

## Ordinance 06-2015

Formatted

### An Amendment to the City Code of Ordinances

Chapter and Purpose. An amendment to the City Code of Ordinances, Chapter 2, Article II, Mayor and Council.

**ENACTING CLAUSE.** The Mayor and City Council of the City of Norcross, Georgia, hereby ordains that the adopted Code of Ordinances, is hereby amended as more particularly set forth below. It is the intention of the Mayor and City Council, and it is hereby ordained that the following provisions shall become and be made a part of the Code of the City of Norcross, and the Sections in the Code in the Ordinance be renumbered to accomplish that intention.

#### Sec. 2-24. - Regular meetings.

Regular meetings of the City Council shall be held at ~~7:30~~ 6:30 p.m. on the first Monday of each month. All regular meetings shall be held in the City Hall. 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 Council.

#### Sec. 2-31. - Agenda.

- (a) The City Clerk, with the advice of the chairperson and the Councilmembers, shall prepare an agenda of subjects to be acted on for each meeting. ~~An agenda work session shall be held by the City Clerk to finalize the agenda. The chairperson and all Councilmembers may participate in the work session.~~ Whenever a quorum of the Council is present for ~~an agenda work session~~ a meeting, the meeting shall be open to the public and all notice and recordkeeping requirements applicable to an open meeting must be met. The agenda shall be made available to the Councilmembers and a copy of the same posted at the meeting site at least one business day before every Council meeting.
- (b) Members of the public may request that a particular subject be placed on the agenda for the following meeting. To be considered, this request must be submitted in writing to the City Clerk and received at least three business days before the meeting.
- (c) The order of the agenda may be changed during a meeting by a majority vote of the Council. A new subject that requires urgent attention may be added to the agenda during a meeting by a majority vote of the Council.
- (d) A copy of the agenda and a list of those members present shall be made available to the public for inspection within two business days of the adjournment of any meeting.

#### Sec. 2-36. - Rules of procedure.

- (a) The role of the Mayor.
  - (1) The Mayor is in charge of applying the rules in the conduct of the meeting.
  - (2) The Mayor makes the final ruling on the rules of procedure. All decisions by the Mayor are final unless overruled by the Council by a majority vote.

(b) Schedule of meetings. When a regular scheduled meeting falls on a national holiday or on a day that City Hall is scheduled to be closed for a holiday, the meeting will be moved to the Tuesday immediately following the Monday of the originally scheduled date.

- (1) Policy work session. The policy work session meeting is the beginning of the agenda cycle. The meeting is held the third Monday of each month at 6:30 p.m. in the second floor conference room of City Hall. Items on the agenda are discussed by members of the governing authority. The Mayor may, as items are considered by Council, recognize members of the public who desire to make comment on agenda items. It is determined at this meeting what items will be put on the work session agenda and the regular monthly Council meeting for further action.
  - a. Submittal of agenda items. Department heads suggest potential agenda items at the biweekly staff meeting held by the City Manager for inclusion at the policy work session. Department heads must submit agenda items to the City Clerk no later than noon on the Monday prior to the policy work session, seven days prior to the meeting. All backup must be attached at this time. The City Manager and/or Mayor review the items and determine if they will remain on the agenda.
  - b. Councilmembers must have agenda requests submitted to the Mayor or City Manager no later than noon on the Monday prior to the policy work session, seven days prior to the meeting with all backup materials available at that time attached. If the Mayor does not approve an item to be placed on the agenda, two of the Councilmembers may overrule the Mayor's decision. If backup materials are not provided until meeting night, ample copies for all elected officials, City Manager and City Clerk are to be provided. If an item is not approved the submitting member will be notified prior to Friday p.m.
  - c. Except for extraordinary circumstances (as determined by the Mayor) will an item be added to the ~~work session or~~ regular meeting agenda without having first been on a policy work session agenda. No items will be accepted after the deadline. If items are received late, they will be deferred to the following month's agenda in order to comply with O.C.G.A. § 50-14-1(d), (e)(1).

An electronic file of the agenda containing all backup materials collected for the meeting will be delivered via email to each Councilmember on Tuesday afternoon prior to the meeting. Should any changes be necessary, council will submit changes no later than 12:00 noon on Wednesday prior to publication. The agenda will be published to the website by 5:00 p.m. on the Wednesday prior to the policy work session meeting to be held the following week.

- (2) ~~Work session. The work session is for the purpose of forming the agenda for the regular Mayor and Council meeting held the same night, the first Monday in each month. The work session is held at 6:30 p.m. prior to the 7:00 regular meeting. The work session is held in the upstairs conference room at City Hall. Limited public input is allowed at this meeting as determined by the Mayor. Items are reviewed in the order of the draft agenda and left on consent, to be approved in one vote, or moved to the discussion portion of the agenda for individual attention and a subsequent vote or for additional updates.~~
- (3) Regular Mayor and Council meeting. The final meeting of the cycle is the regular Mayor and Council meeting which is held in the courtroom downstairs at City Hall at ~~7:00~~ 6:30 p.m. on the first Monday of each month. This meeting is the only meeting (other than a special called meeting) that official actions are taken. The meeting allows for public input and is recorded and televised on Comcast the Tuesday night of the following week at 10:00 p.m. on channel 25. DVD's are available for purchase from the City Clerk for \$5.00 each. It is the intent of the city to post recordings of the City Council meetings on the City of Norcross website ([www.norcrossga.net](http://www.norcrossga.net)).
- (4) Special called meeting. Occasionally, there will be an issue or item that is time sensitive and therefore cannot be delayed until it has been through a full agenda cycle. In these limited circumstances, if immediate action on an item is deemed necessary and in the best interests of the City of Norcross, the Mayor or three members of the City Council may officially call a special call meeting. At least 24 hours' notice to the public is required for a special call meeting.

- (5) Executive sessions. Executive sessions may be held after any ~~work session~~, policy work session, special called meeting or regular Council meeting only for the purpose of discussion of personnel, real estate or legal matters, as allowed under Georgia law. No official action is taken in any executive session. An affidavit is signed by each member of the governing body stating that only the subject matter for which the meeting was called was discussed. Except in instances where Georgia law forbids it, all discussions held in executive session that meet the bounds of the law are considered confidential. Any member of the governing body shall be subject to public censure for a breach of said confidentiality.
- (c) Basic format for a Mayor and Council meeting agenda. The template used for the Mayor and Council meeting will be in the following format:
- (1) Call to order by Mayor or Mayor Pro Tem;
  - (2) Invocation;
  - (3) Pledge of allegiance to the flag of the United States of America;
  - (4) Roll call;
  - (5) Presentation of previous meeting minutes for acceptance;
  - (6) Acceptance of the agenda as presented for the scheduled meeting;
  - (7) Ceremonial presentations, recognitions and swearing in ceremonies;
  - (8) Floor open to citizens desiring to address the governing Council:
    - a. Comments by Citizens;
    - b. Comments by Council.
  - (9) Public hearings;  
General announcements;
  - (10) Consent agenda;
  - (11) Items for discussion;
  - (12) Adjourn to executive session for personnel, real estate and legal.

First, the Mayor should clearly announce the agenda item number and state what the agenda items subject is.

Second, the appropriate person will come forward to introduce or explain the item and its intent. The Mayor will then ask members of the City Council if they have any technical questions or are in need of a clarification.

Third, the Mayor will invite public comments. If numerous members of the public indicate a desire to speak to the subject, the Mayor may limit the time of public speakers. The normal total limit of time for discussion of a matter is 15 minutes. At the end of the allotted time, the Mayor has the authority to end the public comment period on that particular issue.

Fourth, the Mayor will invite discussion of the item by the City Council.

Fifth, the Mayor will invite a motion, announcing the name of the member of the City Council who makes the initial motion.

Sixth, the Mayor will ask for a second to the motion, announce the name of the member of the City Council who seconds the motion.

Seventh, if the motion is made and properly seconded, the Mayor will confirm publicly that everyone understands the motion, and ask if the motion needs to be repeated.

Eighth, the Mayor calls for a vote on the item in question, by asking for those in favor of the motion to raise their hand. Nays then respond in the same manner. Those who do not vote, "abstain". An affirmative

vote of a simple majority of the members present determines whether a motion passes or is defeated. In case of a tie, the Mayor then votes to determine the outcome by breaking the tie.

Ninth, the Mayor will announce the result of the vote and may indicate the names of the members of the City Council, who voted either in favor of or in opposition to the motion.

(d) Three basic motions.

- (1) The basic motion. The basic motion puts forward a decision for the Council's consideration.
- (2) The motion to amend. If a member wants to change a basic motion that is before the Council, they can move to amend it. A motion to amend can only change the basic motion in a manner that retains the premise of the basic motion.
- (3) The substitute motion. If a member intends to completely negate the basic motion that is before the City Council, and create a new motion, they can make a substitute motion. A substitute motion negates the basic motion and replaces it with a completely different motion.

The Mayor has the sole discretion to determine whether a proposed substitute or amended motion is a "motion to amend" or a "substitute motion".

(e) Multiple motions before the City Council. There can be up to three motions on the floor at the same time.

When there are multiple motions made and properly seconded at the same time, the vote shall proceed first on the last motion that is made. If it is a substitute motion which passes, it would be a substitute for the basic motion and would eliminate it. The first motion would be moot, as would the second motion (which sought to amend the first motion), and the action on the agenda item would be completed on the passage by the City Council of the third motion (the substitute motion). No vote can be taken on the first or second motions. If the substitute motion (the third motion) fails, the Mayor shall proceed to consider the second (now, the last) motion on the floor, the motion to amend.

Second, if the substitute motion failed, the Mayor shall deal with the second (now the last) motion on the floor, the motion to amend. The discussion and debate shall focus strictly on the amendment. If the motion to amend passed, the Mayor shall then call for discussion and a vote on the main motion (the first motion) as amended. If the motion to amend failed, the Mayor shall then call for discussion and a vote on the main motion (the first motion) in its original format, not as amended.

Third, the Mayor would now deal with the first motion that was placed on the floor. The original motion would either be in its original format, or, if amended, would be in its amended format.

(f) To debate or not to debate. Motions are generally subject to discussion and debate. Accordingly, basic motions, motions to amend, and substitute motions are all eligible, each in their turn, for full discussion before and by the City Council. The debate shall be limited to 15 minutes unless the Mayor or at least 75 percent of the City Council present at the meeting elects to extend the time allotted for debate. There are exceptions to the general rule of free and open debate on motions. The following motions are not debatable:

- (1) A motion to adjourn. This motion, if passed requires the Council to immediately adjourn. A motion to adjourn requires a simple majority vote for passage.
- (2) A motion to recess. This motion, if passed, requires the Council to immediately recess. The Mayor determines the length of the recess which shall last at least five minutes and shall last no longer than one hour. A motion to recess requires a simple majority vote for passage. A motion to fix the time to adjourn. This motion, if passed, requires the Council to adjourn the meeting at the specific time set in the motion. A motion to fix the time to adjourn requires a simple majority vote for passage.
- (3) A motion to table. This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to be placed on "hold". The motion may include, a specific time in which the item can come back to the Council: A motion to table an item indefinitely or for a specified time requires a simple majority vote for passage.

- (4) A motion to extend debate. When a motion has been debated for the 15-minute limit and a member of the City Council objects to the Mayor calling the question, a motion to extend the debate is necessary. A motion to extend debate requires that 75 percent of the City Councilmembers present at the meeting elect to extend the time allotted for debate.
- (5) A motion to limit debate or "calling the question". The most common form of this motion is to say "I move the previous question" or "I move the question" or "I call the question." When a member of the body makes such a motion, the member is really saying: "I've had enough debate. Let's get on with the vote". When such a motion is made, the Chair should ask for a second, stop debate, and vote on the motion to limit debate. The motion to limit debate requires a two-third's vote of the body.
- (6) A motion to object to consideration of an item. This motion is not debatable, and if passed, precludes the body from considering special rules that apply to the motion to reconsider. A motion to reconsider must be made at the meeting at which the item was first voted upon or at the very next meeting of the governing body where action may be taken on items. The Council, however, can always vote to suspend the rules and by a 75-percent majority of City Councilmembers present at the meeting, can allow a motion to reconsider to be made at another time. A motion to reconsider can only be made by certain members of the body. A motion to reconsider can only be made by a member who voted in the majority in the original motion. If such a member has a change of heart, he or she can make the motion to reconsider (any other member of the Council may second the motion). If the motion to reconsider passes, then the original matter is back before the Council, and a new original motion is then in order. The matter shall be discussed and debated as if it were on the floor for the first time.
- (g) Courtesy and decorum. The rules of order are meant to create an atmosphere where the Mayor, members of the City Council and the members of the public can attend to business efficiently, fairly and with full participation. At the same time, it is up to the Mayor and the members of the Council to maintain common courtesy and decorum. Only one person at a time shall have the floor, and every speaker must first be recognized by the Chair before proceeding to speak.

The Mayor shall ensure that debate and discussion of an agenda item focuses on the item and the policy in question, not the personalities of the member of the City Council. The Mayor has the right to cut off discussion that is too personal, is too loud, or is too crude. A speaker may be interrupted for the following reasons:

- (1) Privilege. The proper interruption shall be; "point of privilege." The Mayor shall ask the interrupter to "state your point." Appropriate points of privilege relate to anything that would interfere with the normal comfort of the meeting. For example, the room may be too hot or too cold, or a blowing fan might interfere with a person's ability to hear.
- (2) Order. The proper interruption shall be: "point of order." The Mayor shall ask the interrupter to "state your point." Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting. For example, if the Mayor moved on to a vote on a motion that permits debate without allowing that discussion or debate.
- (3) Appeal. If the Mayor makes a ruling that a member of the City Council disagrees with, that member may appeal the ruling of the Mayor. If the motion is seconded, and after debate, if it passes by a simple majority vote, then the ruling of the Mayor is deemed reversed.
- (4) Call for order of the day. If a member of the City Council believes that the body has drifted from the agreed-upon agenda, such a call may be made. It does not require a vote, and if the Mayor discovers that the agenda has not been followed, the Mayor shall remind the City Council to return to the agenda item properly before them. If the Mayor fails to do so, the Mayor's determination may be appealed.
- (5) Withdraw a motion. During debate and discussion of a motion, the maker of the motion on the floor, at any time, may interrupt a speaker to withdraw his or her motion from the floor. The motion is immediately deemed withdrawn, although the Mayor may ask the person who seconded the

motion if he or she wishes to make the motion, and any other member may make the motion if properly recognized.

**Severability.** If the provisions of any section, subsection, paragraph, subdivision or clause of this ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any ordinance, section, subsection, paragraph, subdivision or clause of this ordinance.

**Repealer.** All ordinances or parts thereof which are in conflict with any provision or any section, subsection, paragraph, subdivision or clause of this ordinance is hereby repealed to the extent of the conflict.

IN WITNESS WHEREOF, I have hereunto set my hand and caused this seal to be affixed, this the **3rd day of August, 2015**.

---

Bucky Johnson, Mayor

ATTEST:

---

Monique Lang, City Clerk