RULES FOR THE CONDUCT OF BUSINESS

NEWTON COUNTY, GEORGIA

(As Approved March 15, 2016)
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Rules for the Conduct of Business, Newton County, Georgia
Approved March 15, 2016
NEWTON COUNTY, GEORGIA
"RULES FOR THE CONDUCT OF BUSINESS"

ARTICLE 1
"OPERATIONAL PROCEDURE"

SECTION 1-101. MEETINGS

(a) All meetings of the Board of Commissioners shall be held in accordance with the provisions of the Georgia Open Meetings Act (O.C.G.A. § 50-14-1, et seq.) The public shall at all times be afforded access to all meetings other than executive sessions.

(b) Regular Meetings and Work Sessions are scheduled recurring meetings of the Commission to conduct or discuss the ongoing business of the County. The Board of Commissioners shall hold regular meetings on the first and third Tuesday of each month at 7:00 p.m. at the Historic Courthouse that is located at 1124 Clark Street, Covington, Georgia, unless otherwise ordered by the Board of Commissioners. The Board of Commissioners shall provide notice of the time, place, and dates of regular meetings of the Board of Commissioners to the general public by posting such information in a conspicuous place available to the public at the regular meeting place of the agency.

(c) Special Called Meetings are to conduct emergency business. The Chair or three (3) Board members may call for a Special Called Meeting whenever, in their opinion, the public business requires it.

(d) Executive Session Meetings shall be conducted in accordance with Section 1-109 of this Chapter. To the extent that Section 1-109 conflicts with any provision of the Open Meetings Act, the Open Meetings Act shall be controlling.

(e) Whenever any meeting required to be open to the public is to be held at a time or place other than at the time and place prescribed for regular meetings, or, when special circumstances occur and the Board of Commissioners elect to hold a meeting with less than twenty-four (24) hours' notice, the Board of Commissioners shall give due notice thereof on accordance with O.C.G.A. § 15-14-1, or as that section may be amended from time to time.

SECTION 1-102. QUORUM

(a) Three (3) members of the Board shall constitute a quorum for any meeting of the Newton County Commission.
(b) If a quorum is not present thirty (30) minutes following the scheduled hour for convening, the Chair or the Vice Chair, or in their absence, the Secretary (or his/her designee), may adjourn the meeting. By unanimous consent, those present may select another date for the meeting.

(c) If during the meeting there ceases to be a quorum, all business must stop, except that the Board, by majority vote recorded in the minutes (naming those present at the time of the vote), may:

(1) Set another day at which to reconvene;

(2) Adjourn and return at the next Regular Meeting; and

(3) Recess to determine if a quorum will be present within a short period of time.

(d) Duty to Attend. It shall be the duty of each member of the Board of Commissioners to attend each meeting of the Board of Commissioners, unless he or she is prevented by some unavoidable circumstance.

SECTION 1-103. CHAIR

(a) The Chair, as the presiding officer, is responsible for the orderly conduct of the meetings. In order to fulfill this duty, the Chair shall enforce the rules of procedure that are adopted by the Board of Commissioners.

(b) As a facilitator and guide to the Board, the Chair, in conjunction with the Board, should work to establish and implement the vision, mission, and values of the community.

(c) The Chair may not introduce motions or second motions, except that the Chair may introduce or second a motion to go into executive session. The Chair shall not vote except to break a tie.

(d) The Chair’s primary responsibility is to insure efficient and productive meetings of the Board with his/her duties to include:

(1) Presiding over meetings of the Commission;

(2) Calling the meetings to order at the scheduled hour;
(3) Determining that a quorum is present;

(4) Preserving decorum and order at all meetings;

(5) Calling for the vote;

(6) Announcing the results of each vote; and

(7) Calling for a recess at such times as deemed advisable.

e) The Chair shall be impartial and conduct the meetings in a fair manner.

(f) The Chair shall have the power to veto ordinances, resolutions, and other matters as provided in this chapter.

SECTION 1-104. VICE CHAIR

(a) The Vice Chair shall be elected by a majority of the Board no sooner than the first meeting in January of each year and no later than the second meeting in January of each year. The Vice Chair shall serve for a period of one year and shall assume the duties of the Chair in the absence of the Chair, except that the Vice Chair may not exercise the Chair’s right to vote in the event of a tie.

(b) The Vice Chair shall have the same rights and privileges of any other Commissioner and no other authority above and beyond any other Commissioner.

SECTION 1-105. SECRETARY

(a) The Secretary may be elected by a majority of the Board no sooner than the first meeting in January of each year and no later than the second meeting in January of each year. The Secretary shall serve for a period of one year and shall assume the duties of the Chair in the absence of the Chair and the Vice Chair, except that the Secretary may not exercise the Chair’s right to vote in the event of a tie.

SECTION 1-106. MINUTES

(a) The minutes shall be prepared in accordance with the Open Meetings Act.

(b) The preparation of the minutes shall vest in the County Clerk with the assistance, as needed, by the County Attorney.
(c) All actions of the Commission, to include executive sessions as provided in O.C.G.A. § 50-14-1(e)(2)(C), shall be accurately recorded by the Clerk (or his/her designee) in the minutes, which shall include:

(1) The names of the members present at the meeting;

(2) All main motions, (including amendments or stipulations);

(3) The name of the maker of all important motions;

(4) The disposition of all main motions, whether

   (A) Adopted;

   (B) Defeated;

   (C) Referred to committee or to staff for further information or recommendation; or

   (D) Held until _________ (a definite time/date);

(5) How each Commissioner voted; and

(6) Commissioner’s comments (these are only printed in the minutes if, when requested by the Commissioner, the majority votes to have the remarks included).

d) The County Clerk shall be the official custodian of the minutes and records of the Commission and access to such files shall be limited to the Clerk and her authorized designees.

e) All attachments to the official minutes of the Newton County Board of Commissioners, including but not limited to resolutions, ordinances and contracts, shall be physically attached to the minutes or kept in numbered files which are incorporated in the minutes by reference and expressly made a part thereof. The numbered files shall be kept in the office of the Newton Board of Commissioners in a fire proof safe with the minute book. Said files shall be an integral part of the minutes and shall be considered an extension of the minute book.

(f) The minutes shall be adopted at the next Regular Meeting of the Board and shall indicate their subsequent approval and any corrections made thereto. The responsibility for
correcting and approving the minutes shall be vested only in the Board. The Board may correct the minutes of a previous meeting prior to the adoption with a majority approval of the Board. The minutes may be otherwise corrected upon majority approval of the Board whenever an error is noticed, regardless of the time which has elapsed.

(g) Unless a reading of the minutes of a Board of Commissioners meeting is requested by a member of the Board, such minutes may be approved without a reading if each member of the Board has been furnished with a copy thereof.

(h) The County Clerk or the Deputy County Clerk shall attest to the minutes.

(i) The minutes of a meeting of the Board of Commissioners shall be promptly recorded and such records shall be open to public inspection once adopted at the next Regular Meeting of the Board of Commissioners. Nothing contained in this section, however, shall prohibit the earlier release of minutes, whether approved by the Board of Commissioners or not.

SECTION 1-107. AGENDA

(a) Prior to any meeting, the agency holding such meeting must make available an agenda of all matters expected to come before the agency at such meeting. The agenda must be available upon request and must be posted at the meeting site, as far in advance of the meeting as reasonably possible, but not more than two weeks prior to the meeting. Failure to include on the agenda an item which becomes necessary to address during the course of a meeting shall not preclude considering and acting upon such item.

(b) Placement of items on the agenda:

(1) An agenda for the Regular Meetings, Public Hearings, and Work Sessions will be prepared by the Chair and the County Manager with the advice of the Board and will be available to the Board no later than noon of the day (typically Friday) that is two (2) working days preceding the meeting.

(2) With the approval of three (3) members of the Board, such members may place an item on the agenda, including providing all backup and supporting documentation, by submitting a request to the Clerk, in writing, with a copy to the Chair and County Manager, no later than noon of the day (typically Thursday) that is three (3) working days preceding the meeting.
(3) Any matters that an individual member of the Board wishes to be brought before the Board shall be submitted to the Clerk, in writing, with a copy to the Chair and County Manager, no later than noon of the day (typically Thursday) that is three (3) working days preceding the meeting.

(4) After the cutoff time for either Regular Meetings or Work Sessions, no additional items shall be added to the agenda other than those deemed necessary for the operation or functioning of the County as recommended by the Chair, the County Manager, or County Attorney. Any item added to the agenda after the cutoff time but prior to formal publication of the agenda will be included in the published agenda, but support and backup documentation will only be inserted into the Commissioners’ agenda books if the County Clerk has adequate time to make such additions. If backup documentation is not included in the agenda books due to time constraints, the party(ies) seeking the late addition shall be required to utilize best efforts to distribute backup documentation to Board members. An item that is proposed to be placed on the agenda after the agenda has been published may be so placed only in conformance with Section 1-107(f).

(c) Any Commissioner may request additional information for any agenda item.

(d) The order of business listed in any published agenda may be changed when it seems advisable to a majority of the Commission.

(e) **Adoption of consent agenda.** All items contained in the consent agenda may be voted on en gross. The Chair and the County Manager with the advice of the Board shall determine suitable items for the consent agenda. Prior to voting on the consent agenda, any member of the Board may remove an item from the consent agenda and place it on the regular agenda for discussion.

(f) **Addition of non-agenda items.** A non-agenda item shall be defined as that which is deemed by a Commissioner to require urgent or time sensitive attention but has not been placed on the published agenda. Such a non-agenda item may be added to any Regular Meeting/Public Hearing or Work Session meeting agenda subject to the following conditions:

1) Adequate information, including the specific topic, shall be given on any items requested to be added as non-agenda items.

2) A vote of three (3) members of the Board shall be required to add a non-agenda item.
(g) During adoption of the agenda for either a Regular Meeting or Work Session, a majority vote shall be required to postpone or remove any published agenda item.

(h) Subject to the priority of motions set forth in Article 3, at any time during a Work Session, Regular Meeting or Public Hearing, an agenda item may be postponed, tabled, or moved to a future Regular Meeting, Public Hearing or Work Session agenda by a majority vote.

SECTION 1-108. VOTING

(a) **Formal voting by members of the Board.** All votes shall be taken by a show of hands or verbal pronouncement. An affirmative vote of a majority of the members of the Board in attendance shall be required to adopt a motion unless otherwise noted in this chapter. If a motion to approve an item is defeated by the vote, the vote does not constitute an affirmative denial of the item. Instead, a motion to deny should immediately follow to bring closure to the item. Likewise, if a motion to deny an item is defeated by the vote, the vote does not constitute an affirmative approval of the item. Instead, a Motion to Approve should immediately follow to bring closure to the item.

(1) Formal voting on Board matters will ordinarily occur only during a Regular Meeting, Public Hearing or during a Special Called Meeting. Any votes taken during a Work Session will ordinarily be for the purpose of authorizing placement of such item to the agenda of a Regular Meeting or Public Hearing. In the event that a Work Session agenda item is declared time sensitive by the Chair, any two members of the Board, the County Manager, or County Attorney, then a substantive, binding and final vote may be taken during a Work Session. The final adoption of an item on a time sensitive matter shall require a unanimous vote. A vote of support that is less than unanimous shall result in the agenda item being placed on the next available Regular Meeting/Public Hearing new business agenda or old business agenda, as applicable.

(2) The Chair shall only vote in the event of a tie. In the event that the Chair is absent from a meeting, a tie vote shall cause all procedural motions to be defeated. A tie vote on a main motion shall keep the motion as pending before the Board and the motion shall be rescheduled for another time.

(3) **Abstention.** No Commissioner who is present at any meeting of the Commission at which an official decision, ruling or other official act is to be taken or adopted may abstain from voting in regard to any decision, ruling or act except when, with respect to any such Commissioner, there is or appears to be a possible conflict of interest as
described in the Newton County Ethics Ordinance. In such cases, the abstaining Commissioner shall give his/her reason for abstaining.

(b) **Veto of Board action.** The Chair shall have the power to veto Board action as follows:

(1) **Exercise of the veto.** Except as otherwise provided in this Section, the Chair shall have the authority to veto any resolution, ordinance, or other measure passed by the Board with less than four (4) votes for approval as follows:

(A) Prior to the close of the meeting at which said proposed resolution, ordinance, or action is adopted, the Chair shall declare an intention to veto the proposed resolution, ordinance or action approved; and

(B) Within three (3) business days of the approval, the Chair shall exercise the veto by notifying the Clerk in writing and providing the Clerk a written statement of the reasons for the veto.

(2) **Overriding a veto.** At the request of any Board member, any measure vetoed by the Chair may be reconsidered by the Board at the next regular meeting following the meeting at which such resolution, ordinance or other measure was passed. A veto may be overridden by a vote of at least four (4) Board members.

(3) **Exceptions to exercise of veto.** The veto power of the Chair shall not extend to or include the following:

(A) The power to veto any ordinance, resolution or other measure of the Board providing for the County budget, fixing tax millage rates, establishing special service tax districts, or relating to the Special Purpose Local Option Sales Tax;

(B) The power to veto any zoning decision;

(C) The power to veto appointments which the governing authority of Newton County is authorized by law or this Act to make.

(c) **Rezoning.** A County-initiated rezoning of land shall be permissible. However, prior to placement of the legal advertisement for such a rezoning in the legal organ, a majority of the Board of Commissioners shall be required to authorize placement of such legal advertisement. A vote in favor of placement of the legal advertisement for a County-initiated rezoning shall not be deemed, nor construed, as a vote in favor of the rezoning itself.
(d) **Validity of action.** While the Commissioners or the Chair may not agree with all decisions of the Commission, the Commissioners and the Chair shall recognize the validity of any action approved by a majority of the Board, or, in the event of a veto, where such veto was overridden by a vote of at least four (4) Board members. The Commissioners and the Chair shall not refuse to sign any ordinance, resolution, contract or other document because he or she did not vote for the action taken.

**SECTION 1-109. EXECUTIVE SESSION**

As provided below or in accordance with Georgia law, the Board may close a portion of a meeting to the public to discuss certain topics that are exempted from the Open Meetings Law. Any portion of the meeting not subject to any exemptions authorized by law shall be open to the public.

(a) **Types of Executive Sessions.** Executive sessions of the Commission may be held for the purpose of discussing the following topics exempted from public access requirements by O.C.G.A. §§ 50-14-2 and 50-14-3(b):

1) **Pending or Potential Litigation.** The Commission may close an open meeting to discuss topics subject to the attorney-client privilege to the extent the Commission consults and meets with the County Attorney or other legal counsel to discuss pending or potential litigation, settlement, claims, administrative proceedings or other judicial actions brought by or against the County, a County official or employee. The County Attorney or other attorney representing the County must be present in the executive session. In order to close a meeting because of potential litigation, there must be a real and tangible threat of legal action indicated by a formal demand letter or other writing presenting a claim or a sincere intention to sue, previous or pre-existing litigation between the County and the other party or the hiring of an attorney by the threatening party.

2) **Confidential Tax Matters.** The Commission may close an open meeting to discuss tax matters that are otherwise made confidential by state law.

3) **Authorize Settlements to Lawsuits and Claims.** The Commission may close a meeting to discuss or vote to authorize settlements to lawsuits and claims involving the County. No vote by the Commission in executive session to settle litigation, claims, or administrative proceedings, is binding on the County until a subsequent vote is taken in an open meeting. The parties to the lawsuit or claim and principal settlement terms shall be disclosed before the vote.
(4) Real Estate Decisions by the County. The Commission may close an open meeting to discuss or vote to:

(A) authorize negotiations to purchase, dispose of, or lease property;

(B) authorize the ordering of an appraisal related to the acquisition or disposal of real estate;

(C) enter into a contract or purchase, dispose of, or lease property subject to approval in a subsequent public vote; or

(D) enter into an option to purchase, dispose of, or lease real estate subject to approval in subsequent public vote.

No vote in executive session to acquire, dispose of, or lease real estate, is binding on the County until a subsequent vote is taken in an open meeting where the identity of the property and the terms of the acquisition, disposal, or lease are disclosed before the vote.

(5) Personnel Matters. The Commission may close an open meeting to discuss or deliberate on the appointment, employment, compensation, hiring, disciplinary action, dismissal, or evaluation or rating of a County official or employee, or to interview applicants for the position of the County Manager. However, Commissioners must receive evidence or hear arguments on proposed disciplinary action or dismissal of a County official or employee in an open meeting. Any votes by the Commission must be taken in an open meeting and be entered in the minutes of the open meeting. Meetings of the Commission to discuss or take action on the filling of a vacancy on the Board shall at all times be open to the public.

(6) Exempt Records. The Board may close an open meeting to review or discuss records or portions of records that are exempt from the Open Records Law if there is no other reasonable way for the County to discuss the record without disclosing the confidential part of the record.

(b) Procedure for Entering into Executive Sessions. An executive session shall not be held except pursuant to a majority affirmative vote of the Board taken in an open meeting. The minutes of the open meeting shall reflect the names of the Commissioners present, those voting for the executive session, and the specific reasons for the executive session.
(c) **Who Can Attend Executive Sessions.** Board members and only individuals necessary to conduct an executive session may be present. The Clerk of the Board of Commissioners, the County Manager, and the County Attorney shall be included in any executive session approved by the Board of Commissioners unless expressly barred by majority vote of the Board prior to or during the course of an executive session. The County Attorney or other attorney representing the Board must be included in any executive session pertaining to litigation or claims against the County. Other individuals may be invited to participate in an executive session by majority vote of the Board prior to or during the course of the executive session but only if the presence of such individuals is consistent with the applicable exception authorizing the executive session. No other individuals shall be permitted in an executive session.

(d) **Non-Exempt Topics.** If a Commissioner or any other person in an executive session attempts to discuss a non-exempt topic during an executive session, the Chair or presiding officer, shall immediately rule that Commissioner or other person out of order and such discussion shall cease. If the Commissioner or other person persists in discussing the non-exempt topic, the Chair or presiding officer shall adjourn the meeting immediately.

(e) **Executive Session Minutes.**

1) **Content and Preparation.** Minutes of executive sessions shall be recorded, but are not subject to public inspection. The minutes shall specify each issue discussed in executive session. If matters subject to the attorney-client privilege are discussed in executive session, the fact that an attorney-client discussion occurred and its subject shall be identified, but the substance of the discussion need not be recorded and shall not be identified in the minutes. Draft minutes of executive sessions shall be prepared by the Clerk or some other person delegated to do so by the Chair.

2) **Approval.** Draft executive session minutes shall be reviewed by the Commissioners prior to the conclusion of the executive session. Following the conclusion of the executive session, the Commissioners shall vote regarding approval of the minutes in an open meeting. The minutes of the executive session recorded and approved in accordance with the terms hereof shall be transmitted to the Clerk of the Board of Commissioners to be placed in proper form and kept in a confidential file and preserved for in camera inspection in accordance with O.C.G.A. § 50-14-1(e)(2)(C).

3) **Maintenance.** Executive session minutes shall be kept and preserved in a confidential file, separate from open meeting minutes, for in camera inspection by an appropriate court should a dispute arise as to the propriety of any executive session.
(f) **Executive Session Affidavit.** The Chair 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 authorized by the Open Meetings Law. The affidavit shall be notarized and filed with the minutes of the open meeting.

(g) **Discussion of Executive Session Business.**

(1) The Chair, Commissioners, officials, employees and all other individuals who attend executive sessions are prohibited from discussing or in any other way disclosing confidential information, legal advice and/or legal strategy discussed in the executive session unless:

(A) The disclosure is required by law;

(B) The disclosure is part of a judicial or administrative proceeding; or

(C) The majority of the Board authorizes the disclosure.

(2) In no way shall this subsection prevent the County Attorney or other attorney representing the Board from discussing any matters discussed in executive session relative to settlement or negotiation of a lawsuit or other claim against the County.

(3) In the event that any member of the Board or the Chair divulges, has previously divulged, or has threatened to divulge confidential information, legal advice or strategy discussion, he or she may be excluded from participation in an executive session, publicly reprimanded, or both by affirmative vote of the Board.

**SECTION 1-110. PUBLIC PARTICIPATION IN BOARD MEETING**

The Newton County Board of Commissioners welcomes visitors to Board meetings and is willing to hear any person or persons desiring to appear before the Board who is not currently an announced candidate for public office, provided the person's comments do not violate the broadcasting policies of the County, as same are duly adopted from time to time or otherwise constitute defamation. Public participation shall be governed as follows:

(a) **Public comment.** Persons wishing to address the Board shall do so during the Public Comment Portion of the agenda. Each speaker will be allotted a maximum of three (3) minutes for a verbal presentation. Newton County residents will be allowed to address
the Board first, with non-County residents to follow until the allotted time has expired. An extension to the three (3) minute limit per person may be granted by a majority vote of the members of the Board.

(b) **Public hearing.** Persons wishing to address the Board in duly advertised public hearings will be heard. Proponents of a particular item shall be afforded a maximum of ten (10) minutes and an equal maximum time shall be afforded for presentation by opponents of each item. Each speaker shall be allotted a maximum of three (3) minutes. Said time limits may be lengthened or shortened for a given speaker, for all speakers on a given subject matter, or for all speakers in a given meeting, by a majority vote of the Board. The Board of Commissioners will adopt, from time to time, a public hearing schedule to be placed on file with the Clerk and posted as required by law.

(c) **Placement on agenda.** Any person or persons, organization or group wishing to be put on the agenda and address the Commission during a public meeting, at which either official action will be considered or requested, are required to submit a written request to their District Commissioner, with a copy to the County Clerk, explaining the nature of the request no later than noon of the day (typically Thursday) that is three (3) working days preceding the meeting. Such placement shall require the approval of three members of the Board, as provided pursuant to Section 1-107(b)(2).

(d) **Response.** If so directed by the Board, a written response to each speaker will be provided by the appropriate County staff person, usually within thirty (30) days. When a request for special action or a grievance has been heard, if so directed by the Board, the matter will be referred to the County Manager (or his/her designee) who will prepare a response to the matter. If necessary, action on the matter for consideration of the Commission will be placed on the agenda for the second Regular Meeting following the date of the comment.

(e) **Conduct.** The conduct of members of the public in meetings shall be governed as follows:

1. All meeting attendees must conduct themselves in a respectful manner. Personal attacks and derogatory or inappropriate remarks are not permitted. There shall be no use of profanity during the meeting.

2. All cell phones and other communication devices shall be turned off or switched to silent mode; provided, however, that a cell phone or device may be used to make a video or audio recording of the meeting.
(3) All meeting attendees must be silent during the meeting while business is conducted.

(4) Anyone who wants to speak must first be recognized by the Chair.

(5) The speaker shall be required to state:

(A) his/her name and location within the County;

(B) whether he/she is speaking for himself/herself or for another;

(C) if he/she represents an organization or represents a policy established by an organization or governing body, and whether he/she is being compensated by the person(s) for whom he/she speaks; and

(D) whether he/she or any member of his/her immediate family has a personal interest in the pending matter.

(6) All comments must be directed to the Chair and not to individual Commissioners, staff or others.

SECTION 1-111. VISUAL AND SOUND RECORDINGS

Visual, sound, and visual and sound recordings shall be permitted for all open meetings.

SECTION 1-112. COMMITTEES

The Board, by a majority vote, may create standing or temporary committees to study any issue before the Board. Any such committees may make recommendations to the Board but no committee shall be empowered to make any final decision on any matter before it for consideration. Committees may include members of the Board, the Chair, other County officials, staff, citizens at large, or any combination thereof. Whenever a committee is created, its duties, any limitation on the scope of its duties, and the times, places, and periods of time for which the committee may operate shall be determined by the Board. Committee meetings shall be open to the public and shall comply with the requirements of this meeting organization ordinance and the Open Meetings Law.

ARTICLE 2
"DECORUM OF DEBATE"
The following practices shall be followed in the discussions (debate) on motions and matters presented to the Board of Commissioners.

SECTION 2-101. DISCUSSION OF THE ISSUE

(a) In discussion, the remarks made by the Commissioners shall be confined to the motion or matters immediately before the body.

(b) All discussion shall be made through the Chair, and one Commissioner may not interrogate another Commissioner or person speaking from the public except through the Chair (or with the permission of the Chair).

(c) Board members desiring to speak must first be recognized by the Chair.

(d) Only one Commissioner at a time is permitted to speak. Commissioners shall not interrupt any other person who has the floor.

(e) In discussion, a Commissioner may condemn the nature or likely consequences of the proposed measure in strong terms, but must avoid personalities, and under no circumstances may he/she attack or question the motives of another Commissioner or staff. The issue, and not a person, shall be the item under discussion. Personal attacks and inappropriate remarks shall be ruled out of order by the Chair. Commissioners may not use commission meetings to make derogatory comments about particular employees or to air their personal grievances with other Commissioners.

(f) During discussion or voting, a Commissioner shall not disturb the other Commissioners in any way that may be considered disruptive to the proceedings or hamper the transaction of business.

(g) The Chair shall immediately call as “out of order” any remarks made in regards to comments outside the issue being addressed; or another Commissioner may call this breach of procedure to the attention of the Chair and other Commissioners. In either case, the errant Commissioner shall immediately cease the breach of decorum and continue with his/her remarks confined to issue.

SECTION 2-102. COMMISSIONER COMMENT PERIOD

(a) Each Commissioner shall have an opportunity to address the public on any topic during the Announcements portion of the Board’s Regular Meeting or Work Session for no more than five (5) minutes.
(b) During these remarks, a Commissioner must observe the same rules of decorum and may be called to order by the Chair if there is a breach of those applicable rules;

(c) A Commissioner may not use this time to interrogate another Commissioner, staff or citizens. No one shall attempt to enter into discussion with a Commissioner who has chosen to avail himself/herself of this opportunity to share his/her opinions with the public.

SECTION 2-103. EQUAL OPPORTUNITY

After a Commissioner has spoken or asked questions on a matter before the Commission, other Commissioners shall be given the opportunity to speak.

SECTION 2-104. CALL TO ORDER

The Chair may rule as “out of order” any action or comment deemed inappropriate or dilatory and may interrupt a speaker for reasons deemed necessary by the Chair. The Chairman shall make a statement to the effect of, “Commissioner, those remarks are out of order. Please cease this line of comments and restrict your comments to the inquiry and the merits of the agenda item.”

ARTICLE 3
"PROCEDURE IN MEETINGS"

SECTION 3-101. MOTIONS, GENERALLY

(a) Prior to taking the vote, the Chair, or at his/her request the Clerk, should re-state the motion (or resolution) or its substance.

(b) These motions shall take precedence in order in which they are listed below:

(1) Adjourn;

(2) Recess;

(3) Motions of privilege;

(4) Call the question;
(5) Limit discussion or debate by the Commission;

(6) Hold until a time certain;

(7) Refer back to staff/committee; or refer to staff/committee;

(8) Amend;

(c) The highest-ranking motion shall be the motion to adjourn, requiring a second and majority vote with no discussion allowed, except that the motion shall contain a time to hear any non-completed items on the agenda, if such exist. If all business on the agenda has been completed, the Chair may assume the motion and, without a second, obtain unanimous consent to adjourn.

SECTION 3-102. MAIN MOTIONS

A main motion shall be a motion whose introduction brings business before the Commission.

(a) Assumed Main Motions. A recommendation from staff, or another item published in the agenda for action, shall be handled as an Assumed Main Motion by the Chair. This, the Chair shall, upon the conclusion of a report, state, “The question (or motion) before you is...” (stating the motion in the affirmative). No second will be required in these instances and the Chair, in assuming such motion, is not presumed to be in favor of the motion and may speak against it if he/she so wishes.

(1) Possible dispositions of such a motion assumed by the Chair include:

(A) Adopt;

(B) Amend and adopt with amendments (or stipulations);

(C) Defeat;

(D) Refer back to staff/committee; or refer to staff/committee;

(E) Hold until (a definite time).

(2) Incidental motions such as Consider En Gross, Consider by Paragraph, or Divide the Motion (each described in Section 3-110) may also be applied to such assumed motions.
(b) **Other Main Motions.** Motions that are incidental or relating to business of the Commission, or its past or future action, or arising as non-agenda items (see Section 1-107(f)) shall require a second, and, if such motions fail to obtain a second, the Chairman shall state, "Since there is no second, the motion is not before this meeting."

**SECTION 3-103. AMENDMENT OF MOTIONS**

(a) If a member of the Board feels that the main motion might be more acceptable in a way other than the way presented, the Board member may amend through substitution, insertion of stipulations, striking out portions, or striking out and inserting portions. Such proposed amendments shall require a second, allow for discussion, and require a majority vote on the proposed amendment.

(b) If a proposed amendment fails to obtain a majority vote, the main motion considered shall be the one originally presented.

(c) An amendment must be germane (relating to the substance of the main motion) and may not introduce an independent question.

(d) Improper amendments shall be:

(1) one which is not germane;

(2) one which would make the adoption of the amended motion equivalent to a rejection of the motion; or

(3) one which is frivolous or absurd.

**SECTION 3-104. REFERRAL**

If the Commissioners feel that adequate information has not been given, the Board may, by majority vote, refer the motion to staff (or an agency, committee, etc.) for more information. A date may be set for hearing the additional information or it may be open-ended. This motion shall require a second and shall be debatable only as to whether or not it shall be referred, to whom it shall be referred, or when the person to whom it is referred shall report back. If the
motion fails, the motion to be considered shall be that motion which was on the floor prior to the motion to refer.

SECTION 3-105. POSTPONEMENT

(a) A motion to hold to a time certain (postpone) may be used if a majority of the Board feels that the motion before them should be considered at a more convenient time or if the discussion shows that a final decision should be made at a later time or date. This motion shall be used if the Board members themselves feel that they may obtain information that is needed or that the facts, as presented, are not adequate for their final vote. A second shall be required and discussion shall be limited to the reason for holding the motion or the time to which it is to be held. A majority vote shall be required to adopt the motion to hold to a time certain. If the motion fails, the motion to be considered shall be that motion which was on the floor prior to the motion to hold.

(b) The continuation of a public hearing will be allowed, provided it is postponed to a certain date.

SECTION 3-106. TIME FOR DISCUSSION

(a) If a Commissioner feels that a set period of time for discussion of a motion should be adopted as to time for the motion as a whole, or as to individual time given, the Commissioner may move to “limit discussion (or debate) to minutes.” This motion shall require a second and no discussion on the motion shall be allowed. It shall require a simple majority vote to adopt.

(b) A Commissioner may “call the question” (a Motion to End Discussion) when it is clear that further discussion is unnecessary or that discussion is becoming repetitive. This motion shall require a second and no discussion on the motion shall be allowed. It shall require a simple majority vote to adopt.

SECTION 3-107. QUESTION OF PRIVILEGE

If any matters occur such as to impede a Commissioner in attending to the business, e.g., too much noise, the microphone not working, matters that affect the safety, orderliness, or comfort of the Commissioners, or affects the honor of an individual Commissioner, such Commissioner may state to the Chairman that he/she has a question of privilege, and the matter must be
addressed before the pending business of the Commission continues. No vote is required unless a motion arises out of the privilege.

SECTION 3-108. RECESS

A recess may be taken as it appears on the agenda or declared by the Chair when he/she deems it advisable or by a motion from a Commissioner. If the motion is made by a Commissioner, a second and an affirmative majority vote shall be required to recess.

SECTION 3-109. MOTIONS USED TO BRING BACK AN ISSUE

Except as otherwise provided by law, if a Commissioner wishes to bring back to the Board a matter which has been adopted, he/she may do so through the motions to reconsider, rescind and amend something previously adopted. These shall have the same rank as a main motion.

(a) Motion to Amend Something Previously Adopted. If a Commissioner wishes to amend an action taken at a previous meeting, the Motion to Amend Something Previously Adopted shall be followed and may be used by any Commissioner regardless of how he/she originally voted. This motion shall be used when the Commission desires to change only a part of the text or to substitute a different version for a matter that was previously adopted. A second shall be required and full discussion shall be allowed. If the item has been listed on the published agenda, a majority vote shall be required for adoption. A vote of four (4) members of the Board shall be required if the item is not on the official agenda. A Motion to Amend cannot be used when something has been done to implement the earlier action that is impossible to undo. (The unexecuted part of an order, however, can be amended.)

(b) Motion to Reconsider the Vote. If in the same meeting, new information or changed situations make it appear that a different result might reflect the will of the Board, any Commissioner (regardless of how he/she originally voted on the matter) may move to Reconsider the Vote. A Motion to Reconsider may be applied to a vote that was either affirmative or negative and shall propose no specific change in a decision but simply shall propose that the motion be reopened for discussion and another vote taken. A second shall be required to this motion and discussion shall be allowed as to the reasons for wishing to reconsider the vote. A majority vote shall be required to adopt the motion to reconsider.

(c) Motion to Rescind. If a Commissioner wishes to annul an action taken at a previous meeting, the Motion to Rescind may be used by any Commissioner regardless of how he/she originally voted on the matter. A second shall be required and full discussion shall
be allowed. The Motion to Rescind shall require prior notice at a regularly scheduled meeting of the intent to rescind a motion at the next scheduled meeting. If the item has been listed on the published agenda, a majority vote shall be required for adoption. A vote of four (4) members of the Board shall be required if the item is not on the official agenda. The Motion to Rescind shall not be in order if:

(1) the Motion to Rescind is made at the same meeting as the original vote;
(2) a Motion to Reconsider was taken and lost;
(3) the matter is routine and only part of the action needs to be changed, in which case the motion to “amend something previously adopted” shall be used;
(4) something has been done as a result of the vote to implement the earlier action adopted that is impossible to undo. (The unexecuted part of an order, however, can be rescinded.)

SECTION 3-110. INCIDENTAL MOTIONS

Incidental motions have no rank but shall be decided immediately before business may proceed and may be used throughout the meeting as follows:

(a) **Point of Information.** A Point of Information is a request, directed to or through the Chair, for information relevant to the business at hand, but not related to parliamentary procedure.

(b) **Point of Order.** A Commissioner may call for a Point of Order if he/she believes that the Chair has failed to notice a breach in the rules. The point of order shall require the Chair to make a ruling on the question involved.

(c) **Appeal of Chair’s Decision.** Whenever a Commissioner believes that the Chair is mistaken in his/her ruling, a Commissioner may Appeal the Chair’s Decision. An appeal shall require a second and shall be debatable with the Chair speaking first to explain his/her ruling. The Chair may also close out the debate with a statement defending the ruling. An appeal may be made only on a ruling and may not be made:

(1) in response to a parliamentary inquiry or point of information;
(2) in areas that challenge verifiable rulings of factual nature;
The Chair shall state the motion as “Shall the Chair’s decision be sustained?” A majority of those voting shall be required to overturn the Chair’s ruling.

(d) Parliamentary Inquiry. A Parliamentary Inquiry is a question directed to the Chair to obtain information on a matter of parliamentary law or the rules of the Commission. The Chair will answer such questions or may ask the County Attorney or Parliamentarian for an opinion. The Chair’s reply, whether or not he/she has requested advice from the County Attorney or Parliamentarian, is an opinion, not a ruling. If a Commissioner does not agree with the Chair’s opinion, he/she may act in a way contrary to this opinion and if ruled out of order may then appeal the Chair’s ruling. The Chair is not obligated to respond to hypothetical questions.

(e) Divide the Motion. If the motion presented contains two (2) or more parts capable of standing as separate motions, a Commissioner may move to “Divide the Motion.” This motion shall require a second and discussion shall be allowed only on why it should or should not be divided. A majority vote shall be required to adopt the motion to “Divide the Motion.”

(f) Discuss by Paragraphs. If a main motion is in the form of a resolution or document containing several paragraphs or sections, which are not separate motions but could be discussed more efficiently if discussed in sections, a motion to Discuss by Paragraphs, Sections, or Numbered Agenda Items under a “tab,” may be made. A second shall be required and discussion shall be brief as to the necessity for the action. A majority vote shall be required to “consider by paragraphs, Sections, or numbered agenda items under a ‘tab’.”

(g) Withdrawal of Motion. Once a motion has been moved and seconded, it belongs to the entire Commission and not to the maker of the motion; therefore, if a Commissioner wishes to withdraw a motion that is officially before the Board, action of the Board must be taken in either of the following ways:

1) The Chair may ask the Board if there are any objections to the motion being withdrawn. If there are no objections, the motion shall be withdrawn by unanimous consent, without the need for the seconder to withdraw his/her second;

2) If there is an objection to the motion being withdrawn, then a majority vote shall be required to adopt the motion to “withdraw the motion.”

(h) Consideration en Gross. If a Commissioner feels that time could be saved by acting on all of the agenda items under a “tab,” he/she may move that it be “Considered en Gross.”
SECTION 3-111. ORDINANCES, RESOLUTIONS, REGULATIONS, CONTRACTS AND INTER-LOCAL AGREEMENTS.

Unless otherwise provided in this code, all ordinances, resolutions, contracts, and inter-local agreements of the County shall be prepared, approved, introduced, and adopted in the following manner:

(a) **Preparation.** All ordinances shall be prepared by the County Attorney. No ordinance shall be prepared for presentation to the Board of Commissioners unless ordered by a majority vote of the Board of Commissioners, or requested in writing by the Chair, or prepared by the County Attorney on his/her own initiative.

(b) **Administrative Staff Approval.** All ordinances, resolutions, and contract documents shall, before presentation to the Board of Commissioners, have been approved as to form and legality by the County Attorney or his authorized representative, and shall have been examined and approved for administration by the Chair or his authorized representative, where there are substantive matters of administration involved. All such instruments shall have first been referred to the head of the department under whose jurisdiction the administration of the subject matter of the ordinance, resolution, or contract document would involve and be approved by said department head; provided, however, that if approval is not given, then the same shall be returned to the Chair with a written memorandum of the reasons why such approval is withheld. In the event the questioned instrument is not redrafted to meet a department head objection, or objection is not withdrawn and approval in writing given, then the Chair shall so advise the Board of Commissioners and give the reasons advanced by the department head for withholding approval.

(c) **Introduction and Adoption.** Every proposed ordinance shall be introduced in writing and in the form required for final adoption.

(d) No ordinance shall relate to more than one (1) subject, which shall be clearly expressed in its title, and no ordinance, or section thereof, shall be amended or repealed unless the new ordinance contains the title of the ordinance or section amended or repealed, and when practicable all ordinances shall be introduced as amendments to this code.

(e) **Effective Date.** All ordinances shall be made effective upon adoption.

**ARTICLE 4 PARLIAMENTARIAN**
The County Attorney or his/her designee shall serve as Parliamentarian and shall advise and assist the Chair and the Commission in matters of parliamentary law. A professional Parliamentarian may be consulted as deemed necessary.

ARTICLE 5 PARLIAMENTARY AUTHORITY

The latest edition of ROBERT’S RULES OF ORDER NEWLY REVISED shall govern meetings of the Newton County Board of Commissioners in all areas in which it is applicable and in which it is not inconsistent with these rules adopted by the Commissioners or higher law.

ARTICLE 6 AMENDMENTS

These rules may be amended by a simple majority vote of the entire Commission at a Regular Meeting or Special Meeting of the Newton County Board of Commissioners, provided notice has been given of the amendment(s) at the meeting prior to the vote on the amendment(s). However, any amendments relating to the Chair’s veto power as discussed in Article 1.108(b) shall require a vote of at least four members of the Newton County Board of Commissioners.

APPENDIX

Parliamentary Definitions

The following parliamentary definitions apply to the RULES OF PROCEDURE FOR THE NEWTON COUNTY BOARD OF COMMISSIONERS.

Adjourn – to officially terminate a meeting

Adopt – to approve or pass by whatever vote is required for the motion

Affirmative vote – a vote in favor of the motion as stated

Agenda – the official list of items of business planned for consideration during the meeting

Approval of minutes – formal acceptance of the record of a meeting, thus making this record the official minutes of the Commission

Board – the members of the Newton County Board of Commissioners, excluding the Chair

Chair – the person elected to that position, the chief executive officer and presiding officer of the Commission
Clerk – the duly appointed County Clerk or Assistant Clerk

Commission – the Newton County Board of Commissioners, including both the members of the Board and the Chair

Commissioner – the members of the Newton County Board of Commissioners, excluding the Chair

Common parliamentary law – the body of rules and principles that is applied by the courts in deciding litigation involving the procedure of any organization; does not include statutory law or particular rules adopted by any organization or Board

Convene – to open a meeting

Debate – formal discussion of a motion under the rules of parliamentary law and more often herein referred to as discussion

Defer or hold – to delay action by referring the motion to staff (or an agency, committee, etc) for more information, or by postponing a vote to a certain time

Demand – an assertion of a parliamentary right by a Commissioner

Dilatory motions or tactics – misuse of procedures or motions that are out of order or would delay or prevent progress in a meeting

Floor – when a person received formal recognition from the Chair, he/she “has the floor” and is the only person entitled to speak

Germane amendment – an amendment relating directly to the motion to which it is applied

Germane discussion – discussion relating directly to the matter involved

Hearing – a meeting for the purpose of listening to the views of an individual or of a particular group on a particular subject

In order – permissible and right from a parliamentary standpoint

Majority vote – an affirmation vote of at least three (3) members of the Board, or, in the event of a tie, two (2) Board members and the Chair
Minutes – the legal record of the action of the Commission after the record has been approved by vote of the body

Motion – a proposal submitted to the Commission for its consideration and decision; it is introduced by the body

Objection – the formal expression of opposition to a proposed action

Order of business – the adopted order in which the business is presented to the meeting of the Commission

Out of order – not correct, from a parliamentary standpoint, at the particular time

Parliamentary authority – the code of procedure adopted by the Board as it’s parliamentary guide, governing in all parliamentary situations, not otherwise provided for in the charter, the RULES OF PROCEDURE FOR THE NEWTON COUNTY BOARD OF COMMISSIONERS

Pending motion – sometimes referred to as pending question; a motion that has been proposed and stated by the Chair for the Board’s consideration and that is awaiting decision by vote

Precedence – the rank or priority governing the motion

Precedent – a course of action that may serve as guide or rule for future similar situations

Procedural motion – motion to assist the Commission in treating or disposing of a main motion; or motion relating to the pending business otherwise at hand

Proposal or proposition – a statement of a motion of any kind for consideration and action

OCGA – Official Code of Georgia Annotated

Quorum – the number of persons that must be present at a meeting of the Commission to enable it to act legally on business; any three (3) members of the Board shall constitute a quorum for any meeting of the Board of the Newton County Commission

Recognition - acknowledgement by the Chair, giving a person sole right to speak
**Reconsider** – to review again a matter previously disposed of and to vote on it again; must be made on the same day of business

**Regular Meeting/Public Hearing** – the scheduled meetings of the Board of Commissioners held on the first and third Thursday of each month

**Request** – a statement to the Chair asking a question or some “right”

**Rescind** – to nullify or cancel out a previous action; cannot be made if action has already been taken to implement the motion it wishes to rescind

**Resolution** – a formal motion, usually in writing, and introduced by the word “resolved” that is presented to the Commission for a decision

**Ruling** – the Chair’s decision as it relates to the procedure of the Board

**Second** – a Board member’s statement that he/she is willing to have the motion considered

**Seriatim** – consideration by sections or paragraphs

**Special Called Meetings** – a meeting called by the Chair or three (3) Board members to conduct emergency business of the County

**Statute** – a law passed by the Georgia legislature

**Technical inquiry** – request for information relevant to the business at hand

**Tie vote** – vote in which the affirmative and negative votes are equal on a motion

**Unanimous consent** – deciding on a motion without voting on it but where no Commissioner voices objection; with single objection a vote must be taken

**Unfinished business** – any business that is postponed definitely to a time certain

**Work Session** – the scheduled Work Sessions of the Board of Commissioners and staff - typically held on the second and fourth Tuesday of the month