



# CITY OF MILTON, 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 O.C.G.A. 50-14-1, *et. seq.* otherwise known as the Open Meetings Act (the "Act"). The public shall at all times be afforded access to all meetings other than executive sessions as defined at O.C.G.A. 50-14-1(a)(2) and those assemblies exempt from the Act per O.C.G.A. 50-14-3(a).

### **Section 2. Executive Sessions.**

Executive sessions of the council may be held for all purposes set forth in O.C.G.A. 50-14-3(b)(1), (2), and (4). Any portion of a meeting or assembly subject to the Act that does not fall within the purview of O.C.G.A. 50-14-3(b)(1), (2) and (4) shall be open to the public.

**(a) Non-Exempt Topics.** If an agency member initiates a discussion during executive session that falls outside the scope of those topics that may be discussed pursuant to O.C.G.A. 50-14-3(b)(1), (2) and (4) the mayor must immediately rule the discussion out of order. If the impermissible discussion continues, the chairman must adjourn the meeting.

**(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.

**(c) Executive Session Minutes.** Executive session minutes shall be kept in accord with O.C.G.A. 50-14-1(e)(2)(C). Executive session minutes shall not be open to the public.

**(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, 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, including the Mayor. It is the duty of the mayor or presiding officer to enforce this rule. Any councilmember 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 councilmember or councilmembers 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 councilmembers present.

**Section 4.5. Telephonic Participation.** The city council is authorized to conduct meetings by teleconference so long as the notice required by the Act is provided and means are afforded for the public to have simultaneous access to the teleconference meeting. On any other occasion of the meeting of council, and so long as a quorum is present in person, a councilmember may participate by teleconference if necessary due to reasons of health or absence from City limits so long as the other requirements of the Act are met. Absent emergency conditions or the written opinion of a physician or other health professional that reasons of health prevent a councilmember's physical presence, no member shall participate by teleconference more than twice in one calendar year.  
[Cross reference O.C.G.A. 50-14-1(g)]

**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 introduce motions and second motions, including a motion or second to go into executive session. The mayor shall be a voting member of the elected body.

**Section 6. Mayor Pro-Tempore.** The council shall select a mayor pro-tempore from the council members at the first meeting of the calendar year 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. During the absence or physical or mental disability of the mayor for any cause, the mayor pro tempore of the city council, or in such person's absence or disability for any reason, any one of the councilmembers chosen by a majority vote of the city council, shall be clothed with all the rights and privileges of the mayor and shall perform the official duties of the office of the mayor so long as such absence or disability shall continue, except that the mayor pro tempore shall not have the mayor's veto power except in the case of physical or mental disability of the mayor. A councilmember acting as mayor shall have only one vote. Any such absence or disability shall be declared by majority vote of all councilmembers. The mayor pro tempore or selected councilmember shall sign all contracts and ordinances in which the mayor has a disqualifying financial interest.

**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 councilmembers are present, the remaining councilmembers shall select a councilmember 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 proposed amendments to the rules of order shall be submitted 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 majority 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 unanimous approval of the council. Rules governing quorums (section 2-44), voting methods and requirements (section 2-57 and section 2-58), the notification to councilmembers of meetings (subsections 2-52(1) and (2)) 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 and third Monday 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. Notice of regular meetings must be so posted at least one week in advance and will also be posted on the city website.

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

**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 and city council for any reason. Other special meetings may be scheduled by the mayor or at the request of at least three (3) councilmembers. 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 meeting shall be posted for at least 24 hours at the regular meeting place as well as the physical location where the meeting is to be held, if such location is different than 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. Specially called meetings and emergency meetings with less than 24 hours' notice are authorized and may be called in accord with O.C.G.A. 50-14-1(d)(3).

*[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) Work Sessions.** Meetings to discuss City business shall be scheduled in regular intervals to facilitate discussion on important topics. Work Sessions shall be held at 6:00 p.m. on the second Monday of each month. 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. Public comment related to agenda items shall be allowed at work sessions for ten minutes per agenda item – two minutes per person. These limits may be waived by a majority vote of the city council. The Council shall be authorized to conduct an executive session during a work session.

**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. Pledge of Allegiance
4. Approval of Meeting Agenda
5. Public Comment (General)
6. Consent Agenda
7. Reports and Presentations
8. First Presentation
9. Public Hearing
10. Zoning Agenda
11. Unfinished Business
12. New Business
13. Mayor and Council Reports
14. Staff Reports
15. Executive Session (if needed)
16. Adjournment

**Section 14. Agenda.** The city manager and city clerk shall prepare an agenda of subjects to be acted on for each meeting. Council agenda items shall be submitted consistent with the agenda order of business in Section 2-53. The agenda shall be made available to the city council at least one business day before every city council meeting.

**(1) Changing the Agenda.** The order of the agenda may be changed during a meeting by a majority vote of the city council. An item that was not on the published agenda may be added to the agenda by a majority vote of the city council if the item becomes necessary to address during the meeting. An existing item may be removed from the agenda by the majority vote of the city council. Items for consideration by the city council must be placed on city council meeting or work session agendas on or before 5:00 p.m. no less than three working days prior to the scheduled

meeting or work session. A late addition to the published agenda shall not be allowed except in the case of an emergency situation, which shall be defined as a sudden, unforeseen happening which requires immediate action to correct or to protect lives and/or property.

**(2) 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 shall not be required to be available 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)]*

**Section 15. Consent Agenda.** A consent agenda may be prepared by the city manager for the city council to 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, all of the items on the consent agenda shall be read into public record. If a council member objects to an item being on the consent agenda, the councilmember shall direct the move of that particular item to the regular agenda through a motion, second, and majority vote. Following the reading of the consent agenda, the mayor may ask for 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 councilmembers shall conduct themselves in a professional and respectful manner. 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 councilmember shall address the motion that is being discussed. The mayor shall enforce these rules of decorum. If a councilmember 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 a majority of those voting at which a quorum is present unless the number of votes for passage is otherwise altered by these rules. Unless otherwise specified in the charter as it pertains to voting by the Mayor, a majority shall mean at least four of the councilmembers present (including mayor).

**Section 18. Abstentions.** A councilmember 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 councilmember 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.

**(1) Public Comments**

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. If a member of the public wishes to address the Council regarding an agenda item, they must submit their public comment card to the clerk prior to the agenda item being called. Once the clerk has called the item, no further public comments cards will be accepted. Anyone wishing to speak at any city council meeting must be recognized by the Mayor before addressing the city council.

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

**(a) General Public Comment is allowed only at regular meetings.** Members of the public are encouraged, but not required, to address the Council regarding matters of City business. Members of the public may speak for five minutes and may speak only once. General Public Comments may include statements regarding items on the Consent Agenda and on First Presentation.

**(b) Public Hearing Comments** (typically Alcohol Beverage License Applications, Budget, or Charter Revisions) – Members of the public may speak for five minutes and may speak only once.

**(c) Zoning Agenda** – Public Comments on zoning decisions shall be governed by the State Zoning Procedures Law. Each side in a zoning case shall have at least ten (10) minutes to discuss their position or offer comments. Council may, by majority vote, allow additional time for a side provided that any extension for one side shall automatically add an equivalent amount of time to the other side. When any applicant for rezoning actions has contributed more than \$250.00 to the campaign of a councilmember who will consider the application, the individual shall file a campaign disclosure form as required by O.C.G.A. § 36-67A-3(a) within ten days after the application is first filed. When any opponent for rezoning actions has contributed more than \$250.00 to the campaign of a councilmember who will consider the application, the individual shall file a campaign disclosure form as required by O.C.G.A § 36-67A-3(c) within five

(5) days prior to the first hearing by the local government or any of its agencies on the rezoning application.

**(d) Unfinished Business Comments** – Each side must have the opportunity to speak at least ten (10) minutes to discuss their position or offer comments.

**(e) New Business Comments** – Members of the public may speak for five minutes and may speak only once.

## **(2) Public Participation – Emails and Public Comment Cards**

**(a) Public Comment Cards** – Must be turned into the City Clerk prior to the agenda item being called. An individual submitting written comments must be in attendance at the council meeting in order for the City Clerk to read said written comments into the record. Written comments shall be limited to the space provided on the public comment card and no content submitted to the City Clerk shall be read into the record if it is not legibly written on the comment card.

**(b) Emails** – Emails sent to the elected officials, City Manager, City Clerk or Department Directors, which expressly declares that the email is intended to be introduced into the record for a then-pending agenda item, will be handled as follows: the sender's name, address and general position (i.e. in support or opposition to the agenda item) will be read by the City Clerk into the record during public comment for the respective agenda item. The substantive comments or narrative in the email will not be read into the record unless the author of the email is in attendance at the meeting {See 2-59(2)(a)} or unless the author provides evidence to the satisfaction of the City Clerk of the inability to physically attend the meeting. All emails will be made part of the official record. If an email related to a then-pending agenda item is intended to be read into the record consistent with this paragraph, the email shall be no more than 300 words.

**(3) Decorum.** Members of the public shall not make defamatory or obscene comments at a city council meeting and are expected to comply with the rules of decorum that are established for councilmembers. 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 councilmember. A majority vote of the city council shall rule on the point of order. An individual violating the rules of decorum may be removed from the meeting at the direction of the mayor.



**(4) Public Hearings.** The city council may schedule public hearings for the purpose of soliciting public comment on any subject of interest to the city council. Hearings may be held immediately prior to, during or following a meeting of the city council or at such other places and times as the city council may determine. Hearings require at least ten 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 and require the opportunity for each side to have at least ten minutes to discuss their position or offer comments.

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

**(5) Representation of Civic Associations, Advocacy Groups or Homeowners' Associations.** The city council may allow public comment on either an agenda item or general public comment from a representative of such an organized group or association; provided, however, that such an individual shall file a notarized affidavit that they have the authority to speak on behalf of said organization on a form provided by the City Clerk prior to the agenda item being called.

**Section 20. Meeting Summary.** A summary of the subjects acted upon in a meeting and the names of the councilmembers 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 councilmembers present at the meeting, a description of each motion or other proposal made at the meeting, the name of the councilmember who proposed each motion, the name of the councilmember who seconded each motion, and a record of all votes (the name of each councilmember voting for or against a proposal shall be recorded). Minutes will be in summary form. Minutes for zoning agenda items will be verbatim. 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.