

ORDINANCE NO. 7554

AN ORDINANCE TO AMEND AUGUSTA, GA CODE SECTION 1-2-3, SECTION 1-2-13 (RULES OF PROCEDURE AND SECTION 1-2-30 RELATING TO ADDING ITEMS TO THE COMMISSION AND COMMITTEE AGENDAS; TO CONSOLIDATE RELATED PROVISIONS OF THESE SECTIONS; TO REPEAL ALL CODE SECTIONS AND ORDINANCES AND PARTS OF CODE SECTIONS AND ORDINANCES IN CONFLICT HERewith; TO PROVIDE AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

WHEREAS, AUGUSTA, GA CODE Sections 1-2-3 and 1-2-13 (Rules of Procedure) both address adding items to the agendas of the Commission and the Committees; and

WHEREAS, Subpart (b) of AUGUSTA, GA Code section 1-2-3 relates to the process for hiring the Administrator and is unrelated to the other parts of this section and should be moved to AUGUSTA, GA CODE section 1-2-30 as a new subsection.

WHEREAS, there is a need to consolidate these provisions and to clarify the Rules as related to adding agenda items to Commission and committee meetings; and

WHEREAS, it is the desire of the Commission to amend AUGUSTA, GA CODE Sections 1-2-3 and 1-2-13 (Rules of Procedure) and to add a subsection (e) to Code section 1-2-30.

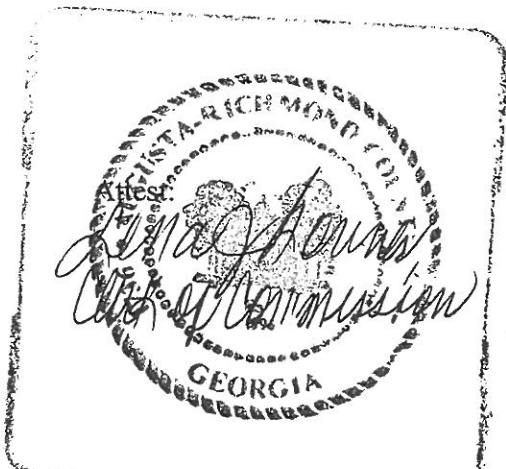
THE AUGUSTA, GEORGIA COMMISSION hereby ordains as follows:

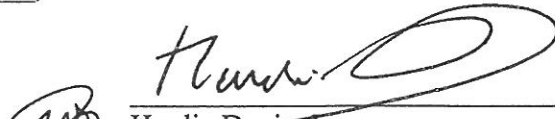
SECTION 1. Augusta, GA Code Section 1-2-3 as forth in the Augusta, GA Code, as re-adopted by the Commission on July 10, 2007, is hereby amended by striking this section in its entirety as set forth in "Exhibit A" hereto. Augusta, GA Code Section 1-2-13 (Rules of Procedure), as re-adopted by the Commission on July 10, 2007, is hereby amended by striking the Rules of Procedure in their entirety as set forth in "Exhibit B" hereto. New Rules of Procedure are hereby inserted to replace the repealed Code Section and the repealed Rule as set forth in "Exhibit C" hereto. A new subsection (e) shall be added to Code section 1-2-30 and the process to hire the Administrator shall be added thereto as set forth in "Exhibit D."

SECTION 2. This ordinance shall become effective upon approval.

SECTION 3. All ordinances, parts of ordinances, policies, and procedures concerning the time or location of Commission, Committee, or Legal meetings in conflict herewith are hereby repealed.

Adopted this 20th day of December, 2016.




Hardie Davis, Jr.
11/20/16 As its Mayor

Lena J. Bonner, Clerk of Commission

1st Reading: December 13, 2016

2nd Reading: December 20, 2016

Exhibit A

STRIKE:

~~Sec. 1-2-3. Meeting Agenda.~~

~~(a) No business shall be transacted at the regular meeting or regular called meeting of the Commission on the first Tuesday and third Tuesday of each month that is not on the agenda by 9:00 a.m. on Thursday before such meeting; provided, however, business items may be added to the agenda after the deadline, with the unanimous consent of the members of the Commission present at such meeting.~~

~~(b) The Administrator for Augusta Richmond County shall be elected/appointed by a majority vote of the Commission of Augusta Richmond County, Georgia, from nominations presented by the Mayor following the Commission approved recruitment process. The Mayor shall present as many as three top candidates for appointment, along with his recommendation. The Commission shall elect/appoint an Administrator from among the candidate or candidates presented by the Mayor. Should none of the candidates be elected/appointed, then the Mayor shall nominate as many as three new candidates from those who applied through the recruitment process.~~

~~(c) An item may be removed from the agenda after 9:00 a.m. on the Thursday prior to the Tuesday of the regular Commission meeting with unanimous approval of the members of the Commission attending the regular meeting.~~

~~(d) An item may be removed from the agenda prior to 9:00 a.m. on the Thursday prior to the Tuesday, of the regular Commission meeting upon the request of the commissioner, department head, or other individual party who was responsible for placing the item on the agenda.~~

~~(e) No item pertaining to alcoholic beverage application shall be placed on the agenda within one (1) year from the date of the denial of the application by the Commission.~~

~~(f) No item pertaining to zoning shall be placed on the agenda for the same zoning classification within one (1) year from the date of the denial of the application by the Commission.~~

Exhibit B

STRIKE from Sec. 1-2-13. Rules of Procedure- Appendix A, the following:

OPERATIONAL PROCEDURE

1.01 MEETING Time and place; committees.

~~1.01.01 Except for the months of April and July, Regular Commission meetings shall be held on the first and third Tuesday of each month at 2:00 p.m. in the Commission Chambers on the second floor of the Municipal Building. Except as otherwise provided by law, all meetings of the Commission shall be public meetings.~~

~~1.01.01(a) The first meeting in April of each year shall be held on the last week of the preceding March.~~

~~1.01.01(b) The first meeting in July of each year shall be held on the last week of the preceding June.~~

~~1.01.02 Regular Commission meetings for Executive Session matters and matters requiring urgent approval shall be held on the second and last Tuesday of every month at 11:00 a.m. in the Commission Chambers on the second floor of the Municipal Building.~~

~~1.01.02(a) Executive Session meetings shall be conducted in accordance with the Georgia Open Meetings Act.~~

~~1.01.03 Except for the months of April and July, all regular committee meetings shall be held on the second and last Tuesday of every month in the Lee N. Beard Commission Chamber beginning at 1:00 p.m. with the Public Services Committee starting first every time followed by an alphabetic rotation of the following committees Administrative Services, Engineering Services, Finance, Public Safety on a two month rotation cycle.~~

~~1.01.03(a) The last committee meetings in March of each year shall be cancelled and all items on such committees shall be forwarded to the last Commission meeting in March.~~

~~1.01.03(b) The last committee meetings in June of each year shall be cancelled and all items on such committees shall be forwarded to the last Commission meeting in June.~~

~~1.01.04 Other called meetings of the Commission and Committees and the subject, dates and time of these meetings may be scheduled as needed and notification of such meetings shall be provided to the public in advance as required by law.~~

~~1.01.05 If there is a necessity to change the time and date of the regular meeting of the Commission or Committees or of any specially called meetings or any executive session meeting, this shall be done by request of the Mayor or a majority of the members of the Commission, provided a majority of the Commissioners can attend the meeting which shall be held on a different day. Notice of the time and date change shall be provided to the Mayor and Commission.~~

~~1.01.06 The Commission may hold such additional meetings as shall be deemed necessary when called by the Mayor or a majority of the members of the Commission, provided all members shall have been notified at least twenty four (24) hours in advance of the special meeting. Provided, further, that a majority of the Commission may convene the same in extraordinary session for emergency business, such a natural disaster or civic disturbance, whenever in their judgment it may be necessary.~~

~~1.01.07 An adjourned meeting is a continuation of the meeting immediately preceding, whether a regular or special meeting.~~

~~1.01.07(a) If a scheduled meeting of the Commission is not completed due to time constraints or emergency, the meeting shall be adjourned to the following day or to a specific day scheduled by the Commission to allow for the completion of pending business.~~

~~1.01.07(b) In an adjourned meeting (regular or special), only business which would have been proper to consider at the immediately preceding meeting may be considered and acted upon at the adjourned meeting.~~

~~1.01.07(c) Adjourned meetings resume business under the same rules, limitations and rights as the immediately preceding meeting.~~

~~1.01.08 Any action taken at any committee meeting (other than to postpone the agenda item to the next, or a future, committee meeting) shall be placed on the agenda of the regular meeting, regular called meeting, or special meeting of the full Commission for approval of the action of the committee. In the event there is no quorum at a committee, all such items on such agenda shall be placed on the agenda of the next regular meeting of the full Commission.~~

~~1.02 QUORUM~~

~~1.02.01 Seven (7) members of the Commission shall constitute a quorum for any meeting of the Augusta Richmond County Commission.~~

~~1.02.02 If a quorum is not present thirty (30) minutes following the scheduled hour for convening the meeting, the Chairman Mayor or the Vice Chairman Mayor Pro Tempore, or in their absence, the Administrator (or his/her designee), may adjourn the meeting until the next day. By unanimous consent of those Commissioners present, the meeting may be adjourned to another hour and day.~~

~~1.02.03 If during the meeting there ceases to be a quorum, all business must stop except that the Commission, by majority vote to be recorded in the minutes (naming those present at the time of the vote) may:~~

~~1.02.03(a) fix another day at which to reconvene;~~

~~1.02.03(b) adjourn and return at the next regular meeting;~~

~~1.02.03(c) recess to determine if a quorum will be present within a short period of time.~~

~~1.03 Chairman Mayor.~~

~~1.03.01 The Chairman Mayor shall have the rights and privileges of the other Commissioners with respect to debate, but shall have the right (but is not obliged) to vote on any matter (excluding appointment of any Commissioner to a committee and excluding voting as a member of any Committee as provided in the Consolidation Act) only to break a tie or to create a tie. Additionally, his/her duties during meetings shall include:~~

~~1.03.01(a) presiding over meetings of the Commission;~~

~~1.03.01(b) calling the meeting to order at the scheduled hour;~~

~~1.03.01(c) determining that a quorum is present;~~

~~1.03.01(d) preserving decorum and order at all meetings;~~

~~1.03.01(e) making the Commissioners aware of the substance of each motion;~~

~~1.03.01(f) calling for each vote;~~

~~1.03.01(g) announcing the results of each vote;~~

~~1.03.01(h) calling for a recess at such times as deemed advisable.~~

~~1.03.02 The Chairman Mayor shall exercise such other duties as prescribed in Consolidation Act or by ordinance.~~

~~1.04 Vice Chairman Mayor Pro Tempore.~~ ~~A Vice Chairman Mayor Pro Tempore shall be elected from among the district Commissioners at the first regular meeting in January of each odd-numbered year as provided in the Consolidation Act. The Vice Chairman Mayor Pro Tempore shall serve for a period of two years and shall have all rights, privileges and duties of the chair in the absence of the chair (excluding the right to vote to create or break a tie), and in addition shall have the right to make motions and vote on any issue, including matters coming before any Committee of which he is a member. The Vice Chairman Mayor Pro Tempore may succeed himself/herself, subject to the two consecutive term limitation contained in the Consolidation Act.~~

~~1.05 Absence of Chairman Mayor and Vice Chairman Mayor Pro Tempore.~~ In the absence of the Chairman Mayor and Vice Chairman Mayor Pro Tempore, the Administrator shall determine whether a quorum is present. If a quorum is present, the Administrator shall call for the election of a temporary chair. The temporary chair shall preside over that meeting or until the conclusion of the business immediately pending at the time the Chairman Mayor or Vice Chairman Mayor Pro Tempore arrives.

1.06 Minutes.

~~1.06.01 All actions of the Commission, except for actions described in O.C.G.A. § 50-14-3 and § 50-14-4, (or as these sections may be amended from time to time), shall be accurately recorded by the Clerk (or his/her designee) in the minutes which minutes shall include:~~

~~1.06.01(a) all main motions, exactly as worded when adopted (including amendments or stipulations);~~

~~1.06.01(b) the name of the maker of all important motions;~~

~~1.06.01(c) disposition of all main motions, Whether~~

~~1.06.01(c)(1) adopted;~~

~~1.06.01(c)(2) defeated;~~

~~1.06.01(c)(3) referred to committee or to staff for further information or recommendations;~~

~~1.06.01(c)(4) held until a definite time;~~

~~1.06.01(c)(5) the vote of each Commissioner; and 1.06.01(c)(6) comments of Commissioners verbatim.~~

~~1.06.02 The minutes of meetings of the Commission shall, at a minimum, briefly describe all statements made and shall record the actions taken by the Commission. Any statement shall be recorded in full at the request of a member of the Commission. A member of the Commission may incorporate an additional statement when the minutes are read. The minutes shall be read before they are approved as soon as is possible or feasible but in no case later than the next regular meeting of the Commission.~~

~~1.06.03 The responsibility for correcting and approving the minutes shall be vested only in the members of the Commission. The minutes of each meeting shall indicate their subsequent approval/ correction. The minutes may be corrected whenever an error is noticed upon approval of the Commission regardless of the time which has elapsed since recording of the minutes.~~

~~1.06.04 The minutes shall be attested to by the Clerk or his/her designee.~~

~~1.07 Regular Agenda.~~

~~1.07.01 All agenda items shall include all supporting documentation and such shall be submitted to the Clerk for inclusion on the agenda for all meetings of the Commission.~~

~~1.07.02 Subject to the limitation of Rule 1.07.08, the Administrator, any elected official and any member of the Commission shall have the right to have an item placed on the regular agenda of the Commission provided said item is submitted to the Clerk of Commission no later than 9:00 a.m. on the Thursday prior to the Tuesday of the regular Commission meeting or any regular Committee meeting. An item may be added to the regular agenda after the 9:00 a.m. Thursday deadline with the unanimous consent of the commission members in attendance. Unanimous consent of the committee members present shall be required to add an item to a committee agenda after the 9:00 a.m. Thursday deadline.~~

~~1.07.03 The Clerk shall be responsible for assembling the agenda and distributing it to all Commissioners no later than Friday in advance of the scheduled meeting.~~

~~1.07.04 An item may be removed from the agenda after 9:00 a.m. on the Thursday prior to the Tuesday of the regular Commission meeting with unanimous approval of the members of the Commission attending the regular meeting.~~

~~1.07.05 An item may be removed from the agenda prior to 9:00 a.m. on the Thursday prior to the Tuesday of the regular Commission meeting upon the request of the individual who was responsible for placing the item on the agenda.~~

~~1.07.06 No item pertaining to alcoholic beverage application shall be placed on the agenda within one (1) year from the date of the denial of the application by the Commission.~~

~~1.07.07 No item pertaining to zoning shall be placed on the agenda for the same zoning classification within one (1) year from the date of the denial of the application by the Commission.~~

~~1.07.08 If an item has appeared on the Commission Agenda and been defeated, or if no action is taken on an item, it shall not be considered again by the Commission until it has been discussed at the committee level.~~

~~1.08 Consent Agenda.~~

~~1.08.01 All items contained in the consent agenda may be voted on *en gross*. Prior to the vote on the consent agenda, any Commissioner may withdraw an item from the consent agenda so that it shall be voted on individually.~~

~~1.08.02 A non-agenda item shall be defined as that which is deemed by a Commissioner to require urgent attention, but which has not been placed on the published agenda.~~

~~1.08.02(a) If a Commissioner requests that a non-agenda item be added to the consent agenda, he/she must provide the specific item, and the reasons immediate attention is required, to the Commission.~~

~~1.08.02(b) The unanimous consent of the Commissioners present at the meeting shall be required to add an item to the consent agenda.~~

~~1.09 Voting.~~

~~1.09.01 All votes shall be taken by raised hand, except those which the chair handles through unanimous consent (i.e., "If there are no objections ..."), and unless there is a request for a roll call vote. A single objection will require that a counted vote be taken. An affirmative vote of at least six (6) members of the Commission shall be required to adopt a motion, except where otherwise indicated.~~

~~1.09.02 Any Commissioner shall have the right to request a roll call vote on any issue, in which event the chair shall direct the Clerk to call the roll in alphabetical order, except that the Chairman Mayor's name shall be called last and only when his vote will create or break a tie. As each Commissioner's name is called, such Commissioner shall vote either "yes" or "no" to the question presented. To verify the vote and to correct possible errors, the Clerk repeats the vote after each member responds to his name. At the conclusion of the roll call, the Chairman Mayor can ask if anyone entered the room after his name was called. Changes of the vote are also permitted before the result is announced.~~

~~1.09.03 When an entire agenda "tab" has been moved to be voted upon by an *en gross* vote (see Section 3.01.05 herein), a Commissioner may, without discussion state that he/she is voting in the affirmative on all of the agenda items on that "tab" except certain ones which he/she will name by number. In such cases, the votes of the Commissioner(s) will be recorded as negative for the items named, unless the Commissioner abstains as provided in Section 1.09.06.~~

~~1.09.04 If a motion has been voted on without discussion and a Commissioner feels that it is necessary to explain his/her vote, he/she may have no more than one minute to give public reasons for his/her vote. The chair will not allow the Commissioner to repeat discussion that has already taken place at the same meeting, however.~~

~~1.09.05 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 Commission and the motion shall be rescheduled for another time; Provided, however, the Chairman Mayor shall have the right to vote to create or break a tie.~~

~~1.10 Public Participation in Commission Meetings.~~

~~1.10.01 Persons wishing to address the Commission shall do so during the Public Comment portion of the agenda.~~

~~1.10.02 Subject to the limitations provided for herein, speakers will be allowed to appear before the Commission at the public comment session prior to the regular agenda with each speaker allotted a maximum of five (5) minutes for their presentation.~~

~~———— 1.10.02(a) Persons seeking to complain about the performance or lack thereof of an employee of Augusta, Georgia shall submit such requests to the Administrator for resolution. Such requests for public comment will not be heard by the Commission or any committee.~~

~~———— 1.10.02(b) Persons or businesses seeking to do business with Augusta, Georgia shall submit such requests to the Administrator for consideration in accordance with the requirements of the Procurement Code. Requests to make presentations for products or services will not be heard by the Commission or any committee except as permitted by the Procurement Code.~~

~~1.10.03 Each speaker must submit a request in writing, including his/her address, which will state the topic of discussion, to the Clerk's office no later than 9:00 a.m. on the Thursday preceding the next regularly scheduled Commission.~~

~~1.10.04 An extension of the five (5) minute limit per person may be granted upon the affirmative vote of six (6) members of the Commission.~~

~~1.10.05 If deemed advisable by the Chairman Mayor, a written response to a speaker may be provided by the appropriate County staff within thirty (30) days. The Commission may respond verbally at the completion of any speaker's presentation.~~

~~1.10.06 After each individual speaker's remarks have concluded, the Chairman Mayor may, but shall not be required to, briefly respond, either personally or through another member of the Commission whom the Chairman Mayor shall designate. In addition, when a request for special action or a grievance has been heard the matter will be referred to the Administrator (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.~~

~~1.10.07 No speaker will be allowed to return on public comment on the same issue within a period of ninety (90) days; however a speaker may return on another issue following the policy and procedure.~~

~~1.10.08 All speakers, other than salaried members of the Augusta-Richmond County staff, shall address the Commission in the following manner:~~

~~1.10.08(a) Stating name and address (address is required only if individual has not previously provided address to Clerk).~~

~~1.10.08(b) Stating whether he/she is speaking for himself/herself or for another;~~

~~1.10.08(c) Stating if he/she represents an organization and whether he/she is being compensated by the organization for whom he/she speaks;~~

~~1.10.08(d) Stating whether he/she or any member of his/her immediate family has a personal interest in the pending matter.~~

~~1.10.08(e) Stating his/her comments.~~

~~1.10.09 All remarks shall be to the Commission as a body and addressed through the chair. Remarks shall not be made to a particular Commissioner.~~

~~1.10.10 Questions from Commissioners, the Administrator, and/or the Augusta Richmond County Attorney may be made for clarification. However, no person shall be permitted to enter into any discussion, either directly or through a member of the Commission, without permission of the chair.~~

~~1.10.11 All remarks must be related to the issue on which the speaker has requested to be heard. No person shall be allowed to make impertinent, derogatory, offensive or slanderous remarks while addressing the Commission.~~

~~1.10.11(a) A person may be barred from further speaking before the Commission in that meeting if his/her conduct is deemed "out of order";~~

~~1.10.11(b) Once barred for improper conduct, a speaker shall not be permitted to continue or again address the Commission in that meeting unless a majority vote of the Commission allows;~~

~~1.10.11(c) In the event a speaker who is barred fails for improper conduct to obey the ruling, the chair may take such action as is deemed appropriate, including the removal of such person from the assembly;~~

~~1.10.11(d) The Commission may bar a person from addressing Commission meetings for up to sixty (60) days for improper conduct. A person barred by the Commission for this period may request a hearing by written request to the chair, which request shall state the reason(s) for a reversal of the decision. All requests for hearings shall be placed on the agenda and heard by the Commission. An affirmative vote of six (6) members of the Commission shall be required to overturn the previous decision to bar the persons.~~

~~1.10.11(e) If not otherwise recognized by the Chair, upon motion and the affirmative vote of six (6) members of the Commission, the Commission may allow~~

public comment on an agenda item at the time the item is being considered by the Commission. These comments must be limited to the subject that is being debated. Members of the public may speak for five minutes and may only speak once. These limits can be waived by the affirmative vote of six (6) members of the Commission.

~~1.10.11(f) The Commission may schedule public hearings for the purpose of soliciting public comment on any subject of interest to the Commission. Hearings may be held immediately prior to or following a meeting of the Commission or at such other places and times as the Commission may determine. No official action shall be taken at any such public hearing.~~

~~1.11 Appointments by the Commission.~~

~~1.11.01 Appointments shall be made as necessary. When it is has been determined, by the Consolidation Act or other rule or manner, that it is the "right" or "turn" of a particular Commissioner to nominate a candidate for a position, such nominee must be elected by a majority of the Commission. If any nominee, however nominated, fails to receive a majority vote, alternate candidate(s) may be nominated until the position is filled by majority vote.~~

~~1.11.02 Any appointment to fill an expired or a new term on any board or commission, which appointment is made by the Commission, shall not have less than six (6) votes of approval.~~

~~2.00 Decorum of Debate.~~ The following practices shall be followed in debate on motions and matters presented to the Commission.

~~2.01 Adherence to Agenda.~~

~~2.01.01 In discussion, the remarks made by the Commissioners shall be confined to the motion or matters immediately before the Commission.~~

~~2.01.02 All Commissioners must conduct themselves in a professional and respectful manner. All remarks should be directed to the Chairman Mayor and not to individual Commissioners, staff or citizens in attendance. Personal remarks are inappropriate. A Commissioner may not speak at a meeting until he has been recognized by the Chairman Mayor. All comments made by a Commissioner shall address the motion that is being discussed.~~

~~2.01.03 During these remarks a Commissioner must observe the same rules of decorum as those set forth in Section 2.02 below, and may be called to order by the Chairman Mayor or another Commissioner if there is a breach of those rules.~~

~~2.01.04 A Commissioner may not 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.~~

~~2.02 Discussion of the Issue.~~ In discussion, a Commissioner may condemn the nature of likely consequences of the proposed measure in strong terms, but must avoid a discussion of 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. Any Commissioner wishing to discuss an issue shall be allowed to do so; however, discussion of any particular issue by any particular Commissioner shall be limited to two (2) minutes of discussion and one (1) minute of rebuttal, unless debate is extended by the chair or by motion as provided in Section 3.04.05 hereof.

~~2.03 Call to Order, Remarks.~~ The chair shall immediately call as "out of order" any remarks made outside the issue being addressed. Additionally, another Commissioner may call this breach of procedure to the attention of the chair and other Commissioners. In either case, the speaking Commissioner shall be required to continue with his/her remarks confined to the issue.

~~2.04 Discussion Through the Chair.~~ 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).

~~2.05 Disruptions.~~ During discussion or voting, no Commissioner shall disturb the other Commissioners in any way that may be considered disruptive to the proceedings or that may hamper the transaction of business by the Commission.

~~2.06 Call to Order, Action.~~ The chair may rule as "out of order" any action deemed inappropriate or dilatory and may interrupt a speaker for reasons deemed necessary by the chair. The Chairman-Mayor shall say, "Commissioner/speaker, those remarks are out of order. Please cease this line of comment and make appropriate comment to the issue."

~~2.07 Call of "Out Of Order".~~

~~2.07.01 If a member of the Commission refuses to comply with these Rules of Procedure the following procedure shall be used:~~

~~2.07.01(a) The Commissioner shall be "called to order" by the chair, who shall say, "Commissioner _____ [using name], you are now out of order. If you persist a reprimand will be entered into the record."~~

~~2.07.01(b) If a Commissioner defies the ruling of the chair, the Chairman-Mayor shall state, "Commissioner, you are personally out of order. Let the record indicate a reprimand against Commissioner _____ Commissioner _____, you have a right at this time to appeal the ruling of the chair by asking that a roll call vote of the Commissioners present be taken and a statement by each Commissioner be recorded as to why he/she is for or against the ruling of the chair. A majority vote of the members of the Commission present shall govern."~~

~~3.00 Procedure in Meetings.~~

3.01 Motions.

~~3.01.01 In order for the Commission to take any official action on any subject, a Commissioner must propose a Main Motion or there must be an Recommended Main Motion, as provided in Section 3.01.02(a). A proposed Main Motion must be seconded before there will be discussion on the motion. A second does not require the Commissioner seconding the motion to support the motion. A Commissioner may withdraw a Main Motion that he has made as provided in Section 3.01.04 hereof, at any time before the Commission has voted on that motion. Prior to taking a vote, the chair shall state the motion (or resolution) or its substance, or he/she may call upon the Clerk or secretary to do so.~~

~~3.01.02 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."~~

~~3.01.03 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'."~~

~~3.01.04 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 Commission, action of the Commission must be taken in either of the following ways:~~

~~3.01.04(a) The chair may ask the Commission 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;~~

~~3.01.04(b) If there is an objection to the motion being withdrawn, then the chair shall take an official vote on the "motion to withdraw the motion", a second being required. A majority vote shall be required to adopt the motion to "withdraw the motion."~~

~~3.01.05 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*." (See Section 1.08.02.)~~

~~3.01.06 When several alternatives need to be considered (such as staff recommendations that propose various options for the Commission to consider), unlimited choices may be considered by "Filling the Blank" in the motion:~~

~~3.01.06(a) No Commissioner may suggest more than one proposal for filling the blank without unanimous consent from the other Commissioners;~~

~~3.01.06(b) Each proposal shall be debatable and shall be treated as an independent item to be voted on separately until one has been approved by a majority. As soon as one proposal has received a majority, no others shall be considered;~~

~~3.01.06(c) Alternatives (from staff recommendations and/or suggestions by Commissioners) are listed in logical order for voting:~~

~~3.01.06(c)(1) Names are listed in the order in which they were proposed;~~

~~3.01.06(c)(2) Other proposals are listed in the order of their probable acceptability, beginning with the least popular choice.~~

~~3.02 Main Motions.~~

~~3.02.01 A main motion is a motion whose introduction brings business before the Commission.~~

~~3.02.01(a) Recommended Main Motions—A recommendation from staff, or another item published in the agenda for action, shall be handled as an Recommended Main Motion by the chair. That is, 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.~~

~~3.03 Ranking of Motions.~~

~~3.03.01 Each subsidiary and privileged motion is assigned a specific rank. A motion of higher precedence can interrupt motion of lower precedence. The higher motion must be decided before the Commission returns to consider the motion of lower precedence.~~

~~3.03.02 A main motion has the lowest rank and does not take precedence over any other motion. A motion to adjourn has the highest rank and will take precedence over all other subsidiary and privileged motions. The order of precedence of motions shall be in accordance with this Section. Motions at the top of the following list take precedence over motions at the bottom of the list.~~

~~HIGHEST RANK:~~

~~PRIVILEGED MOTIONS (Undebatable)~~

~~1. Adjourn~~

~~2. Recess~~

~~3. Question of Privilege~~

SUBSIDIARY MOTIONS (Undebatable)

4. Lay on the Table (Postpone Temporarily)
5. Vote Immediately (Previous Question)
6. Limit Debate or Extend

SUBSIDIARY MOTIONS (Debatable)

7. Postpone to a Time Certain (Postpone Definitely)
8. Refer to Committee (Commit)
9. Amend
10. Postpone Indefinitely

OTHER MOTIONS

LOWEST RANK

11. Main Motion

~~3.04 Subsidiary Motions. During the course of debate, Commissioners may introduce motions that propose that the Commission take a particular action on a main motion. These motions are called subsidiary motions and they allow the Commission to reach a conclusion on the main motion. Subsidiary motions require a second before they can be voted on or debated. Three subsidiary motion, Amend, Limit Debate, and Vote Immediately, also can apply to other subsidiary motions.~~

~~3.04.01 Postpone indefinitely. If a Commissioner believes that the main motion should not be considered by the Commission, that Commissioner may move to postpone the consideration of the main motion indefinitely. If the motion is successful, consideration of the main motion stops and the main motion is tabled for the duration of the meeting. A motion to postpone indefinitely can be debated, but it can be amended. A majority vote of the Commission is required for the motion to pass.~~

~~3.04.02 Amend. If a Commissioner believes that a main motion that is on the table should be changed in order to make it more acceptable, he can move to amend the motion. Amendments must be closely related to the original motion and must not change the nature of the motion that they amend. Motions to refer, amend, postpone to a time certain and the motion to recess can also be amended. A motion cannot be amended more than two times. Debate is allowed on a motion to amend only if the original motion is debatable. Debate is limited to the proposed amendment. A majority vote is required for the Commission to adopt an amendment. If the amendment is adopted then the Commission shall consider the amended version of the motion. Concerning the amending of particular motions:~~

~~3.04.02(a) If a Commissioner feels that the main motion might be more acceptable stated other than as presented, the Commissioner may amend through substitution, insertion of stipulations, striking out portions, or striking out and inserting portions.~~

~~A substitute motion shall be treated as a motion to amend. Such proposed amendments shall be handled in one of the following ways:~~

~~3.04.02(a)(1) by unanimous consent of the Commissioners; the chair, or another Commissioner, through the chair, may suggest changes or stipulations, and if there are no objections from the Commissioners, the motion shall be amended by unanimous consent.~~

~~3.04.02(a)(2) with a second, discussion and a majority vote on the proposed amendment.~~

~~3.04.02(b) If a proposed amendment fails to obtain unanimous consent or a majority vote, the main motion considered shall be the one originally presented.~~

~~3.04.02(c) An amendment must be germane (relating to the substance of the main motion) and may not introduce an independent question.~~

~~3.04.02(d) Improper amendments shall be:~~

~~3.04.02(d)(1) one(s) which are not germane,~~

~~3.04.02(d)(2) one(s) which would make the adoption of the amended motion equivalent to a rejection of the motion;~~

~~3.04.02(d)(3) one(s) which are, in the opinion of the Chairman Mayor, frivolous or absurd.~~

~~3.04.03 Refer to A Committee (Commit). If a Commissioner believes that further information is needed before the Commission can act on a main motion, he may propose that the motion be referred to a specific committee or department for further study. If an appropriate committee does not already exist, then a committee may be formed as a part of the motion. A motion to commit should specify the date that the committee or department will report back to the Commission. A motion to refer 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. This motion is amendable. A majority vote is required for the motion to pass.~~

~~3.04.04 Postpone to a Time Certain (Postpone Definitely). A motion to postpone to a certain time may be proposed if a Commissioner believes that the main motion should not be considered until a future time. This motion shall set a particular time for the main motion to be considered again. It is debatable and can be amended. A motion to hold to a time certain shall require a second and discussion shall be limited to the reason for holding the motion or the time to which it is to be held. If the motion fails, the motion to be considered shall be that motion which was on the floor prior to the motion to hold to a time certain. If this motion is passed, the Chairman Mayor will bring the original motion back to the~~

Commission for consideration at the specified time which may be at the same meeting, at a subsequent meeting, or upon the occurrence of a specified event. A majority vote of the Commission is required for the motion to pass.

~~3.04.05 Limit or Extend Limits of Debate. A motion to limit debate places a time constraint on the length of debate. The details of such a motion are to be decided by the Commissioner who makes the motion. This motion can also be used to extend the limits of debate if a limit on debate already exists. Debate is not allowed on this motion. A majority vote of the Commission is required for the motion to pass.~~

~~3.04.06 Vote Immediately (Call The Question). A Commissioner may move to "call the question" (i.e., move to end discussion) when it is clear that further discussion is unnecessary or that discussion is becoming repetitive. This motion shall not require a second and no discussion on the motion shall be allowed. If there is no objection, then it will be presumed there is unanimous consent. Should there be an objection, an affirmative vote of a majority of the Commission shall be required.~~

~~3.04.07 Lay on the Table (Postpone Temporarily). A motion to lay on the table proposes that the consideration of a main motion be postponed until a later time in the same meeting. The main motion can be brought back for consideration only if a motion to Resume Consideration is accepted by the Commission during the same meeting. The motion will die if it is not taken up during the meeting. Debate is not allowed on this motion and the motion is not amendable. A majority vote of the Commission is required for the motion to pass.~~

3.05 Privileged Motions. Privileged motions facilitate the running of the meeting. They do not address or relate to a main motion and can be introduced whether or not there is a main motion under consideration. Privileged motions take precedence over all subsidiary motions. Debate is not allowed on these motions.

~~3.05.01 Question of Privilege. A formal question addressed to the chair concerning the rights of a Commissioner or of the Commission as a whole is referred to a question of privilege. It does not require a second and cannot be debated or amended. The chair is required to make a ruling on the question, and no vote is required unless a motion arises out of the privilege.~~

~~3.05.01(a) If any matters occur which impede the Commission's completion of its business (e.g., noise, mechanical difficulties with equipment, matters that affect the safety, orderliness, or comfort of the Commissioners, or affecting the honor of an individual Commissioner) any Commissioner may state to the Chairman Mayor that he/she has a question of privilege and the matter must be addressed before the pending business of the Commission continues.~~

~~3.05.02 Recess. A motion to recess proposes that the meeting be suspended for a particular amount of time when business is still pending. It is a temporary intermission of the proceedings. A recess may be taken as it appears on the agenda or as it is declared by the~~

chair when he/she deems it advisable or by a motion from a Commissioner. The motion must specify the length of the recess. The motion must also be seconded. Debate is not allowed on this motion, but the motion can be amended. A majority vote is required for the motion to pass.

~~3.05.03 Adjourn. The highest ranking motion shall be the motion to adjourn, requiring a second and a 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.~~

~~**3.06 Incidental Motions.** Incidental motions allow Commissioners to exert their rights as a member of the Commission. Incidental motions can be introduced at any time during a meeting.~~

~~3.06.01 Appeal. Whenever a Commissioner believes that the chair is mistaken in a 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:~~

~~3.06.01(a) in response to a parliamentary inquiry or point of information; or~~

~~3.06.01(b) in areas that challenge verifiable rulings of a factual nature.~~

~~3.06.01(c) The chair shall state the motion as Shall the Chair's decision be sustained? A tie vote shall sustain the chair, because a majority vote of the Commission shall be required to overturn the chair's ruling. An Appeal is high in precedence and can only be interrupted by a privileged motion or by a motion to lay on the table.~~

~~3.06.02 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. This question should take the form of a parliamentary inquiry and should relate to the current business of the Commission. The chair will answer such questions or may ask the Augusta-Richmond County Attorney or parliamentarian for an opinion. The chair's reply, whether or not he/she has requested advice from the Augusta-Richmond County Attorney or parliamentarian, is an opinion, not a ruling. If a Commissioner does not agree with the chair's opinions 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.~~

~~3.06.03 Point of Order (Question of Order). If a Commissioner believes that a violation of the rules of parliamentary procedure has occurred, he can raise a point of order. A second is not required. The chair can make a ruling on the question or can allow the Commission to debate and then rule on the question by majority vote. A point of order can only be interrupted by a privileged motion or by a motion to lay on the table.~~

~~3.06.04 Point of Information (Request for Information). If a Commissioner has a question about the facts of a particular issue that is being considered, he may ask 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. This motion is addressed first to the appropriate person. A second is not required, and the motion is not debatable or amendable.~~

~~3.07 Supplementary Main Motions. Three motions allow the Commission to act on a main motion that has either been passed or tabled by the Commission. These motions are considered to be main motions but differ from usual main motions in the ways specified.~~

~~3.07.01 Reconsider. The motion to reconsider allows the Commission to debate whether or not to overturn a decision made at the meeting that is in progress. It allows the Commission to consider new information that may affect the decision that has already been made. Any Commissioner can make a motion to reconsider and any Commissioner may second the motion. The motion is debatable, but it cannot be amended. A majority vote of the Commission is required for the motion to pass. If a motion to reconsider is passed, the original decision will be voided, and the Commission will return to debate and revote the original motion.~~

~~3.07.02 Rescind. A motion to rescind proposes that the Commission overturn a motion passed at a previous meeting. A motion to rescind can be made by any Commissioner. It is in order as long as the original motion has not been implemented, but the motion to rescind shall not be in order if:~~

~~3.07.02(a) the motion to rescind is made, at the same meeting in which the action was taken;~~

~~3.07.02(b) a motion to reconsider was taken and lost;~~

~~3.07.02(c) the matter is routine and only part of the action needs to be changed, in which case the motion to "amend a previously adopted action" shall be used;~~

~~3.07.02(d) something has been done as a result of the vote to implement the earlier action adopted. An announcement of the intention to rescind a motion may be made at the meeting where the decision was made, or the Commissioner seeking to rescind may place the matter on the agenda for the next meeting. The motion to rescind will then be placed on the agenda for the next meeting. At the next meeting, the motion to rescind will formally be made. If it is seconded, then the Commission shall debate and vote on revision. A majority vote of the Commission is required for the motion to pass. If a motion to rescind is passed, the original decision will be voided.~~

~~3.07.03 Resume Consideration. The motion to resume consideration allows the Commission to consider a motion that has been temporarily postponed. This motion~~

~~requires a second and is not debatable or amendable. It is a main motion but ranks higher than any debatable motion. A majority vote is required for the motion to pass.~~

~~**4.00 Actions of the Commission.** All communications to persons, firms or corporations affected by actions taken at a called or regular meeting of the Commission shall be made by the Administrator for Augusta-Richmond County, informing them of the action taken.~~

4.01 Ordinances and Resolutions.

~~4.01.01 Every ordinance or resolution proposed for adoption by the Commission shall be introduced in writing and the caption of each ordinance shall be read previous to the adoption of the ordinance, unless some member of the Commission shall then and there demand that the entire ordinance be read. Upon such demand being made, the clerk shall read the entire ordinance. No ordinance or resolution shall pass which refers to more than one subject matter or contains matter different from that expressed in the title thereof, except ordinances or resolutions adopting the annual operating and capital budgets and general codification and revisions of ordinances and resolutions of the Commission.~~

~~4.01.02 Except for emergency ordinances under subsection 4.01.03 of this section or ordinances amending the Zoning Map for Augusta-Richmond County, or upon a unanimous vote of the Commission, no ordinance shall be adopted until it has been read or presented in written form at two meetings held not less than one week apart. A resolution may be adopted at the same meeting at which it is introduced. The affirmative vote of at least six (6) members of the Commission shall be required for the adoption of any ordinance or resolution; Provided, however, a vote of two thirds of the Commission, excluding the Chairman Mayor, shall be required to change any provision of the Consolidation Act as required by said Consolidation Act. The passage of all ordinances or resolutions shall require the recording of "ayes" and "nays" and the names of the members of the Commission voting for and against each proposed ordinance or resolution or amendment thereto shall be entered in the minutes of the proceedings of the Commission.~~

~~4.01.03 To meet a public emergency threatening life, health, property, or public peace, the Commission may adopt emergency ordinances or resolutions, but such ordinances or resolutions may not be enacted to levy taxes, or to grant, renew or extend a franchise, or to regulate the rate charged for any public utility or service, or to authorize the borrowing of money. An emergency ordinance or resolution shall be in the form prescribed for ordinances or resolutions generally, except that it shall be plainly designated as an emergency ordinance or resolution and shall contain a declaration stating what emergency exists. An emergency ordinance or resolution may be adopted with or without amendment or may be rejected at the meeting at which it is introduced, but the affirmative vote of at least six (6) members of the Commission shall be required for its adoption. It shall become effective upon adoption or at such later time as it may specify.~~

~~4.01.04 The caption of each ordinance shall be read once previous to the adoption of the ordinance. All readings of every ordinance shall be by reading the caption of such ordinance only, unless some member of the Commission shall then and there demand that~~

the entire ordinance be read. Upon such demand being made, the clerk shall read the entire ordinance.

~~4.02 Signing, Authentication, and Recording.~~ Every ordinance or resolution adopted by the Commission shall be submitted to the Chairman Mayor for his/her signature as promptly as practicable following its adoption. The Clerk of the Commission shall authenticate by the Clerk's signature and cause to be recorded in full all ordinances and resolutions adopted by the Commission and signed by the Chairman Mayor or otherwise becoming law in a properly indexed book kept for such purpose which shall be a public record and open to public inspection. The Commission shall further provide for the periodic updating, revision, codification, and printing of all ordinances or resolutions of a general and permanent nature, together with such codes of technical regulations and other rules and regulations as the Commission may require.

~~4.03 Publication of Ordinances, Notices, etc.~~ It shall be the duty of the Chairman Mayor to have published in the official gazette or newspaper of Augusta-Richmond County the ordinances of the Commission, the proclamations of the Chairman Mayor and all other official notices of either the Commission or the Chairman Mayor ordered to be published by them, respectively; also, such other matters as the Chairman Mayor may deem advisable to publish. The ordinances of the Commission shall be published one time; all other matters shall be published such number of times as the Commission or the Chairman Mayor may direct. The Chairman Mayor shall have published in such official gazette or newspaper only the captions of the ordinances of the Commission and shall not have the bodies of such ordinances published.

~~5.00 Parliamentarian.~~ The Augusta-Richmond 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.

~~6.00 Parliamentary Authority.~~ The latest edition of ROBERT'S RULES OF ORDER NEWLY REVISED shall govern meetings of the Augusta-Richmond County Commission in all areas in which it is applicable and in which it is not inconsistent with these rules adopted by the Commissioners, or with higher law.

~~7.00 Amendments.~~ These Rules may be amended by a majority of the entire Commission at a regular meeting or special meeting of the Augusta-Richmond County Commission, provided notice has been given of the amendment(s) at the meeting prior to the vote on the amendment(s).

APPENDIX

Parliamentary Definitions

The following parliamentary definitions apply to the RULES OF PROCEDURE FOR THE Augusta-Richmond County Commission

adjourn—to officially terminate a meeting

adjourned meeting—a meeting that is a continuation at a later time of a regular or special 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 at a meeting, thus making this record the official minutes of the Commission~~

~~chair—the Chairman Mayor or Vice Chairman Mayor Pro Tempore~~

~~Code of Conduct—The Richmond County Code of Conduct~~

~~Commission—the Augusta Richmond County Commission~~

~~Commissioner—any of the ten members serving on the Commission elected from the ten (10) districts established by the Consolidation Act~~

~~Commission parliamentary rules—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 Commission~~

~~Consolidation Act—the Act consolidating the City Council of Augusta and Richmond County found in 1995 Ga. Laws p. 3648~~

~~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 receives 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 six (6) Commissioners or the vote of five (5) Commissioners and the vote of the Chairman Mayor in the event of a tie~~

~~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 words, "I move that ..."~~

~~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 Commission as its parliamentary guide, governing in all parliamentary situations not otherwise provided for in the Consolidation Act, the Code of Richmond County, the Code of the City of Augusta, or other governing Bodies~~

~~pending motion—sometimes referred to as pending question; a motion that has been proposed and stated by the chair for the Commission's consideration and that is awaiting decision by vote~~

~~precedence—the order or priority governing the motion~~

~~precedent—a course of action that may serve as a guide or rule for future similar situation~~

~~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~~

~~O.C.G.A.—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; seven (7) members of the Commission shall constitute a quorum for any meeting of the Richmond of the Augusta Richmond County Commission~~

~~recognitions—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~~

~~request—a statement to the chair asking a question or some "right"~~

~~reseind—to nullify or cancel out a previous action, cannot be made if action has already been taken to implement the motion it wishes to reseind~~

~~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 Commission~~

~~second—a Commissioner's statement that he/she is willing to have the motion considered~~

~~seriatim—consideration by sections or paragraphs~~

~~statute—a law passed by the Georgia legislature~~

~~technical inquiry—request for information relevant to the business at hand~~

~~tie vote—a 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 a single objection a vote must be taken~~

~~unfinished business—any business that is postponed definitely to a time certain~~

~~Note The Rules of Procedure for the conduct of parliamentary business coming before the Augusta, Georgia Commission were first adopted by the Commission in 1996.
Sees. 1-2-14 1-2-25. Reserved.~~

Exhibit C

REPLACE WITH the following in Sec. 1-2-13. Rules of Procedure- Appendix A:

RULES OF PROCEDURE

for the

AUGUSTA, GEORGIA
COMMISSION

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OPERATIONAL PROCEDURE

1.02 MEETING-Time and place; committees.

1.02.01 Except for the months of April and July, Regular Commission meetings shall be held on the first and third Tuesday of each month at 2:00 p.m. in the Commission Chambers on the second floor of the Municipal Building. Except as otherwise provided by law, all meetings of the Commission shall be public meetings.

1.01.01(a) The first meeting in April of each year shall be held on the last week of the preceding March.

1.01.01(b) The first meeting in July of each year shall be held on the last week of the preceding June.

1.01.08 Regular Commission meetings for Executive Session matters and matters requiring urgent approval shall be held on the second and last Tuesday of every month at 11:00 a.m. in the Commission Chambers on the second floor of the Municipal Building.

1.01.02(a) Executive Session meetings shall be conducted in accordance with the Georgia Open Meetings Act.

1.01.09 Except for the months of April and July, all regular committee meetings shall be held on the second and last Tuesday of every month in the Lee N. Beard Commission Chamber beginning at 1:00 p.m. with the Public Services Committee starting first every time followed by an alphabetic rotation of the following committees Administrative Services, Engineering Services, Finance, Public Safety on a two-month rotation cycle.

1.01.03(a) The last committee meetings in March of each year shall be cancelled and all items on such committees shall be forwarded to the last Commission meeting in March.

1.01.03(b) The last committee meetings in June of each year shall be cancelled and all items on such committees shall be forwarded to the last Commission meeting in June.

1.01.10 Other called meetings of the Commission and Committees and the subject, dates and time of these meetings may be scheduled as needed and notification of such meetings shall be provided to the public in advance as required by law.

1.01.11 If there is a necessity to change the time and date of the regular meeting of the Commission or Committees or of any specially called meetings or any executive session meeting, this shall be done by request of the Mayor or a majority of the members of the Commission, provided a majority of the Commissioners can attend the meeting which shall be held on a different day. Notice of the time and date change shall be provided to the Mayor and Commission.

1.01.12 The Commission may hold such additional meetings as shall be deemed necessary when called by the Mayor or a majority of the members of the Commission, provided all members shall have been notified at least twenty-four (24) hours in advance of the special meeting. Provided, further, that a majority of the Commission may convene the same in extraordinary session for emergency business, such a natural disaster or civic disturbance, whenever in their judgment it may be necessary.

1.01.13 An adjourned meeting is a continuation of the meeting immediately preceding, whether a regular or special meeting.

1.01.07(a) If a scheduled meeting of the Commission is not completed due to time constraints or emergency, the meeting shall be adjourned to the following day or to a specific day scheduled by the Commission to allow for the completion of pending business.

1.01.07(b) In an adjourned meeting (regular or special), only business which would have been proper to consider at the immediately preceding meeting may be considered and acted upon at the adjourned meeting.

1.01.07(c) Adjourned meetings resume business under the same rules, limitations and rights as the immediately preceding meeting.

1.02.08 Any action taken at any committee meeting (other than to postpone the agenda item to the next, or a future, committee meeting) shall be placed on the agenda of the regular meeting, regular called meeting, or special meeting of the full Commission for approval of the action of the committee. In the event there is no quorum at a committee, all such items on such agenda shall be placed on the agenda of the next regular meeting of the full Commission.

1.03 QUORUM

1.03.01 Seven (7) members of the Commission shall constitute a quorum for any meeting of the Augusta, Georgia Commission.

1.03.02 If a quorum is not present thirty (30) minutes following the scheduled hour for convening the meeting, the Chairman-Mayor or the Vice Chairman-Mayor Pro Tempore, or in their absence, the Administrator (or his/her designee), may adjourn the meeting until the next day. By unanimous consent of those Commissioners present, the meeting may be adjourned to another hour and day.

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

1.02.03(a) fix another day at which to reconvene;

1.02.03(b) adjourn and return at the next regular meeting;

1.02.03(c) recess to determine if a quorum will be present within a short period of time.

1.04 Chairman-Mayor.

1.03.01 The Chairman-Mayor shall have the rights and privileges of the other Commissioners with respect to debate, but shall have the right (but is not obliged) to vote on any matter (excluding appointment of any Commissioner to a committee and excluding voting as a member of any Committee as provided in the Consolidation Act) only to break a tie or to create a tie. Additionally, his/her duties during meetings shall include:

1.03.01(a) presiding over meetings of the Commission;

1.03.01(b) calling the meeting to order at the scheduled hour;

1.03.01(c) determining that a quorum is present;

1.03.01(d) preserving decorum and order at all meetings,

1.03.01(e) making the Commissioners aware of the substance of each motion;

1.03.01(f) calling for each vote;

1.03.01(g) announcing the results of each vote;

1.03.01(h) calling for a recess at such times as deemed advisable.

1.03.02 The Chairman-Mayor shall exercise such other duties as prescribed in Consolidation Act or by ordinance.

1.04 Vice Chairman-Mayor Pro Tempore. A Vice Chairman-Mayor Pro Tempore shall be elected from among the district Commissioners at the first regular meeting in January of each odd-numbered year as provided in the Consolidation Act. The Vice Chairman-Mayor Pro Tempore shall serve for a period of two years and shall have all rights, privileges and duties of the chair in the absence of the chair (excluding the right to vote to create or break a tie), and in addition shall have the right to make motions and vote on any issue, including matters coming before any Committee of which he is a member. The Vice Chairman-Mayor Pro Tempore may succeed himself/herself, subject to the two consecutive term limitation contained in the Consolidation Act.

1.05 Absence of Chairman-Mayor and Vice Chairman-Mayor Pro Tempore. In the absence of the Chairman-Mayor and Vice Chairman-Mayor Pro Tempore, the Administrator shall determine whether a quorum is present. If a quorum is present, the Administrator shall call for the election of a temporary chair. The temporary chair shall preside over that meeting or until the

conclusion of the business immediately pending at the time the Chairman-Mayor or Vice Chairman-Mayor Pro Tempore arrives.

1.06 Minutes.

1.06.01 All actions of the Commission, except for actions described in O.C.G.A. § 50-14-3 and § 50-14-4, (or as these sections may be amended from time to time), shall be accurately recorded by the Clerk (or his/her designee) in the minutes which minutes shall include:

1.06.01(a) all main motions, exactly as worded when adopted (including amendments or stipulations);

1.06.01(b) the name of the maker of all important motions;

1.06.01(c) disposition of all main motions, Whether

1.06.01(c)(1) adopted;

1.06.01(c)(2) defeated;

1.06.01(c)(3) referred to committee or to staff for further information or recommendations;

1.06.01(c)(4) held until a definite time;

1.06.01(c)(5) the vote of each Commissioner; and 1.06.01(c)(6) comments of Commissioners verbatim.

1.06.02 The minutes of meetings of the Commission shall, at a minimum, briefly describe all statements made and shall record the actions taken by the Commission. Any statement shall be recorded in full at the request of a member of the Commission. A member of the Commission may incorporate an additional statement when the minutes are read. The minutes shall be read before they are approved as soon as is possible or feasible but in no case later than the next regular meeting of the Commission.

1.06.03 The responsibility for correcting and approving the minutes shall be vested only in the members of the Commission. The minutes of each meeting shall indicate their subsequent approval/ correction. The minutes may be corrected whenever an error is noticed upon approval of the Commission regardless of the time which has elapsed since recording of the minutes.

1.06.04 The minutes shall be attested to by the Clerk or his/her designee.

1.07 Regular Agenda.

1.07.01 All agenda items shall include all supporting documentation and such shall be submitted to the Clerk for inclusion on the agenda for all meetings of the Commission.

1.07.02 Subject to the limitation of Rule 1.07.08, the Administrator, any elected official and any member of the Commission shall have the right to have an item placed on the regular agenda of the Commission provided said item is submitted to the Clerk of Commission no later than 9:00 a.m. on the Thursday prior to the Tuesday of the regular Commission meeting or any regular Committee meeting. An item may be added to the regular agenda after the 9:00 a.m. Thursday deadline with the unanimous consent of the commission members in attendance. Unanimous consent of the committee members present shall be required to add and item to a committee agenda after the 9:00 a.m. Thursday deadline.

1.07.03 The Clerk shall be responsible for assembling the agenda and distributing it to all Commissioners no later than Friday in advance of the scheduled meeting.

1.07.04 An item may be removed from the agenda after 9:00 a.m. on the Thursday prior to the Tuesday of the regular Commission meeting with unanimous approval of the members of the Commission attending the regular meeting.

1.07.05 An item may be removed from the agenda prior to 9:00 a.m. on the Thursday prior to the Tuesday of the regular Commission meeting upon the request of the individual who was responsible for placing the item on the agenda.

1.07.06 No item pertaining to alcoholic beverage application shall be placed on the agenda within one (1) year from the date of the denial of the application by the Commission.

1.07.07 No item pertaining to zoning shall be placed on the agenda for the same zoning classification within one (1) year from the date of the denial of the application by the Commission.

1.07.08 If an item has appeared on the Commission Agenda and been defeated, or if no action is taken on an item, it shall not be considered again by the Commission until it has been discussed at the committee level.

1.08 Consent Agenda.

1.08.01 All items contained in the consent agenda may be voted on *en gross*. Prior to the vote on the consent agenda, any Commissioner may withdraw an item from the consent agenda so that it shall be voted on individually.

1.08.02 A non-agenda item shall be defined as that which is deemed by a Commissioner to require urgent attention, but which has not been placed on the published agenda.

1.08.02(a) If a Commissioner requests that a non-agenda item be added to the consent agenda, he/she must provide the specific item, and the reasons immediate attention is required, to the Commission.

1.08.02(b) The unanimous consent of the Commissioners present at the meeting shall be required to add an item to the consent agenda.

1.09 Voting.

1.09.01 All votes shall be taken by raised hand, except those which the chair handles through unanimous consent (i.e., "If there are no objections ... "), and unless there is a request for a roll-call vote. A single objection will require that a counted vote be taken. An affirmative vote of at least six (6) members of the Commission shall be required to adopt a motion, except where otherwise indicated.

1.09.02 Any Commissioner shall have the right to request a roll call vote on any issue, in which event the chair shall direct the Clerk to call the roll in alphabetical order, except that the Chairman-Mayor's name shall be called last and only when his vote will create or break a tie. As each Commissioner's name is called, such Commissioner shall vote either "yes" or "no" to the question presented. To verify the vote and to correct possible errors, the Clerk repeats the vote after each member responds to his name. At the conclusion of the roll call, the Chairman-Mayor can ask if anyone entered the room after his name was called. Changes of the vote are also permitted before the result is announced.

1.09.03 When an entire agenda "tab" has been moved to be voted upon by an *en gross* vote (see Section 3.01.05 herein), a Commissioner may, without discussion state that he/she is voting in the affirmative on all of the agenda items on that "tab" except certain ones which he/she will name by number. In such cases, the votes of the Commissioner(s) will be recorded as negative for the items named, unless the Commissioner abstains as provided in Section 1.09.06.

1.09.04 If a motion has been voted on without discussion and a Commissioner feels that it is necessary to explain his/her vote, he/she may have no more than one minute to give public reasons for his/her vote. The chair will not allow the Commissioner to repeat discussion that has already taken place at the same meeting, however.

1.09.05 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 Commission and the motion shall be rescheduled for another time; Provided, however, the Chairman-Mayor shall have the right to vote to create or break a tie.

1.10 Public Participation in Commission Meetings.

1.10.01 Persons wishing to address the Commission shall do so during the Public Comment portion of the agenda.

1.10.02 Subject to the limitations provided for herein, speakers will be allowed to appear before the Commission at the public comment session prior to the regular agenda with each speaker allotted a maximum of five (5) minutes for their presentation.

1.10.02(a) Persons seeking to complain about the performance or lack thereof of an employee of Augusta, Georgia shall submit such requests to the Administrator for resolution. Such requests for public comment will not be heard by the Commission or any committee.

1.10.02(b) Persons or businesses seeking to do business with Augusta, Georgia shall submit such requests to the Administrator for consideration in accordance with the requirements of the Procurement Code. Requests to make presentations for products or services will not be heard by the Commission or any committee except as permitted by the Procurement Code.

1.10.03 Each speaker must submit a request in writing, including his/her address, which will state the topic of discussion, to the Clerk's office no later than 9:00 a.m. on the Thursday preceding the next regularly scheduled Commission.

1.10.04 An extension of the five (5) minute limit per person may be granted upon the affirmative vote of six (6) members of the Commission.

1.10.05 If deemed advisable by the Chairman- Mayor, a written response to a speaker may be provided by the appropriate County staff within thirty (30) days. The Commission may respond verbally at the completion of any speaker's presentation.

1.10.06 After each individual speaker's remarks have concluded, the Chairman Mayor may, but shall not be required to, briefly respond, either personally or through another member of the Commission whom the Chairman-Mayor shall designate. In addition, when a request for special action or a grievance has been heard the matter will be referred to the Administrator (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.

1.10.07 No speaker will be allowed to return on public comment on the same issue within a period of ninety (90) days; however a speaker may return on another issue following the policy and procedure.

1.10.08 All speakers, other than salaried members of the Augusta, Georgia staff, shall address the Commission in the following manner:

1.10.08(a) Stating name and address (address is required only if individual has not previously provided address to Clerk).

1.10.08(b) Stating whether he/she is speaking for himself/herself or for another;

1.10.08(c) Stating if he/she represents an organization and whether he/she is being compensated by the organization for whom he/she speaks;

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

1.10.08(e) Stating his/her comments.

1.10.09 All remarks shall be to the Commission as a body and addressed through the chair. Remarks shall not be made to a particular Commissioner.

1.10.10 Questions from Commissioners, the Administrator, and/or the Augusta Richmond County Attorney may be made for clarification. However, no person shall be permitted to enter into any discussion, either directly or through a member of the Commission, without permission of the chair.

1.10.11 All remarks must be related to the issue on which the speaker has requested to be heard. No person shall be allowed to make impertinent, derogatory, offensive or slanderous remarks while addressing the Commission.

1.10.11(a) A person may be barred from further speaking before the Commission in that meeting if his/her conduct is deemed "out of order";

1.10.11(b) Once barred for improper conduct, a speaker shall not be permitted to continue or again address the Commission in that meeting unless a majority vote of the Commission allows;

1.10.11(c) In the event a speaker who is barred fails for improper conduct to obey the ruling, the chair may take such action as is deemed appropriate, including the removal of such person from the assembly;

1.10.11(d) The Commission may bar a person from addressing Commission meetings for up to sixty (60) days for improper conduct. A person barred by the Commission for this period may request a hearing by written request to the chair, which request shall state the reason(s) for a reversal of the decision. All requests for hearings shall be placed on the agenda and heard by the Commission. An affirmative vote of six (6) members of the Commission shall be required to overturn the previous decision to bar the persons.

1.10.11(e) If not otherwise recognized by the Chair, upon motion and the affirmative vote of six (6) members of the Commission, the Commission may allow public comment on an agenda item at the time the item is being considered by the Commission. These comments must be limited to the subject that is being debated. Members of the public may speak for five minutes and may only speak once. These limits can be waived by the affirmative vote of six (6) members of the Commission.

1.10.11(f) The Commission may schedule public hearings for the purpose of soliciting public comment on any subject of interest to the Commission. Hearings may be held immediately prior to or following a meeting of the Commission or at such other places and times as the Commission may determine. No official action shall be taken at any such public hearing.

1.11 Appointments by the Commission.

1.11.01 Appointments shall be made as necessary. When it is has been determined, by the Consolidation Act or other rule or manner, that it is the "right" or "turn" of a particular Commissioner to nominate a candidate for a position, such nominee must be elected by a majority of the Commission. If any nominee, however nominated, fails to receive a majority vote, alternate candidate(s) may be nominated until the position is filled by majority vote.

1.11.02 Any appointment to fill an expired or a new term on any board or commission, which appointment is made by the Commission, shall not have less than six (6) votes of approval.

2.00 Decorum of Debate. The following practices shall be followed in debate on motions and matters presented to the Commission.

2.01 Adherence to Agenda.

2.01.01 In discussion, the remarks made by the Commissioners shall be confined to the motion or matters immediately before the Commission.

2.01.02 All Commissioners must conduct themselves in a professional and respectful manner. All remarks should be directed to the Chairman-Mayor and not to individual Commissioners, staff or citizens in attendance. Personal remarks are inappropriate. A Commissioner may not speak at a meeting until he has been recognized by the Chairman-Mayor. All comments made by a Commissioner shall address the motion that is being discussed.

2.01.03 During these remarks a Commissioner must observe the same rules of decorum as those set forth in Section 2.02 below, and may be called to order by the Chairman-Mayor or another Commissioner if there is a breach of those rules.

2.01.04 A Commissioner may not 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.

2.02 Discussion of the Issue. In discussion, a Commissioner may condemn the nature of likely consequences of the proposed measure in strong terms, but must avoid a discussion of 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. Any

Commissioner wishing to discuss an issue shall be allowed to do so; however, discussion of any particular issue by any particular Commissioner shall be limited to two (2) minutes of discussion and one (1) minute of rebuttal, unless debate is extended by the chair or by motion as provided in Section 3.04.05 hereof.

2.03 Call to Order, Remarks. The chair shall immediately call as "out of order" any remarks made outside the issue being addressed. Additionally, another Commissioner may call this breach of procedure to the attention of the chair and other Commissioners. In either case, the speaking Commissioner shall be required to continue with his/her remarks confined to the issue.

2.04 Discussion Through the Chair. 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).

2.05 Disruptions. During discussion or voting, no Commissioner shall disturb the other Commissioners in any way that may be considered disruptive to the proceedings or that may hamper the transaction of business by the Commission.

2.06 Call to Order, Action. The chair may rule as "out of order" any action deemed inappropriate or dilatory and may interrupt a speaker for reasons deemed necessary by the chair. The Chairman-Mayor shall say, "Commissioner/speaker, those remarks are out of order. Please cease this line of comment and make appropriate comment to the issue.

2.07 Call of "Out Of Order".

2.07.01 If a member of the Commission refuses to comply with these Rules of Procedure the following procedure shall be used:

2.07.01(a) The Commissioner shall be "called to order" by the chair, who shall say, "Commissioner _____ [using name], you are now out of order. If you persist a reprimand will be entered into the record."

2.07.01(b) If a Commissioner defies the ruling of the chair, the Chairman Mayor shall state, "Commissioner, you are personally out of order. Let the record indicate a reprimand against Commissioner _____ Commissioner _____, you have a right at this time to appeal the ruling of the chair by asking that a roll call vote of the Commissioners present be taken and a statement by each Commissioner be recorded as to why he/she is for or against the ruling of the chair. A majority vote of the members of the Commission present shall govern."

3.00 Procedure in Meetings.

3.01 Motions.

3.01.01 In order for the Commission to take any official action on any subject, a Commissioner must propose a Main Motion or there must be a Recommended Main

Motion, as provided in Section 3.01.02(a). A proposed Main Motion must be seconded before there will be discussion on the motion. A second does not require the Commissioner seconding the motion to support the motion. A Commissioner may withdraw a Main Motion that he has made as provided in Section 3.01.04 hereof, at any time before the Commission has voted on that motion. Prior to taking a vote, the chair shall state the motion (or resolution) or its substance, or he/she may call upon the Clerk or secretary to do so.

3.01.02 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."

3.01.03 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'."

3.01.04 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 Commission, action of the Commission must be taken in either of the following ways:

3.01.04(a) The chair may ask the Commission 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;

3.01.04(b) If there is an objection to the motion being withdrawn, then the chair shall take an official vote on the "motion to withdraw the motion", a second being required. A majority vote shall be required to adopt the motion to "withdraw the motion."

3.01.05 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*." (See Section 1.08.02.)

3.01.06 When several alternatives need to be considered (such as staff recommendations that propose various options for the Commission to consider), unlimited choices may be considered by "Filling the Blank" in the motion:

3.01.06(a) No Commissioner may suggest more than one proposal for filling the blank without unanimous consent from the other Commissioners;

3.01.06(b) Each proposal shall be debatable and shall be treated as an independent item to be voted on separately until one has been approved by a majority. As soon as one proposal has received a majority, no others shall be considered;

3.01.06(c) Alternatives (from staff recommendations and/or suggestions by Commissioners) are listed in logical order for voting:

3.01.06(c)(1) Names are listed in the order in which they were proposed.

3.01.06(c)(2) Other proposals are listed in the order of their probable acceptability, beginning with the least popular choice.

3.02 Main Motions.

3.02.01 A main motion is a motion whose introduction brings business before the Commission.

3.02.01(a) Recommended Main Motions- A recommendation from staff, or another item published in the agenda for action, shall be handled as an Recommended Main Motion by the chair. That is, 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.

3.03 Ranking of Motions.

3.03.01 Each subsidiary and privileged motion is assigned a specific rank. A motion of higher precedence can interrupt motion of lower precedence. The higher motion must be decided before the Commission returns to consider the motion of lower precedence.

3.03.02 A main motion has the lowest rank and does not take precedence over any other motion. A motion to adjourn has the highest rank and will take precedence over all other subsidiary and privileged motions. The order of precedence of motions shall be in accordance with this Section. Motions at the top of the following list take precedence over motions at the bottom of the list.

HIGHEST RANK:

PRIVILEGED MOTIONS (Undebatable)

1. Adjourn

2. Recess

3. Question of Privilege

SUBSIDIARY MOTIONS (Undebatable)

4. Lay on the Table (Postpone
Temporarily)

5. Vote Immediately (Previous Question)

6. Limit Debate or Extend

SUBSIDIARY MOTIONS (Debatable)

7. Postpone to a Time Certain (Postpone Definitely)

8. Refer to Committee (Commit)

9. Amend

10. Postpone Indefinitely

OTHER MOTIONS

LOWEST RANK-

11. Main Motion

3.04 Subsidiary Motions. During the course of debate, Commissioners may introduce motions that propose that the Commission take a particular action on a main motion. These motions are called subsidiary motions and they allow the Commission to reach a conclusion on the main motion. Subsidiary motions require a second before they can be voted on or debated. Three subsidiary motion, Amend, Limit Debate, and Vote Immediately, also can apply to other subsidiary motions.

3.04.01 Postpone indefinitely. If a Commissioner believes that the main motion should not be considered by the Commission, that Commissioner may move to postpone the consideration of the main motion indefinitely. If the motion is successful, consideration of the main motion stops and the main motion is tabled for the duration of the meeting. A motion to postpone indefinitely can be debated, but it can be amended. A majority vote of the Commission is required for the motion to pass.

3.04.02 Amend. If a Commissioner believes that a main motion that is on the table should be changed in order to make it more acceptable, he can move to amend the motion. Amendments must be closely related to the original motion and must not change the nature of the motion that they amend. Motions to refer, amend, postpone to a time certain and the motion to recess can also be amended. A motion cannot be amended more than two times. Debate is allowed on a motion to amend only if the original motion is debatable. Debate is limited to the proposed amendment. A majority vote is required for the Commission to adopt an amendment. If the amendment is adopted then the Commission shall consider the amended version of the motion. Concerning the amending of particular motions:

3.04.02(a) If a Commissioner feels that the main motion might be more acceptable stated other than as presented, the Commissioner may amend through substitution, insertion of stipulations, striking out portions, or striking out and inserting portions. A substitute motion shall be treated as a motion to amend. Such proposed amendments shall be handled in one of the following ways:

3.04.02(a)(1) by unanimous consent of the Commissioners; the chair, or another Commissioner, through the chair, may suggest changes or stipulations, and if there are no objections from the Commissioners, the motion shall be amended by unanimous consent.

3.04.02(a)(2) with a second, discussion and a majority vote on the proposed amendment.

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

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

3.04.02(d) Improper amendments shall be:

3.04.02(d)(1) one(s) which are not germane.

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

3.04.02(d)(3) one(s) which are, in the opinion of the Chairman Mayor, frivolous or absurd.

3.04.03 Refer to A Committee (Commit). If a Commissioner believes that further information is needed before the Commission can act on a main motion, he may propose that the motion be referred to a specific committee or department for further study. If an appropriate committee does not already exist, then a committee may be formed as a part of the motion. A motion to commit should specify the date that the committee or department will report back to the Commission. A motion to refer 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. This motion is amendable. A majority vote is required for the motion to pass.

3.04.04 Postpone to a Time Certain (Postpone Definitely). A motion to postpone to a certain time may be proposed if a Commissioner believes that the main motion should not be considered until a future time. This motion shall set a particular time for the main motion to be considered again. It is debatable and can be amended. A motion to hold to a time certain shall require a second and discussion shall be limited to the reason for holding the motion or the time to which it is to be held. If the motion fails, the motion to be considered shall be that motion which was on the floor prior to the motion to hold to a time certain. If this motion is passed, the Chairman-Mayor will bring the original motion back to the Commission for consideration at the specified time which may be at the same meeting, at a subsequent meeting, or upon the occurrence of a specified event. A majority vote of the Commission is required for the motion to pass.

3.04.05 Limit or Extend Limits of Debate. A motion to limit debate places a time constraint on the length of debate. The details of such a motion are to be decided by the Commissioner who makes the motion. This motion can also be used to extend the limits of debate if a limit on debate already exists. Debate is not allowed on this motion. A majority vote of the Commission is required for the motion to pass.

3.04.06 Vote Immediately (Call The Question). A Commissioner may move to "call the question" (i.e., move to end discussion) when it is clear that further discussion is unnecessary or that discussion is becoming repetitive. This motion shall not require a second and no discussion on the motion shall be allowed. If there is no objection, then it will be presumed there is unanimous consent. Should there be an objection, an affirmative vote of a majority of the Commission shall be required.

3.04.07 Lay on the Table (Postpone Temporarily). A motion to lay on the table proposes that the consideration of a main motion be postponed until a later time in the same meeting. The main motion can be brought back for consideration only if a motion to Resume Consideration is accepted by the Commission during the same meeting. The motion will die if it is not taken up during the meeting. Debate is not allowed on this motion and the motion is not amendable. A majority vote of the Commission is required for the motion to pass.

3.05 Privileged Motions. Privileged motions facilitate the running of the meeting. They do not address or relate to a main motion and can be introduced whether or not there is a main motion under consideration. Privileged motions take precedence over all subsidiary motions. Debate is not allowed on these motions.

3.05.01 Question of Privilege. A formal question addressed to the chair concerning the rights of a Commissioner or of the Commission as a whole is referred to a question of privilege. It does not require a second and cannot be debated or amended. The chair is required to make a ruling on the question, and no vote is required unless a motion arises out of the privilege.

3.05.01(a) If any matters occur which impede the Commission's completion of its business (e.g., noise, mechanical difficulties with equipment, matters that affect the safety, orderliness, or comfort of the Commissioners, or affecting the honor of an individual Commissioner) any Commissioner may state to the Chairman Mayor that he/she has a question of privilege and the matter must be addressed before the pending business of the Commission continues.

3.05.02 Recess. A motion to recess proposes that the meeting be suspended for a particular amount of time when business is still pending. It is a temporary intermission of the proceedings. A recess may be taken as it appears on the agenda or as it is declared by the chair when he/she deems it advisable or by a motion from a Commissioner. The motion must specify the length of the recess. The motion must also be seconded. Debate is not

allowed on this motion, but the motion can be amended. A majority vote is required for the motion to pass.

3.05.03 Adjourn. The highest ranking motion shall be the motion to adjourn, requiring a second and a 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.

3.06 Incidental Motions. Incidental motions allow Commissioners to exert their rights as a member of the Commission. Incidental motions can be introduced at any time during a meeting.

3.06.01 Appeal. Whenever a Commissioner believes that the chair is mistaken in a 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:

3.06.01(a) in response to a parliamentary inquiry or point of information; or

3.06.01(b) in areas that challenge verifiable rulings of a factual nature.

3.06.01(c) The chair shall state the motion as Shall the Chair's decision be sustained? A tie vote shall sustain the chair, because a majority vote of the Commission shall be required to overturn the chair's ruling. An Appeal is high in precedence and can only be interrupted by a privileged motion or by a motion to lay on the table.

3.06.02 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. This question should take the form of a parliamentary inquiry and should relate to the current business of the Commission. The chair will answer such questions or may ask the Augusta, Georgia Attorney or parliamentarian for an opinion. The chair's reply, whether or not he/she has requested advice from the Augusta Richmond County Attorney or parliamentarian, is an opinion, not a ruling. If a Commissioner does not agree with the chair's opinions 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.

3.06.03 Point of Order (Question of Order). If a Commissioner believes that a violation of the rules of parliamentary procedure has occurred, he can raise a point of order. A second is not required. The chair can make a ruling on the question or can allow the Commission to debate and then rule on the question by majority vote. A point of order can only be interrupted by a privileged motion or by a motion to lay on the table.

3.06.04 Point of Information (Request for Information). If a Commissioner has a question about the facts of a particular issue that is being considered, he may ask 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. This motion is addressed first to the appropriate person. A second is not required, and the motion is not debatable or amendable.

3.07 Supplementary Main Motions. Three motions allow the Commission to act on a main motion that has either been passed or tabled by the Commission. These motions are considered to be main motions but differ from usual main motions in the ways specified.

3.07.01 Reconsider. The motion to reconsider allows the Commission to debate whether or not to overturn a decision made at the meeting that is in progress. It allows the Commission to consider new information that may affect the decision that has already been made. Any Commissioner can make a motion to reconsider and any Commissioner may second the motion. The motion is debatable, but it cannot be amended. A majority vote of the Commission is required for the motion to pass. If a motion to reconsider is passed, the original decision will be voided, and the Commission will return to debate and revote the original motion.

3.07.02 Rescind. A motion to rescind proposes that the Commission overturn a motion passed at a previous meeting. A motion to rescind can be made by any Commissioner. It is in order as long as the original motion has not been implemented, but the motion to rescind shall not be in order if:

3.07.02(a) the motion to rescind is made, at the same meeting in which the action was taken;

3.07.02(b) a motion to reconsider was taken and lost;

3.07.02(c) the matter is routine and only part of the action needs to be changed, in which case the motion to "amend a previously adopted action" shall be used;

3.07.02(d) something has been done as a result of the vote to implement the earlier action adopted. An announcement of the intention to rescind a motion may be made at the meeting where the decision was made, or the Commissioner seeking to rescind may place the matter on the agenda for the next meeting. The motion to rescind will then be placed on the agenda for the next meeting. At the next meeting, the motion to rescind will formally be made. If it is seconded, then the Commission shall debate and vote on revision. A majority vote of the Commission is required for the motion to pass. If a motion to rescind is passed, the original decision will be voided.

3.07.03 Resume Consideration. The motion to resume consideration allows the Commission to consider a motion that has been temporarily postponed. This motion

requires a second and is not debatable or amendable. It is a main motion but ranks higher than any debatable motion. A majority vote is required for the motion to pass.

4.00 Actions of the Commission. All communications to persons, firms or corporations affected by actions taken at a called or regular meeting of the Commission shall be made by the Administrator for Augusta, Georgia, informing them of the action taken.

4.01 Ordinances and Resolutions.

4.01.01 Every ordinance or resolution proposed for adoption by the Commission shall be introduced in writing and the caption of each ordinance shall be read previous to the adoption of the ordinance, unless some member of the Commission shall then and there demand that the entire ordinance be read. Upon such demand being made, the clerk shall read the entire ordinance. No ordinance or resolution shall pass which refers to more than one subject matter or contains matter different from that expressed in the title thereof, except ordinances or resolutions adopting the annual operating and capital budgets and general codification and revisions of ordinances and resolutions of the Commission.

4.01.02 Except for emergency ordinances under subsection 4.01.03 of this section or ordinances amending the Zoning Map for Augusta, Georgia, or upon a unanimous vote of the Commission, no ordinance shall be adopted until it has been read or presented in written form at two meetings held not less than one week apart. A resolution may be adopted at the same meeting at which it is introduced. The affirmative vote of at least six (6) members of the Commission shall be required for the adoption of any ordinance or resolution; Provided, however, a vote of two-thirds of the Commission, excluding the Chairman Mayor, shall be required to change any provision of the Consolidation Act as required by said Consolidation Act. The passage of all ordinances or resolutions shall require the recording of "ayes" and "nays" and the names of the members of the Commission voting for and against each proposed ordinance or resolution or amendment thereto shall be entered in the minutes of the proceedings of the Commission.

4.01.03 To meet a public emergency threatening life, health, property, or public peace, the Commission may adopt emergency ordinances or resolutions, but such ordinances or resolutions may not be enacted to levy taxes, or to grant, renew or extend a franchise, or to regulate the rate charged for any public utility or service, or to authorize the borrowing of money. An emergency ordinance or resolution shall be in the form prescribed for ordinances or resolutions generally, except that it shall be plainly designated as an emergency ordinance or resolution and shall contain a declaration stating what emergency exists. An emergency ordinance or resolution may be adopted with or without amendment or may be rejected at the meeting at which it is introduced, but the affirmative vote of at least six (6) members of the Commission shall be required for its adoption. It shall become effective upon adoption or at such later time as it may specify.

4.01.04 The caption of each ordinance shall be read once previous to the adoption of the ordinance. All readings of every ordinance shall be by reading the caption of such ordinance only, unless some member of the Commission shall then and there demand that

the entire ordinance be read. Upon such demand being made, the clerk shall read the entire ordinance.

4.02 Signing, Authentication, and Recording. Every ordinance or resolution adopted by the Commission shall be submitted to the Chairman-Mayor for his/her signature as promptly as practicable following its adoption. The Clerk of the Commission shall authenticate by the Clerk's signature and cause to be recorded in full all ordinances and resolutions adopted by the Commission and signed by the Chairman Mayor or otherwise becoming law in a properly indexed book kept for such purpose which shall be a public record and open to public inspection. The Commission shall further provide for the periodic updating, revision, codification, and printing of all ordinances or resolutions of a general and permanent nature, together with such codes of technical regulations and other rules and regulations as the Commission may require.

4.03 Publication of Ordinances, Notices, etc. It shall be the duty of the Chairman-Mayor to have published in the official gazette or newspaper of Augusta, Georgia the ordinances of the Commission, the proclamations of the Chairman-Mayor and all other official notices of either the Commission or the Chairman-Mayor ordered to be published by them, respectively; also, such other matters as the Chairman-Mayor may deem advisable to publish. The ordinances of the Commission shall be published one time; all other matters shall be published such number of times as the Commission or the Chairman-Mayor may direct. The Chairman Mayor shall have published in such official gazette or newspaper only the captions of the ordinances of the Commission and shall not have the bodies of such ordinances published.

5.00 Parliamentarian. The Augusta, Georgia 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.

6.00 Parliamentary Authority. The latest edition of ROBERT'S RULES OF ORDER NEWLY REVISED shall govern meetings of the Augusta, Georgia Commission in all areas in which it is applicable and in which it is not inconsistent with these rules adopted by the Commissioners, or with higher law.

7.00 Amendments. These Rules may be amended by a majority of the entire Commission at a regular meeting or special meeting of the Augusta Richmond County Commission, provided notice has been given of the amendment(s) at the meeting prior to the vote on the amendment(s).

APPENDIX

Parliamentary Definitions

The following parliamentary definitions apply to the RULES OF PROCEDURE FOR THE Augusta, Georgia Commission

adjourn - to officially terminate a meeting

adjourned meeting - a meeting that is a continuation at a later time of a regular or special 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 at a meeting, thus making this record the official minutes of the Commission

chair - the Chairman-Mayor or Vice Chairman- Mayor Pro Tempore

Code of Conduct - The Richmond County Code of Conduct

Commission - the Augusta, Georgia Commission

Commissioner - any of the ten members serving on the Commission elected from the ten (10) districts established by the Consolidation Act

Commission parliamentary rules- 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 Commission

Consolidation Act - the Act consolidating the City Council of Augusta and Richmond County found in 1995 Ga. Laws p. 3648

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 receives 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 six (6) Commissioners or the vote of five (5) Commissioners and the vote of the Chairman-Mayor in the event of a tie

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 words, "I move that ... "

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 Commission as its parliamentary guide, governing in all parliamentary situations not otherwise provided for in the Consolidation Act, the Code of Richmond County, the Code of the City of Augusta, or other governing Bodies

pending motion - sometimes referred to as pending question; a motion that has been proposed and stated by the chair for the Commission's consideration and that is awaiting decision by vote

precedence - the order or priority governing the motion

precedent - a course of action that may serve as a guide or rule for future similar situation

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

O.C.G.A. - 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; seven (7) members of the Commission shall constitute a quorum for any meeting of the Augusta, Georgia Commission

recognitions - 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

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 Commission

second - a Commissioner's statement that he/she is willing to have the motion considered

seriatim - consideration by sections or paragraphs

statute - a law passed by the Georgia legislature

technical inquiry - request for information relevant to the business at hand

tie vote - a 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 a single objection a vote must be taken

unfinished business - any business that is postponed definitely to a time certain

Note-The Rules of Procedure for the conduct of parliamentary business coming before the Augusta, Georgia Commission were first adopted by the Commission in 1996.
Secs. 1-2-14-1-2-25. Reserved.

Exhibit D

ADD NEW the following subsection to Code Sec. 1-2-30:

(e) The Administrator for Augusta, Georgia shall be elected/appointed by a majority vote of the Commission of Augusta, Georgia, from nominations presented by the Mayor following the Commission approved recruitment process. The Mayor shall present as many as three top candidates for appointment, along with his recommendation. The Commission shall elect/appoint an Administrator from among the candidate or candidates presented by the Mayor. Should none of the candidates be elected/appointed, then the Mayor shall nominate as many as three new candidates from those who applied through the recruitment process.