RESOLUTION NO. 2007-04-22

STATE OF GEORGIA

COUNTY OF FULTON

A RESOLUTION ADOPTING AND AMENDING RULES AND PROCEDURES FOR THE CITY COUNCIL MEETINGS AND PUBLIC HEARINGS FOR THE CITY OF SANDY SPRINGS, GA

BE IT RESOLVED by the City Council of the City of Sandy Springs, GA while in regular session on April 17 at 7:00 p.m. as follows:

SECTION 1. That the Rules of Procedures for the City Council Meetings and Public Hearings adopted on January 24, 200465 are amended and attached hereto as if fully set forth herein; and,

SECTION 2. That this Resolution shall become effective upon its adoption.

RESOLVED this the 17th day of April, 2007.

Approved:

Eva Galambos, Mayor

Attest:

Christina V. Rowland, City Clerk

(Seal)

Adopted, December 13, 2005
Amended 1/24/06, Ordinance No. 2006-01-08
Amended 4/17/2007, Resolution No. 2007-04-22

CITY OF SANDY SPRINGS, GEORGIA

RULES AND PROCEDURES FOR THE 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 at all times be afforded access to all meetings other than executive sessions.

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 14of the Official Code of Georgia Annotated. Any portion of the meeting not subject to any such exemptions shall be open to the public.

(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 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 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 topic other than land acquisition may be maintained by the clerk at the direction of the mayor. Any such minutes shall be maintained in a confidential file and shall not be subject to disclosure, except that disclosure of such portions of minutes identifying real estate to be acquired by the city council may only be delayed until such time as the acquisition of the real estate has been completed, terminated, or abandoned or court proceedings have been initiated.

(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 exemption to the open meetings law. 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.
[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. It is the duty of the mayor or presiding officer to enforce this rule. 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 minutes, the meeting may be rescheduled by the mayor or presiding officer with the approval of the council members present.

Section 5. Mayor. 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 not introduce motions or second motions except that the mayor may introduce or second a motion to go into executive session as authorized by Section 2 of this ordinance. The mayor shall not vote except to break 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 election, provided no runoff election is required. In the event a runoff election is required, a mayor pro-tempore shall be selected at the first meeting after a full mayor and city council are seated. The mayor pro-tem shall fulfill the duties of the mayor if the mayor is not in attendance.

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 are 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 (Section 4), voting methods and requirements (Section 17 and Section 18), the notification to council members of meetings (Section 12(a) and (b)) 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 6:00 p.m. on the first, second and third Tuesdays of each month. All regular meetings shall be held at City Hall in the Mayor and Council meeting room. 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.
[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 site by the mayor for any reason. Other special meetings may be scheduled by the mayor or at the request of at least three (3) council members. Whenever a rescheduled regular meeting or any other special meeting is to be held at a time or place other than the regularly scheduled time or place, written notice of the change shall be posted for at least 24 hours at the regular meeting place. In addition, written or oral notice shall be given by the clerk at least 24 hours in advance of the meeting to the legal organ of the city, as well as to each member of the city governing authority.
[Cross-reference: O.C.G.A. § 50-14-1(d)]

(b) Meetings With Less Than 24 Hours Notice. When emergency circumstances occur, the city council may hold a meeting with less than 24 hours notice to the public. When such meetings are to be held, the clerk shall provide notice to the legal organ of the 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.
[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 or by any 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]

Section 13. Order of Business. All regular city council meetings shall substantially follow an established order of business. The order shall be as follows:

1. Call to order
2. Roll Call
3. Invocation
4. Pledge of Allegiance
5. Approval of Meeting Agenda
6. Consent Agenda
7. Organizational Items
8. Reports and Presentations
9. Unfinished Business
10. New Business
11. Public Comment
12. 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 attached process. An agenda approval meeting shall be held by the city manager with the mayor to finalize the agenda. The agenda shall be made available to the city council at least one business day before every city council meeting.

(a) Requests For Agenda Items. Members of the public may request that a particular subject be placed on the agenda for a meeting. To be considered, this request shall be submitted in writing to the respective district council person.

(b) 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.

(c) 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 more than two weeks prior to the meeting. Not less than 24 hours prior to the start of the meeting.
[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. Passage of a motion shall require the affirmative vote of at least three persons voting, and must receive the affirmative vote of a majority of those voting at which a quorum is present. Unless otherwise specified in the charter as it pertains to voting by the Mayor, a majority shall mean at least one-half of the council members present plus one council member, excluding abstentions. When a two-thirds majority is specified, a majority vote shall mean at least two-thirds of the council members present excluding abstentions. In the event of a tie vote, the mayor shall vote to break the tie.

Section 18. Abstentions. A council member shall vote on all motions unless he or she has a conflict of interest preventing him or her from making a decision in a fair and legal manner. If a conflict of interest does exist, the council member shall explain for the record his or her decision to abstain on any vote.

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

(a) Public Comments. The final agenda item of the meeting shall be reserved for comments from the public. 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 individual who wish to oppose a rezoning action has contributed more than $250 to the campaign of a council member who will consider the application, the individual shall file a campaign disclosure form as required by O.C.G.A. § 36-67A-3(c) at least five calendar days prior to the first hearing by the city council. Individuals may be allotted five minutes to make their comments and those comments shall be limited to their chosen topic. These limits may be waived by a majority vote of the city council.
[Cross-reference: O.C.G.A. § 36-67A-3]

(b) Public Participation on Agenda Items. By a majority vote, the city council may allow public comment on an agenda item at the time the item is being considered by the city council. These comments shall be limited to the subject that is being debated. Members of

the public may speak for five minutes and may speak only once. These limits may be waived by a majority vote of the city council. Anyone wishing to speak at any city council meeting must be recognized by the mayor before addressing the city council.

(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 out of order. An individual violating the rules of decorum may be removed from the meeting at the direction of the mayor.

(d) 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 10 minutes per side. These limits may be waived by a majority vote of the City Council. No official action shall be taken at 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]

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 written and made available to the public for inspection within two business days of the adjournment of 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 at least one business day before 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. 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.