



DeKalb County Government

Manuel J. Maloof Center
1300 Commerce Drive
Decatur, Georgia 30030

Agenda Item

File ID: FileID

Substitute

Public Hearing: YES NO

Department: Board of Commissioners

SUBJECT:

Commission District(s): All Districts

Amendment to Board of Commissioners Standing Procedural Rules

Information Contact: John W. Manson IV

Phone Number: 404 371 6207

PURPOSE:

To update the Board of Commissioners Standing Procedural Rules;

NEED/IMPACT:

The Board had not revised the Standing Procedural Rules since 2008;

FISCAL IMPACT:

None;

RECOMMENDATION:

To approve the resolution and authorize the chief executive officer to execute all necessary documents.....

RED - New/revised language added

Green - Current language moved

Black - Current language

**STANDING PROCEDURAL RULES DEKALB COUNTY BOARD OF
COMMISSIONERS
ORIGINALLY ADOPTED OCTOBER 23, 1990 AMENDED JUNE 25, 1991
AMENDED SEPTEMBER 10, 1996 AMENDED JUNE 25, 2002 AMENDED
OCTOBER 11, 2005 FIRST READING DECEMBER 16, 2008 AMENDED**

(Clerk, insert date amendment passes in compliance with article VIII.)

I. MEETINGS AND ATTENDANCE

1. Presiding Officer. The Presiding Officer shall:

- a) Preside over all meetings of the Board of Commissioners (the "Commission") and ensure that the Standing Procedural Rules are observed;
- b) Control the floor at all times and may be addressed as "the chair";
- c) Appoint the members and chair of all committees of the Commission and all vacancies. All appointments shall be in writing. Any appointment may be rejected by a majority vote of the total membership of the Commission;
- d) Advise the Chief of Staff to the Board of Commissioners;
- e) Determine the meeting agenda in the absence of the Committee of the Whole;
- f) Serve on any board or committee as required of the presiding officer position;
- g) Coordinate with the Chief of Staff to organize annual retreats and other work sessions as needed within the discretion of the Commission;
- h) Communicate with the Chief Executive Officer ("CEO") and Commission to identify the legislative agenda items for the annual legislative process;
- i) Serve for no more than two consecutive years;
- j) Compel the attendance of members at meetings of the commission by subpoena, if necessary, subject to the policy of the Commission as established by its rules. The clerk shall issue subpoenas directed to any commissioner for the purpose of compelling the attendance of such commissioner at a meeting of the Commission. The subpoena shall state the date, time and place of the meeting to be attended and shall be served by the clerk or someone designated by the clerk for that purpose, not less than 2 hours prior to the time specified. The type of service upon a commissioner shall be personal service;

2. The deputy presiding officer shall conduct all duties of the Presiding Officer in their absence (If a vacancy occurs in the position of Presiding Officer, the Deputy Presiding Officer will assume the duties of the Presiding Officer until the election of the Presiding Officer).

3. **Elections:** At the first regular meeting in January of each year, the commission shall elect from its membership a presiding officer and a deputy presiding officer.

Commented [MJW1]: Add as independent item #3. Previously part of #2 "the deputy presiding officer shall..."

4. Quorum. The Commission's presiding officer or any four (4) members of the Commission may call for a meeting, other than a regular meeting, as shall be necessary; however, all members shall be notified at least three (3) days in advance of any such additional meeting. Any four (4) members of the Commission shall constitute a quorum, except that a lesser number shall be sufficient to recess or adjourn any meeting; but no official action shall be taken except upon the affirmative vote of at least four (4) members of the Commission. The presiding officer shall be entitled to the same voting rights as the Commission members on questions considered by the Commission. No official action shall be taken by the Commission except in a meeting that is open to the public.

5. Failure of Quorum. In the event there occurs a failure of a quorum at any regularly scheduled or duly called special meeting of the Commission, the presiding officer or the deputy presiding officer shall call the meeting to order and those in attendance may recess the meeting to a time certain not less than 2 hours following the recess. Thereupon, at the direction of the presiding officer or the deputy presiding officer, the clerk of the Commission ("clerk") shall notify the absent commissioners of the failure of a quorum, the time when the meeting will be resumed and that their attendance is requested. If, upon resumption of the meeting following recess, there still exists the absence of a quorum, the meeting may again be recessed to a time certain not less than 3 hours following the recess and attendance of the absent commissioners shall be compelled.

6. Penalty. Any commissioner failing to respond to a subpoena without good and sufficient cause shall be subject to a fine not to exceed \$100.00. The commissioners in attendance at the meeting when the failure of a quorum occurred shall determine the sufficiency of the cause of the absence of a commissioner failing to respond to the subpoena.

7. Committee Chair Reports & Motions. At every regularly scheduled meeting of the Commission, the committee chair shall be recognized first for a motion on any agenda item assigned to his/her committee.

8. Night Committee of the Whole Meetings. The Board of Commissioners shall allow three meetings of the DeKalb County Board of Commissioners meeting to be held at 5:30 p.m., these meetings will be held during the months of February, June, and October; and, the location of these meetings will be at different locations around the County to allow for more citizen involvement. During the three meetings of the Board of Commissioners the public comment section shall start at 6:30 p.m. and last for thirty (30) minutes.

9. Inclement Weather. In the event of inclement weather that would preclude a meeting of the Board of Commissioners, the decision to cancel the meeting shall be based upon the closure of County operations.

Commented [MJW2]: New language added.

Commented [MJW3]: New language added.

Deleted: Committee of the Whole to be held at 5:30 p.m., and

Commented [MJW4]: New language added.

Deleted: ¶

II. PARLIAMENTARY RULES

1. Parliamentary Authority. Robert's Rules of Order (current edition) is designated as the basic parliamentary authority of the Commission. Use of abusive, profane or derogatory language during any portion of the meeting will not be permitted. Holding up signs, clapping and yelling to show support for or opposition to a speaker will not be permitted, but a show of hands or quietly standing will be permitted to show support for or opposition to a speaker's position. Whichever elected official is presiding during the meeting shall ensure that all applicable rules are followed, as such rules provide for the orderly transaction of business. As reflected in Robert's Rules of Order, the object of all of these rules is to facilitate the smooth functioning of the assembly and to provide an orderly and deliberate basis for resolving issues pending before the governing authority. All persons present at a meeting of the Commission have an obligation to obey the legitimate orders of the elected official presiding over that portion of the meeting.

2. Special Rules. To the extent that Standing Procedural Rules adopted by the Commission may conflict with the provisions of Robert's Rules of Order, the Standing Procedural Rules shall prevail.

3. Obtaining the Floor. Before a member of the Commission can make a motion or speak in debate, the member must first obtain the floor; that is, the member must be recognized by the chair as having the exclusive right to be heard at that time. The chair should recognize any member who seeks the floor while entitled to it. If two or more members seek the floor at the same time, the general rule is that, all other things being equal, the member who addressed the chair first after the floor was yielded is entitled to be recognized. A member cannot establish prior claim to the floor by seeking recognition before it has been yielded. The decision of the chair as to the order of recognition and which member has the floor shall control.

4. Full Reading of Purpose for Agenda Item. No motion may be heard, nor any action taken on an agenda item, without a full reading by the chair of the listed subject and purpose for the agenda item.

5. Substitute Motion. A substitute motion is a main motion offered for consideration by the Commission in lieu of a main motion then pending. A substitute motion takes precedence over a pending main motion and all subsidiary or incidental motions adhering thereto. **Only one substitute motion at a time may be offered before action on that motion. Action on the initial substitute motion must be taken prior to consideration of a second substitute motion.**

6. Friendly Amendment. An amendment to a motion accepted by both the maker and seconder of a motion is considered a friendly amendment, the terms of which are deemed to be part of the original motion without further action or vote of the

Commented [MJW5]: New language added. Law will review the meaning for subsidiary and incidental motions in this context;

Commission.

7. Deferral of Items. A motion to defer is the motion by which action on a pending question can be put off, within limits, to a date certain, such as a definite day, meeting or until after a certain event. An action item may be deferred by proper motion, seconded and approved by majority vote. A question may be deferred either so that it may be considered at a more convenient time, or because debate has shown reasons for holding off a decision until later. No item may be deferred, without a call for a vote to approve, deny, or withdraw the item, for a total period greater than nine (9) months from its first reading as a preliminary item, unless such time period is otherwise extended or limited by law. **No item may be deferred in conflict with any limitation imposed by the Organizational Act.**

Commented [MJW6]: New language added.

8. Reconsideration.

(a) A motion for reconsideration of a business item may be made at any time prior to the close of the business portion of the meeting at which the item to be reconsidered was adopted. Reconsideration may take place as provided in Robert's Rules of Order.

(b) A motion for reconsideration of an item that requires a public hearing may be made only prior to the time the next agenda item is called for consideration. Reconsideration of a public hearing item shall take place during the public hearing agenda not later than the next regular meeting.

9. Suppress Debate (to Call the Question). A motion to close debate immediately or to prevent the moving of amendments or any other subsidiary motion is a motion for the previous question. As this motion cannot be debated or amended, it must be voted on immediately, following recognition of the maker by the chair. To succeed, such a motion needs a two-thirds vote **of the members present and voting**. If the motion for the previous question is voted down, the discussion continues as if this motion had not been made.

Commented [MJW7]: Commissioner Gannon would like clarity on whether the 2/3 vote is of the whole Commission or of the members present.

10. Limit or Extend Limits of Debate. To curtail or extend the time for discussion on a particular matter, a member must make a motion to limit or extend the limits of debate. This motion may be applied to any debatable matter. To succeed, such a motion needs a two-thirds vote **of the members present and voting**.

Commented [MJW8]: Commissioner Gannon would like clarity on whether the 2/3 vote is of the whole Commission or of the members present.

11. Lay on the Table. The motion to lay on the table allows the Commission to lay aside the pending question temporarily in order to attend to more urgent business. A motion to lay on the table is undebatable; it must be voted on immediately, following recognition of the maker by the chair. To succeed, such a motion need only a majority vote. The item laid upon the table, however, must be taken from the table and acted upon by the Commission **prior to adjournment of the meeting**. If no motion to take from the table is made, the presiding officer, or the deputy presiding

officer in the absence of the presiding officer, shall place the matter back on the table for action.

12. Tie votes. In the event of a tie vote whereby the commissioners have voted 3-3, on a matter where that vote can be broken by the chief executive officer because it is a matter for which he or she can exercise his or her veto, the clerk or designee shall request the attendance of the chief executive officer. The item will be laid on the table and the rest of the agenda addressed until the chief executive officer arrives. If the chief executive officer does not arrive by the end of the meeting, then the item will fail to pass for lack of a fourth vote. Motions to reconsider will still be eligible during the initial meeting. While the chief executive officer is needed to break a tie vote, he or she shall have all the same parliamentary privileges as a commissioner.

III. AGENDA AND PRELIMINARY ITEMS

1. Agenda Publication. The Commission, through the presiding officer or designee, shall issue calls for agenda items and shall prepare and publish a listing of those items and the same shall serve as the agenda for the Commission.

(a) The presiding officer or designee will issue a call for proposed agenda items pursuant to a schedule set by the clerk. Each item shall be presented at a Committee of the Whole meeting prior to the Commission meeting at which the item is to be introduced and voted on. The Committee of the Whole shall accept the item for inclusion on the agenda for the next Commission meeting upon one commissioner's request. If accepted for inclusion on the agenda, the Committee of the Whole may recommend deferral of the agenda item to a committee, in which case the item either is placed on the agenda for the next Commission meeting as a preliminary item with a recommendation to go to a committee, or if required by law, notice or advertising, is placed on the public hearing or appeals portion of the agenda with a recommendation to go to a committee.

(b) Items New to the Agenda:

During the Committee of the Whole, all items that receive at least one commissioner's request to be placed on the agenda shall then be compiled by the clerk in the applicable section of the agenda and published in the manner and form required by law. If an item submitted after the Committee of the Whole meeting requires timely action by the Commission, the proposer of the item may request that the item be added to the agenda at the next regular Commission meeting. When an item is proposed to be added after the Committee of the Whole, the proposer shall, during the regular Commission meeting, submit to the Clerk **the required number of copies needed for dissemination. The Commission shall vote to add the item for inclusion on the agenda and then vote to take action. Items to be added from the CEO shall be accepted to the agenda upon motion by one Commissioner.**

Commented [MIJW9]: New language added.

Commented [MIJW10]: Language removed.

(c) In the absence of a Committee of the Whole, the Presiding Officer may set the agenda and assign items to committee.

Commented [MJW11]: New language added.

Commented [MJW12]: New language added.

Commented [MJW13]: Language deleted.

(d) The Commission should only act on an item assigned to a committee after it is heard by the committee and a committee recommendation is rendered. If an agenda item is assigned to a committee and the committee does not render a recommendation or meet between introduction and the time an item is to appear before the Commission, then those agenda items may still be acted upon by the Commission. The record will note that no committee meeting was held or recommendation given on that item.

(e) Upon reading at a Commission meeting of an item that was assigned to a committee, the chair of that committee, or a member of that committee in the absence of the chair, shall be given the first right to speak on that item at the Commission meeting.

2. Superseding Agenda. The agenda as prepared by the clerk may be re-ordered upon official action of the Commission. Any individual commissioner may add an item to the agenda and it shall fall to the end of the agenda. The chief executive officer or designee, a constitutional officer or designee, or an individual commissioner may, upon motion of any commissioner, withdraw from the agenda an item that he or she has sponsored so long as the withdrawal occurs before the item is finally acted upon by the Commission.

3. Preliminary Items. Any business item shall first appear on the agenda as a preliminary item and may require two full readings before a vote on adoption.

4. Unanimous Consent. Unless otherwise required by law, any preliminary item may be acted upon as an action item at its first reading with unanimous consent of the Commission. To be acted upon after the reading of its subject by the presiding officer, a motion for action on a preliminary item must be made by a member who has obtained the floor and properly seconded. If the chair hears no objection prior to a call for discussion on the item, then the item shall automatically become ready for action.

Commented [MJW14]: New language added. Rewrite required.

Commented [MJW15]: New language added.

5. Unless otherwise required by law, Normal course may be requested by any commissioner and is defined as two full readings, with a reading at two separate regular Commission meetings. A Commissioner may request to normal course the item after the reading of the item and before any discussion, which shall require the item to have a second reading at the next regular meeting of the Commission. The normal coursed item shall become an action item on the agenda of the next regular meeting of the Commission. A single request to normal course an item does not

Commented [MJW16]: New language added.

need prior recognition by the chair in order to be a valid request.

Commented [MJW17]: Added as an independent item #5. Previously part of #4 Unanimous Consent

IV. PUBLIC HEARING PROCEDURES

The following rules of procedure govern public hearings on matters before the Commission. These rules apply to all public hearing items appearing on any agenda.

1. Procedures relating to application, notice and advertisement of items on the public hearing agenda shall conform to the requirements of Georgia law and the DeKalb County Code.

2. Exercise of the zoning power shall conform to the standards expressed in the Comprehensive Land Use Plan, as amended, and the DeKalb County Zoning Ordinance, as amended.

3. Individuals desiring to address the Commission regarding an agenda item on the public hearing agenda are required to complete a name and address card and present it to the clerk.

Deleted: 3. The county planning department shall provide a limited number of copies (not to exceed 10) of the findings required by O.C.G.A. Section 36-67-3, as amended, which copies shall be available on request to interested members of the public. ¶

4. Applicants or proponents of an item that is considered a zoning ordinance under the Georgia Zoning Procedures Law shall be heard first and shall have ten (10) minutes in which to present any information pertinent to the issue to be decided. Opponents of the issue may respond and shall have ten (10) minutes in which to present any information pertinent to the issue to be decided. Applicants or proponents may use any unused portion of their ten minutes for rebuttal. Opponents shall not have the right of rebuttal. Any person who wishes to speak in opposition to an item that is considered a zoning ordinance under the Georgia Zoning Procedures Law who has made campaign contributions aggregating \$250.00 or more to a DeKalb County local government official within the two (2) year period immediately preceding the filing of the application must have provided a written disclosure of campaign contributions for the two (2) year period prior to the filing date of the application. Said disclosure must have been filed in accordance with O.C.G.A. § 36-67 A-1 et seq. A similar disclosure is required of applicants and representatives of applicants at the time a rezoning request is filed with the county.

5. Applicants or proponents of an item that is not considered a zoning ordinance under the Georgia Zoning Procedures Law shall have five minutes during which to present any information pertinent to the issue to be decided. Opponents of the issue may respond and shall have five (5) minutes in which to present any information pertinent to the issue to be decided.

6. In the event there is more than one speaker per side, speakers must divide their time in order to complete their full presentation within the ten-minute or five-

minute time allotment.

7. Following the presentation of positions by members of the public, the staff recommendation shall be presented.

8. Following the staff recommendation, commissioners may call on individuals in attendance to ask questions pertinent to the issue.

9. Following questions and comments by commissioners, a motion for action on the issue will be in order. Four affirmative votes are required to pass any motion before the Commission, unless otherwise provided by law.

10. Authorized action by the Commission with respect to any motion pending before the Commission consists of one of the following: approval, denial, table (if appropriate), or deferral to a time certain. On zoning matters, the Commission may also take action to approve with conditions or, if requested by the applicant for the zoning matter, permit withdrawal without prejudice.

11. No planning or zoning ordinance shall become law unless approved by an affirmative vote of at least four members of the Commission, including one member of the Commission representing one of the districts in which the subject property is located.

12. The following additional public hearing rules shall apply to each Commission meeting and should be read:

Citizens may speak for or against an item that is considered by law to be a zoning ordinance and each side will have ten minutes to present its case. Citizens may also speak for or against an item that is placed on the public hearing agenda but is not a zoning ordinance. In that case, each side will have five minutes to present its case. In the event there is more than one speaker per side, speakers must divide their time in order to complete their full presentation within the ten-minute time allotment, or the five minute time allotment. When the buzzer sounds to indicate that time has run out, the speaker will be expected to immediately cease speaking and to leave the podium area. Prior to speaking, a speaker shall complete a speaker card and present it when approaching the podium. If a speaker has any documents for the commissioners, the speaker shall provide 10 copies when approaching the podium. Seven copies are for the commissioners and the remaining copies are for the planning director, the county attorney and the clerk. Applicants or citizens speaking in favor of an item shall speak first and applicants in zoning ordinance cases shall have the right to reserve time for rebuttal. Opponents of a zoning ordinance item shall have no right of rebuttal. Once the citizens have finished speaking, staff shall make a recommendation for action to the Commission. At this point, citizens are no longer allowed to speak unless

called to the podium by an individual commissioner to answer questions or provide information. Speakers should always talk directly into the microphone and begin by stating their name, address and the name of any organization they represent. Abusive, profane or derogatory language will not be permitted. **Holding up signs, clapping, yelling, standing or laying in the aisles to show support for or opposition to a speaker will not be permitted, but a show of hands or quietly standing in place will be permitted to show support for or opposition to a speaker's position.**

Commented [MIJW19]: New language added.

V. PUBLIC COMMENT

1. The purpose of public comment is to allow the public to voice county-related requests, concerns and opinions during the public comment portion of the Commission meeting. If citizens would like to fill out a written comment concerning county-related service complaints, they are allowed to do so as this written comment will allow the governing authority to forward complaints to the appropriate department for review.

2. Statements made during the public comment portion of the meeting do not necessarily reflect proven fact or the opinion of the Commission, the chief executive officer or the county as a whole.

3. If the public comment section of the meeting becomes disorderly or disruptive, the elected official who is presiding over that portion of the meeting has the authority to immediately recess the meeting **or cease the public comment portion of the meeting.**

Commented [MIJW20]: New language added.

4. Any resident of DeKalb County will have the right to speak before any other member of the public.

Commented [MIJW21]: New language added.

5. It is within the discretion of the chair, subject to a full Commission vote, to allow public comment to be split before and after the meeting to allow for orderly conduct of the Commission's business.

Commented [MIJW22]: New language added.

6. The following additional rules shall apply to the public comment portion of each Commission meeting and should be read:

The purpose of public comment is to allow the public to voice county-related requests, concerns or opinions during the Commission meeting. Speakers will only have the opportunity for one public comment per meeting. Each speaker must complete a speaker card and present it to the clerk before the beginning of the public comment portion of the meeting. **Cards turned in to the clerk from the time the general meeting is convened (generally 9 A.M.) and by the beginning of public comment portion generally following presentations on the agenda.** The clerk will accept cards on a first-come, first-served basis.

Commented [MIJW23]: New language added.

Prior to the clerk's call for public comment, speakers who are residents of DeKalb County shall be allowed to speak before residents of other counties are allowed to speak. Once the public comment portion of the meeting begins, speaker cards will no longer be accepted. Speakers will be allowed to speak for three minutes each and public comment shall not exceed 30 minutes in length. When the buzzer sounds to indicate that time has run out, the speaker will be expected to immediately cease speaking and to yield the podium. Those who submitted speaker cards but did not speak because of the time allotment will be allowed to speak first at the next regularly scheduled

Commission meeting without regard to residence. Speakers should always talk directly into the microphone and begin by stating their name, full address and the name of any organization they represent. Abusive, profane or derogatory language, **holding up signs, clapping, yelling, standing or laying in the aisles to show support for or opposition to a speaker will not be permitted, but a show of hands or quietly standing in place will be permitted to show support for or opposition to a speaker's position.**

Commented [MIJW24]: New language added.

VI. COMMITTEES

1. Establishment. The Commission may, by resolution, establish committees of the Commission to assist in any and all of its functions. **It is the intent of the Commission that the committee review process be an essential part of its legislative function. To that end, it shall be the policy and practice of the Commission to encourage committee review and recommendation for all agenda items.**

Commented [MIJW25]: New language added.

Committees of the Commission may include any committee or task force created by the Commission, whether composed of commissioners only, members of the public only, staff members only, or a combination thereof. Per the Organizational Act (Sec. 10), it is mandatory there be an Audit Committee consisting of three (3) commissioners.

2. Membership. The enabling item which creates a committee will indicate the number of members and the status of each. Members of committees may be designated as members without voting privileges. Quorum for all committees will consist of a majority of its voting membership. Nothing prohibits any and all commissioners from attending and participating in the discussions of any and all committees.

3. Purpose. Each committee established by the Commission shall be charged with a specific purpose. Each committee shall not address or consider other matters **not assigned to a committee**. If created by resolution, a committee automatically shall dissolve at the end of the first business meeting of the Commission in a given calendar year unless expressly reauthorized by the Commission, or shall dissolve at a date certain specified in the enabling resolution.

Commented [MIJW26]: New language added.

4. Temporary Committees. If the presiding officer deems that a proposed agenda item needs the attention of a temporary committee, he or she may authorize in writing or verbally at a Board meeting or Committee of the Whole meeting a committee to hear the item before the next meeting. This committee will last until the next regular or special called meeting unless further authorized by resolution of the Commission.

Deleted: 4. Committee Appointments. The presiding officer shall appoint the members and chair of all committees of the Commission and all vacancies. All appointments shall be in writing. Any appointment may be rejected by a majority vote of the total membership of the Commission.

Commented [MJW28]: New language added.

5. Recommendations. Committees only give recommendations with respect to agenda items. These recommendations include, but are not limited to, the following:

- (a) Pass;
- (b) Do not pass;
- (c) Pass as amended;
- (d) Hold in committee upon request of proposer;
- (e) Hold in committee for further study; and
- (f) No recommendation.

For committee meetings which consist of an even number of members in attendance, a tie vote will be reported as a tie vote on recommendations. Committee recommendations are non-binding and shall not indefinitely delay consideration of an agenda item by the Commission.

6. Working Groups. Committee chairs may create working groups consisting of commissioners, full-time staff from the Commission, administration, and/ or the general public, in lieu of a committee meeting, which may, at the direction of the committee chair develop recommendations on behalf of the committee. This is meant only as (a) an action to bring expertise to the table, or (b) for the sake of expediency.

7. Committee Chair. The chair may oversee the committee in a manner of his or her own choosing, as long as the rights of all members to participate are respected. This may include public participation in discussions.

8. Records. The clerk shall be empowered to be the keeper of record of all committees and may set such rules and regulations for such as he or she deems necessary to perform this function.

9. Summaries. A summary of the subjects acted on and those members present at a committee meeting shall be written and made available for public inspection within two business days of the adjournment of said meeting.

10. Minutes. Minutes shall be promptly recorded and shall be open to public inspection once approved by the committee, but in no case later than immediately following the next meeting of the committee. Minutes shall include the names of the

members present at the meeting, a description of each motion or other proposal made, and a record of all votes.

VII. APPOINTMENTS AND NOMINATIONS

1. Appointments. Approval Not Required. In any instance in which the chief executive officer or a commissioner is permitted to make an appointment to any board or agency without approval by or vote of the Commission, such appointment may be made at any time by giving notice thereof to the clerk, who shall make such appointment a matter of record by recording in the minutes **for inclusion on an agenda** and give notice of appointment to the person so appointed and to members of the Commission.

Commented [MJW29]: New language added.

2. Nominations.

(a) In any instance in which the chief executive officer is required to nominate and the Commission to approve the appointment to any office, board or agency, such nomination may be made at any regular meeting of the Commission or at any special meeting called for that purpose.

(b) In any instance in which a commissioner is required to nominate and the Commission to approve the appointment to any office, board or agency, such nomination may be made at any regular meeting of the Commission or at any special meeting called for that purpose.

3. Special Provisions. The provisions of Section 13A of the County Organizational Act (1981 Ga. Laws 4304, as amended) shall govern the nomination and approval of persons to fill a post or vacancy in any public office or as a member of any public authority, board, commission, or other body or agency created by any law of the State of Georgia. The provisions of Section 13A shall not be affected by these Rules.

VIII. AMENDMENT

These rules of procedure may be amended by a **two-thirds vote of the members present and voting at a meeting, but no less than five (5) votes**, upon two readings of the proposed amendment.

Commented [MJW30]: New language added.

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- a) Preside over all meetings of the Board of Commissioners (the "Commission") and ensure that the Standing Procedural Rules are observed;
- b) Control the floor at all times and may be addressed as "the chair";
- c) Appoint the members and chair of all committees of the Commission and all vacancies. All appointments shall be in writing. Any appointment may be rejected by a majority vote of the total membership of the Commission;
- d) Advise the Chief of Staff to the Board of Commissioners;
- e) Determine the meeting agenda in the absence of the Committee of the Whole;
- f) Serve on any board or committee as required of the presiding officer position;
- g) Coordinate with the Chief of Staff to organize annual retreats and other work sessions as needed within the discretion of the Commission;
- h) Communicate with the Chief Executive Officer ("CEO") and Commission to identify the legislative agenda items for the annual legislative process;
- i) Serve for no more than two consecutive years;
- j) Compel the attendance of members at meetings of the commission by subpoena, if necessary, subject to the policy of the Commission as established by its rules. The clerk shall issue subpoenas directed to any commissioner for the purpose of compelling the attendance of such commissioner at a meeting of the Commission. The subpoena shall state the date, time and place of the meeting to be attended and shall be served by the clerk or someone designated by the clerk for that purpose, not less than 2 hours prior to the time specified. The type of service upon a commissioner shall be personal service;

2. The deputy presiding officer shall conduct all duties of the Presiding Officer in their absence (If a vacancy occurs in the position of Presiding Officer, the Deputy Presiding Officer will assume the duties of the Presiding Officer until the election of the Presiding Officer).

3. Elections; At the first regular meeting in January of each year, the commission shall elect from its membership a presiding officer and a deputy presiding officer.

4. Quorum. The Commission's presiding officer or any four (4) members of the Commission may call for a meeting, other than a regular meeting, as shall be necessary; however, all members shall be notified at least three (3) days in advance

of any such additional meeting. Any four (4) members of the Commission shall constitute a quorum, except that a lesser number shall be sufficient to recess or adjourn any meeting; but no official action shall be taken except upon the affirmative vote of at least four (4) members of the Commission. The presiding officer shall be entitled to the same voting rights as the Commission members on questions considered by the Commission. No official action shall be taken by the Commission except in a meeting that is open to the public.

5. Failure of Quorum. In the event there occurs a failure of a quorum at any regularly scheduled or duly called special meeting of the Commission, the presiding officer or the deputy presiding officer shall call the meeting to order and those in attendance may recess the meeting to a time certain not less than 2 hours following the recess. Thereupon, at the direction of the presiding officer or the deputy presiding officer, the clerk of the Commission ("clerk") shall notify the absent commissioners of the failure of a quorum, the time when the meeting will be resumed and that their attendance is requested. If, upon resumption of the meeting following recess, there still exists the absence of a quorum, the meeting may again be recessed to a time certain not less than 3 hours following the recess and attendance of the absent commissioners shall be compelled.

6. Penalty. Any commissioner failing to respond to a subpoena without good and sufficient cause shall be subject to a fine not to exceed \$100.00. The commissioners in attendance at the meeting when the failure of a quorum occurred shall determine the sufficiency of the cause of the absence of a commissioner failing to respond to the subpoena.

7. Committee Chair Reports & Motions. At every regularly scheduled meeting of the Commission, the committee chair shall be recognized first for a motion on any agenda item assigned to his/her committee.

8. Night Committee of the Whole Meetings. The Board of Commissioners shall allow three meetings of the DeKalb County Board of Commissioners meeting to be held at 5:30 p.m., these meetings will be held during the months of February, June, and October; and, the location of these meetings will be at different locations around the County to allow for more citizen involvement. During the three meetings of the Board of Commissioners the public comment section shall start at 6:30 p.m. and last for thirty (30) minutes.

9. Inclement Weather. In the event of inclement weather that would preclude a meeting of the Board of Commissioners, the decision to cancel the meeting shall be based upon the closure of County operations.

II. PARLIAMENTARY RULES

1. Parliamentary Authority. Robert's Rules of Order (current edition) is designated as the basic parliamentary authority of the Commission. Use of abusive, profane or derogatory language during any portion of the meeting will not be permitted. Holding up signs, clapping and yelling to show support for or opposition to a speaker will not be permitted, but a show of hands or quietly standing will be permitted to show support for or opposition to a speaker's position. Whichever elected official is presiding during the meeting shall ensure that all applicable rules are followed, as such rules provide for the orderly transaction of business. As reflected in Robert's Rules of Order, the object of all of these rules is to facilitate the smooth functioning of the assembly and to provide an orderly and deliberate basis for resolving issues pending before the governing authority. All persons present at a meeting of the Commission have an obligation to obey the legitimate orders of the elected official presiding over that portion of the meeting.

2. Special Rules. To the extent that Standing Procedural Rules adopted by the Commission may conflict with the provisions of Robert's Rules of Order, the Standing Procedural Rules shall prevail.

3. Obtaining the Floor. Before a member of the Commission can make a motion or speak in debate, the member must first obtain the floor; that is, the member must be recognized by the chair as having the exclusive right to be heard at that time. The chair should recognize any member who seeks the floor while entitled to it. If two or more members seek the floor at the same time, the general rule is that, all other things being equal, the member who addressed the chair first after the floor was yielded is entitled to be recognized. A member cannot establish prior claim to the floor by seeking recognition before it has been yielded. The decision of the chair as to the order of recognition and which member has the floor shall control.

4. Full Reading of Purpose for Agenda Item. No motion may be heard, nor any action taken on an agenda item, without a full reading by the chair of the listed subject and purpose for the agenda item.

5. Substitute Motion. A substitute motion is a main motion offered for consideration by the Commission in lieu of a main motion then pending. A substitute motion takes precedence over a pending main motion and all subsidiary or incidental motions adhering thereto. Only one substitute motion at a time may be offered before action on that motion. Action on the initial substitute motion must be taken prior to consideration of a second substitute motion.

6. Friendly Amendment. An amendment to a motion accepted by both the maker and seconder of a motion is considered a friendly amendment, the terms of which are deemed to be part of the original motion without further action or vote of the

Commission.

7. Deferral of Items. A motion to defer is the motion by which action on a pending question can be put off, within limits, to a date certain, such as a definite day, meeting or until after a certain event. An action item may be deferred by proper motion, seconded and approved by majority vote. A question may be deferred either so that it may be considered at a more convenient time, or because debate has shown reasons for holding off a decision until later. No item may be deferred, without a call for a vote to approve, deny, or withdraw the item, for a total period greater than nine (9) months from its first reading as a preliminary item, unless such time period is otherwise extended or limited by law. No item may be deferred in conflict with any limitation imposed by the Organizational Act.

8. Reconsideration.

(a) A motion for reconsideration of a business item may be made at any time prior to the close of the business portion of the meeting at which the item to be reconsidered was adopted. Reconsideration may take place as provided in Robert's Rules of Order.

(b) A motion for reconsideration of an item that requires a public hearing may be made only prior to the time the next agenda item is called for consideration. Reconsideration of a public hearing item shall take place during the public hearing agenda not later than the next regular meeting.

9. Suppress Debate (to Call the Question). A motion to close debate immediately or to prevent the moving of amendments or any other subsidiary motion is a motion for the previous question. As this motion cannot be debated or amended, it must be voted on immediately, following recognition of the maker by the chair. To succeed, such a motion needs a two-thirds vote of the members present and voting. If the motion for the previous question is voted down, the discussion continues as if this motion had not been made.

10. Limit or Extend Limits of Debate. To curtail or extend the time for discussion on a particular matter, a member must make a motion to limit or extend the limits of debate. This motion may be applied to any debatable matter. To succeed, such a motion needs a two-thirds vote of the members present and voting.

11. Lay on the Table. The motion to lay on the table allows the Commission to lay aside the pending question temporarily in order to attend to more urgent business. A motion to lay on the table is undebatable; it must be voted on immediately, following recognition of the maker by the chair. To succeed, such a motion need only a majority vote. The item laid upon the table, however, must be taken from the table and acted upon by the Commission prior to adjournment of the meeting. If no motion to take from the table is made, the presiding officer, or the deputy presiding

officer in the absence of the presiding officer, shall place the matter back on the table for action.

12. Tie votes. In the event of a tie vote whereby the commissioners have voted 3-3, on a matter where that vote can be broken by the chief executive officer because it is a matter for which he or she can exercise his or her veto, the clerk or designee shall request the attendance of the chief executive officer. The item will be laid on the table and the rest of the agenda addressed until the chief executive officer arrives. If the chief executive officer does not arrive by the end of the meeting, then the item will fail to pass for lack of a fourth vote. Motions to reconsider will still be eligible during the initial meeting. While the chief executive officer is needed to break a tie vote, he or she shall have all the same parliamentary privileges as a commissioner.

III. AGENDA AND PRELIMINARY ITEMS

1. Agenda Publication. The Commission, through the presiding officer or designee, shall issue calls for agenda items and shall prepare and publish a listing of those items and the same shall serve as the agenda for the Commission.

(a) The presiding officer or designee will issue a call for proposed agenda items pursuant to a schedule set by the clerk. Each item shall be presented at a Committee of the Whole meeting prior to the Commission meeting at which the item is to be introduced and voted on. The Committee of the Whole shall accept the item for inclusion on the agenda for the next Commission meeting upon one commissioner's request. If accepted for inclusion on the agenda, the Committee of the Whole may recommend deferral of the agenda item to a committee, in which case the item either is placed on the agenda for the next Commission meeting as a preliminary item with a recommendation to go to a committee, or if required by law, notice or advertising, is placed on the public hearing or appeals portion of the agenda with a recommendation to go to a committee.

(b) Items New to the Agenda:

During the Committee of the Whole, all items that receive at least one commissioner's request to be placed on the agenda shall then be compiled by the clerk in the applicable section of the agenda and published in the manner and form required by law. If an item submitted after the Committee of the Whole meeting requires timely action by the Commission, the proposer of the item may request that the item be added to the agenda at the next regular Commission meeting. When an item is proposed to be added after the Committee of the Whole, the proposer shall, during the regular Commission meeting, submit to the Clerk the required number of copies needed for dissemination. The Commission shall vote to add the item for inclusion on the agenda and then vote to take action. Items to be added from the CEO shall be accepted to the agenda upon motion by one Commissioner.

(c) In the absence of a Committee of the Whole, the Presiding Officer may set the agenda and assign items to committee.

(d) The Commission should only act on an item assigned to a committee after it is heard by the committee and a committee recommendation is rendered. If an agenda item is assigned to a committee and the committee does not render a recommendation or meet between introduction and the time an item is to appear before the Commission, then those agenda items may still be acted upon by the Commission. The record will note that no committee meeting was held or recommendation given on that item.

(e) Upon reading at a Commission meeting of an item that was assigned to a committee, the chair of that committee, or a member of that committee in the absence of the chair, shall be given the first right to speak on that item at the Commission meeting.

2. Superseding Agenda. The agenda as prepared by the clerk may be re-ordered upon official action of the Commission. Any individual commissioner may add an item to the agenda and it shall fall to the end of the agenda. The chief executive officer or designee, a constitutional officer or designee, or an individual commissioner may, upon motion of any commissioner, withdraw from the agenda an item that he or she has sponsored so long as the withdrawal occurs before the item is finally acted upon by the Commission.

3. Preliminary Items. Any business item shall first appear on the agenda as a preliminary item and may require two full readings before a vote on adoption.

4. Unanimous Consent. Unless otherwise required by law, any preliminary item may be acted upon as an action item at its first reading with unanimous consent of the Commission. To be acted upon after the reading of its subject by the presiding officer, a motion for action on a preliminary item must be made by a member who has obtained the floor and properly seconded. If the chair hears no objection prior to a call for discussion on the item, then the item shall automatically become ready for action.

5. Unless otherwise required by law, Normal course may be requested by any commissioner and is defined as two full readings, with a reading at two separate regular Commission meetings. A Commissioner may request to normal course the item after the reading of the item and before any discussion, which shall require the item to have a second reading at the next regular meeting of the Commission. The normal coursed item shall become an action item on the agenda of the next regular meeting of the Commission. A single request to normal course an item does not

need prior recognition by the chair in order to be a valid request.

IV. PUBLIC HEARING PROCEDURES

The following rules of procedure govern public hearings on matters before the Commission. These rules apply to all public hearing items appearing on any agenda.

1. Procedures relating to application, notice and advertisement of items on the public hearing agenda shall conform to the requirements of Georgia law and the DeKalb County Code.

2. Exercise of the zoning power shall conform to the standards expressed in the Comprehensive Land Use Plan, as amended, and the DeKalb County Zoning Ordinance, as amended.

3. Individuals desiring to address the Commission regarding an agenda item on the public hearing agenda are required to complete a name and address card and present it to the clerk.

4. Applicants or proponents of an item that is considered a zoning ordinance under the Georgia Zoning Procedures Law shall be heard first and shall have ten (10) minutes in which to present any information pertinent to the issue to be decided. Opponents of the issue may respond and shall have ten (10) minutes in which to present any information pertinent to the issue to be decided. Applicants or proponents may use any unused portion of their ten minutes for rebuttal. Opponents shall not have the right of rebuttal. Any person who wishes to speak in opposition to an item that is considered a zoning ordinance under the Georgia Zoning Procedures Law who has made campaign contributions aggregating \$250.00 or more to a DeKalb County local government official within the two (2) year period immediately preceding the filing of the application must have provided a written disclosure of campaign contributions for the two (2) year period prior to the filing date of the application. Said disclosure must have been filed in accordance with O.C.G.A. § 36-67 A-1 *et seq.* A similar disclosure is required of applicants and representatives of applicants at the time a rezoning request is filed with the county.

5. Applicants or proponents of an item that is not considered a zoning ordinance under the Georgia Zoning Procedures Law shall have five minutes during which to present any information pertinent to the issue to be decided. Opponents of the issue may respond and shall have five (5) minutes in which to present any information pertinent to the issue to be decided.

6. In the event there is more than one speaker per side, speakers must divide their time in order to complete their full presentation within the ten-minute or five-

minute time allotment.

7. Following the presentation of positions by members of the public, the staff recommendation shall be presented.
8. Following the staff recommendation, commissioners may call on individuals in attendance to ask questions pertinent to the issue.
9. Following questions and comments by commissioners, a motion for action on the issue will be in order. Four affirmative votes are required to pass any motion before the Commission, unless otherwise provided by law.
10. Authorized action by the Commission with respect to any motion pending before the Commission consists of one of the following: approval, denial, table (if appropriate), or deferral to a time certain. On zoning matters, the Commission may also take action to approve with conditions or, if requested by the applicant for the zoning matter, permit withdrawal without prejudice.
11. No planning or zoning ordinance shall become law unless approved by an affirmative vote of at least four members of the Commission, including one member of the Commission representing one of the districts in which the subject property is located.
12. The following additional public hearing rules shall apply to each Commission meeting and should be read:

Citizens may speak for or against an item that is considered by law to be a zoning ordinance and each side will have ten minutes to present its case. Citizens may also speak for or against an item that is placed on the public hearing agenda but is not a zoning ordinance. In that case, each side will have five minutes to present its case. In the event there is more than one speaker per side, speakers must divide their time in order to complete their full presentation within the ten-minute time allotment, or the five minute time allotment. When the buzzer sounds to indicate that time has run out, the speaker will be expected to immediately cease speaking and to leave the podium area. Prior to speaking, a speaker shall complete a speaker card and present it when approaching the podium. If a speaker has any documents for the commissioners, the speaker shall provide 10 copies when approaching the podium. Seven copies are for the commissioners and the remaining copies are for the planning director, the county attorney and the clerk. Applicants or citizens speaking in favor of an item shall speak first and applicants in zoning ordinance cases shall have the right to reserve time for rebuttal. Opponents of a zoning ordinance item shall have no right of rebuttal. Once the citizens have finished speaking, staff shall make a recommendation for action to the Commission. At this point, citizens are no longer allowed to speak unless

called to the podium by an individual commissioner to answer questions or provide information. Speakers should always talk directly into the microphone and begin by stating their name, address and the name of any organization they represent. Abusive, profane or derogatory language will not be permitted. Holding up signs, clapping, yelling, standing or laying in the aisles to show support for or opposition to a speaker will not be permitted, but a show of hands or quietly standing in place will be permitted to show support for or opposition to a speaker's position.

V. PUBLIC COMMENT

1. The purpose of public comment is to allow the public to voice county-related requests, concerns and opinions during the public comment portion of the Commission meeting. If citizens would like to fill out a written comment concerning county-related service complaints, they are allowed to do so as this written comment will allow the governing authority to forward complaints to the appropriate department for review.
2. Statements made during the public comment portion of the meeting do not necessarily reflect proven fact or the opinion of the Commission, the chief executive officer or the county as a whole.
3. If the public comment section of the meeting becomes disorderly or disruptive, the elected official who is presiding over that portion of the meeting has the authority to immediately recess the meeting or cease the public comment portion of the meeting.
4. Any resident of DeKalb County will have the right to speak before any other member of the public.
5. It is within the discretion of the chair, subject to a full Commission vote, to allow public comment to be split before and after the meeting to allow for orderly conduct of the Commission's business.
6. The following additional rules shall apply to the public comment portion of each Commission meeting and should be read:

The purpose of public comment is to allow the public to voice county-related requests, concerns or opinions during the Commission meeting. Speakers will only have the opportunity for one public comment per meeting. Each speaker must complete a speaker card and present it to the clerk before the beginning of the public comment portion of the meeting. Cards turned in to the clerk from the time the general meeting is convened (generally 9 A.M.) and by the beginning of public comment portion generally following presentations on the agenda. The clerk will accept cards on a first-come, first-served basis.

Prior to the clerk's call for public comment, speakers who are residents of DeKalb County shall be allowed to speak before residents of other counties are allowed to speak. Once the public comment portion of the meeting begins, speaker cards will no longer be accepted. Speakers will be allowed to speak for three minutes each and public comment shall not exceed 30 minutes in length. When the buzzer sounds to indicate that time has run out, the speaker will be expected to immediately cease speaking and to yield the podium. Those who submitted speaker cards but did not speak because of the time allotment will be allowed to speak first at the next regularly scheduled

Commission meeting without regard to residence. Speakers should always talk directly into the microphone and begin by stating their name, full address and the name of any organization they represent. Abusive, profane or derogatory language, holding up signs, clapping, yelling, standing or laying in the aisles to show support for or opposition to a speaker will not be permitted, but a show of hands or quietly standing in place will be permitted to show support for or opposition to a speaker's position.

VI. COMMITTEES

1. Establishment. The Commission may, by resolution, establish committees of the Commission to assist in any and all of its functions. It is the intent of the Commission that the committee review process be an essential part of its legislative function. To that end, it shall be the policy and practice of the Commission to encourage committee review and recommendation for all agenda items.

Committees of the Commission may include any committee or task force created by the Commission, whether composed of commissioners only, members of the public only, staff members only, or a combination thereof. Per the Organizational Act (Sec. 10), it is mandatory there be an Audit Committee consisting of three (3) commissioners.

2. Membership. The enabling item which creates a committee will indicate the number of members and the status of each. Members of committees may be designated as members without voting privileges. Quorum for all committees will consist of a majority of its voting membership. Nothing prohibits any and all commissioners from attending and participating in the discussions of any and all committees.

3. Purpose. Each committee established by the Commission shall be charged with a specific purpose. Each committee shall not address or consider other matters not assigned to a committee. If created by resolution, a committee automatically shall dissolve at the end of the first business meeting of the Commission in a given calendar year unless expressly reauthorized by the Commission, or shall dissolve at a date certain specified in the enabling resolution.

4. Temporary Committees. If the presiding officer deems that a proposed agenda item needs the attention of a temporary committee, he or she may authorize in writing or verbally at a Board meeting or Committee of the Whole meeting a committee to hear the item before the next meeting. This committee will last until the next regular or special called meeting unless further authorized by resolution of the Commission.

5. Recommendations. Committees only give recommendations with respect to agenda items. These recommendations include, but are not limited to, the following:

- (a) Pass;
- (b) Do not pass;
- (c) Pass as amended;
- (d) Hold in committee upon request of proposer;
- (e) Hold in committee for further study; and
- (f) No recommendation.

For committee meetings which consist of an even number of members in attendance, a tie vote will be reported as a tie vote on recommendations. Committee recommendations are non-binding and shall not indefinitely delay consideration of an agenda item by the Commission.

6. Working Groups. Committee chairs may create working groups consisting of commissioners, full-time staff from the Commission, administration, and/ or the general public, in lieu of a committee meeting, which may, at the direction of the committee chair develop recommendations on behalf of the committee. This is meant only as (a) an action to bring expertise to the table, or (b) for the sake of expediency.

7. Committee Chair. The chair may oversee the committee in a manner of his or her own choosing, as long as the rights of all members to participate are respected. This may include public participation in discussions.

8. Records. The clerk shall be empowered to be the keeper of record of all committees and may set such rules and regulations for such as he or she deems necessary to perform this function.

9. Summaries. A summary of the subjects acted on and those members present at a committee meeting shall be written and made available for public inspection within two business days of the adjournment of said meeting.

10. Minutes. Minutes shall be promptly recorded and shall be open to public inspection once approved by the committee, but in no case later than immediately following the next meeting of the committee. Minutes shall include the names of the

members present at the meeting, a description of each motion or other proposal made, and a record of all votes.

VII. APPOINTMENTS AND NOMINATIONS

1. Appointments. Approval Not Required. In any instance in which the chief executive officer or a commissioner is permitted to make an appointment to any board or agency without approval by or vote of the Commission, such appointment may be made at any time by giving notice thereof to the clerk, who shall make such appointment a matter of record by recording in the minutes for inclusion on an agenda and give notice of appointment to the person so appointed and to members of the Commission.

2. Nominations.

(a) In any instance in which the chief executive officer is required to nominate and the Commission to approve the appointment to any office, board or agency, such nomination may be made at any regular meeting of the Commission or at any special meeting called for that purpose.

(b) In any instance in which a commissioner is required to nominate and the Commission to approve the appointment to any office, board or agency, such nomination may be made at any regular meeting of the Commission or at any special meeting called for that purpose.

3. Special Provisions. The provisions of Section 13A of the County Organizational Act (1981 Ga. Laws 4304, as amended) shall govern the nomination and approval of persons to fill a post or vacancy in any public office or as a member of any public authority, board, commission, or other body or agency created by any law of the State of Georgia. The provisions of Section 13A shall not be affected by these Rules.

VIII. AMENDMENT

These rules of procedure may be amended by a two-thirds vote of the members present and voting at a meeting, but no less than five (5) votes, upon two readings of the proposed amendment.