

STATE OF GEORGIA

COUNTY OF CLAYTON

**AN ORDINANCE ADOPTING MEETINGS ORGANIZATION,
PROCEDURAL RULES AND PARLIAMENTARY PROCEDURES AND FOR
OTHER PURPOSES**

ORDINANCE 2007- 64

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

WHEREAS, parliamentary procedure is the framework for organizing and conducting meetings; and

WHEREAS, parliamentary procedure provides the rules by which a board debates an issue and then comes to a decision.

NOW, THEREFORE, BE IT ORDAINED that all meetings of the Board of Commissioners of Clayton County, Georgia shall be conducted in accordance with the provisions of this meetings procedure Ordinance.

Sec. 2-35 Agenda, Duties of the Presiding Officer, Minutes, Quorum, Public Comment.

Section 2-35-01. Agenda. The Clerk of the Board of Commissioners shall prepare an agenda for each regular and called meeting of the Board. The regular monthly meetings shall consist of two business meetings and one work session which shall take place between the two business meetings.

(a) Preparation of the Agenda for Regular Meetings. Any Commissioner wishing to place an item on the agenda may do so and should submit a Resolution or Ordinance approved by the County Attorney, or a memorandum with any supporting documents to the Clerk by the close of business on the Wednesday before the next meeting. The Agenda will indicate the name of the Sponsoring Commissioner. Items submitted after that time will be placed on the agenda for the meeting immediately following the next meeting.

(b) Department heads wishing to place an item on the agenda. Any department head may submit an item to the Chair of the Board of Commissioners for consideration as an agenda item. If approved, the Chair will so notify the Clerk and supply supporting documents by close of business on the Wednesday before the next meeting. Items submitted after that time will be placed on the agenda for the meeting immediately following the next meeting.

(c) Preparation and publication of the Agenda. The Clerk shall prepare the Agenda by the close of business on the Thursday preceding the meeting. Nothing further can be placed on the Agenda by the Clerk after Thursday. To avoid duplication of agenda items, the Clerk will present the agenda to the Vice Chairman to review prior to the agenda being published. The Agenda shall be published to the full Board and the public by close of business on the Friday before the meeting.

(d) Adding items to the Agenda during a meeting. This should only occur for urgent business matters that need to be addressed at that meeting. Adding an item requires three affirmative votes. A motion must be made, seconded and carried to add each item to the agenda. Any item so added shall appear on the minutes under the heading: "Added During the Meeting".

(e) Removing an item from the Agenda prior to adoption. After the meeting has been called to order and before the Agenda is adopted, any Commissioner may call for its removal. If the Chair hears no objection, the item is removed. If an objection is heard, the Chair will treat the Commissioner's call for removal of the Agenda item as a main motion and call for debate. After the item is debated, the Chair will call for a second and if seconded the Chair will call for a vote. Three affirmative votes are required to remove an item after an objection.

(f) Changes to an adopted Agenda. Once the Agenda is adopted, items can only be added if the subject matter is so urgent that immediate action of the Board is required in the best interest of the public.

(g) Agendas for other meetings of the Board. Agendas for other meetings of the Board sitting as the Zoning Board or otherwise, shall be prepared in a like manner with the last date for adding items to the agenda to be four working days prior to the call of the

meeting. The Clerk is to finalize and publish the Agenda no less than 72 hours prior to the call of the meeting.

Section. 2-35-02 Presiding officer.

(a) The Chairman of the Board of Commissioners, or in his absence the Vice-Chair, shall be the presiding officer at all meetings of the Board of Commissioners.

(b) The Presiding Officer is responsible for the orderly conduct of the meeting. In order to ensure a fair, orderly and efficient meeting, the Chair must enforce the meeting procedures adopted by the Board of Commissioners. For any event not covered by these meeting procedures, Roberts Rules of Order Newly Revised shall control.

(c) The Presiding Officer shall rely on the County Attorney for guidance on these meeting procedures and any other parliamentary issues.

(d) By virtue of his or her election to the Board of Commissioners, the Presiding Officer shall retain the right to debate any matter that comes before the Board and to vote on any such matter.

Section 2-35-03. Minutes. The Clerk is responsible for recording the Minutes of the meeting. The Minutes shall not be a verbatim transcript of the meeting. The Minutes shall follow the Agenda. The Minutes shall include the names of the Commissioners present at the meeting, a description of each proposal or motion made, and a record of all votes. If the meeting was called with less than 24 hours' notice, the Minutes must reflect the reason or special circumstance that lead to holding the meeting with less than 24 hours' notice. If the Board goes into executive session, the Minutes must record the vote and reason for the executive session. Also, an affidavit from the Presiding Officer certifying that the executive session was limited to exempt topics must be attached to the Minutes. Minutes will not be kept of an executive session, except for meetings convened to discuss the accusation of real property where Minutes must be made but will remain confidential until the property in question is purchased or abandoned. Public comment will be noted but not transcribed.

Section 2-35-04. Quorum. Upon call to order by the Presiding Officer, the presence of at least three Commissioners, including the presiding officer, constitutes a quorum and all business on the Agenda can be handled.

Section 2-35-05. Public Comment. The Board welcomes public comment; however to manage available time, public comment will be limited to two minutes per speaker at each regular business meeting and work session of the Board of Commissioners. Public comment will come at the end of the regular meeting but before the executive session. Any member of the public wishing to make comment must sign up with the Clerk prior to the call of the meeting.

Sec. 2-36. Parliamentary Procedures of the Board of Commissioners.

Section. 2-36-01. Main Motion. In order for a board to take any official action on any subject, a commissioner must propose a main motion. A proposed main motion will not be recognized by the Chair until another commissioner agrees to second the motion. A second does not require the commissioner seconding the motion to support the motion. A commissioner may withdraw a main motion that he has made at any time before the board has voted on that motion.

Section. 2-36-02. Debate. After the main motion is recognized by the Chair, the board shall debate the motion. The debate shall be managed by the Chairman in a manner that is fair to all members of the board. Commissioners can participate in the debate only when they are recognized by the Chairman.

During the course of debate, commissioners may introduce Subsidiary Motions that propose that the board take a particular action on a motion (Section 2-05). There are two classes of Subsidiary Motions: Debatable Subsidiary Motions and Un-debatable Subsidiary Motions. Debatable Subsidiary Motions consist of motions to postpone indefinitely, amend, refer to committee, and postpone to a time certain. Debatable Subsidiary Motions require a second before they can be voted on or debated. There are three Un-debatable Subsidiary Motions: limit debate, vote immediately, and lay on the table. They require a second and cannot be debated.

Commissioners may also introduce Privileged Motions (Section 2-06). Privileged Motions facilitate the running of the meeting and can be introduced during the course of debate. Privileged Motions consist of a motion to raise a question of privilege and

motions to recess and adjourn. The motions to recess and adjourn require a second. Debate is not allowed on Privileged Motions.

Section. 2-36-03. Voting: Procedure. Voting on debatable motions and voting on un-debatable motions shall take place in accordance with the following provisions.

(a) **Debatable Motions.** In the case of debatable motions, the vote can be proposed in one of two ways: (1) If debate has been completed and no other commissioner wishes to speak, the Chair can call for the vote. If there are no objections then the Chair can proceed with the vote; (2) If the Chairman calls for the vote and there is an objection, a member of the board may move to vote immediately (“move the previous question”). If this motion is seconded and approved by a 2/3 vote, debate will stop. The Chairman will then read the proposed motion to the board and ask for the votes of the commissioners.

(b) **Un-debatable Motions.** In the case of un-debatable motions, the vote shall occur immediately after the motion is recognized by the Chair. The Chairman shall read the proposed motion to the board and then call for the vote.

Section. 2-36-04. Ranking of Motions. Each subsidiary and privileged motion is assigned a specific rank. A motion of higher precedence can interrupt a motion of lower precedence.

(a) The higher motion must be decided before the board returns to consider the motion of lower precedence.

(b) A main motion has the lowest rank and does not take precedence over any other motion. A motion to adjourn has the highest rank and will take precedence over all other subsidiary and privileged motions. The order of precedence of motions shall be in accordance with this section. Motions at the top of the following list take precedence over motions at the bottom of the list.

HIGHEST RANK:

Privileged Motions (Un-debatable)

1. Adjourn
2. Recess
3. Question of Privilege

Subsidiary Motions (Un-debatable)

4. Lay on the Table (Postpone Temporarily)
5. Vote Immediately (Previous Question)
6. Limit Debate or Extend

Subsidiary Motions (Debatable)

7. Postpone to a Time Certain (Postpone Definitely)
8. Refer to Committee (Commit)
9. Amend
10. Postpone Indefinitely

Other Motions

LOWEST RANK:

11. Main Motion

Section 2-36-05. Subsidiary Motions. During the course of debate, commissioners may introduce motions that propose that the board take a particular action on a main motion. These motions are called subsidiary motions and they allow a board to reach a conclusion on the main motion. Subsidiary motions require a second before they can be voted on or debated. Three subsidiary motions, amend, limit debate, and vote immediately also can apply to other subsidiary motions.

(a) Postpone Indefinitely. If a commissioner believes that the main motion should not be considered by the board, that commissioner may move to postpone the consideration of the main motion indefinitely. If the motion is successful, consideration of the main motion stops and the main motion is tabled for the duration of the meeting. A motion to postpone indefinitely can be debated but it cannot be amended. A majority vote is required for the motion to pass.

(b) Amend. If a commissioner believes that a main motion that is on the table should be changed in order to make it more acceptable, he can move to amend the motion. Amendments must be closely related to the original motion and must not change the nature of the motion that they amend. Motions to refer, amend, postpone to a time certain and the motion to recess can also be amended. A motion cannot be amended more than

two times. Debate is allowed on a motion to amend only if the original motion is debatable. Debate is limited to the proposed amendment. A majority vote is required for the board to adopt an amendment. If the amendment is adopted then the board shall consider the amended version of the motion.

(c) Refer to a Committee (Commit). If a commissioner believes that further information is needed before the board can act on a main motion, he may propose that the motion be referred to a specific committee or department for further study. If an appropriate committee does not already exist, then a committee may be formed as a part of the motion. A motion to commit should specify the date that the committee or department will report back to the board. This motion is debatable and amendable. A majority vote is required for the motion to pass.

(d) Postpone to a Time Certain (Postpone Definitely). A motion to postpone to a certain time may be proposed if a commissioner believes that the main motion should not be considered until a future time. This motion shall set a particular time for the main motion to be considered again. It is debatable and can be amended. If this motion is passed, the Chairman will bring the original motion back to the board for consideration at the specified time which may be at the same meeting, at a subsequent meeting, or upon the occurrence of a specified event. A majority vote is required for the motion to pass.

(e) Limit or Extend Limits of Debate. A motion to limit debate places a time constraint on the length of debate. The details of such a motion are to be decided by the commissioner who makes the motion. This motion can also be used to extend the limits of debate if a limit on debate already exists. Debate is not allowed on this motion and a 2/3 vote is required.

(f) Vote Immediately (Previous Question.) If a commissioner believes debate on a motion should end and that the motion that is being considered should be voted on, the commissioner can move to vote immediately. The motion is un-debatable and a vote of 2/3 of the board is required for the motion to pass.

(g) Lay on the Table (Postpone Temporarily.) A motion to lay on the table proposes that the consideration of a main motion be postponed until a later time in the same meeting. The main motion can be brought back for consideration only if a motion to Resume Consideration is accepted by the board during the same meeting. The motion

will die if it is not taken up during the meeting. Debate is not allowed on this motion and the motion is not amendable. A majority vote is required for the motion to pass.

Section. 2-36-06. Privileged Motions. Privileged motions facilitate the running of the meeting. They do not address or relate to a main motion and can be introduced whether or not there is a main motion under consideration. Privileged motions take precedence over all subsidiary motions. Debate is not allowed on these motions.

(a) **Question of Privilege.** A formal question addressed to the Chair concerning the rights of a commissioner or of the board as a whole is referred to as a question of privilege. It does not require a second and cannot be debated or amended. The Chair is required to make a ruling on the question.

(b) **Recess.** A motion to recess proposes that the meeting be suspended for a particular amount of time when business is still pending. It is a temporary intermission of the proceedings. The motion must specify the length of the recess. The motion must also be seconded. Debate is not allowed on this motion but the motion can be amended. A majority vote is required for the motion to pass.

(c) **Adjourn.** In order for a meeting to come to a close, a commissioner must make a motion to adjourn. The motion to adjourn has the highest rank of any motion and as a result it can be introduced at any time. The motion requires a second, but is not debatable or amendable. A majority vote is required for the motion to pass.

Section. 2-36-07. Incidental Motions. Incidental motions allow commissioners to exert their rights as a member of the board. Incidental motions can be introduced at any time during a meeting.

(a) **Appeal.** If a commissioner disagrees with a ruling that is made by the Chair, that commissioner may appeal the decision. If the appeal is seconded, the appeal will be considered by the board. The Chair has the opportunity to explain the ruling that has been challenged. The board may then debate the appeal. The board shall decide by majority vote if the Chair's decision is to be upheld or overturned. An appeal is high in precedence and can only be interrupted by a privileged motion or by a motion to lay on the table.

(b) **Parliamentary Inquiry.** If a commissioner has a question about the rules or order, he may ask the Chair to give an opinion on that question. This question should take the form

of a parliamentary inquiry and should relate to the current business of the board. This motion takes precedence over all motions except privileged motions. This motion does not require a second and is not debatable or amendable.

(c) Point of Order (Question of Order). If a commissioner believes that a violation of the rules of parliamentary procedure has occurred, he can raise a point of order. A second is not required. The Chair can make a ruling on the question or can allow the board to debate and then rule on the question by majority vote. A point of order can only be interrupted by a privileged motion or a motion to lay on the table.

(d) Point of Information (Request for Information). If a commissioner has a question about the facts of a particular issue that is being considered, he may ask a point of information. This motion is addressed first to the Chair and then to the appropriate person. A second is not required and the motion is not debatable or amendable.

Section. 2-36-08. Supplementary Main Motions. Three motions allow the board to act on a main motion that has either been passed or tabled by the board. These motions are considered to be main motions but differ from usual main motions in the ways specified.

(a) Reconsider. The motion to reconsider allows the board to debate whether or not to overturn a decision made at the meeting that is in progress. It allows the board to consider new information that may affect the decision that has already been made. Any commissioner can make a motion to reconsider and any commissioner may second the motion. The motion is debatable but it cannot be amended. A majority vote of the board is required for the motion to pass. If a motion to reconsider is passed, the original decision will be voided and the board will return to debate and revote the original motion.

(b) Rescind. A motion to rescind proposes that the board overturn a motion passed at a previous meeting. A motion to rescind can be made by any commissioner. It is in order as long as the original motion has not been implemented. An announcement of the intention to rescind a motion may be made at the meeting where the decision was made, or the commissioner seeking to rescind may place the matter on the agenda for the next meeting. The motion to rescind will then be placed on the agenda for the next meeting. At the next meeting, the motion to rescind will formally be made. If it is seconded, then the board shall debate and vote on rescission. A majority vote is required for the motion to pass. If a motion to rescind is passed, the original decision will be voided.

(c) **Resume Consideration.** The motion to resume consideration allows the board to consider a motion that has been temporarily postponed. This motion requires a second and is not debatable or amendable. It is a main motion but ranks higher than any debatable motion. A majority vote is required for the motion to pass.

Section. 2-36-09. Abstentions. Commissioners shall generally vote on all matters coming before the Board. If a Commissioner has a personal interest in the matter such as to create a conflict of interest then the Commissioner shall be permitted to abstain with cause, provided the Commissioner shall disclose the nature of the conflict and shall not have participated in any discussion or debate of the matter at issue. If a Commissioner abstains without cause (i.e. without disclosing a conflict of interest) then such vote shall be treated as a vote in favor of the pending motion and the Commissioner's vote shall have the same effect as if he/she voted on the prevailing side.

{SIGNATURES NEXT PAGE}

SO RESOLVED, this the 17th day of April, 2007.

CLAYTON COUNTY BOARD OF COMMISSIONERS

Eldrin Bell (OPPOSED)
ELDRIN BELL, CHAIRMAN

Sonna Singleton
SONNA SINGLETON, VICE CHAIRWOMAN

Virginia Burton Gray (OPPOSED)
VIRGINIA BURTON GRAY, COMMISSIONER

Wole Ralph
WOLE RALPH, COMMISSIONER

Michael Edmondson
MICHAEL EDMONDSON, COMMISSIONER

ATTEST:

Shelby D. Haywood
SHELBY D. HAYWOOD, CLERK