COUNTY DEPARTMENT AGENDA REQUEST

Department:	Board of Commissoners	Presenter(s):	Chairman Frady
Meeting Date:	Wednesday, June 1, 2011	Type of Request:	New Business

Wording for the Agenda:

Consideration of "Meetings Organization and Public Access of Counties: A Model Ordinance", a publication by the Association of County Commissioners of Georgia.

Background/History/Details:

The Association of County Commissioners of Georgia Model Ordinance is included in the backup documentation.

What action are you seeking from the Board of Commissioners?

This is for consideration and discussion only. Members of the Board are asked to make recommendations and potential changes to this ordinance to better serve the citizens of Fayette County.

If this item requires funding, please describe:

Not applicable.

Has this issue come before the Commissioners in the past?	No	If so, when?	
Do you need audio-visual for the presentation?	No	Back-up Material Submitted?	Yes

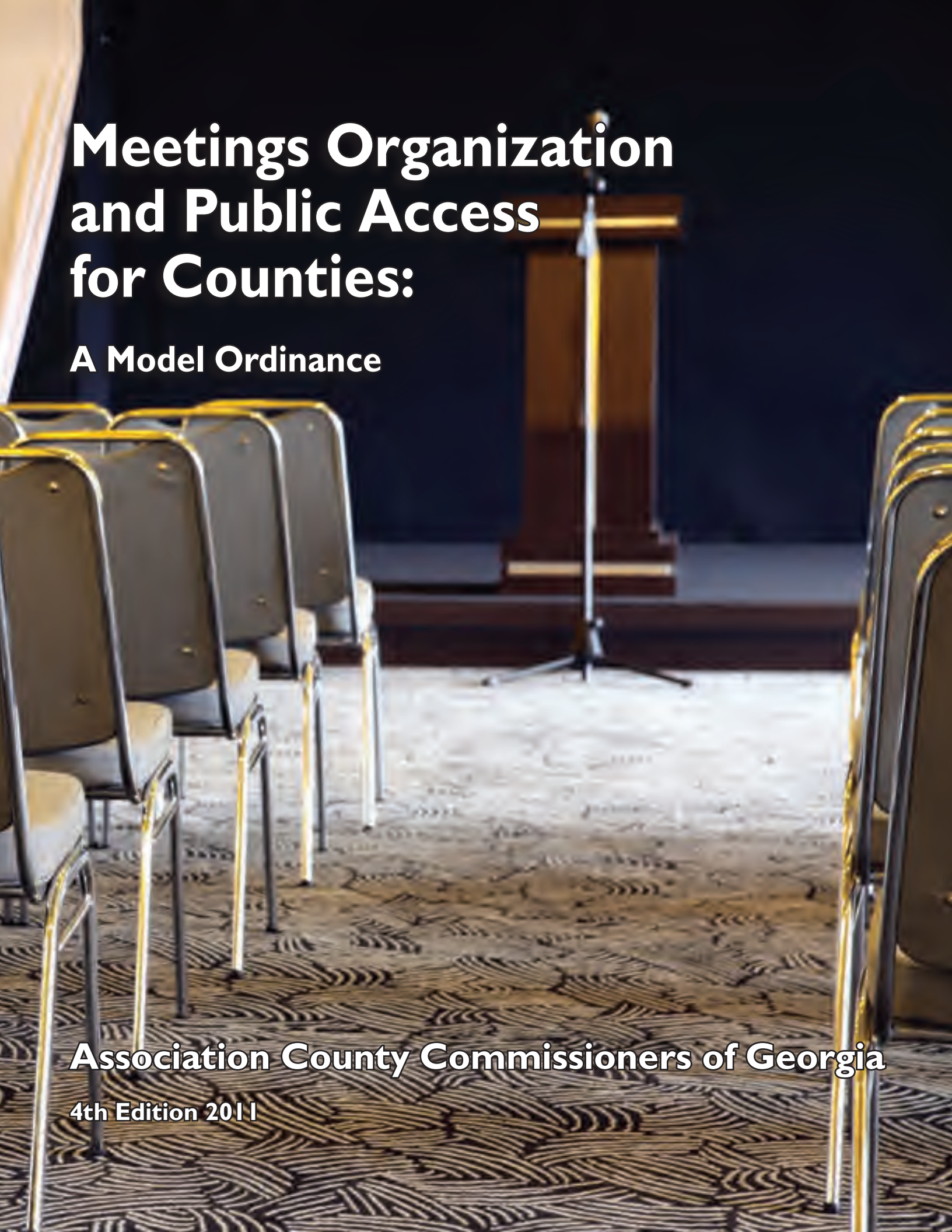
STAFF USE ONLY

Approved by Finance	Not Applicable	Reviewed by Legal	Yes
Approved by Purchasing	Not Applicable	Approved by County Clerk	Yes
Administrator's Approval	Yes		

Staff Notes:

Meetings Organization and Public Access for Counties:

A Model Ordinance



Association County Commissioners of Georgia

4th Edition 2011

Meetings Organization and Public Access for Counties: A Model Ordinance

4th Edition
March 2011

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Introduction

Properly organized meetings provide the structure through which a board of commissioners may debate an issue and come to the decisions that are necessary to manage the affairs of a county. A commission meeting that is well organized will be more productive, more efficient, and above all, more businesslike than a commission meeting that is unorganized. Contained within is a model ordinance that focuses on the organization of and preparation for a meeting.

Keep in mind, however, that this is a model ordinance. As a model, it suggests one approach to meetings organization. Provisions should be changed to conform to local legislation, existing meeting structure and local preferences. For example, some counties have local legislation enacted by the General Assembly specifically requiring the Chair to vote as any other commissioner, while other counties have local legislation that only allows the Chair to vote in case of a tie. In other instances, local legislation may provide quorum or majority vote requirements that vary from the model. Consequently, this model may need to be amended to conform to local legislation. Other provisions of the model, such as order of business, how public participation is accommodated, use of a consent agenda, work sessions, whether the county manager or clerk prepares the agenda, and other matters reflect personal preferences of the writers of the model and consideration should be given to revising the model language to match local requirements and preferences.

It is critical that the county attorney be directly involved in the adoption of any meetings procedure or rules of order since defective procedures may negate decisions made by a board during any such meeting. In addition to avoiding conflicts with local legislation, those counties that have adopted zoning ordinances should consult with their county attorney to ensure that the model does not conflict with the requirements in their zoning ordinances for meetings and hearings. Also, note in particular that Sections 1, 2, 12, 14, 20 and 21 of the model address, in part, requirements of the Open Meetings Law found at O.C.G.A. § 50-14-1 *et seq*.

ACCG also has published *"Parliamentary Procedure for Counties: A Guide and Model Ordinance"* that counties may want to consider as a simpler alternative to Roberts' Rules of Order.

Model Ordinance
Meetings Organization and Public Access

WHEREAS, well-organized meetings allow a board of commissioners to reach decisions in a fair and consistent manner;

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.

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

Section 1. Open Meetings. All meetings of the board of commissioners shall be held in accordance with the provisions of O.C.G.A. § 50-14-1 *et seq.* The public shall at all times be afforded access to all meetings other than executive sessions.

Section 2. Executive Sessions. As provided below or in accordance with Georgia law, the board may close a portion of a meeting to the public to discuss certain topics that are exempted from the Open Meetings Law. Such meetings shall be referred to as executive sessions. Any portion of the meeting not subject to any exemptions authorized by law shall be open to the public.

(a) Types of Executive Sessions. Executive sessions of the board may be held for the purpose of discussing the following topics exempted from public access requirements by O.C.G.A. §§ 50-14-2 and 50-14-3:

(1) Pending or Potential Litigation. The board may close an open meeting to discuss topics subject to the attorney client privilege to the extent the commissioners consult and meet with the county attorney or other legal counsel to discuss pending or potential litigation, settlement, claims, administrative proceedings or other judicial actions brought by or against the county, a county official or employee. The county attorney or other attorney representing the county must be present in the executive session. In order to close a meeting because of potential litigation, there must be a real and tangible threat of legal action indicated by a formal demand letter or other writing presenting a claim or a sincere intention to sue, previous or pre-existing litigation between the county and the other party or the hiring of an attorney by the threatening party.

[Cross Reference: O.C.G.A. § 50-14-2(1) and The Claxton Enterprise v. Evans County Board of Commissioners, 280 Ga.App. 870 (2001).]

(2) Personnel Matters. The board may close an open meeting to discuss or deliberate on the appointment, employment, compensation, hiring, disciplinary action, dismissal or evaluation of a county official or employee except that the commissioners must receive evidence or hear arguments on proposed disciplinary action or dismissal of a county official or employee in an open meeting. Any votes by the board must be taken in an open meeting and be entered in the minutes of the open meeting.

[Cross Reference: O.C.G.A. § 50-14-3(6).]

(3) Real Estate Acquisition by the County. The board may close an open meeting to discuss the future purchase of real estate. The board is required to keep minutes of an executive session held to discuss the acquisition of real estate as provided in

paragraph (1) of subsection (f) of Section 2 of this ordinance.

[Cross Reference: O.C.G.A. § 50-14-3(4).]

(4) Records that Could Compromise Public Security. The board may close an open meeting to review or discuss records that, if made public, would endanger life, safety or public property by compromising security against sabotage, criminal acts or terrorist acts. Such records include, but are not limited to, security plans, vulnerability assessments for public buildings or facilities, anti-terrorist plans, plans or blueprints that reveal security devices or otherwise compromise security and contingency plans for meetings.

[Cross Reference: O.C.G.A. §§ 50-14-3(9) and 50-18-72(a)(15).]

(b) Procedure for Entering into Executive Sessions. An executive session shall not be held except pursuant to a majority affirmative vote of the board of commissioners taken in an open meeting. The minutes of the open meeting shall reflect the names of the commissioners present, those voting for the executive session, and the specific reasons for the executive session.

[Cross Reference: O.C.G.A. §§ 50-14-1(e)(2) and 50-14-1(b).]

(c) Who Can Attend Executive Sessions. Board members and only individuals necessary to conduct an executive session may be present. The clerk of the board of commissioners and the county administrator shall be included in any executive session approved by the board of commissioners unless expressly barred by majority vote of the board prior to or during the course of an executive session. The county attorney or other attorney representing the board must be included in any executive session pertaining to litigation or claims against the county. Other individuals may be invited to participate in an executive session by majority vote of the board prior to or during the course of the executive session but only if the presence of such individuals is consistent with the applicable exception authorizing the executive session. No other individuals shall be permitted in the executive session.

[Cross Reference: O.C.G.A. § 50-14-2(1); The Claxton Enterprise v. Evans County Board of Commissioners, 280 Ga.App. 870 (2001); Attorney General Opinion No. U98-31.]

(d) Non-Exempt Topics. If a commissioner or any other person in an executive session attempts to discuss a non-exempt topic during an executive session, the Chair shall immediately rule that commissioner or other person out of order and such discussion shall cease. If the commissioner or other person persists in discussing the non-exempt topic, the Chair shall adjourn the meeting immediately.

(e) Executive Session Minutes.

(1) Executive Sessions Discussing Real Estate Acquisition. Minutes of an executive session in which the acquisition of real estate is discussed shall be taken in the same manner as minutes of an open meeting (see Section 21) and shall be made available for public inspection except that any portion of the minutes identifying the real estate shall be redacted until such time as the acquisition of the real estate has been completed, terminated, abandoned or until court proceedings have been initiated.

[Cross Reference: O.C.G.A. § 50-14-3(4).]

(2) Other Executive Sessions. Minutes of executive sessions devoted to any topic other than land acquisition may be maintained by the clerk at the direction of the Chair. Any such minutes shall be maintained in a confidential file and shall not be subject to disclosure.

(f) **Chair or Presiding Officer Affidavit.** The Chair or other presiding officer 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 notarized and filed with the minutes of the open meeting.

[Cross Reference: O.C.G.A. §§ 50-14-2, 5-14-3 and 50-14-4; Note: The entire board may execute an executive session affidavit.]

(g) **Discussion of Executive Session Business.** Commissioners, officials, employees and other individuals who attend executive sessions are prohibited from discussing or in any other way disclosing confidential information, legal advice and/or legal strategy discussed in the executive session unless:

(1) The disclosure is required by law;

(2) The disclosure is part of a judicial or administrative proceeding; or

(3) The majority of the board authorizes the disclosure.

In no way shall this subsection prevent a county attorney or other attorney representing the board from discussing any matters discussed in executive session relative to settlement or negotiation of a lawsuit or other claim against the county.

Any commissioner that divulges has previously divulged or has threatened to divulge confidential information, legal advice or strategy discussion may be excluded from participation in an executive session by majority affirmative vote of the board of commissioners. A commissioner that divulges confidential information, legal advice, or strategy discussions may be a publicly sanctioned by a majority affirmative vote of the board of commissioners.

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

[Cross-reference: O.C.G.A. § 50-14-1(c).]

Section 4. Quorum. A quorum must be present for conducting meetings of the board. A quorum is a majority of all of the members of the board then in office. It is the duty of the Chair to enforce this rule. Any commissioner may raise a point of order directed to the Chair if he or she believes that a quorum is not present. If, during the course of a meeting, a commissioner or commissioners 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 Chair with the approval of a majority of the commissioners present.

Section 5. Chair. The Chair of the board of commissioners, as presiding officer, is responsible for the orderly conduct of the meeting. In order to fulfill this duty, the Chair shall enforce the rules of procedure that are adopted by the board of commissioners. The Chair shall be impartial and conduct the meetings in a fair manner. The Chair may/may not *[choose one]* introduce motions or second motions except that the Chair may introduce or second a motion to go into executive session as authorized by Section 2 of this ordinance. The Chair shall not vote except to break a tie. *[include if applicable]*

[Note: There are two places in this section that require customization. The county's local legislation should be consulted to determine whether it prohibits the Chair from making motions or from voting. If it is addressed in the local legislation, then this section of the ordinance must be made consistent with the local legislation. If it is not addressed in the local legislation, then it is in the discretion of the board to restrict the Chair's ability to make motions and vote.]

Section 6. Vice-Chair. The board shall select a vice-Chair from the board members at the beginning of each calendar year. The vice-Chair shall fulfill the duties of the Chair if the Chair is not in attendance.

Section 7. Presiding Officer. If the Chair and the vice-Chair are absent or otherwise unable to serve as presiding officer at a meeting and a quorum of commissioners is present, the remaining commissioners shall select a commissioner to serve as presiding officer of the meeting until either the Chair or vice-Chair is present at the meeting.

Section 8. Parliamentarian. The county attorney shall serve as the parliamentarian for board meetings.

Section 9. Rules of Order; Amendments to the Rules. The board of commissioners shall adopt rules of order to govern the conduct of meetings of the board. Any amendments to the rules of order shall be submitted by a commissioner in writing to the county clerk three business days before a regular meeting of the board. The proposed amendment shall be included in the agenda for that meeting and distributed to all board members. All amendments require a two-thirds vote of the board to be adopted.

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 board. Rules governing quorums (Section 4), voting methods and requirements (Section 17 and Section 18), notification to commissioners 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 board may waive time-consuming procedures and formalities imposed by state law.

[Cross-reference: O.C.G.A. § 38-3-54.]

Section 11. Regular Meetings. Regular meetings of the board of commissioners shall be held at _____ a.m./p.m. on the _____ and _____ days of each month. All regular meetings shall be held in the county site in Room_____of the _____ County Courthouse *[or Administration Building or Annex]*. A notice containing the foregoing information shall be posted and maintained in a conspicuous place available to the general public at the regular meeting place of the board.

[Cross-reference: O.C.G. A. § 50-14-1(d); Note: Local legislation often dictates the time and place of regular commission meetings.]

Section 12. Meetings Other Than Regular Meetings. The board 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 county site by the Chair for any reason. Other special meetings may be scheduled by the Chair or at the request of at least two commissioners. 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 the regular meeting place. 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 general circulation at least equal to that of the legal organ, as well as to each member of the county governing authority.

[Cross-reference: O.C.G.A. § 50-14-1(d); Note: If a zoning decision will be considered at the meeting, fifteen to forty-five days notice is required for hearings according to O.C.G.A. § 36-66-4.]

(b) Meetings with Less Than 24 Hours Notice. When emergency circumstances occur, the board 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 county or a newspaper with a general circulation at least equal to that of the legal organ and to each member of the county 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.

[Cross-reference: O.C.G.A. § 50-14-1(d); Note: In those counties where the legal organ is published less often than four times weekly, the notice requirement is satisfied by giving written notice twenty-four hours before the meeting to any local media outlet that operates business or physical facilities within the county by telephone or fax, regardless of the day that the newspaper is published.]

(c) Meetings during a State of Emergency. When it is imprudent, inexpedient or impossible to hold board 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 board may meet anywhere within or outside of the county. Such a meeting may be called by the Chair or by any two commissioners. At the meeting, the commissioners 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.

[Cross reference: O.C.G.A. §§ 50-14-1(d), 38-3-54, 38-3-55.]

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

I. Call to order
II. Minutes
III. Invited guests
IV. Reports from committees and departments
V. Consent agenda
VI. Old business
VII. New business
VIII. Public comments
IX. Adjournment

Section 14. Agenda. The *county manager/administrator/clerk [choose one]*, with the advice of the Chair and the commissioners, shall prepare an agenda of subjects to be acted on for each meeting. An agenda work session shall be held by the Chair to finalize the agenda. The Chair and all commissioners may participate in the work session. Whenever a quorum of the board is present for an agenda work session, the meeting shall be open to the public and all notice and record-keeping requirements applicable to an open meeting shall be met. The agenda shall be made available to the commissioners at least three business days before every board meeting.

(a) Requests for Agenda Items.

(1) County commissioners who wish to have an item placed on the agenda must submit an agenda request with supporting documentation to the *county manager/administrator/clerk [choose one]* at least one week before the agenda work session.

(2) Other county officials or department heads who wish to have an item placed on the agenda must submit an agenda request with supporting documentation to the *county manager/administrator/clerk [choose one]* at least one week before the agenda work session. Agenda requests shall include the following:

a. The date of the meeting that the proposed agenda item is requested to be considered.

b. The amount of money required to implement the agenda item if any, including whether the money has been appropriated and the budget line number as appropriate.

c. A clear statement of the agenda request, including why it is needed and its impact upon the county.

d. A summary of any requirements, laws, regulations or ordinances that necessitate the agenda item or apply to the agenda item (i.e., purchasing ordinance, advertising requirements, certifications, etc.) and a statement as to whether these requirements have been satisfied or will be satisfied.

e. A list of any options or alternatives that the board has in approving the request.

f. A statement regarding the impact of the requested agenda item on other county departments.

g. Analysis from the legal department or information technology department, if available.

h. A recommendation for board action on the requested agenda item.

(3) 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 *county manager/administrator/clerk [choose one]* and received at least one week before the agenda work session.

(b) Changing the Agenda. The order of the agenda may be changed during a meeting by a majority vote of the board. A new item, other than a zoning decision, may be added to the agenda by a two-thirds vote of the board only if it becomes necessary to address the item during the meeting.

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

[Cross-reference: O.C.G.A. §§ 50-14-1(e)(1) and 36-66-4; Note: If a zoning decision will be considered at the meeting, fifteen to forty-five days notice is required for hearings according to O.C.G.A. § 36-66-4.]

Section 15. Consent Agenda. A consent agenda may be prepared by the *county manager/administrator/clerk [choose one]* for the board to unanimously adopt on routine items. Any items of business that are expected to receive unanimous approval without debate may be placed on a consent agenda. At the appropriate time of the meeting, the Chair shall read all of the items on the consent agenda. If a commissioner objects to an item being on the consent agenda, the Chair shall move that particular item to the regular agenda. Following the reading of the consent agenda, the Chair may ask for unanimous approval of the items on the consent agenda. If there are no objections, all the items on the consent agenda shall be approved by a majority vote of the board.

Section 16. Decorum. The Chair shall enforce the rules of decorum. The purpose of meetings of the board of commissioners is to conduct the county's business. Meetings shall be conducted in an orderly and respectful fashion. They are not a forum to belittle, ridicule or embarrass county commissioners, other county officials, county employees, or others.

(a) Conduct of Members of the Public in Meetings Generally.

(1) All cell phones and other communication devices shall be turned off or in silent mode; provided, however, that a cell phone or device may be used to make a video or audio recording of the meeting.

(2) All meeting attendees must be silent during the meeting while business is conducted.

(3) Anyone wishing to speak must first be recognized by the Chair.

(4) All comments must be directed to the Chair and not to individual commissioners, staff or others.

(5) All meeting attendees must conduct themselves in a respectful manner.

(6) Personal attacks and derogatory or inappropriate remarks are not permitted.

(7) There shall be no use of profanity during the meeting.

(b) Conduct of Members of the Board of Commissioners.

(1) Commissioners should arrive on time for a meeting and be prepared.

(2) Commissioners should attend the entire meeting.

(3) Cell phones or other communications devices shall be turned off or in silent mode.

(4) Commissioners should not take phone calls or check emails, social networking sites, chat rooms or other internet sites during a meeting.

(5) Commissioners shall conduct themselves in a professional and respectful manner.

(6) Commissioners desiring to speak must first be recognized by the Chair.

(7) Commissioners may only address the motion that is being discussed.

(8) Commissioners shall direct their remarks to the Chair and not to individual commissioners, staff, or citizens in attendance.

(9) Only one commissioner at a time is permitted to speak. Commissioners shall not interrupt any other person who has the floor.

(10) Personal attacks and inappropriate remarks shall be ruled out of order by the Chair. Commissioners may not use commission meetings to make derogatory comments about particular employees or to air their personal grievances with other commissioners.

(11) There shall be no use of profanity during the meeting.

(12) Remarks may not address the character of the person involved.

(13) Commissioners shall not confront other board members, department heads, employees or other officials in an accusatory manner.

(14) Commissioners may raise a point of order if a rule is believed to have been broken. A second is not required. The Chair may rule on the question or may allow the board to debate the issue and decide by majority vote.

(15) While commissioners may not agree with all decisions of the board, all commissioners shall recognize the validity of any action approved by a majority of the board. Commissioners shall not refuse to sign any ordinance, resolution, contract or other document because he or she did not vote for the action taken.

(16) Commissioners shall keep an open mind on all issues coming before the board.

(c) **Conduct of the Chair or Presiding Officer.** In addition to rules of decorum applicable to commissioners generally, the following rules shall apply to the Chair or presiding officer:

(1) The Chair or presiding officer shall recognize any commissioner who has the right to speak.

(2) The Chair or presiding officer shall rule out of order any discussion on topics other than the motion being discussed.

(3) The Chair or presiding officer shall only permit one commissioner at a time to speak.

(4) Personal attacks, breaches of the rules of decorum and inappropriate remarks shall be ruled out of order by the Chair or presiding officer.

(5) The Chair or presiding officer shall not confront other board members, department heads, employees or other officials in an accusatory manner.

(6) While the Chair or presiding officer may not agree with all decisions of the board, he or she shall recognize the validity of any action approved by a majority of the board. The Chair or presiding officer shall not refuse to sign any ordinance, resolution, contract or other document because he or she did not vote for the action taken.

(7) The Chair or presiding officer shall keep an open mind on all issues coming before the board.

Section 17. Voting. Passage of a motion shall require the affirmative vote of a majority of commissioners present and voting at a meeting at which a quorum is present. Unless otherwise specified in this ordinance, a majority shall mean at least one-half of the commissioners present plus one commissioner excluding abstentions. When a two-thirds majority is specified, a majority vote shall mean at least two-thirds of the commissioners present excluding abstentions. In the event of a tie vote, the Chair shall vote to break the tie.

[Note: (1) In counties where the Chair has the right to vote, the last sentence should be deleted. (2) If a board of commissioners consists of only three members, the two-thirds vote becomes meaningless since it would take two votes for a simple majority as well.]

Section 18. Abstentions. A commissioner 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 commissioner shall explain for the record his or her decision to abstain on any vote.

[Note: If there is not a roll call vote and the minutes do not reflect the names of the commissioners on each vote, then Georgia's Open Meetings law presumes that all members in attendance voted in favor of the motion, effectively making an abstention count as an affirmative vote.]

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

(a) Public Comments. The final agenda item of the meeting shall be reserved for comments from the public. All members of the public wishing to address the board shall submit their name and the topic of their comments to the *county manager/administrator/clerk [choose one]* at least one week before the agenda work session; provided, however, that if the individual wishes to oppose a rezoning action and has contributed more than $250 to the campaign of a commissioner, the individual shall also file a campaign disclosure form as required by O.C.G.A. § 36-67A-3 at least five calendar days prior to the first hearing by the commissioners. Individuals may be allotted five minutes to make their comments and those comments shall be limited to their chosen topic. These limits may be waived by a majority vote of the board.

[Cross-reference: O.C.G.A. § 36-67A-3.]

(b) Public Participation on Agenda Items. By majority vote, the board may allow public comment on an agenda item at the time the item is being considered by the board. 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 board. Anyone wishing to speak at any board meeting must be recognized by the Chair before addressing the board.

[Cross-reference: O.C.G.A. § 36-66-5(a).]

(c) Decorum. Members of the public are expected to comply with the rules of decorum established in Section 16 of this ordinance. Individuals violating any rules of the board may be ruled out of order by the Chair or on a point of order made by a commissioner. A majority vote of the board 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 Chair.

(d) Public Hearings. The board may schedule public hearings for the purpose of soliciting public comment on any subject of interest to the board. Hearings may be held immediately prior to, during or following a meeting of the board or at such other places and times as the board may determine. Hearings require at least 10 minutes per side. Hearings on zoning decisions shall be governed in accordance with the zoning policies and procedures adopted by the board of commissioners.

[Cross-reference: O.C.G.A. §§ 36-66-4 and 36-66-5; Note: Because of the special procedural requirements for zoning decisions, counties with zoning should review the section regarding public participation to ensure that it is consistent with established zoning policies and procedures. In particular, note that fifteen to forty-five days notice is required for hearings to consider a zoning decision.]

Section 20. Meeting Summary. The county clerk shall prepare a written summary of the subjects acted upon in a meeting and the names of the commissioners present at a meeting within two business days following the meeting. The meeting summary shall be made available to the public for inspection.

[Cross-reference: O.C.G.A. § 50-14-1(e)(2).]

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

The board shall approve the minutes before they may be considered as an official record of the board. The minutes shall be open for public inspection once approved as official by the board but in no case later than immediately following the next regular meeting of the board. A copy of the minutes from the previous meeting shall be distributed to the commissioners at least three business days before the following meeting. The minutes of the previous meeting shall be corrected, if necessary, and approved by the board at the beginning of each meeting. A majority vote is required for approval. Conflicts regarding the content of the minutes shall be decided by a majority vote. Upon being approved, the minutes shall be signed by the Chair and attested to by the clerk of the board of commissioners.

[Cross-reference: O.C.G.A. § 50-14-1(e)(2).]

Section 22. Maintenance of Minutes and Other Documents. Minutes shall be maintained in the offices of the board of commissioners. Copies of contracts, maps or similar documents related to actions by the commissioners during a meeting may be included in or attached to the minutes or incorporated by reference to an alternative location. Unless otherwise specified in the ordinance or resolution, contracts, maps or similar documents not included in or attached to the minutes shall be stored in the office of _____.

[Cross-reference: O.C.G.A. § 36-1-25.]

Section 23. Committees. The Chair, with the concurrence of the board, may create committees of members of the board to study any issue before the board. Any such committees may make recommendations to the board of commissioners but no committee shall be empowered to make any final decision on any matter before it for consideration. In addition to board members, committees may include other county 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 Chair with the concurrence of the board. The Chair 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.

[Cross-reference: O.C.G.A. § 50-14-1(a)(2).]

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