

Ordinance No. 13-03

**AN ORDINANCE TO REPEAL ORDINANCE 11-01 AND TO REPLACE IT WITH AN ORDINANCE TO ESTABLISH RULES OF PROCEDURE, PUBLIC ACCESS, AND ORDER OF BUSINESS FOR ALL MEETINGS**

WHEREAS, Section 2.22 of the Charter of the City of Sky Valley provides for the adoption of rules of procedure and order of business; and,

WHEREAS, well-organized meetings allow a City Council to reach decisions in a fair and consistent manner; and,

WHEREAS, efficiency is served when the process of planning for and conducting public meetings is clearly stated and understood by public officials and citizens; and,

WHEREAS, public participation and access to the governmental decision-making process is a key element of our democratic system; and,

NOW, THEREFORE, The City of Sky Valley hereby ordains that all meetings of the City Council of the City of Sky Valley shall be conducted in accordance with the provisions of these rules of procedure and organization ordinance.

Section 1. Open Meetings. Notwithstanding any provisions to the contrary, the requirements set forth in this ordinance are in addition to the provisions of § 50-14-1 et seq. of the Official Code of Georgia Annotated and all meetings of the City Council shall be held in accordance with the requirements of the Open Meetings Act as it existed or as amended.

Section 2. Executive Sessions. Executive sessions of the Mayor and City Council may be held as provided by law.

(a) Non-Exempt Topics. If a Councilor attempts to discuss a non-exempt topic during an executive session, the presiding officer shall immediately rule that Councilor out of order and such discussion shall cease. If the Councilor persists in discussing the non-exempt topic, the chairperson shall adjourn the meeting immediately.

(b) Procedure For Entering Into Executive Sessions. No executive session shall be held except pursuant to a majority affirmative vote of the City Council taken in a public meeting. The minutes of the public meeting shall reflect the names of the Councilors present, those voting for the executive session, and the specific

reasons for the executive session. All votes taken on items discussed in executive session shall be taken in an open meeting.

(c) Executive Session Minutes. The Mayor or designee of the Mayor will provide an outline of the subject matter of the executive session. This outline shall be maintained in a confidential file and shall not be subject to disclosure except as otherwise provided by law.

(d) Executive Session Affidavit. The Mayor or other presiding officer and all Councilors present shall execute an affidavit stating, under oath, that the executive session was devoted to topics exempt from the public access requirements. The affidavit shall include the specific exemption to the open meetings law. The affidavit shall be filed with the minutes of the open meeting.

Section 3. Visual and Sound Recordings. Visual, sound, and visual and sound recordings shall be permitted for all public hearings.

Section 4. Quorum. A quorum must be present for conducting meetings of the Council. A quorum is any four members of the City Council. It is the duty of the Mayor to enforce this rule. Any Councilor may raise a point of order directed to the Mayor if he or she believes that a quorum is not present. If, during the course of a meeting, a Councilor or Councilors leave and a quorum no longer exists, the meeting may not continue. If a quorum is not attained within thirty minutes, the meeting may be rescheduled by the Mayor with the approval of the Councilors present.

Section 5. Mayor. The Mayor of the City Council, as presiding officer, is responsible for the orderly conduct of the meeting. In order to fulfill this duty, the Mayor shall enforce the rules of procedure that are adopted by the City Council. The Mayor shall be impartial and conduct the meetings in a fair manner. The Mayor is a part of the legislative body and is authorized to vote on all issues before the council.

Section 6. Council President. The Council shall select a Council President from the Council members at the beginning of each calendar year. The Council President shall fulfill the duties of the Mayor if the Mayor is not in attendance.

Section 7. Presiding Officer. If the Mayor and the Council President are absent or otherwise unable to serve as presiding officer at a meeting and a quorum of Councilors is present, the remaining Councilors shall select a Councilor to serve as presiding officer of the meeting until either the Mayor or Council President is present at the meeting.

Section 8. Parliamentarian. The city attorney shall serve as the parliamentarian for City Council meetings.

Section 9. Order of Motions; Rules of Order.

(a) When a question, motion or resolution is before the Council, the following chart of precedence of motions and summary of rules governing them:

(b) Except as herein provided, the proceedings of the Council shall be governed by

Robert's Rules of Order Revised.

Section 10. Suspending the Rules of Order. Rules of order may be suspended in the case of an emergency. A motion to suspend the rules requires a second, is debatable, and requires a two-thirds vote of the Council. Rules governing quorums (Section 4), voting methods and requirements (Section 17 and Section 18), the notification to Councilors of meetings (Section 12(a) and (b)) and rules necessary for compliance with state law may not be suspended; provided, however, that, in the event that a state of emergency is declared by the Governor or other authorized state official, the Council may waive time-consuming procedures and formalities imposed by state law.

Section 11. Regular Meetings. Regular meetings of the City Council shall be set at the first meeting of each year. All regular meetings shall be held at City Hall or a location otherwise designated by the City Council. A notice containing the foregoing information shall be posted and maintained in a conspicuous place available to the general public at City Hall.

Section 12. Meetings Other Than Regular Meetings. The Council may meet at times and locations other than those regularly scheduled meetings.

(a) Special Meetings and Rescheduled Regular Meetings. A regular meeting may be canceled, rescheduled or moved to a new location within the city by the Mayor for any reason. Other special meetings may be scheduled by the Mayor or at the request of at least three Councilors. Whenever a rescheduled regular meeting or any other special meeting is to be held at a time or place other than the regularly scheduled time or place, written notice of the change shall be posted for at least 24 hours at City Hall. 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 city or a newspaper having general circulation at least equal to that of the legal organ, as well as to each member of the city governing authority.

(b) Meetings With Less Than 24 Hours Notice. When emergency circumstances occur, the Council may hold a meeting with less than 24 hours notice to the public. When such meetings are to be held, the Clerk shall provide notice to the legal organ of the city or a newspaper with a general circulation at least equal to that of the legal organ and to each member of the city governing authority as soon as possible. The notice shall include the subjects expected to be considered at the meeting. In addition, the minutes shall reflect the reason for the emergency meeting and the nature of the notice given to the media.

(c) Meetings During a State of Emergency. When it is imprudent, inexpedient or impossible to hold Council meetings at the regular meeting place due to emergency or disaster resulting from manmade or natural causes, as declared by the Governor or other authorized state official, the Council may meet anywhere within or outside of the city. Such a meeting may be called by the Mayor or by any three Councilors. At the meeting, the Councilors shall establish and designate emergency temporary meeting locations where public business may be transacted during the emergency. Any action taken in such meetings shall have the same effect as if performed at the regular meeting site.

Section 13. Order of Business. All regular Council meetings shall substantially follow an established order of business. The order shall be as follows:

- Call to Order
- Invocation/Pledge of Allegiance
- Approval of Minutes
- Approval of Agenda
- Mayor's Remarks
- Council Remarks
- Invited guests
- Department Reports
- Committee Reports
- Old Business
- New Business
- Tabled Items
- Public Form and General Comments
- Adjournment

Section 14. Agenda. The City Clerk, with the advice of the City Manager, Mayor, and Councilors, shall prepare an agenda of subjects to be acted on for each meeting. Agenda items shall be submitted to the City Clerk two weeks prior to the regular Council meeting. The agenda for regular council meetings shall be made available one week prior to the regular Council meeting, and at least one business day before any other scheduled Council meeting

(a) Requests For Agenda Items. Members of the public may request that a particular subject be placed on the agenda for a meeting. To be considered, this request shall be submitted in writing to the City Clerk and received at least two weeks prior to a regular Council meeting.

(b) Changing The Agenda. The order or addition of any new items to the agenda may be done prior to the adoption of the agenda by a majority vote of the Council. A change in order or additions of any new items may be added to the agenda *during a meeting* by a two-thirds vote of the Council.

(c) Agenda Must Be Made Public. The agenda of all matters to come before the Council shall be made available to the public upon request and shall be posted at City Hall as far in advance as reasonably possible, but not more than two weeks prior to the meeting.

Section 15. Decorum. All Councilors shall conduct themselves in a professional and respectful manner. All remarks shall be directed to the Mayor and not to individual Councilors, staff, or citizens in attendance. Personal remarks are inappropriate and may be ruled out of order. A Councilor may not speak at a meeting until he or she has been recognized by the Mayor. All

comments made by a Councilor shall address the motion that is being discussed. The Mayor shall enforce these rules of decorum. If a Councilor believes that a rule has been broken, he or she may raise a point of order. A second is not required. The Mayor may rule on the question or may allow the Council to debate the issue and decide by majority vote.

Section 16. Voting. Passage of a motion shall require the affirmative vote of a majority of Councilors present and voting at a meeting at which a quorum is present. Unless otherwise specified in these procedures, a majority shall exclude abstentions. When a two-thirds majority is specified, a majority vote shall mean at least two-thirds of the Councilors present excluding abstentions.

Section 17. Silence is Consent. Those Council members who do not vote agree to go along with the decision of the majority by their silence.

Section 18. Abstentions. A Councilor shall vote on all motions unless he or she has a conflict of interest preventing him or her from making a decision in a fair and legal manner. If a conflict of interest does exist, the Councilor shall explain for the record his or her decision to abstain on any vote.

Section 19. Public Participation. Public participation in meetings of the City Council shall be permitted in accordance with the provisions of this section.

(a) Public Comments. All members of the public wishing to address the Council during the period of the meeting designated as "Public Forum and General Comments," or at such other time as a majority of the Council shall allow, or at public hearings on local laws, zoning law and the city budget, or any other time required by state law or City Charter. Speaker must stand, if possible. Speakers are requested to give their name, address and organization, if any. Speakers must be recognized by the presiding officer. Speakers are requested to limit their remarks to five minutes and will be advised by the City Clerk when five minutes have expired. Speakers are requested to conclude their remarks at that time. The "Public Forum/General Comments" period is intended to afford citizens an opportunity to express opinions and to bring important matters to the attention of the Common Council. Although they may, nothing herein shall require the Mayor or the Council to answer questions or engage in debate at any Council meeting. All remarks shall be addressed to the Council as a body and not to any member thereof. Speakers shall observe the commonly accepted rules of courtesy, decorum, dignity and good taste. Interested parties or their representatives may address the Council by written communications. Written communications shall be delivered to the City Clerk to be distributed to the Mayor and Council.

(b) Public Participation on Agenda Items. The presiding officer shall allow public comment on an agenda item at the time the item is being considered by the Council. These comments shall be limited to the subject that is being debated. Members of the public may speak for five minutes and may speak only once. These limits may be waived by a majority vote of the Council. Anyone wishing to speak at any Council meeting must be recognized by the Mayor before addressing the Council.

(c) Decorum. Members of the public shall not make inappropriate or offensive comments at a Council meeting and are expected to comply with the rules of decorum that are established for Councilors. Individuals violating any rules of the Council may be ruled out of order by the Mayor or on a point of order made by a Councilor. A majority vote of the Council shall rule on the point out of order. An individual violating the rules of decorum may be removed from the meeting at the direction of the Mayor.

(d) Sergeant at Arms. The Chief of Police, or such member of the Department of Police as the Mayor may designate, shall be Sergeant at Arms at the Council meetings. The Sergeant at Arms shall carry out all orders given by the Mayor for the purpose of maintaining order and decorum at the meetings. On the instruction of the Mayor, the Sergeant at Arms shall remove from the meeting any person who disturbs the proceedings of the Council.

(e) Public Hearings. The Council may schedule public hearings for the purpose of soliciting public comment on any subject of interest to the Council. Hearings may be held immediately prior to, during or following a meeting of the Council or at such other places and times as the Council may determine. Hearings require at least 10 minutes per side. No official action shall be taken at any such public hearing. Hearings on zoning decisions shall be governed in accordance with the zoning policies and procedures.

Section 20. Meeting Summary. A summary list of the subjects acted upon in a meeting and the names of the Councilors present at a meeting shall be written and made available to the public for inspection within two business days of the adjournment of the meeting.

Section 21. Minutes. The City Clerk shall promptly record the minutes for each Council meeting. The minutes shall specify the names of Councilors present at the meeting, a description of each motion or other proposal made at the meeting, the name of the Councilor who proposed each motion, the name of the Councilor who seconded each motion, and a record of all votes. In the case of a roll call vote, the name of each Councilor voting for or against a proposal shall be recorded. It shall be presumed that a Councilor has voted in the affirmative unless the minutes show otherwise. More detailed information may be included in the minutes at the request of the Council.

The official record of the Sky Valley City Council meetings consists of the written meeting minutes approved by a majority vote of the Council. At such time, all other copies of the minutes, including electronic media, will be destroyed. The minutes shall be open for public inspection once approved as official by the Council. A copy of the minutes from the previous meeting shall be distributed to the Councilors at least one business day before the following meeting. The minutes of the previous meeting shall be corrected, if necessary, and approved by the Council at the beginning of each meeting. Conflicts regarding the content of the minutes shall be decided by a majority vote. Upon being approved, the minutes shall be signed by the Mayor and attested to by the City Clerk.




Section 22. Committees. The Mayor, with the concurrence of the Council, may create committees of members of the Council to study any issue before the Council. Any such committees may make recommendations to the City Council but no committee shall be empowered to make any final decision on any matter before it for consideration. In addition to Council members, committees may include other city officials, staff or citizens at large. Whenever a committee is created, its duties, any limitation on the scope of its duties, and the times, places, and periods of time for which the committee may operate shall be determined by the Mayor with the concurrence of the Council. The Mayor shall serve as an ex officio member of all committees. Committee meetings shall be open to the public and shall comply with the requirements of this meeting organization ordinance and state law.


Section 23. All ordinances or portion of ordinances in conflict with the provisions hereof are hereby repealed.

Section 24. This ordinance will become effective upon adoption by City Council and approval by the Mayor as provided by the Charter of the City of Sky Valley.

It is so ordained and approved by vote of the City Council of the City of Sky Valley this 21<sup>st</sup> day of October, 2013.

Approved:

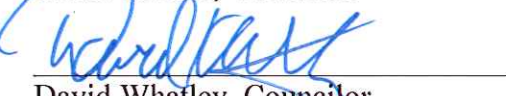
  
James S. Martindale, Mayor

  
Neil Howard, Council President

  
Liz Carr, Councilor

  
Bob Larsen, Councilor

  
Maureen Platt, Councilor

  
David Whatley, Councilor

Attest:

  
Mandi Cantrell, City Clerk

Read and introduced on the 21<sup>st</sup> day of October, 2013.

Adopted on the 21<sup>st</sup> day of October, 2013.