

RULES OF PROCEDURE governing the conduct of proceedings by and before the Commission of Athens-Clarke County, Georgia.

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§1. Meeting times; place; notice.

(a) Regular meetings of the Commission shall be on the first Tuesday of each month, beginning at 6:00 p.m. [Charter, §2-104(c)] (January 10, 2017)

(b) In addition, the Commission shall meet, sitting as a Committee of the Whole, for the consideration of all matters to be disposed of by the Commission (except proposed amendments to the zoning ordinance; see §6). Meetings of the Committee of the Whole shall be on the third Tuesday of each month, beginning at 6:00 p.m. At meetings when the Commission is sitting as a Committee of the Whole, the Commission shall take no final action on any matter. (January 6, 2015; January 10, 2017)

(c) Regular meetings of the Commission shall convene in the assembly room of City Hall.

(d) Special meetings of the Commission may be called by the Mayor or by any five (5) Commissioners upon no less than twenty-four (24) hours written notice to each member served personally or left at the usual place of business or residence of such member. If the place where any such special meeting is to convene shall be at any place other than the place specified in subsection (c), then the notice shall so specify. Such notice of a special meeting may be waived in writing either before or after the meeting. Subject to O.C.G.A. §50-14-1(d), special meetings may be held at any time without notice to all Commissioners, upon attendance at such meeting by all members of the Commission, or by waiving of notice of those not in attendance. [Charter, §2-104(e)]

§2. Open meetings.

Except for those exceptions specifically provided for by general law, all meetings of the Commission shall

be open to the public. [Charter, §2-104(f)]

§3. Roll call.

There shall be a roll call of the members of the Commission at each meeting thereof, and the names of the absentees, and the times of late arrivals, and of any absences that occur at the time any matter is disposed of, shall be entered upon the record.

§4. Quorum.

Seven (7) of the ten (10) members of the Commission shall constitute a quorum for the transaction of business; however, a smaller number may adjourn from time to time.
[Charter, §2-104(d)]

§5. Agenda.

(a) The Mayor shall have the power and duty to set the agenda, after receiving input from members of the Commission, the Manager, and the public, for meetings of the Commission and of the Committee of the Whole. [Charter, §3-104(c)]

(b) The agenda for each regular meeting of the Commission and of the Committee of the Whole shall be prepared and distributed to the members of the Commission no later than the preceding Friday.

“§6. Public hearing and disposition of zoning matters.

“(a) Proposed amendments to the zoning ordinance shall be introduced for discussion only at the regular meeting of the Commission sitting as a Committee of the Whole to be held on the third Tuesday of the month. Public input at such meeting shall be allowed, item by item, in accordance with §7 of these Rules. Such meeting shall not be the public hearing required by O.C.G.A. § 36-66-4. Final disposition of such matters and the public hearing required by O.C.G.A. § 36-66-4 shall be reserved for regular meetings of the Commission (on the first Tuesday of the month). (January 6, 2015) (January 8, 2019)

“(b) At regular meetings of the Commission, all proposed amendments to the zoning ordinance shall be disposed of, item by item, by conducting the public hearing required by O.C.G.A. § 36-66-4, to wit: the receipt of public input, the close of public input, and the consideration and disposition of each such item by the Commission.

“(c) During such public hearing, all persons supporting and opposing a proposed amendment to the zoning ordinance may take either one of two different opportunities to address the Mayor and Commission, as follows:

“1.a. Proponents shall first present their ten (10) minute argument in support of the proposed amendment, and opponents shall then present their ten (10) minute argument in opposition to the proposed amendment.

“b. Neither side will be required to use all of its ten (10) minute argument period.

“c. Either side may allocate its ten (10) minute argument period among any number of speakers, provided that the presentation by all speakers for each side shall not exceed ten (10) minutes per side.

“d. All persons wishing to speak longer than three (3) minutes during one side's ten (10) minute argument period must register their intent to do so with the Clerk of Commission not later than the time that the meeting of the Mayor and Commission at which the final public hearing on the proposed amendment is to be conducted is first called to order.

“e. In the event that all persons wishing to speak longer than

three (3) minutes as a part of one side's ten (10) minute argument are not able to agree how that side's ten (10) minute argument period shall be allocated, they shall inform the Mayor of their disagreement before either side begins its 10-minute argument, in which event the Mayor shall decide and announce the manner in which that side's ten (10) minute argument period shall be allocated. Any Commissioner dissatisfied with the Mayor's allocation of that side's ten (10) minute argument shall have the right to appeal the Mayor's allocation decision to the Commission before either side begins its ten (10) minute argument.

"2. After the supporter and opponents of the proposed amendment have concluded their ten (10) minute arguments, any person who has not yet spoken either for or against the proposed amendment shall be allowed to address the Mayor and Commission concerning the proposed amendment for no longer than three (3) minutes per person. [Code §9-4-3(C)(7)]"

§7. Public input.

Except as specifically provided for in §6 above for zoning matters, at such point in the Commission's agenda when the Commission is receiving public input from citizens and others, the following rules shall apply:

- (a) All oral public input shall be received before the Commission undertakes the consideration or disposition of any matter. The Mayor shall first invite public input as to any item appearing on the Commission's agenda, and shall then invite public input as to any matter not on the Commission's agenda.
- (b) Throughout the time that the Commission is receiving public input, neither the Mayor nor any Commissioner shall interrupt, question, or otherwise engage in any kind of debate with such person.
- (c) Public input shall be limited to three (3) minutes per person, with notice of thirty (30) seconds remaining.
- (d) Any member of the public who, with the intent to prevent or disrupt the meeting, substantially obstructs or interferes with the meeting by physical action or verbal utterance shall be removed from the meeting at the direction of the Mayor. (July 5, 2006)

§8. Schedule for consideration and final action.

All matters calling for action by the Commission shall be introduced, considered, and disposed of as follows:

- (a) Except for proposed amendments to the zoning ordinance (see §6), no matter shall be considered for final disposition unless it shall have first been considered in the course of at least one prior meeting of the Commission, or of the Commission Sitting as a Committee of the Whole.
- (b) When a subject is before the Commission for consideration for final disposition, no motion shall be received but (1) to adjourn, (2) to lay on the table, (3) to pass out with no action, (4) for the previous question, (5) to postpone indefinitely, (6) to postpone to a day certain, (7) to commit, or (8) to amend, which several motions shall have precedence in the order listed. [*Athens Municipal Code, §1-3-29*]

§9. Consent agenda.

As a part of the agenda for any meeting of the Commission, the Mayor may set forth those items of a routine nature calling for action by the Commission, and as to which it is anticipated that their

consideration and disposition will not require any significant discussion by the members of the Commission.

Upon the objection of any Commissioner to any one or more of such items remaining on the consent agenda, the same shall be removed therefrom and taken up individually, later in the meeting, and the Commission shall proceed to consider the remainder of the items on the first part of the consent agenda.

§10. Motion for the previous questions.

(a) The motion for the previous question shall only be admitted when demanded by a majority of the Commission voting, and on the motion for the previous question there shall be no debate.

(b) The motion for the previous question shall take precedence of all other motions, except a motion to adjourn or to lay on the table, and, when it is moved, the first question shall be: "Shall the motion for the previous question be sustained?"

(c) If decided in the affirmative, the Commission shall then proceed to act on the previous question.

§11. Stating the question.

The Mayor shall state all questions to the Commission and declare the vote thereon in accordance with §28.

§12. Division of a question.

When a motion, resolution, ordinance, or other matter relating to a certain subject contains several parts, each of which is capable of standing as a complete proposition if the others are removed, it may be divided into two (2) or more propositions to be considered and voted on as distinct questions. Any Commissioner may move for a division of the question on a subject in which the sense thereof will admit it.

§13. Motion to reconsider.

(a) Before the minutes of the preceding meeting of the Commission shall be read or approved without reading, any member of the prevailing side on a matter previously disposed of may move for a reconsideration of any matter therein contained, except such as has already been the subject of a motion to reconsider.

(b) Motions for reconsideration of a matter shall be made and voted on no later than at the meeting following the meeting at which the matter was decided and shall be made before the minutes of said previous meeting are approved. However, actions on an amendment to a pending matter may be reconsidered at any time before final action on the ordinance, resolution, or other matter to which the amendment relates.

§14. Call from table.

A majority of the Commission may call up for consideration any matter ordered to lie on the table.

§15. When matters in possession of the Commission.

When an ordinance, resolution, motion, or other matter is introduced before the Commission and stated by the Mayor, or read by the Attorney, it shall be deemed to be in the possession of the Commission, and may not be withdrawn at any time before the final disposition thereof without

the consent of the Commission. [*Athens Municipal Code, §1-3-30*]

§16. Matters previously rejected.

(a) Whenever any matter or proposal has been rejected by the Commission, it shall not be introduced or considered again during the calendar year during which the rejection occurred, except on motion to reconsider, made pursuant to §13 of these rules. Any motions or resolutions seeking to secure the reconsideration of any matter or proposal in violation of this paragraph shall be out of order.

(b) Any matter subject to a no-action decision by the Commission may be brought back to the Commission at any time.

(c) Exempted from the provisions of this section shall be any matters brought to the Commission by the Athens-Clarke County Planning Commission in accordance with that Commission's rules and procedures.

§17. Motion to adjourn.

A motion to adjourn shall always be in order in meetings of the Commission.

§18. Mayor to preserve order, etc.

The Mayor shall preserve order in meetings of the Commission and shall, in the exercise of a sound discretion, suspend irrelevant debate and command silence, whenever the same may be deemed needed.

§19. Mayor or Mayor *Pro-tempore* may call Commissioner to chair.

Prior to any meeting of the Commission where both the Mayor and the Mayor *pro-tempore* will be unavailable to serve as chair, the Mayor may name any member of the Commission to perform the duties of the chair for that meeting but no longer. In addition, prior to any meeting of the Commission where both the Mayor and the Mayor *pro-tempore* will be unavailable to serve as chair, and the Mayor is unavailable to name a member of the Commission to perform the duties of the chair, the Mayor *pro-tempore* may name any member of the Commission to perform the duties of the chair for that meeting but no longer.

(May 1, 2012)

During any meeting of the Commission, the Mayor may call the Mayor *pro-tempore*, or in the event that the Mayor *pro-tempore* is not present, name any member of the Commission, to perform the duties of the chair, during any part of that meeting but no longer.

§20. Address to be through the chair.

No member of the Commission shall address the Commission or interrogate a member who is speaking, except through the chair.

§21. Who entitled to floor.

Commissioners shall be recognized in the order in which recognition is sought. When two (2) or more Commission members shall seek recognition at the same time, the Mayor shall name the person entitled to proceed.

§22. Debate.

When any Commission member is about to speak in debate or deliver any matter to the

Commission, the member shall respectfully address the chair, shall be confined to the matter in debate, and shall not speak more than three (3) times on any subject, nor more than once before any member choosing to speak shall have spoken, nor more than twice before any member choosing to speak once or twice shall have spoken, nor more than five (5) minutes per address, with notice of 30 seconds remaining.

§23. Silence.

The members of the Commission shall forbear from private conversation and preserve silence until a speaking member shall have yielded the floor.

§24. Decorum generally.

If any member transgresses the rules of the Commission, in speaking or otherwise, the Mayor may call the member to order, in which case the member so called to order shall immediately yield the floor, unless permitted to explain. If appealed to, the Commission shall decide. If the decision of the Commission is not submitted to, the delinquent shall, for the first offense, be reproved, and, continuing refractory, may be expelled from the Commission chamber.

§25. Attorney's opinion.

(a) It shall be in order, in the course of a meeting of the Commission, or of any committee thereof, for the attorney for the Unified Government to make recommendations on matters before the Commission, to introduce matters for the Commission's consideration, or to propose matters for referral to committee.

(b) Upon a vote of the Commission so directing, the attorney for the Unified Government shall furnish the Clerk of Commission with a copy of any opinion given by the attorney concerning the Commission, or any department, board, or commission of the Unified Government, and such written opinion may be required to be rendered prior to the next meeting of the Commission and made a part of the records of the Commission.

§26. Rulings upon points of order.

The Mayor shall decide all points of order, but an appeal may be had from any such decision to the Commission. When requested, either by the Mayor or by any Commissioner, the attorney for the Unified Government shall act as parliamentarian and shall render an opinion to the Mayor on any point of order. A vote of two-thirds of the Commission present shall be necessary to override a decision of the Mayor on a point of order.

§27. Suspending rules.

These rules shall in no case be suspended, nor shall the order of business be changed, except by a vote of three-fourths of the Commission voting.

§28. All votes recorded.

All votes on all matters shall be recorded and, unless the same shall be unanimous, the same shall be contingent upon the recording of the "ayes" and "nays" of each Commissioner, the names of those abstaining, and those absent, all of which shall be entered upon the minutes of the proceedings of the Commission. During the reading of the ayes and nays on any question before the Commission, no debate shall be had. [Cf. *Charter*, §2-202(f)]

§29. Minutes.

(a) The Clerk of Commission shall prepare the proposed minutes of the meetings of the

Commission, and shall keep and maintain the minutes and records of all meetings of the Commission. The Clerk of Commission shall keep and maintain any other records or recordings of the meetings of the Commission in such manner and for such time as the Commission shall require. Any citizen shall have access to the minutes and records of the Commission at reasonable times. [Charter, §2-104(b), 2-104(f), and 4-102(a)(9)]

(b) Following regular and special called sessions of the Commission, the Clerk of Commission shall provide the Mayor and each Commissioner a copy of the proposed minutes of the meeting(s) no later than Friday preceding the next regular meeting. (December 2, 2008)

(c) The Commission may approve any pending minutes of meetings of prior Commissions. (December 2, 2008)

§30. Parliamentary rules.

When any question arises, in a meeting of the Commission, which is not provided for in these rules, the same, so far as practicable, shall be controlled by the rules and usages usually governing parliamentary bodies as set forth in *Robert's Rules of Order*, latest edition.

§31. Procedure for election of Mayor *pro-tempore*.

At any election for the office of the Mayor *pro-tempore*, the following procedure shall be followed: A nominating committee shall be composed of the Mayor, the sitting Mayor *pro-tempore* and the preceding Mayor *pro-tempore*. If the preceding Mayor *pro-tempore* is no longer in office, then the Mayor will choose another Commissioner to be on the nominating committee. The nominating committee shall nominate one (1) nominee for election by the Commission, and the nominee shall be voted on by the Commission. The nominee of the committee shall be stated from the floor by the Mayor. No second shall be required. A majority of votes cast shall be required for election. In the event that the nominee does not receive a majority of the votes cast, the Mayor shall call for nominations from the floor. No second is required. After nominations have been closed, a majority of votes cast is required for election.

“§32. Appointments to Boards, Authorities or Commissions.

“In making appointments to boards, authorities or commissions, the Commission shall not appoint any person to a board, authority, or commission who, upon such appointment and taking the position, would thereby serve on more than one such board, authority or commission for which the Commission has appointment authority. Provided, however, that the Commission may appoint a person who serves on another such board, authority, or commission at the time of appointment to a different board, authority, or commission position contingent upon such appointee resigning from such current position prior to accepting the new appointment. This Rule shall not apply to the Mayor or a Commissioner.” (May 7, 2019)

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