

1 **RESOLUTION TO AMEND THE TERMS AND PROCESS OF APPOINTMENT**
2 **OF MEMBERS OF THE FULTON COUNTY COMMUNITY ZONING BOARD,**
3 **AND TO AMEND SECTION 2 OF RESOLUTION 01-0597, CODIFIED IN**
4 **ARTICLE II FULTON COUNTY CODE OF ORDINANCES CHAPTER 58,**
5 **SECTION 36, SO AS TO ENSURE THAT SUCH TERMS EXPIRE UPON THE**
6 **EXPIRATION OF THE TERM OF SERVICE OF THE APPOINTING COUNTY**
7 **COMMISSIONER; AND FOR OTHER PURPOSES**

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

11 **WHEREAS**, the Fulton County Board of Commissioner desires to ensure
12 that the process of appointing members and terms of service for the various
13 boards and authorities is not consistent;

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

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

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

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

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

15-0109

1 **WHEREAS**, the Fulton County Board of Commissioners, at their
2 November 5, 2014 meeting, discussed Agenda Item 14-0943, regarding board
3 appointments;

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

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

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

18 **WHEREAS**, at the request of the Fulton County Board of Commissioners,
19 the County Clerk and the County Attorney prepared a joint report and
20 recommendations for a process to address Board Appointments to Boards and
21 Authorities as a result of redistricting and such report and recommendations were
22 approved as Agenda Item 15-0077;

23 **WHEREAS**, the appointment process and/or terms for the Fulton County
24 Community Zoning Board lies within the authority of the Fulton County Board of
25 Commissioners since such procedures are not governed by State law;

26 **NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF**
27 **COMMISSIONERS OF FULTON COUNTY, GEORGIA**, that Section 2 of the
28 Resolution 01-0597 of the Fulton County Community Zoning Board, as adopted
29 at the Recess Meeting of the Fulton County Board of Commissioners on June 20,
30 2001, and codified in Article II of Chapter 58, Section 36 is hereby amended as
31 provided in Exhibit "A", a copy of which is attached hereto and incorporated into
32 this Resolution.

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

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 4th day of February, 2015.

6 **FULTON COUNTY BOARD OF**
7 **COMMISSIONERS**

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9 **SPONSORED BY:**

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15 John H. Eaves, Chairman
16 District 7, At-Large

17 **APPROVED AS TO FORM:**

18 **ATTEST:**



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23 Mark Massey, Clerk to the Commission R 
24 David Ware, County Attorney

25 P:\CALegislation\BOC\Resolutions\2015 Resolutions\Chairman Eaves\Resolutions to Amend Appointment
26 Terms and Sunset Certain Boards and Authorities\Community Zoning Board\2.04.15 Resolution re Bd
27 apptmts (Community Zoning Board).docx

ITEM # 15-0109 RM 2/4/15
REGULAR MEETING

EXHIBIT "A"

Section 2. Section 58-36, Fulton County Code of Laws is hereby amended to read as follows:

"Sec. 58-36. Membership; composition; appointment; terms; vacancies; removal.

The Fulton County Board of Commissioners shall appoint seven (7) members to a Community Zoning Board for unincorporated Fulton County. Appointments shall be made as follows:

Each member of the Fulton County Board of Commissioners shall nominate, for full Board approval, a member to the Community Zoning Board. The Community Zoning Board shall review and make recommendations to the Board of Commissioners (as such powers are defined in this Chapter) regarding properties located within, and matters affecting, unincorporated Fulton County. Members of the Community Zoning Board will be provided periodic training, as determined by the Director of the Department of the Department of Planning and Community Development.

From the membership of the Community Zoning Board, the Board of Commissioners shall appoint a Chair and Vice-Chair to serve no more than two (2) years. The Vice-Chair may be appointed to the duties of the Chair when deemed necessary by emergency or when the Chair is no longer able to perform those duties assigned, as determined by the Board of Commissioners. The duty of the Chair shall be to conduct the meetings in accordance with the procedures set forth herein, and the Vice-Chair shall conduct the meetings in the Chair's absence. The members shall serve a term consistent with that of the member of the Board of Commissioners making the nomination. Members shall serve no more than two (2) terms, either consecutive or non-consecutive.

Members of the Community Zoning Board serve at the pleasure of the Board of Commissioners and may be removed upon motion of the nominating Commissioner and affirmative vote of a majority of the Board of Commissioners. No member of the Community Zoning Board shall hold any other appointive or elective public office or position in unincorporated Fulton County during such member's term. Any vacancy in the membership shall be filled for the unexpired term of such vacancy in the same manner as the original appointment. An appointment to fill any vacancy on the Community Zoning Board shall be for the remainder of the unexpired term of office. Compensation of the members of the Community Zoning Board shall be fixed by the members of the Board of Commissioners."