

**ORDINANCE
ORD-2023-03**

**AN ORDINANCE
TO AMEND THE CHARTER OF THE CITY OF DALLAS TO AMEND
CHAPTER 2, ARTICLE II SECTIONS 2-37 through 2-70; TO REPEAL
CONFLICTING ORDINANCES AND FOR OTHER PURPOSES**

WHEREAS, Pursuant to O.C.G.A. §36-35-3 the City has been vested by the State of Georgia with legislative power to adopt clearly reasonable ordinances, resolutions or regulations relating to its property and affairs (the “Home Rule” power) including the power to amend its Charter except as provided in O.C.G.A. §36-35-6; **AND**

WHEREAS, Consistent with the powers vested in him by the City Charter, the City Manager has requested authorization and approval from the Mayor and City Council to implement changes to the Charter regarding structure of meetings, meeting times, procedures and rules of decorum for meetings; **AND**

WHEREAS, The implementation of changes to the Charter regarding structure of meetings, meeting times, procedures and rules of decorum for meetings is not a matter preempted by the Georgia General Assembly via enactment of general law; **AND**

WHEREAS, The Mayor and the City Council of Dallas, Georgia have, in regular meeting of Council assembled, pursuant to O.C.G.A. §36-35-3, after proper notice and advertisement in accordance therewith, considered said amendment; **AND**

THEREFORE, be it ordained by the Mayor and the City Council of Dallas, Georgia:

SECTION I.

That the City Charter of the City of Dallas **CHAPTER 2 – ADMINISTRATION, ARTICLE II. – LEGISLATIVE BODY, SECTIONS 2-37 through 2-70** are struck in their entirety and amended as follows:

CHAPTER 2 – ADMINISTRATION

ARTICLE II. – LEGISLATIVE BODY

Sec. 2-37. Regular Meetings, Executive Sessions.

- a) The regular meetings of the mayor and council of the city shall be held on the first Monday of each month at 5:15 p.m. at the city council chambers unless said meeting must be rescheduled due to conflicts such as holidays.
- b) Executive sessions of the mayor and council may be held for the purpose of conducting business excepted from public access requirements as authorized by O.C.G.A. 50-14-2 and 50-14-3.
 1. No executive session shall be held except pursuant to a majority affirmative vote of the mayor and council taken in a public meeting.
 2. The minutes of the public meeting shall reflect the names of the councilmembers present, those voting for the executive session and the specific reasons for the executive session. Minutes of the executive session may be maintained by the city clerk at the direction of the mayor. Any such minutes shall be maintained in a confidential file and shall not be subject to disclosure; except that disclosures of such portions of minutes identifying real estate to be acquired by the mayor

and council may only be delayed until such time as the acquisition of the real estate has been completed, terminated or abandoned or court proceedings have been initiated.

Sec. 2-38. - Special meetings.

Special meetings of the mayor and council may be held in accordance with the provisions of section 2.19(b) of the city Charter and O.C.G.A. § 50-14-1.

Sec. 2-39. - Order of business.

At each meeting of the mayor and council the following regular order of business shall be observed unless dispensed with by a majority vote of the members present:

- (1) Call to order by the mayor.
- (2) Presentation of the minutes of previous meetings by the city clerk for correction and approval.
- (3) Recognition of visitors.
- (4) Consent agenda.
- (5) Old/unfinished business.
- (6) New business.
- (7) Adjournment.

Sec. 2-40. - General rules of order; quorum.

- a) Except as otherwise provided in the city Charter or this Code, the rules of order and parliamentary procedure contained in Robert's Rules of Order, Newly Revised, shall govern the transaction of business by and before the mayor and council at its meetings in all cases to which they are applicable. The city attorney shall serve as the parliamentarian for the council.
- b) A quorum of the city council must be present for the conducting of meetings. The mayor and three council members shall constitute a quorum and shall be authorized to transact business of the city council. When the mayor pro tem is presiding in the mayor's absence, the mayor pro tem and three council members shall constitute a quorum.

Sec. 2-41. – Decorum

The mayor and councilmembers must conduct themselves in a professional and respectful manner.

- a) All remarks should be directed to the mayor and not to individual councilmembers, staff or citizens in attendance. Personal remarks are inappropriate. A councilmember is not allowed to speak at a meeting until he has been recognized by the mayor. All comments made by a councilmember shall address the motion that is being discussed.
- b) The mayor shall enforce these rules of decorum. If a councilmember believes that a rule has been broken, he can raise a point of order. A second is not required. The mayor can rule on the question or he may allow the council to debate the issue and decide the issue by majority vote.

Sec. 2-42. – Public Participation

Public participation in meetings of the mayor and council shall be permitted in accordance with the provisions of this section.

- a) Public comments. The public will be afforded an opportunity to address the mayor and council at each meeting at the beginning of the meeting. Individuals will be allotted five minutes to make their comments, and their comments must be limited to their chosen topic. These limits can be waived by a majority vote of the mayor and council.
- b) Public participation on agenda items. By a majority vote, the mayor and council may allow public comment on an agenda item at the time the item is

being considered by the mayor and council. These comments must be limited to the subject that is being debated. Members of the public may speak for two minutes and may only speak once. These limits may be waived by a majority vote of the mayor and council. Anyone wishing to speak at any meeting of the council must be recognized by the mayor before addressing the council.

- c) Decorum. Members of the public shall not make inappropriate or offensive comments at a meeting of the mayor and council and are expected to comply with the rules of decorum that are established for councilmembers. Individuals who violate any rules of the mayor and council may be ruled out of order by the mayor or on a point of order made by a councilmember. A majority vote of the mayor and council will rule on the point of order. An individual who violates the rules of decorum may be removed from the meeting at the direction of the mayor.
1. It shall be the duty of the chief of police or his designee to be present and on official duty at all special and regular meetings of the city council.
 2. Except during such periods of time at such meetings as the city council shall set aside for public discussion, it shall be unlawful for any person present as a spectator to interrupt or disturb the proceedings in any manner by voice, actions or otherwise.
 3. During periods set aside for public discussion of any nature, any person desiring to speak shall secure the permission of the presiding officer by first silently raising his hand and being recognized. The use of profanity, obscene language, threats or any violent or abusive conduct by any person shall constitute a violation of this section.
 4. It shall be the duty of the chief of police, upon the order of the presiding officer at any such meeting to, forcibly if necessary, evict any person violating the provisions of this section from the council meeting hall. Any such violation shall subject the offender, upon conviction thereof before the municipal court, to a fine and/or imprisonment as prescribed by section 1-11 of the Code of Ordinances.
- d) Public hearings. The mayor and council may schedule public hearings for the purpose of soliciting public comment on any subject of interest to the mayor and council. Hearings may be held immediately prior to or following a meeting of the mayor and council or at such other places and times as the mayor and council may determine.

Secs. 2-43 – 2-70. – Reserved.

SECTION II. REPEAL OF CONFLICTING ORDINANCES. That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION III. SEVERABILITY CLAUSE. If any section, sentence, clause or phrase of this ordinance or any part thereof is for any reason found to be invalid by a court of competent jurisdiction, such decision will not affect the validity of the remainder of this ordinance or any part thereof.

SECTION IV. EFFECTIVE DATE. This ordinance shall be effective immediately following passage and approval of this ordinance by the Mayor and City Council.

**SO SHALL IT BE ORDAINED BY THE MAYOR AND COUNCIL OF THE
CITY OF DALLAS, GEORGIA, THIS THE ____ DAY OF
_____, 2023.**

L. James Kelly, Mayor

James R. Henson, Councilmember

Michael G. Cason, Councilmember

Cooper Cochran, Councilmember

Nancy R. Arnold, Councilmember

Christopher B. Carter, Councilmember

Leah Alls, Councilmember

ATTEST:

Tina Clark, City Clerk of the City of Dallas, GA

Date