



CITY COUNCIL SPECIAL MEETING WORKSESSION

Donna Pittman-Mayor

Robert J. Patrick-District 1
Trudy Jones Dean – District 2
Karen Pachuta – District 3

Pam Fleming – District 1
Brian Bates – District 2
Maria Alexander – District 3
Mayor Pro-Tem

AGENDA

**June 20, 2013 (Immediately
following the millage rate
hearing)**

I. **CALL TO ORDER**

II. **ROLL CALL**

III. **OLD BUSINESS**

- Discussion of Proposed Rules and Procedures for City Council Meetings- City Manager Shawn Gillen
- Second Read of Ordinance to Revised Agenda Procedures- City Manager Shawn Gillen

IV. **ADJOURNMENT:**



THE CITY OF DORAVILLE
AGENDA ITEM SHEET

Subject: **Ordinance to revise Chapter 2 of City Code to delete certain Agenda Procedures and to adopt Rules and Procedures for Council Meetings** Regular Meeting (X)
Work Session ()

Date of Meeting: _____ Recommendation (X)
Policy/Discussion ()
Budget Impact: ___Y_X___N Report ()
Other (X)
Budget Impact Amount: \$ ___N/A_____

Funding Source:
() Annual
() Capital
() N/A

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This Agenda Item is actually two items intertwined. First, there is a proposed Rules and Procedures for Council adoption which is a comprehensive document creating the procedures by which Council Meetings and other Open Meetings would proceed, including decorum, Agendas, public comments, public hearings, committees, etc. To adopt these Rules and Procedures without having it placed in the City Code allows for flexibility to revise as necessary. Alongside this document is an Ordinance for First Read to revise what would be conflicting provisions for Agenda and Council Meeting Administration in the City Code, in Chapter 2, Article II, currently. These are set for adoption concurrently.

Options: **Adopt or revise these Rules and Procedures and Ordinance.**

Recommended Action: **Adopt the attached Ordinance and Rules and Procedures.**

Department: City Manager Department Head: Shawn Gillen

Administrative Comments and Recommendation: _____

Action Taken By Board: _____

RULES AND PROCEDURES FOR CITY COUNCIL MEETINGS AND PUBLIC HEARINGS

Section 1. Open Meetings. All meetings of the Mayor and City Council shall be held in accordance with the provisions of Title 50, Chapter 14 of the Official Code of Georgia Annotated. The public shall be afforded access to meetings other than Executive Sessions, in compliance with Georgia law. Only Executive Sessions held in accordance with Georgia law may be closed to the public.

Section 2. Executive Sessions. Executive sessions of the Council may be held for the purpose of discussing topics exempted from public access requirements by Title 50, Chapter 14 of the Official Code of Georgia Annotated. Meetings will only be closed to the public for the purposes allowed within State law.

(a) Non-Exempt Topics. If a Council Member attempts to discuss a non-exempt topic during an Executive Session, the Mayor shall immediately rule that Council Member out of order and such discussion shall cease. If the Council Member persists in discussing the non-exempt topic, the Mayor shall adjourn the meeting immediately.

(b) Procedure For Entering Into Executive Sessions. No Executive Session shall be held except pursuant to a majority affirmative vote of the City Council Members present with the vote taken in a public meeting. The minutes of the public meeting shall reflect the names of the Council Members present, those voting for the Executive Session, and the specific reasons for the Executive Session. All votes taken on items discussed in Executive Session shall be taken in an open meeting.

(c) Executive Session Minutes.

(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 (Section 21) and shall be available for public inspection except that any portion of the minutes identifying the real estate shall be redacted until such time as the action for acquisition of the real estate is taken, or decision is reached that the proposed acquisition is to be terminated, abandoned or until court actions are to be initiated through the use of condemnation proceedings.

(2) Other Executive Sessions. Minutes of Executive Sessions devoted to any permissible topic other than land acquisition shall be maintained by the clerk in accordance with State of Georgia law.

(d) Mayor or Presiding Officer Affidavit. The Mayor 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

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exemption to the open meetings law. The City Attorney shall review and approve the form of the affidavit to be utilized, as well as the completed affidavit to be executed for each Executive Session. 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]

Section 3. Visual and Sound Recordings. Visual, sound, and visual and sound recordings shall be permitted for all public hearings, as long as such recordings are in accordance with State law.

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

Section 4. Quorum. A quorum must be present for conducting meetings of the City Council. A quorum is four (4) members of the City Council. Any Council Member may raise a point of order directed to the Mayor or presiding officer if he or she believes that a quorum is not present. If, during the course of a meeting, a Council Member or Council Members leave and a quorum no longer exists, the meeting may not continue. If a quorum is not attained within thirty (30) minutes, the meeting may be rescheduled by the Mayor or presiding officer with the approval of the Council Members present.

Section 5. Mayor. As provided in Article III, Section 3.01 of the City Charter, the presiding officer of the City Council shall be the Mayor. As presiding officer, he or she is responsible for the orderly conduct of the meeting. In order to fulfill this duty, the Mayor shall enforce the rules of procedure that are adopted by the City Council. The Mayor shall be impartial and conduct the meetings in a fair manner. The Mayor may name a Sergeant-at-Arms to assist in maintaining the orderly conduct of the Council Meetings. As provided in Article II, Section 2.10, the Mayor is treated as one of the Council Members for quorum purposes, and the Mayor may vote only when there is a tie.

Section 6. Mayor Pro-Tempore. The Council shall select a Mayor Pro-Tempore from the Council Members at the first meeting following each general election by a majority vote. The Mayor Pro-Tempore shall fulfill the duties of the Mayor if the Mayor is not in attendance. The Mayor Pro-Tempore shall serve a term of two years and until a successor is elected and qualified.

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

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

Section 9. Amendments to the Rules. Any amendments to the rules of order shall be submitted by a Council Member in writing to the city manager three business days before a regular meeting of the City Council. The proposed amendment shall be included in the agenda

for that meeting and distributed to all Council Members. All amendments require a two-thirds vote of the Council 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 Council. Rules governing quorums, voting methods and requirements (Article II, Section 2.10), the notification to Council Members of meetings (Article II, Section 2.09) 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 City Council 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 City Council shall be held at a time determined by majority vote of the City Council, but shall include at least one regular meeting per month, as provided in Article II, Section 2.09 (c). All regular meetings shall be held in the City Council meeting room, provided however, that other sites are allowed prior to the opening of City Hall or as provided by other sections of this document. 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 City Council. Prior to the establishment of a regular meeting place, the public notice shall be posted at the location at which the meeting will be held. Prior to each Regularly Scheduled Meeting, there shall be a Work Session scheduled for one (1) hour prior to the Meeting. No item on the Work Session shall also appear at the Council Meeting that same day. The Work Session Agenda shall be as follows:

1. Call to Order
2. Roll Call
3. Public Comment (limited to 10 minutes, 3 minute per person)
4. Work Session Discussion Items
5. Other Business
6. Adjournment

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

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

(a) Special Meetings and Rescheduled Regular Meetings. A regular meeting may be canceled, rescheduled, recessed or moved to a new location within the City by the Mayor or by a majority of the Council in office for any reason. As provided in Article II, Section 2.09 of the City Charter, special meetings of the City Council may be held on call of the Mayor and one (1) councilmember or three (3) council members. Notice of such special meetings shall be served on all other members personally, by registered mail or by electronic means at least 24 hours in advance of the meeting. Such notice shall not be required, if the Mayor and Council Members are present when the Special Meeting is called. Such notice of any Special Meeting may be waived by a Council Member in

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writing before or after such a meeting. Attendance at a meeting shall also constitute a waiver of notice on any business transacted in such Council Member's presence. Only the business stated in the call may be transacted at the Special Meeting. Notice to the public shall be given in accordance with State law.

(b) Meetings With Less Than 24 Hours Notice. When emergency circumstances occur, the City Council may hold a meeting as allowed by State law. When such meetings are to be held, the clerk shall provide notice to the legal organ of the city and to each member of the city governing authority as soon as possible. The notice shall include the subjects expected to be considered at the meeting. In addition, the minutes shall reflect the reason for the emergency meeting and the nature of the notice given to the media and public.

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

(c) Meetings During a State of Emergency. When it is imprudent, inexpedient or impossible to hold City Council meetings at the regular meeting place due to emergency or disaster resulting from manmade or natural causes, as declared by the Governor or other authorized state official, the City Council may meet anywhere within or outside of the city. Such a meeting may be called by the Mayor and one councilmember or three (3) Council Members. At the meeting, the Council Members 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]

(d) Policy Committee of the Whole. Policy Committee of the Whole meetings shall be held at a time determined by majority vote of the City Council, but shall include at least one meeting per month. The Policy Committee of the Whole shall review and provide suggestions and opinions on items submitted by the City Manager regarding Ordinances and Policies that the City is or will be undertaking and which, in the City Manager's opinion, needs additional review and comment prior to the item coming before the full Mayor and Council Board at a Council Meeting or Work Session. The Policy Committee of the Whole shall be composed of the members of the City Council.

The order of business of the Policy Committee of Whole shall be as follows:

1. Call to Order
2. Roll Call
3. Minutes
4. Approval of Meeting Agenda
5. Public Comment (limited to 20 minutes, 3 minute per person)
6. Reports and Presentations
7. Unfinished Business
8. New Business
9. Other Business
10. Adjournment

No final action shall be taken on items before the Policy Committee of the Whole. Items on the agenda may be referred to the regular council meeting or Work Session for review or final action.

Section 13. Order of Business. All regular City Council meetings, except for Work Sessions as delineated above, shall substantially follow an established order of business. The order shall be as follows:

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Minutes
5. Approval of Meeting Agenda
6. Public Comment
7. Consent Agenda
8. Organizational and Procedural Items
9. Reports and Presentations
10. Unfinished Business
11. New Business
12. Other Business
13. Adjournment

Section 14. Agenda. The City Manager shall prepare an agenda of subjects to be acted on for each meeting. Work session topics and Council agenda items shall be submitted consistent with the process established by the City Manager. An agenda approval meeting shall be held by the City Manager and the Mayor to finalize the agenda. The agenda shall be made available to the City Council at least one (1) day before every City Council meeting.

(a) Changing The Agenda. The order of the agenda may be changed during a meeting by a majority vote of the City Council. A new item, other than a zoning decision, may be added to the agenda by a majority vote of the City Council only if it becomes necessary to address the item during the meeting. An existing item may be removed from the agenda by the majority vote of the City Council.

(b) Agenda Must Be Made Public. The agenda of all matters to come before the City Council shall be made available to the public upon request and shall be posted at the meeting site as far in advance as reasonably possible, but not less than 24 hours prior to the start of the meeting. Notice of the agenda for emergency meetings will be handled in accordance with State law.

[Cross-reference: O.C.G.A. §§ 50-14-1(e)(1) and 36-66-4]

Section 15. Consent Agenda. A consent agenda may be prepared by the City Manager for the City Council to unanimously adopt motions 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 Mayor shall read all of the items on the consent agenda. If a Council Member objects to an item being on the consent agenda, the Council Member shall direct the move of that particular item to the regular agenda. Following the reading of the consent agenda, the Mayor 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 City Council.

Section 16. Decorum. All Council Members shall conduct themselves in a professional and respectful manner. All remarks shall be directed to the Mayor and not to individual Council Members, staff, or citizens in attendance. Personal remarks are inappropriate and may be ruled out of order. A Council Member may not speak at a meeting until he or she has been recognized by the Mayor. All comments made by a Council Member shall address the motion that is being discussed. The Mayor shall enforce these rules of decorum. If a Council Member believes that a rule has been broken, he or she may raise a point of order. A second is not required. The Mayor may rule on the question or may allow the City Council to debate the issue and decide by majority vote.

Section 17. Voting. Under normal circumstances, passage of a motion shall require the vote of at least four (4) Council Members, and must receive the affirmative vote of a majority of those voting at which a quorum is present. Voting on the adoption of ordinances shall be by voice vote and the vote shall be recorded in the record, but any member of the City Council shall have the right to request a roll-call vote and such vote shall be recorded in the journal.

Except as otherwise provided in the City Charter, the affirmative vote of a majority of the Council Members present shall be required for the adoption of any ordinance, resolution or motion.

Section 18. Abstentions. No Council Member shall abstain from voting except in the case of a conflict of interest or if absent when a motion being voted upon was made. If a conflict of interest does exist, the Council Member shall provide a specific explanation of the conflict, and the explanation shall be recorded in the journal.

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

- i. **Public Comments.** The floor shall be open for public comments at no less than one point during the meeting. The public comments section will be provided immediately following the approval of the meeting agenda. This public comments period will last a maximum of thirty minutes, and speakers' comments will be limited to three (3) minutes each. No speaker shall yield time to another person.

The presiding officer, at his or her discretion, may also call for additional public comment periods during the meeting whenever the presiding officer has a reasonable belief that such additional public input would be advantageous in guiding a specific Council decision.

These public comment periods will also be limited to fifteen minutes. Individual speakers are limited to three (3) minutes each. All members of the public wishing to address the City Council shall submit their name and the topic of their comments to the city clerk prior to the start of any meeting held by the City Council; provided, however, that if the applicants of rezoning actions or individuals who wish to oppose a rezoning action have contributed more than \$250 to the campaign of a Council Member, the individual shall file a campaign disclosure form as required by O.C.G.A. § 36-67A-3 at least five (5) calendar days prior to the first hearing by the City Council. Individuals will be held to established time limits. These limits may be waived by a majority vote of the City Council.

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

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

[Cross-reference: O.C.G.A. §§ 36-66-4 and 36-66-5]

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

Section 20. Meeting Summary. A summary of the subjects acted upon in a meeting and the names of the Council Members present at a meeting shall be prepared by the City Clerk and made available to the public for inspection within two business days of the adjournment of the meeting. This summary will be noted as unofficial prior to adoption by the Council of the minutes for the meeting. *[Cross-reference: O.C.G.A. § 50-14-1(e)(2)]*

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

The City Council shall approve the minutes before they may be considered as an official record of the City Council. The minutes shall be open for public inspection once approved as official by the City Council but in no case later than immediately following the next regular meeting of the City Council. A copy of the minutes from the previous meeting shall be distributed to the City Council in the agenda package for the following meeting. The minutes of the previous meeting shall be corrected, if necessary, and approved by the City Council 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 Mayor and attested to by the clerk of the City Council.

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

Section 22. Procedure and Deadline. The Mayor and City Manager are authorized to establish detailed procedures and deadlines as necessary to ensure the effective organization of Council proceedings and orderly handling of business to come before the Council, in accordance with the Rules and Procedures adopted by the Mayor and Council.

Section 23. Roberts Rules of Order. This document shall serve as the rules and procedures of the Mayor and City Council. In the absence of applicable rules and procedures which may from time to time be encountered during the public meetings, Roberts Rules of Order shall be followed.

Section 24. Deferrals. If five (5) or fewer members of the City Council are present at the meeting, and upon request of the Mayor or a member of the City Council at such meeting, an item up for vote can be deferred for one (1) meeting. This "normal course" deferral may not be repeated for any item deferred in accordance with this provision.

STATE OF GEORGIA

CITY OF DORAVILLE

ORDINANCE NO. 2013-__

AN ORDINANCE TO REVISE CHAPTER 2 (“ADMINISTRATION”), ARTICLE II (“CITY COUNCIL”) TO DELETE MEETING AGENDA AND ORDER OF BUSINESS PROVISIONS FROM THE CODE; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE FOR AN ADOPTION AND EFFECTIVE DATE; TO PROVIDE FOR CODIFICATION; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES

WHEREAS, Chapter 2 (“Administration”) of the City Code currently contains several provisions in Article II (“City Council”) that set out the Agenda process and Order of Business for City Council Meetings; and

WHEREAS, the Mayor and City Council are considering a comprehensive set of Rules and Procedures for Council Meetings that would provide a clearer and more orderly process for Council Meetings and would conflict with the currently existing provisions in Chapter 2 of the City Code; and

WHEREAS, the Mayor and City Council find that, in order to have appropriate flexibility in its meeting procedures, said Rule and Regulations are best kept out of the Code of the City to allow for faster revision if necessary in the future; and

WHEREAS, the Mayor and City Council believe that said Rules and Procedures will enhance public discourse at City Council Meetings and be a more productive mode of conducting business in public meetings.

THEREFORE, THE MAYOR AND COUNCIL OF THE CITY OF DORAVILLE, GEORGIA HEREBY ORDAIN:

Section 1

That the Code of Ordinances for the City of Doraville, Georgia, is hereby amended by revising Chapter 2 (“Administration”), Article II (“City Council”), by deleting Sections 2-33 (“Order of Business”), 2-34 (“Points of Order”), 2-35 (“Robert’s Rules of Order”) 2-36 (“Items on Agenda and Appearance before Council”), 2-38 (“Councilmen appointed to departments”) and 2-39 (“Mayor ex officio member of committees”) in their entirety and renumbering the remaining Sections of Chapter 2, Article II accordingly.

Section 2

a. It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

b. It is hereby declared to be the intention of the Mayor and Council 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 Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section paragraph, sentence, clause or phrase of this Ordinance.

c. In the event that any phrase, clause, sentence, paragraph or section of this Ordinance 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 Mayor and Council 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 Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section 3

All ordinances or parts of ordinances in conflict herewith are hereby expressly repealed.

Section 4

This Ordinance shall be codified in accordance with state law and the Code of the City of Doraville, Georgia. This Ordinance shall become effective upon adoption.

SO ORDAINED AND EFFECTIVE, this ___ day of _____, 2013.

CITY OF DORAVILLE, GEORGIA

Mayor

First Reading

Second Reading

ATTEST:

Sandra Bryant, Acting City Clerk (SEAL)

APPROVED AS TO FORM:

Cecil G. McLendon, Jr., City Attorney

	Yea	Nay
Maria Alexander	<input type="checkbox"/>	<input type="checkbox"/>
Brian Bates	<input type="checkbox"/>	<input type="checkbox"/>
Pam Fleming	<input type="checkbox"/>	<input type="checkbox"/>
Karen Pachuta	<input type="checkbox"/>	<input type="checkbox"/>
Trudy Jones Dean	<input type="checkbox"/>	<input type="checkbox"/>
Robert Patrick	<input type="checkbox"/>	<input type="checkbox"/>