

# WORK SESSION SUMMARY

## City of Carrollton Mayor and Council

January 25, 2016  
5:00 p.m.

Public Safety Complex, Court/Council Chambers, 115 West Center Street, Carrollton, Georgia

### ATTENDANCE

The Mayor and City Council held a Work Session on Wednesday, January 25, 2016 at 5:00 p.m. in the Public Safety Annex Building, Court/Council Chambers, 115 West Center Street, Carrollton, Georgia. Members present: Mayor Walt Hollingsworth, Councilmember Gerald Byrd, and Councilmember Jim Watters. Councilmember Met Lane arrived prior to discussion of Item 3. Members absent: Councilmember Ward II seat vacant.

### PURPOSE

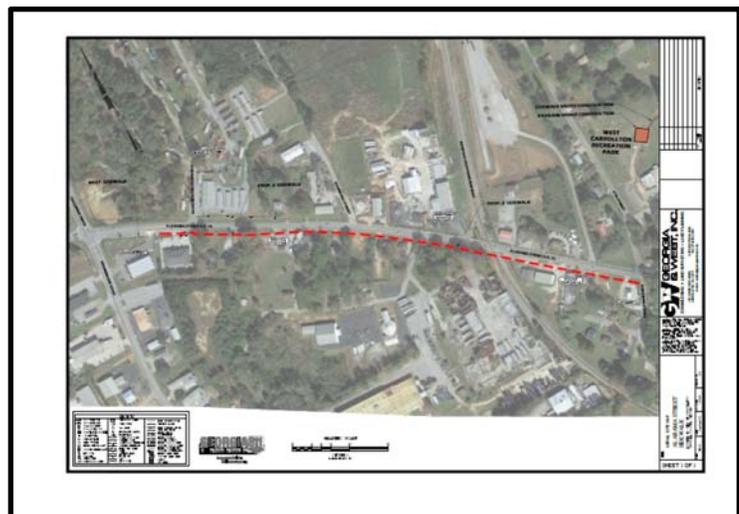
The purpose of the Work Session was to discuss issues regarding city related business and projects. No action was taken. Minutes to a Work Session are not required by law. However, a brief summary of the general discussion is noted, along with any handouts distributed and presentation slides shared are inserted by the Clerk for reference purposes, as well as to provide information to the public.

## I. ITEMS OF DISCUSSION

### 1. Presentation on West Carrollton Sidewalk

City Manager Tim Grizzard gave an update on the Alabama Street sidewalks between Fourth Street and Columbia Drive. City Manager Grizzard reported that the 3500 foot sidewalk would be constructed on the southern side of Alabama Street where a muddy walking path already exists. Mr. Grizzard noted that Georgia DOT has plans to construct a round-a-bout at the Columbia Drive and Alabama Street intersection. Sidewalk plans have been altered to allow for this construction.

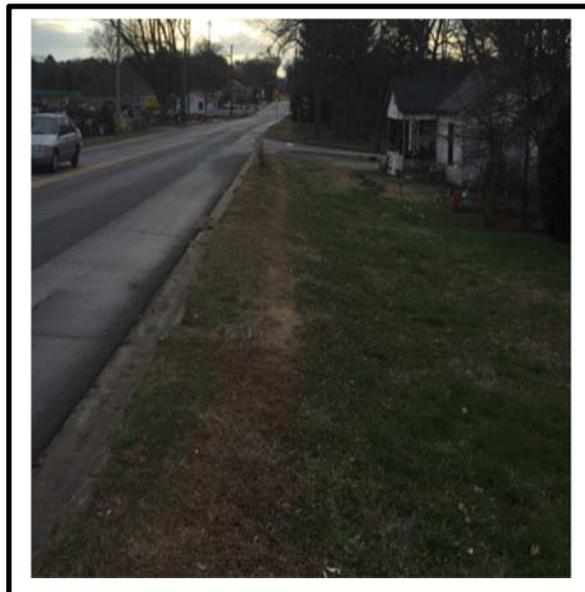
Mr. Grizzard noted that all of the proposed sidewalks were within the DOT right of way, as well which will cause some delay in progress as the City will need to obtain permission/permits from DOT. City Manager Grizzard anticipates the approval by July 1, the bidding of the project in August, with a potential construction completion by October 2016. City Manager Grizzard noted that the portions of the sidewalk that cross over the railroad track could take as long as 18 months to gain their approval. However, the City will install all remaining sidewalks as planned.



The cost of the project is estimated between \$350,000 to \$400,000. This estimate is without the cost of the sidewalk crossing the railroad. City Manager Grizzard noted that the financing of this project via SPLOST would be discussed at a future work session.

Councilmember Byrd expressed appreciation for the onset of construction for needed sidewalks in the area.

The following photographs of the proposed area for Alabama Street sidewalks were presented:



## 2. Update on Blighted Structures

- Status of demolished structures and demolitions scheduled
- Status of blighted structures with title issues
- Resolution 11-2016: Improving Quality of Life Ordinance

City Manager Grizzard provided a blighted structure listing and briefly reviewed outstanding issues; as follows:

Blighted Structures Listing 2015-2016			
Address	Owner	Title Check	Notes
<b>RELEASE SIGNED / READY TO BE DEMOLISHED</b>			
1 735 MLK Street	Carl Ann Billingsly – 206 River Drive, Carrollton, GA 30117	Y - Good	contract signed - not taken down as of 9/10/15
2 102 Adamson Drive	Gregory James Patterson – 602 S. Park Street Apt 6, Carrollton, GA 30117	Y - Good	Talked to Virgine Patterson in Fall 2014 - willing to tear down / Owner: Gregory J Patterson/ Virgine Patterson called me back on 1/13/16 - she is sending her son in to sign the release/signed 1/13/16
3 135 King Street	Teresa Perkins Billingsly – 275 Pleasant Ridge Road, Carrollton, GA 30117	Y w/ Letter from Wells Fargo	wants to demolish
<b>TITLE ISSUES</b>			
4 143 Willie North St	House owned by Teresa Billingsly 770-830-9195 (Property owned by Elayne) - 2 Tracts Elayne 404-288-4031	Y - Good	Teresa wants to demolish
5 170 Highway 113	Carstin Developers LLC – P.O. Box 8, Carrollton, GA 30112	Y - Good	Denny Ballew 678-778-5238 4/30/15
6 506 King Street	Dorris Ward 404-755-8280 William Ulysses (deceased) / 6 Separate Interests	Y - Good	Doris wants to demolish 4/29/15
7 112 Foster Street	Andrew Lovvorn Alvin Driver & Bonnie Fay Estates 404-324-3550 / Sonja Debolt is acquiring the property as of 10/7/15 (404-304-8081) * As of 10/13/15 Sonja Debolt is the owner of the property - will need to run another Title Check *	Y - Lien on Heirs (FIFA)	Spoke with Mrs. Lisa Driver 4/29/15 - she gave my number to Andrew / Spoke with Mrs. Linda Driver (sister in law) on 2/18/15 - she wants the house torn down
8 234 Hays Mill Road	David Hay (770-652-3806)	Y w/ possible	Jeff spoke with / willing to demolish
9 122 Refuge Way	Stephen Stapler – 312 West Church St, Villa Rica GA 30180	Y w/ leans	wants to demolish, works till 6pm
10 127 King Street	Marion Jones, Est. C/O Joseph N. Cox, Sr. P.O. Box 6694 Brooklyn NY 11202		
11 510 Adamson Ave	Martin Allen Ambrey Estate – 265 Spence Road, Carrollton, GA 30117		
12 318 Willie North (Burn House)	Spence Wood Sr c/o Allen Hinkle – 318 Willie North Street, Carrollton GA 30117		
13 101 Ave. B (Burn House)	Ridley Teal Properties – 953 Maple Street, Carrollton, GA 30117 (Alice Teal)		
14 202 Burson Ave	Exeni Fidel Angel & Enoe Carcamo (JTRS) – 121 Gillespie Dr #4, Dalton GA 30721		
15 Pine Street (corner of Pine & Foster)	Justin Stephens - 33 E Kimble Street, Newnan GA 30263		
16 326 Foster St. (Burn House)	Jonathan Andrew Teal – 953 Maple Street, Carrollton GA 30117		
17 319 Bladsoe Street	Betty & James Faulkner – 319 Bladsoe St, Carrollton GA 30117		
18 227 Croft Street	Fairview Partnership LLLP – 124 Parkwood Circle, Carrollton, GA 30117) Asbestos Removal needed 770-832-0955		
19 205 Austin Avenue	Robert Kenimer c/o McIntosh Properties		
20 201 Avenue B	Rodney Ridley		
21 510 King Street	Bonilla Bryant Fayetteville GA 678-614-2585 ( Renee gave to me)		
22 132 King Street			
<b>Total of 14 Structures Demolished in 2014-2015</b>			

City Manager Grizzard pointed out that several of the properties belong to heirs that either live far away and/or are unaware they were even an heir to the property.

City Manager Grizzard advised that Resolution 11-2016 will be proposed for adoption at the February 1, 2016 meeting of the Mayor and Council. This Resolution will be an Ordinance amendment to add a new division to the City Code to allow the City to address unsafe and blighted buildings in a timely manner, with violations addressed by the Municipal Court Judge and not the Mayor and Council.

City Attorney Chuck Conerly advised the City's existing Code only addressed minor issues, such as weeds and overgrowth of properties. City Attorney Conerly pointed out that Resolution 11-2016 would amend Chapter 50 (Environment), Article II (Nuisances) of the City Code by providing for the identification, inspection, abatement and if necessary the demolition of unsafe structures in Carrollton.

## 3. Presentation of the Procurement of Infrastructure and Large Purchases

City Manager Grizzard shared information on current financial practices of large purchases, as well as suggestions in regards to changes needed for a new policy to be developed. City Manager Grizzard stated he would need direction from the Mayor and Council in regards to monetary limits on items that they (Mayor and Council) want in place in regards to the procurement of infrastructure and large purchases. Councilmember Lane suggested looking at other municipalities to get a good understanding of what are customary financials limits.

The following slides were presented in regards to procurement of infrastructure and large purchases:

# Local Government Procurement Requirements

1

**State of Georgia Minimum Requirements:**

Public Works Projects –  
Bid Threshold \$100,000  
4 Week Advertisement  
Requires Bid, Performance, and Payment Bonds  
Requires State Contractors License in Most Cases

Roads, Bridges, and Highways –  
Bid Threshold \$20,000  
2 Week Advertisement

Generally Maintenance Does Not Have to be Bid

Professional Services Do Not Have to be Bid

Public Works Projects Under \$100,000 Are Generally Not Bid. Sometimes the City furnishes the material and/or inmate labor and this reduces the Contractor Costs to under \$100,000. Furnishing material on a contract saves 7% sales tax, 2% bonding, and any contractor markup which can be 20% or more.

2

**Examples of Projects that Were Presented to the Council for Approval –**

Police Evidence Building, J&R Construction - Contract Amount \$1,512,609.50  
Spent To Date \$1,223,456.13

West Carrollton Pavilion, Arco Builders - Contract Amount - \$453,087.00  
Spent To Date - \$215,751.02

Sanitary Sewer Rehab - Budgeted \$1,500,000 (Includes Northside Pump Station estimated at \$400,000 and various water line projects that go to other contractors)

3 Rivers Utilities - \$472,740.91 to date

Paving Contract, Jackson Paving - Contract Amount - \$1,525,055 for fiscal 2014/15 and spent \$1,568,718.28. Carried over to fiscal 2015/16 and spent \$618,988.97 to date

3

**Professional Service Charges this Fiscal Year –**

Georgia and West, Engineering - \$282,273.42

Smith Conerly, Legal - \$56,046.90

Alan Bell, Architect - \$51,772.88

4

**Material and Equipment Procurement–**

We try to get three prices.

We budget for material and buy fittings, pipe, concrete, supplies, recreational equipment, public safety equipment, etc.

We have for a time purchased all large quantities of water pipe from American Cast Iron at a 58% of list rate. This has always been the least expensive for the best pipe. Occasionally the McWayne vendor can beat a price and we will use it for sewer pipe. We have had problems with McWayne pipe on pressurized applications. If you like we will bid this material in the future. It will cost slightly more per foot if it is bid.

Minor, ongoing supplies, we determine who locally is best for the City and make the purchase.

5

**Items that We Want to Bring to the Council in the Future –**

Vehicle Purchases - all vehicles except for an immediate need where a vehicle was totaled. Immediate need purchases will be reported to the Mayor and Council at the next, regularly scheduled meeting.

Large Utility Purchases, i.e., Pump Purchases, Pump Station Rehab, etc.

We ordered the pump station package for Northside Tanks. Staff took three prices and issued a purchase order for \$228,300.30. This will be received next fiscal year and will be paid from the Water Fund.

We performed a rehab on the Martin Cemetery Lift Station that was approximately \$98,000. That type of purchase will come to you in the future.

Large, lump sum or percentage, consulting fees. Architectural and Engineering fees on a multi-million dollar project can be in the hundreds of thousands of dollars.

6

**Items that We Want to Purchase Without Council Direct Approval –**

Pumps, motors, vehicles that must be replaced on an immediate or emergency basis. Burned up motor at the water plant. Failed pump at the wastewater plant. Bypass pumping on a sanitary sewer line that must be repaired. We will notify you after the fact in the status report or via email or memorandum. We need to discuss the threshold amount that requires notification. We recommend \$50,000.

7

**Utility Repairs –**

We bid out projects that can be well defined and priced. We did this with sanitary sewer pipe burst.

We don't bid those projects that are difficult to define like chasing a buried piping problem along Newnan Street. It cannot be bid. No one will take it on without a commitment of millions. Generally these issues are under \$100,000.

We don't bid failed storm drains because they need immediate attention. We know who gives a fair price and generally who does the best job on this work.

We can and will report these to you on a monthly basis. We keep running totals on all of this work.

Robinson Utilities - approximately \$315,000 - these are varied jobs across the city. This was not bid; however, no single project exceeded \$100,000.

Carl Owen Construction - approximately \$81,000 - these are varied storm water repairs and the start of the water line on Chapel Road. I expect his total to exceed \$200,000 before year end. It was \$323,500 last fiscal year. Similar to Robinson, no single project exceeded \$100,000.

8

**Smaller Buildings –**

We have built several metal buildings using a local, inexpensive, licensed contractor and we furnished the material and metal building package. We believe that we saved 50% doing this. Your choice as to whether this continues.

Total Expenditures for the Lovvorn Road Training Facility - \$235,303.68. This is a 5000 square feet enclosed building with an additional 4000 square feet of covered, concreted outdoor space.

9

**Other Services and Repairs –**

Sidewalk Repairs - \$413,864.20 to Georgia Alabama Woodlands

Road Patches - \$363,744.94 to McIntosh Specialty Services

Sludge Hauling - \$95,000 per year to haul and \$140,000 to landfill. This was bid out but did not go to the Mayor and Council for Approval.

Chemical Bids at the Water and Wastewater Plants - Polymer, chlorine, phosphate, etc. These can exceed \$500,000 per year. That which can be bid out is. Some of the products have no acceptable competition and are not bid. Historically this has not gone to the Mayor and Council for approval.

Hay Removal - This is bid occasionally. It is difficult to find a hay harvester who will work around our schedule. We do not receive pay for this product. Generally they fill our barns with hay and take the balance.

Traffic Signals - \$39,325.00 to Bass Signal

10

**To Reiterate Our Future Plans (continued) –**

Ongoing utility repair projects, whether bid or not, will be reported in a running total format to the Mayor and Council at each, regularly scheduled meeting.

Chemical bids and expenditures will be reported to the Mayor and Council periodically as appropriate.

Sludge hauling bids will be reported to the Mayor and Council, if the contractor changes.

Our threshold for Mayor and Council approval or for after the fact approval will be \$50,000. We will err on the side of caution.

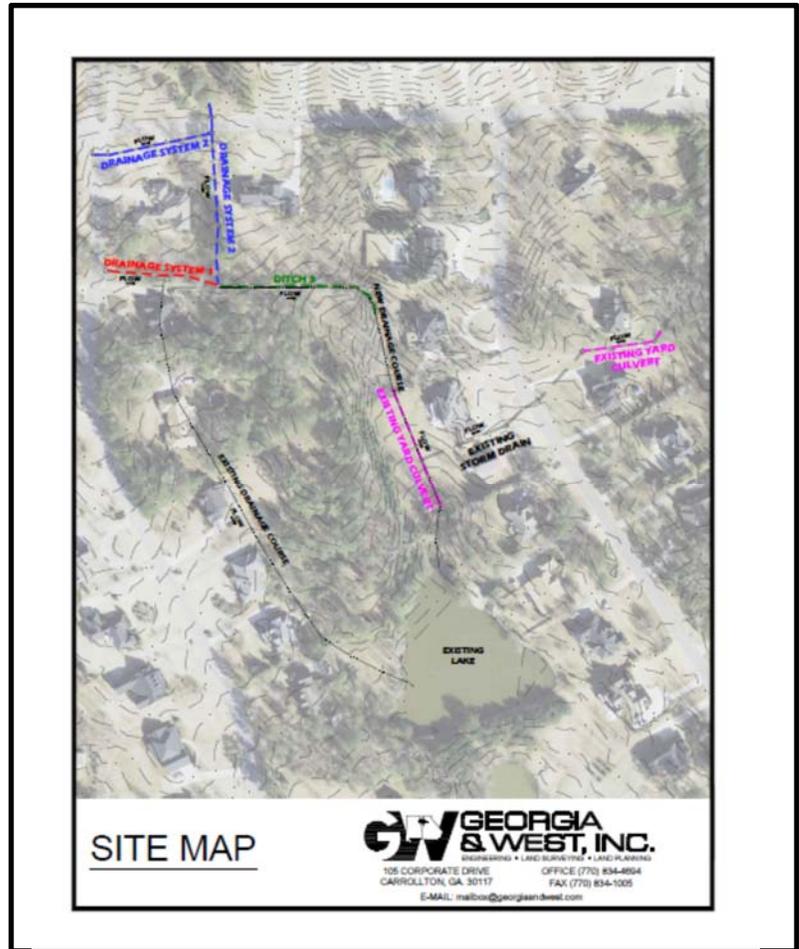
Staff will generate a procurement document for Mayor and Council approval. This will be presented at a future, regularly scheduled meeting.

12

#### 4. Stormwater General Discussion

City Manager Grizzard advised the Mayor and Council of a re-occurring issue regarding stormwater problems in subdivisions. City Manager Grizzard shared a site map of an existing stormwater issue in an unidentified subdivision within Carrollton. Referring to the site map, City Manager Grizzard noted there were five (5) half-million dollar homes built on the natural swell of the land, exactly where storm water flows. At the time of construction of the subdivision, the City did not have within its power to enforce stormwater runoff.

The residents are asking help in gaining resolve to the issue. City Manager Grizzard advised that he had Engineer John Bass of Georgia & West Inc. run a solution. The only feasible solution was to route a line through an existing ditch through the backyards of some other houses at a cost of \$300,000. City Manager Grizzard stated that this was a private property issue and it was not City property, nor City stormwater. Legally, the City could not run the pipe, even if the City wanted to. City Manager Grizzard requested the Mayor and Council consider a policy on how the City will address these types of stormwater issues.



City Manager Grizzard stated he did not mind offering engineering assistance to help these homeowners find a solution, but did not feel that legally the City could provide any further assistance. City Manager Grizzard advised that if the City did fix the issue here, the City would be obligated to fixing private property stormwater issues all over Carrollton. City Manager Grizzard stated that going forward; the City will not allow developers to building like this.

Councilmember Byrd stated he felt that offering engineering assistance was about all the City could do. All members were in agreement.

#### 5. Resolution 07-2016: Keeping Citizens Informed - Town Hall Meetings

City Manager Grizzard advised that Resolution 07-2016 will be proposed for adoption at the February 1, 2016 meeting of the Mayor and Council. This Resolution will set the following policy in regards to keeping citizens informed of City business:

1. The Mayor or any City Councilman calling for the meeting shall have the authority to select the location, date, and time for the meeting.
2. The City Manager shall attend such meetings, and at the request of the Mayor or the City Councilman calling for the meeting, the City Manager shall make the head of any City department available for such meetings.

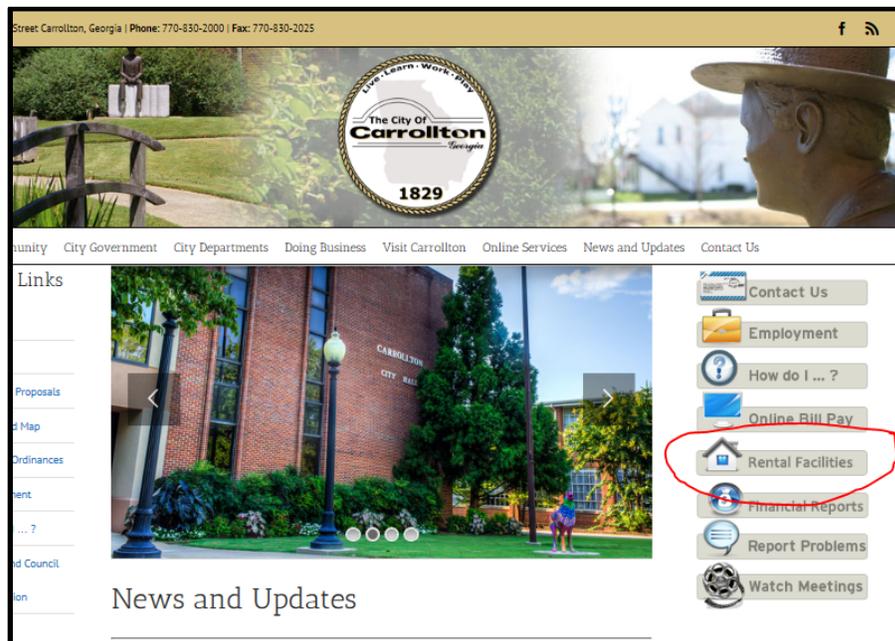
3. Topics discussed at such meetings shall not include those topics that are permitted by Georgia's open meetings laws, O.C.G.A. § 50-14-1 *et seq.*, to be discussed in a meeting closed to the public, including those topics identified in O.C.G.A. § 50-14-2.

4. The City Manager shall direct City staff to prepare – or otherwise arrange for the preparation of – an annual newsletter entitled the “State of Carrollton” or something similar, which newsletter shall – among other things – inform residents of improvements made by the City, services available to the public, and events sponsored by the City throughout the year.

5. A draft of the newsletter shall be presented to the Mayor and City Council for review and comment at least thirty (30) days prior to publication.

**6. Resolution 08-2016: Facilities Fairness & Accessibility - *Cost and availability of City Facilities***

City Manager Grizzard advised that Resolution 08-2016 will be proposed for adoption at the February 1, 2016 meeting of the Mayor and Council. This Resolution directs staff to posting on the City website the cost associated with all City facility rentals. City Manager Grizzard advised that City staff had recently posted the rental fees on the City website. The following slide was shared identifying its location on the City website:

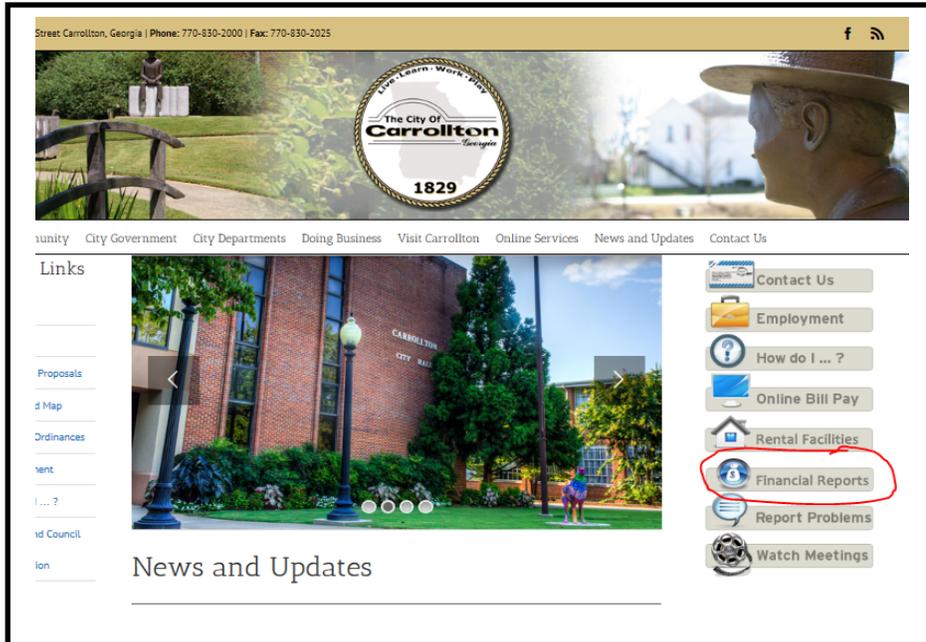


**7. Resolution 09-2016: Enhance Customer Service Skills - *Employee Training***

City Manager Grizzard advised that Resolution 09-2016 will be proposed for adoption at the February 1, 2016 meeting of the Mayor and Council. This Resolution directs the City Manager staff to make arrangements for Customer Service and related training for all City employees whose job involves interaction with the general public. Councilmember Gerald Byrd requested the language in the Resolution identifying “Sensitivity Training” be removed from the Resolution prior to consideration at the next meeting.

## 8. Resolution 10-2016: Posting of Monthly Financials & SPLOST Expenditures – Publishing on City website

City Manager Grizzard advised that Resolution 10-2016 will be proposed for adoption at the February 1, 2016 meeting of the Mayor and Council. This Resolution directs staff to posting on the City website the monthly financials and SPLOST Expenditures. City Manager Grizzard advised that City staff had recently posted the documents on the City website; noting it was prominently displayed on the City's homepage. The following slide was shared identifying its location on the City website:



## 9. Presentation on Alternatives to Roberts Rules of Order

City Manager Grizzard advised that Councilmember Lane had requested consideration be given to an alternative parliamentary procedure to be conducted at City Council Meetings and other City authorities, boards, and commissions of the City of Carrollton.

Councilmember Lane shared information regarding the Georgia Municipal Association's endorsement of "Rosenburg's Rules of Order" parliamentary procedures. Councilmember Lane noted that the currently utilized "Robert's Rules of Order" is archaic, cumbersome, and difficult to understand and follow. Councilmember Lane pointed out that the "Rosenburg's Rules of Order," which rules of order were designed to be a simple and understandable method for conducting public meetings efficiently and fairly.

Councilmember Lane advised the Mayor and Council he had requested City Attorney Chuck Conerly to create Resolution 06-2016 to amend Section 2-33 of the Code of Ordinances, City of Carrollton, Georgia ("Rules of order") to identify that meetings of the Mayor and Council and all authorities, boards, and commissions of the City shall be generally governed by "Rosenburg's Rules of Order: Simple Parliamentary Procedures for the 21<sup>st</sup> Century," written by Dave Rosenburg and as published by the League of California Cities in 2003.

Councilmember Lane noted that Resolution 06-2016 also incorporated the "City of Carrollton Rules of Parliamentary Procedure". Councilmember Lane advised that Resolution 06-2016 would be on the Agenda for consideration at the February 1, 2016 meeting of the Mayor and Council.

At this time Councilmember Lane requested staff prepare an attendance record of the Planning Commission and Board of Development Appeals.

The following information was provided to the Mayor and Council on the matter:



# Rosenberg's Rules of Order

REVISED 2011

*Simple Rules of Parliamentary Procedure for the 21st Century*

*By Judge Dave Rosenberg*



## MISSION AND CORE BELIEFS

To expand and protect local control for cities through education and advocacy to enhance the quality of life for all Californians.

## VISION

To be recognized and respected as the leading advocate for the common interests of California's cities.

### About the League of California Cities

Established in 1898, the League of California Cities is a member organization that represents California's incorporated cities. The League strives to protect the local authority and autonomy of city government and help California's cities effectively serve their residents. In addition to advocating on cities' behalf at the state capitol, the League provides its members with professional development programs and information resources, conducts education conferences and research, and publishes Western City magazine.

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### ABOUT THE AUTHOR

Dave Rosenberg is a Superior Court Judge in Yolo County. He has served as presiding judge of his court, and as presiding judge of the Superior Court Appellate Division. He also has served as chair of the Trial Court Presiding Judges Advisory Committee (the committee composed of all 58 California presiding judges) and as an advisory member of the California Judicial Council. Prior to his appointment to the bench, Rosenberg was member of the Yolo County Board of Supervisors, where he served two terms as chair. Rosenberg also served on the Davis City Council, including two terms as mayor. He has served on the senior staff of two governors, and worked for 19 years in private law practice. Rosenberg has served as a member and chair of numerous state, regional and local boards. Rosenberg chaired the California State Lottery Commission, the California Victim Compensation and Government Claims Board, the Yolo-Solano Air Quality Management District, the Yolo County Economic Development Commission, and the Yolo County Criminal Justice Cabinet. For many years, he has taught classes on parliamentary procedure and has served as parliamentarian for large and small bodies.



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## INTRODUCTION

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The rules of procedure at meetings should be simple enough for most people to understand. Unfortunately, that has not always been the case. Virtually all clubs, associations, boards, councils and bodies follow a set of rules — *Robert's Rules of Order* — which are embodied in a small, but complex, book. Virtually no one I know has actually read this book cover to cover. Worse yet, the book was written for another time and for another purpose. If one is chairing or running a parliament, then *Robert's Rules of Order* is a dandy and quite useful handbook for procedure in that complex setting. On the other hand, if one is running a meeting of say, a five-member body with a few members of the public in attendance, a simplified version of the rules of parliamentary procedure is in order.

Hence, the birth of *Rosenberg's Rules of Order*.

What follows is my version of the rules of parliamentary procedure, based on my decades of experience chairing meetings in state and local government. These rules have been simplified for the smaller bodies we chair or in which we participate, slimmed down for the 21st Century, yet retaining the basic tenets of order to which we have grown accustomed. Interestingly enough, *Rosenberg's Rules* has found a welcoming audience. Hundreds of cities, counties, special districts, committees, boards, commissions, neighborhood associations and private corporations and companies have adopted *Rosenberg's Rules* in lieu of *Robert's Rules* because they have found them practical, logical, simple, easy to learn and user friendly.

This treatise on modern parliamentary procedure is built on a foundation supported by the following four pillars:

1. **Rules should establish order.** The first purpose of rules of parliamentary procedure is to establish a framework for the orderly conduct of meetings.
2. **Rules should be clear.** Simple rules lead to wider understanding and participation. Complex rules create two classes: those who understand and participate; and those who do not fully understand and do not fully participate.
3. **Rules should be user friendly.** That is, the rules must be simple enough that the public is invited into the body and feels that it has participated in the process.
4. **Rules should enforce the will of the majority while protecting the rights of the minority.** The ultimate purpose of rules of procedure is to encourage discussion and to facilitate decision making by the body. In a democracy, majority rules. The rules must enable the majority to express itself and fashion a result, while permitting the minority to also express itself, but not dominate, while fully participating in the process.

### Establishing a Quorum

The starting point for a meeting is the establishment of a quorum. A quorum is defined as the minimum number of members of the body who must be present at a meeting for business to be legally transacted. The default rule is that a quorum is one more than half the body. For example, in a five-member body a quorum is three. When the body has three members present, it can legally transact business. If the body has less than a quorum of members present, it cannot legally transact business. And even if the body has a quorum to begin the meeting, the body can lose the quorum during the meeting when a member departs (or even when a member leaves the dais). When that occurs the body loses its ability to transact business until and unless a quorum is reestablished.

The default rule, identified above, however, gives way to a specific rule of the body that establishes a quorum. For example, the rules of a particular five-member body may indicate that a quorum is four members for that particular body. The body must follow the rules it has established for its quorum. In the absence of such a specific rule, the quorum is one more than half the members of the body.

### The Role of the Chair

While all members of the body should know and understand the rules of parliamentary procedure, it is the chair of the body who is charged with applying the rules of conduct of the meeting. The chair should be well versed in those rules. For all intents and purposes, the chair makes the final ruling on the rules every time the chair states an action. In fact, all decisions by the chair are final unless overruled by the body itself.

Since the chair runs the conduct of the meeting, it is usual courtesy for the chair to play a less active role in the debate and discussion than other members of the body. This does not mean that the chair should not participate in the debate or discussion. To the contrary, as a member of the body, the chair has the full right to participate in the debate, discussion and decision-making of the body. What the chair should do, however, is strive to be the last to speak at the discussion and debate stage. The chair should not make or second a motion unless the chair is convinced that no other member of the body will do so at that point in time.

### The Basic Format for an Agenda Item Discussion

Formal meetings normally have a written, often published agenda. Informal meetings may have only an oral or understood agenda. In either case, the meeting is governed by the agenda and the agenda constitutes the body's agreed-upon roadmap for the meeting. Each agenda item can be handled by the chair in the following basic format:

**First**, the chair should clearly announce the agenda item number and should clearly state what the agenda item subject is. The chair should then announce the format (which follows) that will be followed in considering the agenda item.

**Second**, following that agenda format, the chair should invite the appropriate person or persons to report on the item, including any recommendation that they might have. The appropriate person or persons may be the chair, a member of the body, a staff person, or a committee chair charged with providing input on the agenda item.

**Third**, the chair should ask members of the body if they have any technical questions of clarification. At this point, members of the body may ask clarifying questions to the person or persons who reported on the item, and that person or persons should be given time to respond.

**Fourth**, the chair should invite public comments, or if appropriate at a formal meeting, should open the public meeting for public input. If numerous members of the public indicate a desire to speak to the subject, the chair may limit the time of public speakers. At the conclusion of the public comments, the chair should announce that public input has concluded (or the public hearing, as the case may be, is closed).

**Fifth**, the chair should invite a motion. The chair should announce the name of the member of the body who makes the motion.

**Sixth**, the chair should determine if any member of the body wishes to second the motion. The chair should announce the name of the member of the body who seconds the motion. It is normally good practice for a motion to require a second before proceeding to ensure that it is not just one member of the body who is interested in a particular approach. However, a second is not an absolute requirement, and the chair can proceed with consideration and vote on a motion even when there is no second. This is a matter left to the discretion of the chair.

**Seventh**, if the motion is made and seconded, the chair should make sure everyone understands the motion.

This is done in one of three ways:

1. The chair can ask the maker of the motion to repeat it;
2. The chair can repeat the motion; or
3. The chair can ask the secretary or the clerk of the body to repeat the motion.

**Eighth**, the chair should now invite discussion of the motion by the body. If there is no desired discussion, or after the discussion has ended, the chair should announce that the body will vote on the motion. If there has been no discussion or very brief discussion, then the vote on the motion should proceed immediately and there is no need to repeat the motion. If there has been substantial discussion, then it is normally best to make sure everyone understands the motion by repeating it.

**Ninth**, the chair takes a vote. Simply asking for the “ayes” and then asking for the “nays” normally does this. If members of the body do not vote, then they “abstain.” Unless the rules of the body provide otherwise (or unless a super majority is required as delineated later in these rules), then a simple majority (as defined in law or the rules of the body as delineated later in these rules) determines whether the motion passes or is defeated.

**Tenth**, the chair should announce the result of the vote and what action (if any) the body has taken. In announcing the result, the chair should indicate the names of the members of the body, if any, who voted in the minority on the motion. This announcement might take the following form: “The motion passes by a vote of 3-2, with Smith and Jones dissenting. We have passed the motion requiring a 10-day notice for all future meetings of this body.”

## Motions in General

Motions are the vehicles for decision making by a body. It is usually best to have a motion before the body prior to commencing discussion of an agenda item. This helps the body focus.

Motions are made in a simple two-step process. First, the chair should recognize the member of the body. Second, the member of the body makes a motion by preceding the member’s desired approach with the words “I move . . .”

A typical motion might be: “I move that we give a 10-day notice in the future for all our meetings.”

The chair usually initiates the motion in one of three ways:

1. **Inviting the members of the body to make a motion**, for example, “A motion at this time would be in order.”
2. **Suggesting a motion to the members of the body**, “A motion would be in order that we give a 10-day notice in the future for all our meetings.”
3. **Making the motion**. As noted, the chair has every right as a member of the body to make a motion, but should normally do so only if the chair wishes to make a motion on an item but is convinced that no other member of the body is willing to step forward to do so at a particular time.

## The Three Basic Motions

There are three motions that are the most common and recur often at meetings:

**The basic motion.** The basic motion is the one that puts forward a decision for the body’s consideration. A basic motion might be: “I move that we create a five-member committee to plan and put on our annual fundraiser.”

**The motion to amend.** If a member wants to change a basic motion that is before the body, they would move to amend it. A motion to amend might be: “I move that we amend the motion to have a 10-member committee.” A motion to amend takes the basic motion that is before the body and seeks to change it in some way.

**The substitute motion.** If a member wants to completely do away with the basic motion that is before the body, and put a new motion before the body, they would move a substitute motion. A substitute motion might be: “I move a substitute motion that we cancel the annual fundraiser this year.”

“Motions to amend” and “substitute motions” are often confused, but they are quite different, and their effect (if passed) is quite different. A motion to amend seeks to retain the basic motion on the floor, but modify it in some way. A substitute motion seeks to throw out the basic motion on the floor, and substitute a new and different motion for it. The decision as to whether a motion is really a “motion to amend” or a “substitute motion” is left to the chair. So if a member makes what that member calls a “motion to amend,” but the chair determines that it is really a “substitute motion,” then the chair’s designation governs.

A “friendly amendment” is a practical parliamentary tool that is simple, informal, saves time and avoids bogging a meeting down with numerous formal motions. It works in the following way: In the discussion on a pending motion, it may appear that a change to the motion is desirable or may win support for the motion from some members. When that happens, a member who has the floor may simply say, “I want to suggest a friendly amendment to the motion.” The member suggests the friendly amendment, and if the maker and the person who seconded the motion pending on the floor accepts the friendly amendment, that now becomes the pending motion on the floor. If either the maker or the person who seconded rejects the proposed friendly amendment, then the proposer can formally move to amend.

### Multiple Motions Before the Body

There can be up to three motions on the floor at the same time. The chair can reject a fourth motion until the chair has dealt with the three that are on the floor and has resolved them. This rule has practical value. More than three motions on the floor at any given time is confusing and unwieldy for almost everyone, including the chair.

When there are two or three motions on the floor (after motions and seconds) at the same time, the vote should proceed *first* on the *last* motion that is made. For example, assume the first motion is a basic “motion to have a five-member committee to plan and put on our annual fundraiser.” During the discussion of this motion, a member might make a second motion to “amend the main motion to have a 10-member committee, not a five-member committee to plan and put on our annual fundraiser.” And perhaps, during that discussion, a member makes yet a third motion as a “substitute motion that we not have an annual fundraiser this year.” The proper procedure would be as follows:

**First**, the chair would deal with the *third* (the last) motion on the floor, the substitute motion. After discussion and debate, a vote would be taken first on the third motion. If the substitute motion *passed*, it would be a substitute for the basic motion and would eliminate it. The first motion would be moot, as would the second motion (which sought to amend the first motion), and the action on the agenda item would be completed on the passage by the body of the third motion (the substitute motion). No vote would be taken on the first or second motions.

**Second**, if the substitute motion *failed*, the chair would then deal with the second (now the last) motion on the floor, the motion to amend. The discussion and debate would focus strictly on the amendment (should the committee be five or 10 members). If the motion to amend *passed*, the chair would then move to consider the main motion (the first motion) as *amended*. If the motion to amend *failed*, the chair would then move to consider the main motion (the first motion) in its original format, not amended.

**Third**, the chair would now deal with the first motion that was placed on the floor. The original motion would either be in its original format (five-member committee), or if *amended*, would be in its amended format (10-member committee). The question on the floor for discussion and decision would be whether a committee should plan and put on the annual fundraiser.

### To Debate or Not to Debate

The basic rule of motions is that they are subject to discussion and debate. Accordingly, basic motions, motions to amend, and substitute motions are all eligible, each in their turn, for full discussion before and by the body. The debate can continue as long as members of the body wish to discuss an item, subject to the decision of the chair that it is time to move on and take action.

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the body to move on. The following motions are not debatable (that is, when the following motions are made and seconded, the chair must immediately call for a vote of the body without debate on the motion):

**Motion to adjourn.** This motion, if passed, requires the body to immediately adjourn to its next regularly scheduled meeting. It requires a simple majority vote.

**Motion to recess.** This motion, if passed, requires the body to immediately take a recess. Normally, the chair determines the length of the recess which may be a few minutes or an hour. It requires a simple majority vote.

**Motion to fix the time to adjourn.** This motion, if passed, requires the body to adjourn the meeting at the specific time set in the motion. For example, the motion might be: “I move we adjourn this meeting at midnight.” It requires a simple majority vote.

**Motion to table.** This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to be placed on “hold.” The motion can contain a specific time in which the item can come back to the body. “I move we table this item until our regular meeting in October.” Or the motion can contain no specific time for the return of the item, in which case a motion to take the item off the table and bring it back to the body will have to be taken at a future meeting. A motion to table an item (or to bring it back to the body) requires a simple majority vote.

**Motion to limit debate.** The most common form of this motion is to say, “I move the previous question” or “I move the question” or “I call the question” or sometimes someone simply shouts out “question.” As a practical matter, when a member calls out one of these phrases, the chair can expedite matters by treating it as a “request” rather than as a formal motion. The chair can simply inquire of the body, “any further discussion?” If no one wishes to have further discussion, then the chair can go right to the pending motion that is on the floor. However, if even one person wishes to discuss the pending motion further, then at that point, the chair should treat the call for the “question” as a formal motion, and proceed to it.

When a member of the body makes such a motion (“I move the previous question”), the member is really saying: “I’ve had enough debate. Let’s get on with the vote.” When such a motion is made, the chair should ask for a second, stop debate, and vote on the motion to limit debate. The motion to limit debate requires a two-thirds vote of the body.

**NOTE:** A motion to limit debate could include a time limit. For example: “I move we limit debate on this agenda item to 15 minutes.” Even in this format, the motion to limit debate requires a two-thirds vote of the body. A similar motion is a *motion to object to consideration of an item*. This motion is not debatable, and if passed, precludes the body from even considering an item on the agenda. It also requires a two-thirds vote.

## Majority and Super Majority Votes

In a democracy, a simple majority vote determines a question. A tie vote means the motion fails. So in a seven-member body, a vote of 4-3 passes the motion. A vote of 3-3 with one abstention means the motion fails. If one member is absent and the vote is 3-3, the motion still fails.

All motions require a simple majority, but there are a few exceptions. The exceptions come up when the body is taking an action which effectively cuts off the ability of a minority of the body to take an action or discuss an item. These extraordinary motions require a two-thirds majority (a super majority) to pass:

**Motion to limit debate.** Whether a member says, “I move the previous question,” or “I move the question,” or “I call the question,” or “I move to limit debate,” it all amounts to an attempt to cut off the ability of the minority to discuss an item, and it requires a two-thirds vote to pass.

**Motion to close nominations.** When choosing officers of the body (such as the chair), nominations are in order either from a nominating committee or from the floor of the body. A motion to close nominations effectively cuts off the right of the minority to nominate officers and it requires a two-thirds vote to pass.

**Motion to object to the consideration of a question.** Normally, such a motion is unnecessary since the objectionable item can be tabled or defeated straight up. However, when members of a body do not even want an item on the agenda to be considered, then such a motion is in order. It is not debatable, and it requires a two-thirds vote to pass.

**Motion to suspend the rules.** This motion is debatable, but requires a two-thirds vote to pass. If the body has its own rules of order, conduct or procedure, this motion allows the body to suspend the rules for a particular purpose. For example, the body (a private club) might have a rule prohibiting the attendance at meetings by non-club members. A motion to suspend the rules would be in order to allow a non-club member to attend a meeting of the club on a particular date or on a particular agenda item.

## Counting Votes

The matter of counting votes starts simple, but can become complicated.

Usually, it’s pretty easy to determine whether a particular motion passed or whether it was defeated. If a simple majority vote is needed to pass a motion, then one vote more than 50 percent of the body is required. For example, in a five-member body, if the vote is three in favor and two opposed, the motion passes. If it is two in favor and three opposed, the motion is defeated.

If a two-thirds majority vote is needed to pass a motion, then how many affirmative votes are required? The simple rule of thumb is to count the “no” votes and double that count to determine how many “yes” votes are needed to pass a particular motion. For example, in a seven-member body, if two members vote “no” then the “yes” vote of at least four members is required to achieve a two-thirds majority vote to pass the motion.

What about tie votes? In the event of a tie, the motion always fails since an affirmative vote is required to pass any motion. For example, in a five-member body, if the vote is two in favor and two opposed, with one member absent, the motion is defeated.

Vote counting starts to become complicated when members vote “abstain” or in the case of a written ballot, cast a blank (or unreadable) ballot. Do these votes count, and if so, how does one count them? The starting point is always to check the statutes.

In California, for example, for an action of a board of supervisors to be valid and binding, the action must be approved by a majority of the board. (California Government Code Section 25005.) Typically, this means three of the five members of the board must vote affirmatively in favor of the action. A vote of 2-1 would not be sufficient. A vote of 3-0 with two abstentions would be sufficient. In general law cities in

California, as another example, resolutions or orders for the payment of money and all ordinances require a recorded vote of the total members of the city council. (California Government Code Section 36936.) Cities with charters may prescribe their own vote requirements. Local elected officials are always well-advised to consult with their local agency counsel on how state law may affect the vote count.

After consulting state statutes, step number two is to check the rules of the body. If the rules of the body say that you count votes of “those present” then you treat abstentions one way. However, if the rules of the body say that you count the votes of those “present and voting,” then you treat abstentions a different way. And if the rules of the body are silent on the subject, then the general rule of thumb (and default rule) is that you count all votes that are “present and voting.”

Accordingly, under the “present and voting” system, you would **NOT** count abstention votes on the motion. Members who abstain are counted for purposes of determining quorum (they are “present”), but you treat the abstention votes on the motion as if they did not exist (they are not “voting”). On the other hand, if the rules of the body specifically say that you count votes of those “present” then you **DO** count abstention votes both in establishing the quorum and on the motion. In this event, the abstention votes act just like “no” votes.

*How does this work in practice?*

*Here are a few examples.*

Assume that a five-member city council is voting on a motion that requires a simple majority vote to pass, and assume further that the body has no specific rule on counting votes. Accordingly, the default rule kicks in and we count all votes of members that are “present and voting.” If the vote on the motion is 3-2, the motion passes. If the motion is 2-2 with one abstention, the motion fails.

Assume a five-member city council voting on a motion that requires a two-thirds majority vote to pass, and further assume that the body has no specific rule on counting votes. Again, the default rule applies. If the vote is 3-2, the motion fails for lack of a two-thirds majority. If the vote is 4-1, the motion passes with a clear two-thirds majority. A vote of three “yes,” one “no” and one “abstain” also results in passage of the motion. Once again, the abstention is counted only for the purpose of determining quorum, but on the actual vote on the motion, it is as if the abstention vote never existed — so an effective 3-1 vote is clearly a two-thirds majority vote.

Now, change the scenario slightly. Assume the same five-member city council voting on a motion that requires a two-thirds majority vote to pass, but now assume that the body **DOES** have a specific rule requiring a two-thirds vote of members “present.” Under this specific rule, we must count the members present not only for quorum but also for the motion. In this scenario, any abstention has the same force and effect as if it were a “no” vote. Accordingly, if the votes were three “yes,” one “no” and one “abstain,” then the motion fails. The abstention in this case is treated like a “no” vote and effective vote of 3-2 is not enough to pass two-thirds majority muster.

Now, exactly how does a member cast an “abstention” vote?

Any time a member votes “abstain” or says, “I abstain,” that is an abstention. However, if a member votes “present” that is also treated as an abstention (the member is essentially saying, “Count me for purposes of a quorum, but my vote on the issue is abstain.”) In fact, any manifestation of intention not to vote either “yes” or “no” on the pending motion may be treated by the chair as an abstention. If written ballots are cast, a blank or unreadable ballot is counted as an abstention as well.

Can a member vote “absent” or “count me as absent?” Interesting question. The ruling on this is up to the chair. The better approach is for the chair to count this as if the member had left his/her chair and is actually “absent.” That, of course, affects the quorum. However, the chair may also treat this as a vote to abstain, particularly if the person does not actually leave the dais.

## The Motion to Reconsider

There is a special and unique motion that requires a bit of explanation all by itself; the motion to reconsider. A tenet of parliamentary procedure is finality. After vigorous discussion, debate and a vote, there must be some closure to the issue. And so, after a vote is taken, the matter is deemed closed, subject only to reopening if a proper motion to consider is made and passed.

A motion to reconsider requires a majority vote to pass like other garden-variety motions, but there are two special rules that apply only to the motion to reconsider.

First, is the matter of timing. A motion to reconsider must be made at the meeting where the item was first voted upon. A motion to reconsider made at a later time is untimely. (The body, however, can always vote to suspend the rules and, by a two-thirds majority, allow a motion to reconsider to be made at another time.)

Second, a motion to reconsider may be made only by certain members of the body. Accordingly, a motion to reconsider may be made only by a member who voted in the majority on the original motion. If such a member has a change of heart, he or she may make the motion to reconsider (any other member of the body — including a member who voted in the minority on the original motion — may second the motion). If a member who voted in the minority seeks to make the motion to reconsider, it must be ruled out of order. The purpose of this rule is finality. If a member of minority could make a motion to reconsider, then the item could be brought back to the body again and again, which would defeat the purpose of finality.

If the motion to reconsider passes, then the original matter is back before the body, and a new original motion is in order. The matter may be discussed and debated as if it were on the floor for the first time.

## Courtesy and Decorum

The rules of order are meant to create an atmosphere where the members of the body and the members of the public can attend to business efficiently, fairly and with full participation. At the same time, it is up to the chair and the members of the body to maintain common courtesy and decorum. Unless the setting is very informal, it is always best for only one person at a time to have the floor, and it is always best for every speaker to be first recognized by the chair before proceeding to speak.

The chair should always ensure that debate and discussion of an agenda item focuses on the item and the policy in question, not the personalities of the members of the body. Debate on policy is healthy, debate on personalities is not. The chair has the right to cut off discussion that is too personal, is too loud, or is too crude.

Debate and discussion should be focused, but free and open. In the interest of time, the chair may, however, limit the time allotted to speakers, including members of the body.

Can a member of the body interrupt the speaker? The general rule is “no.” There are, however, exceptions. A speaker may be interrupted for the following reasons:

**Privilege.** The proper interruption would be, “point of privilege.” The chair would then ask the interrupter to “state your point.” Appropriate points of privilege relate to anything that would interfere with the normal comfort of the meeting. For example, the room may be too hot or too cold, or a blowing fan might interfere with a person’s ability to hear.

**Order.** The proper interruption would be, “point of order.” Again, the chair would ask the interrupter to “state your point.” Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting. For example, if the chair moved on to a vote on a motion that permits debate without allowing that discussion or debate.

**Appeal.** If the chair makes a ruling that a member of the body disagrees with, that member may appeal the ruling of the chair. If the motion is seconded, and after debate, if it passes by a simple majority vote, then the ruling of the chair is deemed reversed.

**Call for orders of the day.** This is simply another way of saying, “return to the agenda.” If a member believes that the body has drifted from the agreed-upon agenda, such a call may be made. It does not require a vote, and when the chair discovers that the agenda has not been followed, the chair simply reminds the body to return to the agenda item properly before them. If the chair fails to do so, the chair’s determination may be appealed.

**Withdraw a motion.** During debate and discussion of a motion, the maker of the motion on the floor, at any time, may interrupt a speaker to withdraw his or her motion from the floor. The motion is immediately deemed withdrawn, although the chair may ask the person who seconded the motion if he or she wishes to make the motion, and any other member may make the motion if properly recognized.

## Special Notes About Public Input

The rules outlined above will help make meetings very public-friendly. But in addition, and particularly for the chair, it is wise to remember three special rules that apply to each agenda item:

**Rule One:** Tell the public what the body will be doing.

**Rule Two:** Keep the public informed while the body is doing it.

**Rule Three:** When the body has acted, tell the public what the body did.



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# Exhibit “A”

## CITY OF CARROLLTON RULES OF PARLIAMENTARY PROCEDURE<sup>1</sup>

Carrollton’s rules of parliamentary procedure are supported by the following four principles:

1. Rules should establish order. **The first purpose of the rules of parliamentary procedure is to establish a framework for the orderly conduct of meetings.**
2. Rules should be clear. **Simple rules lead to wider understanding and participation. Complex rules create two classes: those who understand and participate and those who do not fully understand and do not fully participate.**
3. Rules should be user-friendly. **That is, the rules must be simple enough that citizens feel they have been able to participate in the process.**
4. Rules should enforce the will of the majority while protecting the rights of the minority. **The ultimate purpose of the rules of procedure is to encourage discussion and to facilitate decision-making by the body. In a democracy, the majority rules. The rules must enable the majority to express itself and fashion a result, while permitting the minority to also express itself (but not dominate) and fully participate in the process.**

### The Chairperson Should Take a Back Seat During Discussions □

While all members of the governing body should know and understand the rules of parliamentary procedure, it is the chairperson (chair) who is charged with applying the rules of conduct. When present, the city attorney shall act as parliamentarian and shall make the final decision as to the application of these rules. Otherwise, the chair shall make the final decision. Accordingly, the chair should be well versed in these rules. All decisions by the city attorney or the chair, as applicable, are final unless overruled by the governing body itself.

Because the chair conducts the meeting, it is common courtesy for the chair to take a less active role than other members of the body in debates and discussions. This does not mean that the chair should not participate in the debate or discussion. On the contrary, as a member of the body, the chair has full rights to participate in debates, discussions and decision-making. The chair should, however, strive to be the last to speak at the discussion and debate stage, and should not make or second a motion unless he or she is convinced that no other member of the body will do so.

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<sup>1</sup> These rules of parliamentary procedure are based on “Rosenberg’s Rules of Order: Simple Parliamentary Procedures for the 21st Century” written by Dave Rosenberg and published by the League of California Cities in 2003. The procedures set forth in Rosenberg’s have been modified slightly to reflect custom, practice, and specific ordinances requirements in Carrollton. While these rules have been drafted to conform to requirements of Georgia law and the Code of Ordinances, City of Carrollton, Georgia (hereinafter the “Code of Ordinances”), in the event of a conflict between these procedures and those laws, those laws shall govern.

## **The Basic Format for an Agenda Item Discussion**

All meetings of the mayor and city council and all authorities, boards, and commissions of the city shall follow a written, published agenda. The meeting is governed by the agenda and the agenda constitutes the agreed-upon road map for the meeting. Each agenda item should be handled by the chair in the following basic format.

**First**, the chair should clearly announce the agenda item number and should clearly state what the subject is. The chair should then announce the format that will be followed. If any member of the body has a conflict of interest, that member announces the conflict and need for recusal.

**Second**, following that agenda format, the chair should invite the appropriate people to report on the item, including any recommendation they might have. The appropriate person may be the chair, a member of the governing body, a staff person, or a committee chair charged with providing information about the agenda item.

**Third**, the chair should ask members of the body if they have any technical questions for clarification. At this point, members of the governing body may ask clarifying questions to the people who reported on the item, and they should be given time to respond.

**Fourth**, the chair should invite public comments or, if appropriate at a formal public hearing, open the hearing. Unless Georgia law or the Code of Ordinances provide otherwise, speakers are typically limited to 3 minutes; shorter time limits may be imposed if numerous members of the public indicate a desire to speak to the subject. At the conclusion of the public comments, the chair should announce that public input has concluded (or that the public hearing, as the case may be, is closed).

**Fifth**, the chair should invite members of the body to make remarks on the matter. This is an opportunity for members of the body to state their views on the subject before any formal motions are made.

**Sixth**, the chair should invite a motion from the governing body members. The chair should announce the name of the member who makes the motion.

**Seventh**, the chair should determine if any member of the body wishes to second the motion. The chair should announce the name of the member who seconds the motion. If the motion receives no second, then the motion dies for lack of a second.

**Eighth**, if the motion is made and seconded, the chair should make sure everyone understands the motion. This is done in one of three ways:

1. The chair can ask the maker of the motion to repeat it;

2. The chair can repeat the motion; or
3. The chair can ask the secretary or the clerk of the body to repeat the motion.

**Ninth**, the chair should now invite discussion of the motion by the members of the governing body. If there is no desired discussion or the discussion has ended, the chair should announce that the body will vote on the motion. If there has been no discussion or a very brief discussion, the vote should proceed immediately, and there is no need to repeat the motion. If there has been substantial discussion, it is normally best to make sure everyone understands the motion by repeating it.

**Tenth**, the chair takes a vote. Simply asking for the “ayes” and then the “nays” is normally sufficient. If members of the body do not vote, then they “abstain.” Unless specific laws or procedures provide otherwise, a simple majority determines whether the motion passes or is defeated.

**Eleventh**, the chair should announce the result of the vote and should announce what action (if any) the body has taken. In announcing the result, the chair should indicate the names of the members, if any, who voted in the minority on the motion. This announcement might take the following form: “The motion passes by a vote of 3-2, with Smith and Jones dissenting. We have passed the motion requiring 10 days’ notice for all future meetings of this governing body.”

### **Motions in General**

Motions are the vehicles for decision-making. It is usually best to have a motion before the governing body prior to discussing an agenda item, to help everyone focus on the motion before them.

The chair usually initiates the motion by:

1. Inviting the members to make a motion: “A motion at this time would be in order.”
2. Suggesting a motion to the members, for example: “A motion would be in order that we give 10-days’ notice in the future for all our meetings.”
3. Making the motion.

As noted, the chair has every right as a member of the body to make a motion, but normally should do so only if he or she wishes a motion to be made but no other member seems willing to do so.

## **The Three Basic Motions**

Three motions are the most common:

1. **The basic motion.** The basic motion is the one that puts forward a decision for consideration. A basic motion might be: “I move that we create a five-member committee to plan and put on our annual fundraiser.”
2. **The motion to amend.** If a member wants to change a basic motion that is under discussion, he or she would move to amend it. A motion to amend might be: “I move that we amend the motion to have a 10-member committee.” A motion to amend takes the basic motion that is before the body and seeks to change it in some way.
3. **The substitute motion.** If a member wants to completely do away with the basic motion under discussion and put a new motion before the governing body, he or she would “move a substitute motion.” A substitute motion might be: “I move a substitute motion that we cancel the annual fundraiser this year.”

Motions to amend and substitute motions are often confused. But they are quite different, and so is their effect, if passed.

A motion to amend seeks to retain the basic motion on the floor, but to modify it in some way.

A substitute motion seeks to throw out the basic motion on the floor and substitute a new and different motion for it.

The decision as to whether a motion is really a motion to amend or a substitute motion is left to the chair. So that if a member makes what that member calls a motion to amend, but the chair determines it is really a substitute motion, the chair’s designation governs.

## **When Multiple Motions Are Before The Governing Body**

Up to three motions may be on the floor simultaneously. The chair may reject a fourth motion until the three that are on the floor have been resolved.

When two or three motions are on the floor (after motions and seconds) at the same time, the first vote should be on the last motion made. So, for example, assume the first motion is a basic “motion to have a five-member committee to plan and put on our annual fundraiser.” During the discussion of this motion, a member might make a second motion to “amend the main motion to have a 10-member committee, not a five-member committee, to plan and put on our annual fundraiser.” And perhaps, during that discussion, a member makes yet a third motion as a “substitute motion that we not have an annual fundraiser this year.” The proper procedure would be as follows.

First, the chair would deal with the third (the last) motion on the floor, the substitute motion. After discussion and debate, a vote would be taken first on the third motion. If the substitute motion passes, it would be a substitute for the basic motion and would eliminate it. The first motion would be moot, as would the second motion (which sought to amend the first motion), and the action on the agenda item would be complete. No vote would be taken on the first or second motions. On the other hand, if the substitute motion (the third motion) failed, the chair would proceed to consideration of the second (now the last) motion on the floor, the motion to amend.

If the substitute motion failed, the chair would then deal with the second (now the last) motion on the floor, the motion to amend. The discussion and debate would focus strictly on the amendment (should the committee be five or 10 members). If the motion to amend passed, the chair would now move to consider the main motion (the first motion) as amended. If the motion to amend failed, the chair would now move to consider the main motion (the first motion) in its original format, not amended.

Third, the chair would now deal with the first motion that was placed on the floor. The original motion would either be in its original format (five-member committee) or, if amended, would be in its amended format (10-member committee). And the question on the floor for discussion and decision would be whether a committee should plan and put on the annual fundraiser.

### **To Debate or Not to Debate**

The basic rule of motions is that they are subject to discussion and debate. Accordingly, basic motions, motions to amend, and substitute motions are all eligible, each in their turn, for full discussion before and by the body. The debate can continue as long as members of the body wish to discuss an item, subject to the decision of the chair that it is time to move on and take action. There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the body to move on. The following motions are not debatable (that is, when the following motions are made and seconded, the chair must immediately call for a vote of the body without debate on the motion):

**A motion to adjourn.** This motion, if passed, requires the body to immediately adjourn to its next regularly scheduled meeting. This motion requires a simple majority vote.

**A motion to recess.** This motion, if passed, requires the body to immediately take a recess. Normally, the chair determines the length of the recess, which may range from a few minutes to an hour. It requires a simple majority vote.

**A motion to fix the time to adjourn.** This motion, if passed, requires the body to adjourn the meeting at the specific time set in the motion. For example, the motion might be: "I move we adjourn this meeting at midnight." It requires a simple majority vote.

**A motion to limit debate.** The most common form of this motion is to say: "I move the previous question" or "I move the question" or "I call for the question." When a member of the body makes such a motion, the member is really saying: "I've had enough debate. Let's get on with the vote." When such a motion is made, the chair should ask for a second to the motion, stop debate, and vote on the motion to limit debate. The motion to limit debate requires a two-thirds vote of the body. Note that a motion to limit debate could include a time limit. For example: "I move we limit debate on this agenda item to 15

minutes.” Even in this format, the motion to limit debate requires a two-thirds vote of the body. A similar motion is a motion to object to consideration of an item. This motion is not debatable, and if passed, precludes the body from even considering an item on the agenda. It also requires a two-thirds vote.

**Motion to go into closed session:** This motion coincides with the law regarding Open Meetings in O.C.G.A. § 50-14-1 et. seq. If during a meeting the council needs to go into closed session for one of the limited purposes listed in the statute, a member may make this motion to go into closed session.

**Motion to leave closed session:** This motion allows the council to return from a closed session into an open meeting, either to conclude any business or simply to adjourn the open meeting.

**Motion to divide a complex issue and consider it by paragraph:** This motion allows debate and discussion, amendments, and voting to occur on a large issue in smaller increments.

#### Commentary

As a word of caution, this motion should be used only in the case of long motions or complex issues where confusion is possible. For example, if the city designated money in the budget to fund a new park and there was opposition to the park, there may be a motion to divide and vote on that budget item instead of the budget as a whole. Then, if the park funding was approved, the budget could be considered. If the park funding failed, the budget could be amended and then voted on.

### **Majority and Super-Majority Votes**

In a democracy, decisions are made with a simple majority vote. A tie vote means the motion fails. So in a five-member body, a vote of 3-2 passes the motion. A vote of 2-2 with one abstention means the motion fails. If one member is absent or recused and the vote is 2-2, the motion still fails.

All motions require a simple majority, but there are a few exceptions. The exceptions occur when the body is taking an action that effectively cuts off the ability of a minority of the body to take an action or discuss an item. These extraordinary motions require a two-thirds majority (a super-majority) to pass:

**Motion to limit debate.** Whether a member says, “I move the previous question,” “I move the question,” “I call for the question” or “I move to limit debate,” it all amounts to an attempt to cut off the ability of the minority to discuss an item, and it requires a two-thirds vote to pass.

**Motion to close nominations.** When choosing officers of the body, such as the chair, nominations are in order either from a nominating committee or from the floor of the body. A motion to close nominations effectively cuts off the right of the minority to nominate officers, and it requires a two-thirds vote to pass.

**Motion to object to the consideration of a question.** Normally, such a motion is unnecessary, because the objectionable item can be tabled or defeated straight up. However, when members of a body do not even want an item on the agenda to be considered, then such a motion is in order. It is not debatable, and it requires a two-thirds vote to pass.

**Motion to suspend the rules.** This motion is debatable, but requires a two-thirds vote to pass. If the body has its own rules of order, conduct or procedure, this motion allows the body to suspend the rules for a particular purpose. For example, the body (a private club) might have a rule prohibiting the attendance at meetings by non-club members. A motion to suspend the rules would be in order to allow a non-club member to attend a meeting of the club on a particular date or on a particular agenda item.

### **The Motion to Reconsider**

There is a special and unique motion that requires a bit of explanation all by itself: the motion to reconsider. A tenet of parliamentary procedure is finality. After vigorous discussion, debate and a vote, there must be some closure to the issue. And so, after a vote is taken, the matter is deemed closed, subject only to reopening if a proper motion to reconsider is made. The motion may only be made by someone who voted with the prevailing side and must occur in the same meeting as the original vote, with a meeting continued by adjournment to a time and place certain being considered the same meeting.

### **A Motion to Table**

This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to be placed on “hold.” The motion may contain a specific time in which the item can come back to the body: “I move we table this item until our regular meeting in October.” Or the motion may contain no specific time for the return of the item, in which case a motion to take the item off the table and bring it back to the body will have to be taken at a future meeting. A motion to table an item (or to bring it back to the body) requires a simple majority vote.

### **Courtesy and Decorum**

The rules of order are meant to create an atmosphere where the members of the body and the members of the public can attend to business efficiently, fairly and with full participation. And at the same time, it is up to the chair and the members of the body to maintain common courtesy and decorum. Unless the setting is very informal, it is always best for only one person at a time to have the floor, and it is always best for every speaker to be first recognized by the chair before proceeding to speak.

The chair should always ensure that debate and discussion of an agenda item focus on the item and the policy in question, not on the personalities of the members of the body. Debate on policy is healthy; debate on personalities is not. The chair has the right to cut off discussion that is too personal, too loud or too crude.

Debate and discussion should be focused, but free and open. In the interest of time, the chair may, however, limit the time allotted to speakers, including members of the body. Can a member of the body interrupt the speaker? The general rule is no. There are, however, exceptions. A speaker may

be interrupted for the following reasons:

**Privilege.** The proper interruption would be: “Point of privilege.” The chair would then ask the interrupter to “state your point.” Appropriate points of privilege relate to anything that would interfere with the normal comfort of the meeting. For example, the room may be too hot or too cold, or a blowing fan might interfere with a person’s ability to hear.

**Order.** The proper interruption would be: “Point of order.” Again, the chair would ask the interrupter to “state your point.” Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting; for example, if the chair moved on to a vote on a motion that permits debate without allowing that discussion or debate.

**Appeal.** If the chair makes a ruling that a member of the body disagrees with, that member may appeal the ruling of the chair. If the motion is seconded and after debate, if it passes by a simple majority vote, then the ruling of the chair is deemed reversed.

**Call for orders of the day.** This is simply another way of saying, “Let’s return to the agenda.” If a member believes that the body has drifted from the agreed-upon agenda, such a call may be made. It does not require a vote, and when the chair discovers that the agenda has not been followed, the chair simply reminds the body to return to the agenda item properly before them. If the chair fails to do so, the chair’s determination may be appealed.

**Withdraw a motion.** Prior to a motion being seconded, the maker of the motion may withdraw his or her motion from the floor. The motion is immediately deemed withdrawn. Once a motion is seconded, however, it belongs to the body as a whole.

### **Special Notes About Public Input**

The rules outlined here help make meetings very public-friendly. But in addition, and particularly for the chair, it is wise to remember three special rules that apply to each agenda item:

**Rule One:** Tell the public what the body will be doing.

**Rule Two:** Keep the public informed while the body is doing it.

**Rule Three:** When the body has acted, tell the public what the body did.

Public input is essential to a healthy democracy, and community participation in public meetings is an important element of that input. The challenge for anyone chairing a public meeting is to accommodate public input in a timely and time-sensitive way, while maintaining steady progress through the agenda items. The rules presented here for conducting a meeting are offered as tools for effective leadership and as a means of developing sound public policy.

## **10. General Discussion**

Councilmember Lane and City Attorney Conerly discussed the blighted structure resolution passed by the Mayor and Council as compared to the proposed Resolution 11-2016 to be considered at the next meeting.

Councilmember Byrd expressed appreciation to CPRCAD Director Peter Maierhofer for all his work on the West Carrollton Pavilion.

Councilmember Byrd thanked City Manager Grizzard for attending the Martin Luther King Parade and Mayor Walt Hollingsworth for participating.

Councilmember Byrd invited everyone to the Neva Lomason Library during the month of February to view an art display by local artist for Black History Month.

Councilmember Byrd announced he was planning a town hall meeting tentatively set for Saturday, February 28, 2016. Firm details on location, date, and time will be announced later.

Councilmember Lane thanked City Attorney Conerly for his work.

Councilmember Watters expressed appreciation to City Manager Grizzard, Engineer Tommy Holland and Traffic Signal Supervisor Kenny Rollins for attending a meeting with he and Oak Mountain residents to address needs and concerns for the area.

City Manager Grizzard advised of the following future Work Sessions dates scheduled: February 15, 2016 at 5:00 p.m. and March 21, 2016 at 5:00 p.m.

## **II. ADJOURN**

There being no other items to discuss, the Work Session was closed at 6:40 p.m.