Board of Commissioners Workshop, July 6, 2011

Agenda Item: Consideration of a proposed Ordinance which addresses the procedures, decorum and rules of order used for conducting County Commission meetings.

- The preamble to the ordinance declares, *"Public participation and access to the governmental decision-making process is a key element of our democratic system."* I agree with the statement; however, certain components of this ordinance that I believe infringe upon the First Amendment rights of our citizens through mechanisms that are both arbitrary and capricious.

- I also have a problem with the awkward structure and syntax used throughout the document.

- **Horgan in favor or preregistration with public comment**

- Section 2-44 Rules of Order, (h), subsection (b). [NOTE: those subsections should be numbered] Under public discussion, *"The right of a member of the public to discuss a matter before the board shall be limited to three (3) minutes per topic, unless as otherwise as otherwise granted by special permission of the chairman"* (reference p. 9). This is in conflict with Section 2-54 subsection (b) granting individuals five minutes to make comments (reference p. 14). What is the distinction between the allowance of three minutes of "public discussion" and five minutes of "public comment" and, truth be told, giving a concerned citizen only three minutes is tantamount to saying expedience is paramount to legitimate public opinion. **We would give a subject matter expert only 3 minutes? Scott Bennett: "The person who comes up for public comment normally speaks on multiple subjects." Frady says leave as is, but no one else speaks up.**

- Section 2-51 Decorum. *"The purpose of the meetings of the board of commissioners is to conduct the county's business"* (reference p. 11). Georgia House of Representatives Ethics Chairman Joe Wilkinson, a Republican from Sandy Springs, wisely told the AJC in the July 3 edition, *"The public officials should never forget that they work for the citizens. They are our bosses and they should know what we are doing."* Change the words "county business" should be changed to "the business of the citizens of Fayette County." **SEE pages/file on "people's business" No comments from other commissioners.**

- Section 2-51 Decorum. *"They [meetings] are not a forum to belittle, ridicule or embarrass county commissioners, other county officials, county employees, or others,"* (reference p. 11). This is arbitrary and <u>there are no specific definitions of the terms</u> "belittle," "ridicule," or "embarrass" within our ordinance. For example, if a local citizen approaches the Board of Commissioners and expresses disappointment in an elected official for being convicted of a crime while holding office, the comments could embarrass the official in question. However, the statement is factual, a matter of judicial public record and a legitimate concern for the voting public. Such restrictions on the First Amendment of the U.S. Constitution are an abuse of power with the official(s) suppressing free speech. Our great statesman President Harry Truman said it best, "If you can't stand the heat, get out of the kitchen." **Frady agrees. McCarty agrees.**

- Section 2-51 (a) subsection (4) Decorum. *"Commissioners should not … check … other internet sites during a meeting"* (reference p. 11). We have had two recent examples where the county attorney and a citizen in the audience have looked up material relevant to an agenda item on the Internet during a meeting which is cited in the public record. We do not need to be censoring the activities of the commissioners. If someone wants to look up a reference, let them do it. **Scott Bennett: "I don't think it means you shouldn't look up something that is official business." Steve Brown: "It says you shouldn't use the Internet." Herb Frady: "If you need to look something up that is official business, the board is going to let you look it up." SO WHY IS THIS CLAUSE IN THE ORDINANCE? No commissioners cited an opinion one way or the other.**

- Section 2-51 (a) subsection (10) Decorum. *"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"* (reference p. 12). <u>What is the definition of "personal attacks, inappropriate remarks, derogatory comments and personal grievances" in our ordinance? This is arbitrary and capricious.</u> An example is two members of this board made false statements about me in the public forum claiming I had reneged on a position concerning a matter before the board. However, when I attempted to cite the extensive public record proving them incorrect, I was censored by the Chair merely because he did not want the issue exposed. Any person who cannot stand to have the truth revealed in public, especially meeting minutes and official records, does not need to be holding public office. **Steve Brown: "We are micromanaging personal behavior." Herb Frady: "I still agree with that" (after Brown cites the Harry Truman quote again. McCarty agrees.**

- Section 2-51 (a) subsection (13) Decorum. *"Commissioners shall not confront other board members, department heads, employees or other officials in an accusatory manner"* (reference p. 12). This is another attempt at <u>controlling free speech</u>. <u>What is the definition</u> of "accusatory manner" in this ordinance? If a commissioner has evidence or other knowledge of a breach of county policy and procedure or unlawful acts, that person is duty bound to bring that information to the public forum. For example, when the board members of the Smith administration conducted an illegal board meeting and discussed county business, I had no choice but to accuse the offenders of wrong doing. That act would now be covered up. Besides, if a commissioner, department head or employee feels the particular comments amount to slander or libel, they can pursue the matter in the courts. **No opinions given by the other board members.**

- Section 2-51 (a) subsection (14) Decorum. In regard to raising a point of order, *"The Chair may rule on the question or may allow the board to debate the issue and decide by majority vote of those members present"* (reference p. 12). This section is in direct conflict with Section 2-54 (b) stating, *"Any point of order raised by a commissioner other than the Chair shall be ruled on by a majority vote of the board"* (reference p. 14). **Steve Brown: "In each case a commissioner calls a point of order." Lee Hearn and Herb Frady agrees. Make them match. Have a vote on a point of order.**

- Section 2-51 (b) subsection (8) change the word "shall" to "should" to align with Section 2-51 (a) subsection (16) Decorum. *"Commissioners <u>should</u> keep an open mind on all issues*

coming before the board" (reference p. 12). The use of shall is totally frivolous and totally unenforceable. **Hearn and McCarty say change "shall" to "should."**

- Section 2-51 (b) subsection (2) Conduct of the Chair or Presiding Officer. *"The Chair or presiding officer shall rule out of order any discussion on topics other than the motion being discussed"* (reference p. 12). On two separate occasions, I have been called out of order by the Chairman for using traditional rhetorical devices, specifically analogies, compares two things, which are alike in several respects, for the purpose of explaining or clarifying idea or process. If the Chairman fails to grasp these devices, do we really want him ruling on such things? **Scott Bennett's suggestion: if the chairman calls someone out of order and some commissioner objects, then we would have a vote of the board. The discussion centered around one person talking over another person; however, the subsection is specifically referring to "topics other than the motion being discussed" and my specific point was being allowed to use standard rhetorical devices without being punished. Scott Bennett: "The board regulates itself."**

- Section 2-51 (b) subsection (4) Conduct of the Chair or Presiding Officer. *"… personal attacks, breaches of the rules of decorum and inappropriate remarks" of who?* - whatever those are. (reference p. 13) **Scott Bennett: "the Board should regulate itself." Bennett did not address censorship and such capricious actions.**

- Section 2-51 (b) subsections (5), (6), (7) and (8) Conduct of the Chair or Presiding Officer. All of these are weak and unsound for reasons I mentioned above (reference p. 13).

- Section 2-51 (c) subsection (6) Conduct of Members of the Public in Meetings Generally. The very title of the subsection using the term "generally" means not always the case. *"Personal attacks and derogatory or inappropriate remarks are not permitted"* (reference p. 14). The definition of what constitutes a personal attack, or derogatory remark is left solely up the personal whims of the Chairman. This arbitrary control of free speech can be used as weapon by the Chairman against public opposition as he can deem anything he likes as a personal attack or derogatory comment. **Brown cited Harry Truman quote and Frady agreed. McCarty agrees.**

- Section 2-54 (b) Public Participation. *"All members of the public wishing to address the board shall submit their name and the topic of their comments to the county clerk at least fifteen minutes before the beginning of the meeting"* (reference p. 14). I have to ask why is this necessary? This is just another technique to limit free speech at public meetings with the people not making it in time not being allowed to express themselves. People currently have to record their name prior to speaking and that is fine. I oppose restricting free speech. **No comments either way from other commissioners.**

- Section 2-56 (a) Minutes. *"In the case of a roll call vote …"* (reference p. 14). There is no provision for a roll call vote in the ordinance. **Scott Bennett: "We will change that so it doesn't say 'roll call'.**

- Section 2-58 Committees. Instead of a *"concurrence of the board"* which can be inaccurate and misinterpreted, the Chairman should act upon a motion including the specific purpose of the committee and any limitations after receiving a majority vote of the board. (reference p. 15)

STATE OF GEORGIA;
COUNTY OF FAYETTE

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, FAYETTE COUNTY, GEORGIA CHAPTER 2, ADMINISTRATION; TO PROVIDE FOR ETHICAL STANDARDS; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR PENALTIES; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN ADOPTION DATE; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES ALLOWED BY LAW.

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;

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY, GEORGIA AND IT IS HEREBY ORDAINED BY AUTHORITY THEREOF:

Section 1. That Division II of Article II Board of Commissioners, of Chapter 2 Administration of the Code of Ordinances, Fayette County, Georgia is hereby deleted in its entirety and replaced to read as follows:

Sec. 2-36. 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.

Sec. 2-37. Executive Sessions.

(a) 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.

(b) Executive Sessions. Executive sessions of the board may be held for the purpose of discussing topics exempted from public access requirements by O.C.G.A. §§ 50-14-2 and 50-14-3, including, but not limited to:

(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.

(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.

(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.

(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.

(c) Procedure for Entering into Executive Sessions. An executive session shall not be held except pursuant to a majority affirmative vote of the board members present 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.

(d) 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 members present 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 members present 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.

(e) 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 either cause the person or commissioner to be removed from the executive session or adjourn the meeting immediately.

(f) 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 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.

(2) Other Executive Sessions. Minutes of executive sessions devoted to any topic other than land acquisition may be taken and 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.

(g) 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.

(h) 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) Three members 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 affirmative vote of three 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.

Sec. 2-38. Visual and Sound Recordings.

Visual, sound, and visual and sound recordings shall be permitted for all open meetings.

Sec. 2-39. Quorum.

(a) 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.

(b) 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.

(c) No official action shall be taken except upon the affirmative vote of at least three members of the commission unless otherwise specified herein. The chairman shall be entitled to the same voting rights as other members of the board of commissioners on questions considered by the commission.

Sec. 2-40. Chair.

(a) The Chair shall be appointed at the first meeting of each year. The county attorney shall call the first meeting to order and call for nominations for the Chair as the first order of business. After receiving nominations, the county attorney shall ask for a motion to appoint the Chair. The motion to appoint the Chair requires a second prior to a vote. If a motion to appoint the Chair fails, the county attorney shall call for additional motions until a Chair is selected.

(b) 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 introduce motions or second motions.

Sec. 2-41. 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. The motion to appoint the vice-Chair requires a second prior to a vote.

Section 2-42. 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 2-43. Parliamentarian. The county attorney shall serve as the parliamentarian for board meetings.

Section 2-44. Rules of Order.

(a) Call to order. If, at the time of a meeting, the chairman determines that all commissioners have been notified or an attempt has been made to notify all commissioners and that a quorum of the board of commissioners is present, he shall have the authority to call the meeting to order. The call to order shall not require any preceding action but may be issued solely by the authority of the chairman.

(b) Motions—General requirement. The board of commissioners can take action only when a motion to take such action is made and passed by the board.

(1) Procedure.

a. Before a motion can be discussed or voted upon by the board of commissioners, it must be presented to the board by a member of the board. The presentment is made by merely stating the motion.

b. Immediately after the motion is presented to the board, the chairman shall ask for a commissioner to second the motion. If the motion is not seconded, it shall fail for lack of a second and can not be remade until the next meeting of the board, except as otherwise provided herein.

c. If the motion is seconded, the chairman shall immediately ask for discussion of the motion. Discussion of the motion shall be limited to the board of commissioners and shall relate solely to the motion on hand; however, any commissioner may question a

member of the audience or staff provided such question shall pertain strictly to the motion on hand.

d. Upon the conclusion of discussion, the chairman shall cause the motion to be restated and shall then call the question.

(2) Amendment.

a. An amendment may be suggested by any member of the board. The amendment shall be suggested only during the discussion of the original motion.

b. A motion can be amended only with the consent of the commissioner making the motion. If the commissioner who seconded the original motion disagrees with the amendment, he shall be allowed to withdraw his second. When a second is withdrawn, the chairman shall immediately request a new second to the amended motion.

c. After a motion is amended and seconded, the chairman shall call for discussion and proceed with the consideration of the motion in the manner provided above.

(3) Withdrawal.

a. Any motion may be withdrawn at the discretion of the commissioner making the motion.

b. Motions may be withdrawn at any time prior to but not during nor after the restating of the motion by the chairman.

(4) Tabling.

a. During the discussion of a motion, the motion may be tabled for further discussion by the board upon the motion of any commissioner other than the commissioner who made the original motion.

b. The motion to table shall specify the time and place for the continued discussion.

c. Discussion of the original motion shall immediately cease when a motion to table is made.

d. A motion to table shall not require a second but shall require discussion, restating the motion and a call of the question.

(5) Reconsideration.

a. A motion, which has been passed or defeated, or which fails for lack of a second, may be reconsidered by the board of commissioners during the same meeting provided the board pass a motion for reconsideration. Otherwise, the original motion may not be presented to the board again until its next meeting.

b. A motion for reconsideration can only be made by a commissioner who voted against the original motion, if defeated, or in favor of the original motion, if passed. Otherwise, any commissioner may make a motion for reconsideration.

(6) Vote.

a. A commissioner in favor of a motion shall say "aye" while holding up his/her right hand.

b. A commissioner against a motion shall say "nay" while holding up his/her right hand.

c. A commissioner present but refusing to vote shall be recorded as abstaining.

d. A unanimous passing vote shall mean a vote in which all members of the board of commissioners present vote in favor of the motion.

(c) Ordinances. The passage of all ordinances must be accomplished by motion.

(d) Special motions – Call the question.

(1) During the discussion of any motion, any commissioner may move to call the question in order to end discussion and have the vote on the pending motion.

(2) When a commissioner has moved to call the question, discussion of the original motion shall cease and the chairman shall immediately restate the motion and then proceed with a vote on whether to call the question. A second of a motion to call the question shall not be necessary.

(3) If the vote is in favor of the motion to call the question, the chairman shall immediately call the question on the original motion.

(4) If the vote is against the motion to call the question, discussion of the original motion shall continue.

(e) Point of order.

(1) Whenever a commissioner has a question as to the procedure being followed by the chairman, he may raise a point of order. A point of order requires no second.

(2) Upon the raising of a point of order, the chairman shall stop the meeting and the commissioner shall state his question. The meeting shall continue after a determination of the question has been rendered by a majority vote of the members in attendance at the meeting.

(f) Out of order.

(1) The chairman shall have the authority to cite any individual out of order when that individual, in the opinion of the chairman, violates these rules of procedure.

(2) No other action shall be required in citing an individual out of order.

(3) When an individual has been cited as out of order, the chairman shall state the reasons therefor and shall give the individual directions regarding compliance with these rules.

(4) If a commissioner believes that the chairman has inappropriately cited an individual as out of order, the commissioner may raise a point of order.

(g) Adjournment.

(1) Adjournment of the meeting must be by motion.

(2) A motion to adjourn does not require a second but does require discussion.

(3) When a motion to adjourn is passed, the board of commissioners can no longer act until another meeting is called to order.

(h) Public discussion.

(a) Whenever public discussion of a matter before the board of commissioners is allowed, any member of the public shall have the right to discuss the matter at hand prior to the presentment of the motion.

(b) The right of a member of the public to discuss a matter before the board shall be limited to ~~three~~ five (~~3~~5) minutes per topic, unless as otherwise granted by special permission of the chairman.

(c) All discussion shall relate solely to the matter at hand.

(i) Vice-chairman references. All references in this division to chairman shall also include the vice-chairman when the vice-chairman is conducting the meeting.

(j) Action chart. Actions shall be taken on motions as follows:

Type	Second	Discussion	Vote	Priority
Regular motion	x	x	x	None
Amendment	x	x	x	None
Withdrawal of motion	None	None	None	x
Table	None	x	x	x
Reconsideration	x	x	x	x
Call the question	None	None	x	x
Point of order	None	x	None	x
Out of order	None	x	None	x
Adjournment	None	x	x	None

Section 2-45. Suspending the Rules of Order.

Rules of procedure may be suspended in the case of an emergency. A motion to suspend the rules requires a second, is debatable, and requires three votes of the board. Rules governing quorums, voting methods and requirements, notification to commissioners of meetings 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.

Section 2-46. Regular Meetings.

The board of commissioners shall establish a schedule for regular meetings at its first meeting of each year. The schedule shall state the time and place for each meeting. 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.

Section 2-47. Meetings Other Than Regular Meetings.

(a) The board may meet at times and locations other than those regularly scheduled meetings.

(b) 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.

(c) 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.

(d) 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.

Section 2-48. Order of Business. All regular board meetings ~~shall substantially~~ follow an established order of business. The order ~~shall be~~ is as follows:

I. Call to order

II. Invocation and Pledge of Allegiance

III. Acceptance of Agenda

IV. Recognitions, Proclamations, and Awards

V. Public Hearings

VI. Public Comment

VII . Consent agenda

VIII. Old business

IX. New business

X. Reports (Administrator, Attorney, Departments, Board Members)

XI. Executive Session

XII. Adjournment

Section 2-49. Agenda.

The Agenda shall be prepared in accordance with the Fayette County Policies and Procedures Manual.

Section 2-50. Consent Agenda.

A consent agenda may be prepared by the county administrator 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. If a commissioner objects to an item being on the consent agenda, the Chair shall move that particular item to the regular 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 vote of three members of the board.

Section 2-51. Decorum.

The Chair shall enforce the rules of decorum. The purpose of meetings of the board of commissioners is to conduct the business of the citizens of Fayette County ~~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.~~Elected officials, county employees and citizens shall behave in considerate and polite manner at all meetings.

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(a) 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 of those members present~~*shall be ruled on by a majority vote of the board*.

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(15) While commissioners may not agree with all decisions of the board, all commissioners shall recognize the validity of any lawful action approved by 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 should keep an open mind on all issues coming before the board.

(b) 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 vice-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 lawful action approved by the board.

(7) 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.

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

(c) 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.

Section 2-52. Voting.

Passage of a motion shall require the affirmative vote of a three commissioners and voting at a meeting at which a quorum is present.

Section 2-53. 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.

Section 2-54. Public Participation.

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

(a) Public Hearings. Advertised hearings on zoning matters, including zoning map and ordinance text amendments shall be governed in accordance with the zoning policies and procedures adopted by the board of commissioners.

(b) Public Comment. All members of the public wishing to address the board shall submit their name and ~~the topic of their comments to the county clerk at least fifteen minutes before the beginning of the meeting~~ address upon stepping up to the podium. 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 members present. However, if an 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 board of commissioners.

(c) Decorum. Members of the public are expected to comply with the rules of decorum established in 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 other than the Chair. Any point of order raised by a commissioner other than the Chair shall be ruled on by a majority vote of the board. An individual violating the rules of decorum may be removed from the meeting at the direction of the Chair.

Section 2-55. 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.

Section 2-56. Minutes.

(a) 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.

(b) 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 vote of three commissioners is required for approval. Conflicts regarding the content of the minutes shall be decided by a vote of three commissioners. Upon being approved, the minutes shall be signed by the Chair and attested to by the clerk of the board of commissioners.

Sec. 2-57. Maintenance of Minutes and Other Documents.

Minutes shall be maintained in the offices of the county clerk. 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.

Sec. 2-58. Committees.

The Chair, ~~with the concurrence~~ upon a majority vote of the board, may create committees of members of the board, applicable county employees and interested citizens 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.

Section 2. That the preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 3. a. It is hereby declared to be the intention of the Board of Commissioners that all Sections, paragraphs, sentences, clauses and phrases of this Article are and were, upon their enactment, believed by the Board of Commissioners to be fully valid, enforceable and constitutional.

b. It is hereby declared to be the intention of the Board of Commissioners that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Board of Commissioners that, to the greatest extent allowed by law, no Section, paragraph, sentence, clause or phrase of this Article is mutually dependent upon any other Section, paragraph, sentence, clause or phrase of this Article.

c. In the event that any phrase, clause, sentence, paragraph or section of this Article shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Board of Commissioners that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or Sections of the Article and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and Sections of the Article shall remain valid, constitutional, enforceable, and of full force and effect.

Section 4. All ordinances or resolutions and parts of ordinances or resolutions in conflict herewith are hereby expressly repealed.

Section 5. The effective date of this Ordinance shall be the date of adoption unless otherwise specified herein.

It is so ordained this ____ day of _____, 2011, by the

BOARD OF COMMISSIONERS
FAYETTE COUNTY, GEORGIA

Attest:

_____ _____

Clerk/Deputy Clerk Herbert E. Frady, Chairman