

RULES OF PROCEDURE
of the
COBB COUNTY
BOARD OF COMMISSIONERS

ADOPTED January 22, 1991

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CONTENTS

Section 1.01.	Meetings
Section 1.01.03.	Executive Session Meetings
Section 1.02.	Quorum
Section 1.03.	Chairman
Section 1.04.	Vice-chairman
Section 1.05.	Absence of Chairman and Vice-chairman
Section 1.06.	Minutes
Section 1.06.02.	Approval of Minutes
Section 1.07.	Agenda
Section 1.07.01.	Consent Agenda
Section 1.07.02.	Non-agenda Items
Section 1.08.	Voting
Section 1.09.	Public Participation in Board Meetings
Section 1.10.	Appointments of the Board
Section 2.00.	Decorum for Commissioners in Meetings
Section 2.01.01.	Commissioners' Public Address at Regular Meetings
Section 3.00.	Procedure in Meetings
Section 3.01.	Ranking Motions
Section 3.01.01.	Main

CONTENTS (cont.)

Section 3.01.02.	Amend
Section 3.01.03.	Refer
Section 3.01.04.	Hold Until a Time Certain
Section 3.01.05.	Limit Discussion or Debate by the County Commission
Section 3.01.06.	Call the Question
Section 3.01.07.	Motions of Privilege
Section 3.01.08.	Recess
Section 3.01.09.	Adjourn
Section 3.02.	Motions Used to Bring Back an Issue
Section 3.02.01.	Amend Something Previously Adopted
Section 3.02.02.	Reconsider
Section 3.02.03.	Rescind
Section 3.03.	Incidental Motions
Section 3.03.01.	Point of Information
Section 3.03.02.	Point of Order
Section 3.03.03.	Appeal From the Chair's Decision
Section 3.03.04.	Parliamentary Inquiry
Section 3.03.05.	Divide the Motion

CONTENTS (cont.)

Section 3.03.06.	Consider by Paragraph
Section 3.03.07.	Request to Withdraw a Motion
Section 3.03.08.	Consider En Gross
Section 3.03.09.	Filling a Blank
Section 4.00.	Parliamentarian
Section 5.00.	Parliamentary Authority
Section 6.00.	Amendments
APPENDIX	Parliamentary Definitions

**RULES OF PROCEDURE
of the
COBB COUNTY BOARD OF COMMISSIONERS**

Adopted January 22, 1991

1.00. OPERATIONAL PROCEDURE

SECTION 1.01. MEETINGS

1.01.01. **Regular and special meetings** of the Cobb County Commission (also referred herein as the commission, the commissioners or the board) shall be as determined in Section 2-1-10 of the CODE. Such meetings may not begin before the prescribed time of which the public has been notified.

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

- a.** If the scheduled business of the commission is not completed due to time constraints or emergency, the meeting shall be adjourned to the following day or a specific day scheduled by the commission to allow for the completion of pending business.
- b.** In an adjourned meeting (regular or special), only business which would have been proper to consider at that meeting may be considered and acted upon at the adjourned meeting.
- c.** Adjourned meetings resume business under the same rules, limitations and rights as the original meeting from which it was adjourned.

1.01.03. **Executive session meetings** shall be conducted in accordance with O.C.G.A. Section 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, or the chairman and any two (2) district commissioners, shall constitute a quorum for any meeting of the Cobb 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 county manager (or his/her designee), may adjourn the meeting until the next day. By unanimous consent, those present may select another hour and day.

SECTION 1.02. QUORUM (cont.)

- 1.02.02.** If during the meeting there ceases to be a quorum, all business must stop except that the board, by majority vote to be recorded in the minutes (naming those present at the time of the vote) may:
- a.** fix another day at which to reconvene;
 - b.** adjourn and return at the next regular meeting;
 - 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 have the same rights and privileges of the other commissioners with respect to rights to make motions, debate and vote. Additionally, his/her duties during meetings shall 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.** making the commissioners aware of the substance of each motion;
 - f.** calling for the vote;
 - g.** announcing the results of each vote;
 - h.** calling for a recess at such times as deemed advisable.
- 1.03.02.** The chairman shall appoint a vice-chairman as prescribed in Section 1.04.
- 1.03.03.** The chairman shall appoint representatives from the board to serve as liaison to various departments as deemed appropriate.
- 1.03.04.** The chairman shall exercise other duties as prescribed in the CODE.

SECTION 1.04. VICE-CHAIRMAN

The chairman shall appoint a vice-chairman from among the district commissioners 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 have all rights, privileges and duties of the chair in the absence of the chair. The vice-chairman may succeed himself/herself.

SECTION 1.05. ABSENCE OF CHAIRMAN AND VICE-CHAIRMAN

In the absence of the chairman and vice-chairman, the county manager shall determine whether a quorum is present. If a quorum is present, the county manager shall call for the election of a temporary chair. The temporary chair shall preside over that meeting or until the conclusion of the business immediately pending at the time the chairman or vice-chairman arrives.

SECTION 1.06 MINUTES

1.06.01. All actions of the commission, except for actions described in the OCGA, Section 50-14-3 and Section 50-14-4, or as these sections may be amended from time to time, shall be accurately recorded by the clerk (or his/her designee) in the minutes which shall include:

- a. all main motions, exactly as worded when adopted (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 recommendations;
 - (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).

SECTION 1.06 MINUTES (cont.)

- 1.06.02.** The responsibility for correcting and approving the minutes shall be vested only in the members of the commission. The minutes of each meeting shall indicate their subsequent approval/correction. The minutes may be corrected whenever an error is noticed regardless of the time which has elapsed.
- 1.06.03.** The County Clerk, Assistant County Clerk or Deputy County Clerk shall attest to the minutes.

SECTION 1.07. AGENDA

- a.** An agenda for the meetings will be prepared by the county manager with the advice of the chairman and commissioners and will be available to the commissioners in advance (at least five [5] days) of the regular meeting. Except in cases where it is not feasible, an agenda work session will be held with as many of the commissioners as are available to attend.
- b.** For agenda items pursuant to the Cobb County Policy for Naming County-Owned Properties, Roadways, Buildings, Facilities, And Parks (as adopted on or after August 12, 2008), nominations may be submitted to the Clerk of the Board of Commissioners in writing. In order for a nomination to be placed on the agenda, a nominee who is deceased must have the support of four (4) district commissioners or the chairman and three (3) district commissioners; and a nominee who is living or a group or organization must have the support of the chairman and four (4) district commissioners. (amended by BOC action on 8/12/08)
- c.** While it is usual for unfinished business (that referred or held from another meeting) to be considered prior to new business, the order of business listed in the published agenda may be changed when it seems advisable to 4/5 of the commission. Should only four (4) members of the commission be present when all offices are filled, or should there be vacancies in two (2) or more offices of Chairman or District Commissioner, a unanimous vote shall be required. Should there be a vacancy in only one office of Chairman or District Commissioner, three (3) votes shall be required. (amended by BOC action on 3/23/2010)
- 1.07.01.** All items contained in the **consent agenda** may be voted on en gross. Prior to voting on the consent agenda, any commissioner may withdraw an item from consent in order to vote on that item individually.

SECTION 1.07. AGENDA (CONT.)

- 1.07.02.** A **non-agenda item** shall be defined as that which is deemed by a commissioner to require urgent attention but has not been placed on the published agenda.
- 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, when all offices are filled, or should there be vacancies in two (2) or more offices of Chairman or District Commissioner, a unanimous vote shall be required. Should there be a vacancy in only one office of Chairman or District Commissioner, three (3) votes shall be required. (amended by BOC action on 3/23/2010)

SECTION 1.08. VOTING

- 1.08.01.** All votes shall be taken by electronic vote. An affirmative vote of at least three (3) district commissioners, or the chairman and two (2) district commissioners, shall be required to adopt a motion, except where otherwise indicated.
- 1.08.01.5** An affirmative vote of at least four (4) district commissioners, or the chairman and three (3) district commissioners, shall be required to adopt a motion pursuant to a request by the Georgia Regional Transportation Authority (GRTA) that involves potential financial liability to taxpayers. Such motion may only be offered after three public hearings and in accordance with the Procedure For Processing Requests From GRTA, attached to these Rules as "Exhibit A". (amendment of 9/25/01)
- 1.08.01.6** For votes pursuant to the Cobb County Policy for Naming County-Owned Properties, Roadways, Buildings, And Parks (as adopted on or after August 12, 2008), an affirmative vote of at least four (4) district commissioners, or the chairman and three district commissioners, shall be required to adopt a motion to name or rename a County-owned facility for a deceased proposed honoree; and an affirmative vote of the chairman and four (4) district commissioners shall be required to adopt a motion to name or rename a County-owned facility for a living proposed honoree or a group or organization. (amendment of 8/12/08)
- 1.08.02.** When an entire agenda "tab" has been moved to be voted upon by an en gross vote, a commissioner may, without discussion, state that he/she is voting in the affirmative on all of the agenda items on that "tab" except certain ones (which he/she will name by number). In such cases, the votes of the commissioner(s) will be recorded as negative for the items named.

SECTION 1.08. VOTING (cont.)

- 1.08.03.** If a motion has been voted on without discussion and a commissioner feels that it is necessary to explain his/her vote, he/she may have no more than one minute to give public reasons for his/her vote. This shall not be construed as an opportunity to repeat discussion that has already taken place at the same meeting.
- 1.08.04.** 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.
- 1.08.05.** 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. A vote shall be recorded or counted for each such commissioner present, except when, with respect to any such commissioner, there is or appears to be a possible conflict of interest as described in Section 2-47 and Section 2-55 of the Ethics Code of Cobb County. In such cases, the abstaining commissioner shall give his/her reason for abstaining.

SECTION 1.09. PUBLIC PARTICIPATION IN BOARD MEETINGS

The Cobb 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 or a salaried member of the county staff, provided the person's comments do not violate the broadcasting policies of TV23 as duly adopted from time to time. (amended by resolution of BOC 6/28/94; amended by resolution of BOC 11/22/95; amended by resolution of BOC 12/21/94; amended by resolution of BOC 8/8/95, amended by resolution of BOC 1/26/99)

SECTION 1.09. PUBLIC PARTICIPATION IN BOARD MEETINGS (cont.)

- 1.09.01.** Persons wishing to address the board shall do so during the **Public Comment** portion near the beginning and conclusion of the agenda, specifically, immediately before the Consent Agenda and immediately before Commissioners' Comment. (amended by resolution of BOC 12/2/94; amended by resolution of BOC 8/8/95, amended by resolution of BOC 1/26/99)
- a.** A total of twelve (12) speakers are allowed to address the Board of Commissioners at each Regular Meeting of the Commission, six near the beginning and six near the end of the meeting, as specified in Section 1.09.1. Speakers shall sign-up with the County Attorney or the police officer on duty on a first-come basis with sign-up to begin not more than five minutes prior to the announced starting time of the meeting and continuing until twelve (12) 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. There is no limitation on the number of times an individual may speak nor a limitation on the number of times a person may address any given subject matter. Each speaker will be allotted a maximum of five (5) minutes for their presentation. (amended by resolution of BOC 1/14/92; amended by resolution of BOC 12/21/94; amended by resolution of BOC 8/8/95, amended by resolution of BOC 1/26/99)
 - b.** An extension to either or both of the thirty (30) minute scheduled public comment sessions, and/or an extension of the five (5) minute limit per person, may be granted by a 4/5 vote of the commission. Should only four (4) members of the commission be present, when all offices are filled, or should there be vacancies in two (2) or more offices of Chairman or District Commissioner, a unanimous vote shall be required. Should there be a vacancy in only one office of Chairman or District Commissioner, three (3) votes shall be required. (amended by resolution of BOC 8/8/95; amended by resolution of BOC 1/26/99; amended by BOC action on 3/23/2010)
 - c.** A written response to each speaker will be provided by the appropriate County staff, usually within thirty (30) days. The Board of Commissioners has the option to respond verbally at the completion of each speaker's presentation. (amended by resolution of BOC 12/21/94, amended by resolution of BOC 1/26/99)

SECTION 1.09. PUBLIC PARTICIPATION IN BOARD MEETINGS (cont.)

- d. After each individual speaker's remarks have concluded, the Chairman may, but shall not be required to, briefly respond, either personally or through another member of the Board of Commissioners whom the Chairman shall delegate. In addition, 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. (amended by resolution of BOC 11/22/94; amended by resolution of BOC 12/21/94)

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 list and may be omitted if the speaker does not wish to receive a written response). (amended by Resolution of BOC 12/21/94, amended by Resolution of BOC 1/26/99)
- b. If requested by the commission, the speaker may 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;
 - (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 and/or the county manager 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.

SECTION 1.09. PUBLIC PARTICIPATION IN BOARD MEETINGS (cont.)

1.09.05. No person shall be allowed to make impertinent, derogatory, offensive or slanderous remarks while addressing the Commission (amended by resolution of BOC 8/8/95)

- a.** A person may be barred from further speaking before the Commission in that meeting if his/her conduct is deemed out of order;
- b.** A person, once barred for improper conduct, shall not be permitted to continue or again address the Commission in that meeting unless a majority vote of the Commission allows;
- c.** In the event the speaker thus barred fails to obey the ruling, the chair may take such action as is deemed appropriate, including the removal of such person from the assembly;
- d.** The Commission may bar a person from addressing Commission meetings for up to sixty (60) days for improper conduct;
- e.** A person barred by the Commission for this period may request a hearing by written request to the chair stating the reason(s) for a reversal of the decision;
- f.** The hearing shall be placed on the agenda and heard by the Commission. A 4/5 vote of the entire board shall be required to overturn the previous decision to bar the person(s) when all offices are filled, or should there be vacancies in two (2) or more offices of Chairman or District Commissioner, a unanimous vote shall be required. Should there be a vacancy in only one office of Chairman or District Commissioner, three (3) votes shall be required. (amended by BOC action on 3/23/2010)

1.09.06 Reserved

1.09.07 Reserved

SECTION 1.09. PUBLIC PARTICIPATION IN BOARD MEETINGS (cont.)

1.09.08.1 Persons wishing to address the Board of Commissioners in duly advertised public hearings will be heard in the order in which they come forward upon announcement of the hearing, without regard to whether the person is speaking in favor or against the matter. 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 4/5 vote of the Commission. Should only four members of the Commission be present, when all offices are filled, or should there be vacancies in two (2) or more offices of Chairman or District Commissioner, a unanimous vote shall be required. Should there be a vacancy in only one office of Chairman or District Commissioner, three (3) votes shall be required. (Resolution of 11/12/96; amended by BOC action on 3/23/2010)

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.

2.00 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.

2.01.01. Concerning the opportunity for commissioners to address the public at regular meetings:

- a.** An exception to **Section 2.01.** shall be that, after the thirty (30) minute session held for public comment at the conclusion of the regular agenda, each commissioner shall have an opportunity to **address the public** on any topic 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 2.02.** 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 2.02. 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 2.03. 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 issue.

SECTION 2.00 DECORUM OF DEBATE (cont.)

SECTION 2.04. DISCUSSION THROUGH THE CHAIR

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

SECTION 2.05. 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 2.06. 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 2.07. 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."

SECTION 2.08. OUT OF ORDER

If a member of the commission refuses to comply with these rules as adopted by the commission, the following procedure shall be used:

- 2.08.01.** The commissioner shall be "called to order" by the chair, who shall say, "Commissioner _____(using name), you are now personally out of order. If you persist, an official reprimand (or censure) will be entered into the record."

SECTION 2.08 OUT OF ORDER (cont.)

2.08.02. If a commissioner chooses to defy the ruling of the chair, the chairman shall state, "Commissioner, you are personally out of order. Madam/Mr. Clerk, let the record indicate a reprimand against Commissioner _____.
Commissioner _____, you have a right at this time to appeal the ruling of the chair by asking that a roll call vote of the commissioners present be taken and a statement by each commissioner be recorded as to why he/she is for or against the ruling of the chair. A majority vote of the board present shall govern. You understand that the Cobb County Board of Ethics will review in public meeting this recorded reprimand, and render an opinion of its own at that time. You have a right to appear before the Board of Ethics at that time on this matter in your own defense if you wish. Following that, the Board of Commissioners may choose, if they wish, to rescind the original ruling of the chairman at the recommendation of the Board of Ethics."

3.00 PROCEDURE IN MEETINGS

SECTION 3.00. MOTIONS

Prior to taking the vote, the chair, or at his/her request the clerk, should 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.

SECTION 3.01. RANKING MOTIONS (cont.)

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. That is, the chair shall, upon the conclusion of a report, state, "The question (or motion) before you is ..." (stating the motion in the affirmative). No second will be required in these instances and the chair, in assuming such motion, is not presumed to be in favor of the motion and may speak against it if he/she so wishes.

(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."

c. Motions pursuant to requests from the Georgia Regional Transportation Authority (GRTA) involving potential financial liability to taxpayers may only be offered after three public hearings and in accordance with the Procedure for Processing Requests From GRTA, attached to these Rules as "Exhibit A". (Amendment of 9/25/01)

SECTION 3.01. RANKING MOTIONS (cont.)

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 be handled in one of the following ways:
 - (1)** by unanimous consent of the commissioners; the chair, or another commissioner, through the chair, may suggest changes or stipulations, and if there are no objections from the commissioners, the motion shall be amended by unanimous consent.
 - (2)** with a second, discussion and a majority vote on the proposed amendment.
- b.** If a proposed amendment fails to obtain unanimous consent or 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.

SECTION 3.01. RANKING MOTIONS (cont.)

- 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.
- 3.01.05** If a commissioner feels that a set period of time for discussion of a motion should be limited 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 4/5 vote to adopt. Should only four (4) members of the commission be present, a unanimous vote shall be required.
- 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 4/5 vote to adopt. Should only four (4) members of the commission be present, a unanimous vote shall be required.
- 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.

SECTION 3.01. RANKING MOTIONS (cont.)

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

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. This motion shall be used when a matter which was previously adopted by the Commission needs to be amended. 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, when all offices are filled, or should there be vacancies in two (2) or more offices of Chairman or District Commissioner, a unanimous vote shall be required. Should there be a vacancy in only one office of Chairman or District Commissioner, three (3) votes shall be required. (amended by BOC resolution of 3/10/92; amended by BOC action on 3/23/2010)
- 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.

SECTION 3.02. MOTIONS USED TO BRING BACK AN ISSUE (cont.)

3.02.03. If a commissioner wishes to annul an action taken at a previous meeting, the motion to **Rescind** may be used. 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.

The motion to rescind shall be placed on the agenda for the following meeting, a second shall be required, and discussion may go into the merits of the motion involved in rescinding. A majority shall be required to pass the motion after such prior notice.

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

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. This point of order shall require the chair to make a ruling on the question involved.

SECTION 3.03. INCIDENTAL MOTIONS (cont.)

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'."

SECTION 3.03. INCIDENTAL MOTIONS (cont.)

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.**" (See Section 1.08.02.)

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

- a. No commissioner may suggest more than one proposal for filling the blank without unanimous consent from the other commissioners;
- b. Each proposal shall be debatable and shall be treated as an independent item to be voted on separately until one has been approved by a majority. As soon as one proposal has received a majority, no others shall be considered;
- c. Alternatives (from staff recommendations and/or suggestions by commissioners) are listed in logical order for voting:
 - (1) Names are listed in the order in which they were proposed;
 - (2) Other proposals are listed in the order of their probable acceptability, beginning with the least popular choice.

4.00 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.

5.00 PARLIAMENTARY AUTHORITY

The latest edition of **ROBERT'S RULES OF ORDER NEWLY REVISED** shall govern meetings of the Cobb 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.

6.00 AMENDMENTS

These rules may be amended by a 4/5 vote of the entire commission at a regular meeting or special meeting of the Cobb 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 COBB COUNTY BOARD OF COMMISSIONERS** adopted January 22, 1991.

adjourn - to officially terminate a meeting

adjourned meeting - a meeting that is a continuation at a later time of a regular or special meeting

adopt - to approve or pass by whatever vote is required for the motion

affirmative vote - a vote in favor of the motion as stated

agenda - the official list of items of business planned for consideration during the meeting

approval of minutes - formal acceptance of the record of a meeting, thus making this record the official minutes of the commission

board - the Cobb County Board of Commissioners

chair - the presiding commissioner

clerk - the duly appointed County Clerk

CODE - Code of Cobb County, Georgia

commission - the Cobb 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

APPENDIX (cont.)

Parliamentary Definitions (cont.)

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

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

demand - an assertion of a parliamentary right by a commissioner

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

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

germane amendment - an amendment relating directly to the motion to which it is applied

germane discussion - discussion relating directly to the matter involved

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

in order - permissible and right from a parliamentary standpoint

majority vote - an affirmation vote of at least three (3) district commissioner, or the chairman and two (2) district commissioners

minutes - the legal record of the action of the commission after the record has been approved by vote of the body

motion - a proposal submitted to the commission for its consideration and decision ; it is introduced by the words, "I move that. . ."

objection - the formal expression of opposition to a proposed action

order of business - the adopted order in which the business is presented to the meeting of the commission

out of order - not correct, from a parliamentary standpoint, at the particular time

APPENDIX (cont.)

Parliamentary Definitions (cont.)

parliamentary authority - the code of procedure adopted by the board as its parliamentary guide, governing in all parliamentary situations not otherwise provided for in the charter, the **RULES OF PROCEDURE FOR THE COBB 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 a 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, or the Chairman any two (2) district commissioners, shall constitute a quorum for any meeting of the Cobb of the Cobb 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

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

APPENDIX (cont.)

Parliamentary Definitions (cont.)

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

seriatim - consideration by sections or paragraphs

statute - a law passed by the Georgia legislature

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

tie vote - 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

NOTES

EXHIBIT “A”

PROCEDURE FOR PROCESSING REQUESTS FROM GRТА

- **GRТА contacts Cobb County**
- **Receiver of request delivers to Chairman and County Manager**
- **County Manager’s staff will evaluate the request for potential financial responsibility/liability to Cobb’s taxpayers**
- **Request is placed on Regular Agenda of Board of Commissioners by County Manager or his designee (Director of either Finance or DOT)**
- **Board of Commissioners, after considering staff’s evaluation, makes decision (by simple majority vote) whether there is a potential financial liability to taxpayers**

if NO

Board may discuss and provide direction at the same meeting, or bring back at a later time to discuss and provide direction.

if YES

1-No further discussion at this meeting with direction to provide notice to public in similar manner as required by the law related to property re-assessments creating “back door” tax increases (O.C.G.A. § 48-5-32.1(c)(2)).

2-Three public meetings will be held, with staff providing a cost analysis addressing anticipated short and long term obligations.

3-After three public meetings, BOC will consider request and vote on what action is to be taken. Four (4) affirmative votes will be required to approve any motion made.

(Re. SECTION 3.01.01(b))