee can
22 continue to serve;

23 WHEREAS, there are also certain boards and authorities that have the
24 requirement that appointees serve a specific term limit irrespective of the
25 geographic boundaries of the district in which they reside or the term of the
26 Commissioner who appointed the board member/appointee;

27 WHEREAS, the recent redistricting, along with the election of three new
28 Fulton County Commissioners effective January 2015 has resulted in some
29 degree of confusion about the process of appointing members/appointees to the
30 various boards and authorities to terms that extend beyond December 31, 2014
31 and into 2015 by Commissioners from the previous geographic Commission
32 districts and/or by Commissioners who will not be returning in 2015;

33 WHEREAS, the Fulton County Board of Commissioners, at its November
34 5, 2014 meeting, discussed Agenda Item 14-0943, regarding board
35 appointments;

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1 **WHEREAS**, during the discussion of Agenda Item 14-0943,
2 Commissioners directed the County Clerk to assess the various boards and
3 authorities with respect to incoming and outgoing Commissioners and to
4 recommend strategies for incoming Commissioners to make appointments;

5 **WHEREAS**, as a result of the assessment requested pursuant to Agenda
6 Item 14-0943, the County Clerk identified twenty-three (23) boards or authorities
7 for which individual Commissioners traditionally make district appointments
8 and/or such boards or authorities require appointees to reside within the
9 geographic boundaries of the appointing Commissioner's district;

10 **WHEREAS**, at the request of the Fulton County Board of Commissioners,
11 the County Clerk and the County Attorney prepared a joint report and
12 recommendations for a process to address Board Appointments to Boards and
13 Authorities as a result of redistricting and such report and recommendations were
14 approved as Agenda Item 15-0077;

15 **WHEREAS**, the Fulton County Board of Zoning Appeals is one of the
16 twenty-three (23) boards or authorities identified for which individual
17 Commissioners make district appointments and/or such boards require
18 appointees to reside within the geographic boundaries of the appointing
19 Commissioner's district;

20 **WHEREAS**, the appointment process and/or terms for the Fulton County
21 Board of Zoning Appeals lies within the authority of the Fulton County Board of
22 Commissioners since such procedures are not governed by State law;

23 **NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF**
24 **COMMISSIONERS OF FULTON COUNTY, GEORGIA**, that the Board of
25 Commissioners hereby amends the Resolution creating the seven (7) member
26 Fulton County Board of Zoning Appeals, as adopted upon approval of Item 5 at
27 the Recess Meeting of the Fulton County Board of Commissioners on July 25,
28 1979, as codified in Article XXII, of the Fulton County Zoning Resolution in
29 Section 14.1 and at Article III of the Fulton County Code at Section 58-80(b), is
30 hereby amended as provided in Exhibit "A", a copy of which is attached hereto
31 and incorporated into this Resolution.

32 **BE IT FURTHER RESOLVED** that the County Clerk is hereby directed to
33 forward a copy of this Resolution to the Chairman of the Fulton County Board of
34 Zoning Appeals.

1 BE IT FURTHER RESOLVED, that this Resolution shall become effective
2 upon its adoption and that all Resolutions and parts of Resolutions in conflict with
3 this Resolution are hereby repealed to the extent of the conflict.

4 PASSED AND ADOPTED by the Board of Commissioners of Fulton
5 County, Georgia, this 18th day of February, 2015.

6
7 FULTON COUNTY BOARD OF
8 COMMISSIONERS

9
10 SPONSORED BY:

11
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13
14 _____
15 John H. Eaves, Chairman
16 District 7, At-Large



17 ATTEST:

18 APPROVED AS TO FORM:

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20 

21
22 _____
23 Mark Massey, Clerk to the Commission

24 
25 _____
26 R. David Ware, County Attorney

27 P:\CALegislation\BOC\Resolutions\2015 Resolutions\Chairman Eaves\Board of Zoning Appeals\2.04.15
Resolution re Bd apptmts (BZA).docx

ITEM # 15-0148 RCS 2/18/15
RECESS MEETING

EXHIBIT "A"

The Fulton County Board of Zoning Appeals (or as hereinafter may be called the Board) shall consist of seven (7) members appointed by the Board of Commissioners of Fulton County. The term of each member shall coincide with that of the District Commissioner who appointed the member to serve on the Board of Zoning Appeals. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment. Members shall be removable for cause by the Board of Commissioners of Fulton County upon written charges and after public hearing. The members of the Board shall be compensated as fixed by the Board of Commissioners of Fulton County. None of the members shall hold any other public office or position in Fulton County, except that one member may also be a member of the Fulton County Community Zoning Board.