FORSYTH COUNTY BOARD OF COMMISSIONERS
2016 RULES AND PROCEDURES

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1.0 OPERATIONAL PROCEDURE

SECTION 1.01 MEETINGS

1.01.01 **Regular Meeting/Public Hearings, Work Sessions and Special Called Meetings** of the Forsyth County Commission (also referred herein as the "Commission," the "Commissioners" or the "Board"). Regular Meeting/Public Hearings and Work Sessions are scheduled recurring meetings of the Commission to conduct or discuss the ongoing business of the County. Special Called Meetings are to conduct emergency business and the Chairman; a majority of the Board, the County Manager, or the County Attorney may call for a Special Called Meeting.

1.01.02 [Purposefully left blank]

1.01.03 **Executive session meetings** shall be conducted in accordance with O.C.G.A. Section 50-14-2, 50-14-3 and Section 50-14-4, or as these sections may be amended from time to time.

SECTION 1.02 QUORUM

Any three (3) of the district Commissioners shall constitute a quorum for any meeting of the Forsyth County Commission.

1.02.01 If a quorum is not present thirty (30) minutes following the scheduled hour for convening, the chairman or the vice-chairman, or in their absence, the secretary (or his/her designee), may adjourn the meeting. By unanimous consent, those present may select another date for the meeting.

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

a. Set another day at which to reconvene;

b. Adjourn and return at the next regular meeting; and

c. Recess to determine if a quorum will be present within a short period of time.

SECTION 1.03 CHAIRMAN

1.03.01 The chairman shall be elected by the majority of the Board no sooner than the 1st meeting in January and no later than the 2nd meeting of January and shall serve for a period of one year.

The chairman shall have the same rights and privileges of the other Commissioners and no other authority above and beyond any other commissioner.

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

The chairman's primary responsibility is to insure efficient and productive meetings of the Board with his/her duties to include:

a. Presiding over meetings of the Commission;

b. Calling the meeting to order at the scheduled hour;

c. Determining that a quorum is present;

d. Preserving decorum and order at all meetings;

e. Calling for the vote;

f. Announcing the results of each vote; and

g. Calling for a recess at such times as deemed advisable.

1.03.02 Upon approval of a simple majority vote, the Board may appoint representatives from the Board to serve on various committees and as liaison to various departments.

The chairman, or his/her designee, may serve as a representative of the Board of Commissioners as various local, regional or state groups, boards or events.

The chairman may succeed himself/herself. The chairman can make motions, debate, and vote or abstain on motions.

1.03.03 The chairman shall exercise other duties as prescribed under Georgia law.

SECTION 1.04 VICE-CHAIRMAN

The vice-chairman shall be elected by a majority of the Board no sooner than the first meeting in January of each year and no later than the second meeting in January of each year. The vice-chairman shall serve for a period of one year and shall assume the duties of the chair in the absence of the chair.

The vice-chairman shall have the same rights and privileges of any other commissioner and no other authority above and beyond any other commissioner.

The vice-chairman may succeed himself/herself.

SECTION 1.05 SECRETARY

The secretary shall be elected by a majority of the Board no sooner than the first meeting in January of each year and no later than the second meeting in January of each year. The secretary shall serve for a period of one year and shall assume the duties of the chair in the absence of the chair and the vice-chair.

The secretary may succeed himself/herself.

SECTION 1.06 MINUTES

1.06.01 All actions of the Commission, to include executive sessions as provided in O.C.G.A. 50-14-1 (e)(2)(C), shall be accurately recorded by the clerk (or his/her designee) in the minutes which shall include:

a. All main motions, (including amendments or stipulations);

b. The name of the maker of all important motions.

c. Disposition of all main motions, whether

1) Adopted;

2) Defeated;

3) Referred to committee or to staff for further information or recommendation; and

4) Held until _____ (a definite time/date).

d. How each commissioner voted.

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

1.06.02 Preparation of the minutes shall vest in the County Clerk with the assistance, as needed, by the County Attorney. The responsibility for correcting and approving the minutes shall be vested only in the members of the Commission. The minutes shall be adopted at the next regular meeting of the Board. The minutes of each meeting shall indicate their subsequent approval/correction. The minutes may be corrected whenever an error is noticed regardless of the time which has elapsed. The Board may correct the minutes of a previous meeting prior to the adoption with

a majority approval of the Board. The Board may otherwise correct errors in minutes that have been adopted with a majority approval of the Board.

1.06.03 The County Clerk or the Deputy County Clerk shall attest to the Minutes.

SECTION 1.07 AGENDA

a. An agenda for the Regular Meetings/Public Hearings will be prepared by the County Manager with the advice of the Commissioners and will be available to the Commissioners no later than noon of the Friday preceding the Regular Meeting. Any two Commissioners may place an item, including providing all backup and supporting documentation, on the agenda and are encouraged to provide backup documentation to the clerk by cutoff time which is 5:00 PM on the Monday that is eight (8) working days preceding the Regular Meeting. Any Commissioner may request additional information for any agenda item.

b. An agenda for the Work Session will be prepared by the County Manager with the advice of the Commissioners and will be available to the Commissioners no later than noon of the day (typically Friday) that is two (2) working days preceding the Work Session. Any two Commissioners may place an item, including providing all backup and supporting documentation, on the agenda by cutoff time which is 5:00 PM on the day (typically Monday) that is six (6) working days preceding the Work Session. Any Commissioner may request additional information for any agenda item

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

d. After the cutoff time for either Regular Meetings or Work Sessions, no additional items shall be added to the agenda other than those deemed necessary for the operation or functioning of the County as recommended by the County Manager, County Attorney, or any two Commissioners. Any item added to the agenda after the cutoff time but prior to formal publication of the agenda will be included in the published agenda, but support and backup documentation will only be inserted into the Commissioners' agenda books if the County Clerk has adequate time to make such additions. If backup documentation is not included in the agenda books due to time constraints, the party(ies) seeking the late addition shall be required to utilize best efforts to distribute backup documentation to Board members. An item that is proposed to be placed on the agenda after the publication of the agenda, may be so placed only if in conformance with Section 1.07.02.

1.07.01 All items contained in the **consent agenda** may be voted on en gross. Prior to voting on the consent agenda, any two Commissioners may remove an item from the Consent Agenda and place it on the regular agenda for discussion. **Items for the consent agenda require either a 5-0 vote of the commission during a work session, or if a commissioner was absent from the work session then the absent commissioner advises the clerk of no objection with the item being**

placed on the consent agenda. An item may also be placed on the consent agenda in the ordinary course by county staff or the county attorney. An item that is discussed and voted on during executive session (per O.C.G.A. 50-14-3(b)(1)) or otherwise in need of ratification in open session may be placed on the consent agenda if there is unanimity by the Board for such placement.

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

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

b. A vote of 4/5 shall be required to add a non-agenda item. Should only four (4) members of the Commission be present, a unanimous vote shall be required.

1.07.03 During adoption of the agenda for either a regular meeting or work session, a majority vote shall be required to postpone or remove any published agenda item.

1.07.04 Subject to the priority of Motions set forth in Section 3.01, at any time during a Work Session/Regular Meeting/Public Hearing an agenda item may be postponed, tabled, or moved to a future Regular Meeting/Public Hearing or Work Session agenda by a majority vote.

SECTION 1.08 VOTING

1.08.01 Formal voting on Board matters will ordinarily occur only during a **Regular Meeting/Public Hearing** or during a **Special Called Meeting**. Any votes taken during a **Work Session** will ordinarily be for the purpose of authorizing placement of such item to the agenda of a Regular meeting/Public Hearing. As discussed in Section 1.07.01, a unanimous vote of support for an agenda item during a Work Session shall authorize placement of that item on the next available Regular Meeting/Public Hearing consent agenda. A vote of support for a Work Session agenda item that is less than unanimous shall result in the agenda item being placed on the next available Regular Meeting/Public Hearing new business agenda or old business agenda, as applicable. In the event that a Work Session agenda item is declared time sensitive by the Chairman, any two Commissioners, County Manager, or County Attorney, then a substantive, binding and final vote may be taken during a Work Session.

1.08.02 All votes shall be taken by lighted pushbutton vote, show of hands, or verbal pronouncement. An affirmative vote of a majority of the members of the Board in attendance shall be required to adopt a motion unless otherwise noted in this document. If a Motion to Approve an item is defeated by the vote, the vote does not constitute an

affirmative denial of the item. Instead, a Motion to Deny should immediately follow to bring closure to the item. Likewise, if a Motion to Deny an item is defeated by the vote, the vote does not constitute an affirmative approval of the item. Instead, a Motion to Approve should immediately follow to bring closure to the item.

1.08.03 A tie vote shall cause all **procedural motions** to be defeated. A tie vote on a **main motion** shall keep the motion as pending before the Board and the motion shall be rescheduled for another time.

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

1.08.05 Any vote taken on an intergovernmental agreement shall require an affirmative vote of a simple majority.

1.08.06 A County-initiated rezoning of land shall be permissible. However, prior to placement of the legal advertisement for such a rezoning in the legal organ, a majority of the Board of Commissioners shall be required to authorize placement of such legal advertisement. A vote in favor of placement of the legal advertisement for a County-initiated rezoning shall not be deemed nor construed as a vote in favor of the rezoning itself.

SECTION 1.09 PUBLIC PARTICIPATION IN BOARD MEETING

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

1.09.01 Persons wishing to address the Board shall do so during the **Public Comment Portions** of the agenda. There shall be two (2) Public Comment Portions at each Regular Meeting of the Board of Commissioners. The first Public Comment Portion shall occur at the beginning of each Regular Meeting of the Board of Commissioners with the second Public Comment Portion to occur either: (1) after public hearings but before Old Business; (2) if no Old Business, then prior to New Business; or (3) if no New Business, then prior to adjournment.

a. A maximum of twenty (20) speakers, ten (10) at the beginning and ten (10) at the second portion, shall be allowed to address the Board at each Regular Meeting. Prior to speaking, each speaker must complete a Public Comment Sign-In form and submit the form to the Clerk to the Board. Forms

will be accepted on a first-come basis but not more than five minutes prior to the announced starting time of the meeting and continuing until twenty (20) have signed up or until the remarks of the last speaker have concluded, whichever first occurs. No prior reservations will be taken for these slots. Each speaker will be allotted a maximum of three (3) minutes for a verbal presentation. Forsyth County residents will be allowed to address the Board first, with non-county residents to follow until the allotted time has expired.

b. An extension to the thirty (30) minute scheduled public comment session, and/or an extension of the three (3) minute limit per person, may be granted by a majority vote of the Commission.

c. If so directed by the Board, a written response to each speaker will be provided by the appropriate County Staff person, usually within thirty (30) days.

d. If so directed by the Board, when a request for special action or a grievance has been heard, the matter will be referred to the county manager (or his/her designee) who will prepare a response to the matter. If necessary, action on the matter for consideration of the Commission will be placed on the agenda for the second regular meeting following the date of the comment.

1.09.02 All persons shall address the Commission in the following manner:

a. State his/her name and state address if desired (address is required only on the sign-in form and may be omitted if the speaker does not wish to receive a written response).

b. The speaker shall be required to state:

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

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

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

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

1.09.04 Questions from Commissioners may be asked 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.

1.09.05 Persons wishing to address the Board of Commissioners in **duly advertised public hearings** will be heard. Prior to speaking, each speaker must complete a Public Hearing Sign-In form and submit the form to the Clerk to the Board. Forms are available outside the meeting room. Each speaker should be allotted a maximum of three minutes. Said time limit per person may be lengthened or shortened for a given speaker, or for all speakers on a given matter, or for all speakers in a given meeting, by a majority vote of the Commission. Proponents of a particular item shall be afforded a maximum of ten (10) minutes and an equal maximum time period shall be afforded for presentation by opponents of each item. The Board of Commissioners will adopt, from time to time, a public hearing schedule to be placed on file with the clerk and posted as required by law.

SECTION 1.10 APPOINTMENTS OF THE BOARD

1.10.01 Appointments shall be made as necessary:

a. When it has been determined, by rotation or some other manner, that it is the "turn" of a particular commissioner to nominate a candidate for a position, such candidate must be elected by a majority of the Board.

b. If the nominee fails to receive a majority vote, the commissioner who made the nomination may nominate another candidate(s) until the position is filled by majority vote.

2.0 DECORUM OF DEBATE

The following practices shall be followed in the discussions (debate) on motions and matters presented to the Board of Commissioners.

SECTION 2.01 ADHERENCE TO AGENDA

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

SECTION 2.02 COMMISSIONER COMMENT PERIOD

Concerning the opportunity for Commissioners to address the public at regular meetings or work session:

a. Each commissioner shall have an opportunity to **address the public** on any topic during the Announcements portion of the Board's regular meeting or work session for no more than five (5) minutes.

b. During these remarks, a commissioner must observe the same rules of decorum as those below in **Section 2.03.** and may be called to order by the chairman or another commissioner if there is a breach of those applicable rules;

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

SECTION 2.03 DISCUSSION OF THE ISSUE

In discussion, a commissioner may condemn the nature or likely consequences of the proposed measure in strong terms, but must avoid personalities, and under no circumstances may he/she attack or question the motives of another commissioner or staff. The issue, and not a person shall be the item under discussion.

SECTION 2.04 CALL TO ORDER, REMARKS

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

SECTION 2.05 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).

SECTION 2.06 EQUAL OPPORTUNITY

After a commissioner has spoken or asked questions on a matter before the Commission, other commissioners shall be given the opportunity to speak. If no other commissioner wishes to speak to the issue, the commissioner may continue speaking to the issue.

SECTION 2.07 DISRUPTIONS

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

SECTION 2.08 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 shall say, "Commissioner, those remarks are out of order. Please cease this line of comments and restrict your comments to the inquiry and the merits of the agenda item."

3.0 PROCEDURE IN MEETINGS

SECTION 3.00 MOTIONS

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

SECTION 3.01 RANKING MOTIONS

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

a. Adjourn;

b. Recess;

c. Motions of privilege;

d. Call the question;

e. Limit discussion or debate by the Commission;

f. Hold until a time certain;

g. Refer back to staff/committee; or refer to staff/committee;

h. Amend;

i. Main motion.

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

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

1) Possible **dispositions** of such a motion assumed by the chair include:

a) Adopt;

b) Amend and adopt with amendments (or stipulations);
c) Defeat;
d) Refer back to staff/committee; or refer to staff/committee;
e) Hold until (a definite time).

2) Incidental motions such as consider en gross, consider by paragraph, or divide the motion (each described in Section 3.03) may also be applied to such assumed motions.

b. **Other Main Motions** (motions that are incidental or relating to business of the Commission, or its past or future action, or arising as **Non-agenda Items** [see Section 1.07.02]) shall require a second, and, if such motions fail to obtain a second, the chairman shall state, "Since there is no second, the motion is not before this meeting."

3.01.02 Concerning the **amending** of particular motions:

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

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

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

d. Improper amendments shall be:

1) one which is not germane;

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

3) one which is frivolous or absurd.

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

to be considered shall be that motion which was on the floor prior to the motion to refer.

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

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

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

3.01.06 A commissioner may **"call the question"** (a motion to end discussion) when it is clear that further discussion is unnecessary or that discussion is becoming repetitive. This motion shall require a second and no discussion on the motion shall be allowed. It shall require a simple majority vote to adopt.

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

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

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

SECTION 3.02 MOTIONS USED TO BRING BACK AN ISSUE

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

3.02.01 If a commissioner wishes to amend an action taken at a previous meeting, the **Motion to Amend Something Previously Adopted** shall be followed and may be used by any commissioner regardless of how he/she originally voted. This motion shall be used when the Commission desires to change only a part of the text or to substitute a different version for a matter that was previously adopted. A second shall be required and full discussion shall be allowed. If the item has been listed on the published agenda, a majority vote shall be required for adoption. A vote of 4/5 shall be required if the item is not on the official agenda, except that, should only four (4) members of the Commission be present, a unanimous vote shall be required.

A Motion to Amend cannot be used when something has been done as a result of the vote to implement the earlier action adopted that is impossible to undo. (The unexecuted part of an order, however, can be amended.)

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

3.02.03 If a Commissioner wishes to annul an action taken at a previous meeting, the motion to **Rescind** may be used by any commissioner regardless of how he/she originally voted on the matter. The motion to rescind shall require prior notice at a regularly scheduled meeting of the intent to rescind a motion at the next scheduled meeting. The motion to rescind shall not be in order if:

a. the motion to reconsider is made, i.e., at the same meeting;

b. the motion to reconsider was taken and lost;

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

d. something has been done as a result of the vote to implement the earlier action adopted that is impossible to undo. (The unexecuted part of an order, however, can be rescinded.).

A second shall be required and full discussion shall be allowed. If the item has been listed on the published agenda, a majority vote shall be required for adoption. A vote of 4/5 shall be required if the item is not on the official agenda, except that, should only four (4) members of the Commission be present, a unanimous vote shall be required.

SECTION 3.03 INCIDENTAL MOTIONS

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

3.03.01 **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.

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

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

a. in response to a parliamentary inquiry or point of information.

b. in areas that challenge verifiable rulings of factual nature.

The chair shall state the motion as "Shall the chair's decision be sustained?" A tie vote shall sustain the chair because a majority of those voting shall be required to overturn the chair's ruling.

3.03.04 A **Parliamentary Inquiry** is a question directed to the chair to obtain information on a matter of parliamentary law or the rules of the Commission. The chair will answer such questions or may ask the county attorney or parliamentarian for an opinion. The chair's reply, whether or not he/she has requested advice from the county attorney or parliamentarian, is an opinion, not a ruling. If a commissioner does not agree with the chair's opinion, he/she may act in a way contrary to this opinion and if ruled out of order may then appeal the chair's ruling. The chair is not obligated to respond to hypothetical questions.

3.03.05 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."

3.03.06 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'."

3.03.07 Once a motion has been moved and seconded, it belongs to the entire Commission and not to the maker of the motion; therefore, if a commissioner wishes to **withdraw a motion** that is officially before the Board, action of the Board must be taken in either of the following ways:

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

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

3.03.08 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."**

4.0 PARLIAMENTARIAN

The county attorney or his/her designee shall serve as parliamentarian and shall advise and assist the chair and the Commission in matters of parliamentary law. A professional parliamentarian may be consulted as deemed necessary.

5.0 PARLIAMENTARY AUTHORITY

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

6.0 AMENDMENTS

These rules may be amended by a simple majority vote of the entire Commission at a regular meeting or special meeting of the Forsyth County Board of Commissioners, 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 FORSYTH COUNTY BOARD OF COMMISSIONERS**.

Adjourn – to officially terminate a meeting

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

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

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

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

Board – the Forsyth County Board of Commissioners

Chair – the presiding commissioner

Clerk – the duly appointed County Clerk or Assistant Clerk

Commission– the Forsyth County Board of Commissioners

Commissioner – any person elected to that position

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

Convene – to open a meeting

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

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

Demand – an assertion of a parliamentary right by a commissioner

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

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

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

Germane discussion – discussion relating directly to the matter involved

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

In order – permissible and right from a parliamentary standpoint

Majority vote – an affirmation vote of at least three (3) Commissioners, one of which may be the chair

Minutes – the legal record of the action of the Commission after the record has been approved by vote of the body

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

Objection – the formal expression of opposition to a proposed action

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

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

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

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

Precedence – the rank or priority governing the motion

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

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

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

OCGA – Official Code of Georgia Annotated

Quorum – the number of persons that must be present at a meeting of the Commission to enable it to act legally on business; any three (3) of the district commissioners, one of which may be the chair, shall constitute a quorum for any meeting of the Board of the Forsyth County Commission

Recognition - acknowledgement by the chair, giving a person sole right to speak

Reconsider – to review again a matter previously disposed of and to vote on it again; must be made on the same day of business

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

Request – a statement to the chair asking a question or some "right"

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

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

Ruling – the chair's decision as it relates to the procedure of the Board

Second – a commissioner's statement that he/she is willing to have the motion considered

Seriatim – consideration by sections or paragraphs

Special Called Meetings – a meeting called by the Chairman, a majority of the Board, the County manager, or the County Attorney to conduct emergency business of the County

Statute – a law passed by the Georgia legislature

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

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

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

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

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

SO ADOPTED this 18th day of February, 2016.

FORSYTH COUNTY BOARD OF COMMISSIONERS

Ralph J. Amos, Chairman

Cindy Mills, Vice Chairman

Brian R. Tam, Secretary

Jim Boff, Member

Todd Levent, Member

Sonya Bush
Clerk to the Board