

ARTICLE II. MAYOR AND COUNCIL*

***Charter references:** Mayor and council, § 2-101 et seq.

Sec. 2-36. Meetings.

- (a) The regular monthly meeting time of the mayor and city council shall be on the second and fourth Monday of each month at 6:00 p.m. at city hall.
- (b) In the event any regular monthly city council meeting shall fall on a legal holiday as officially recognized by the City of St. Marys, the mayor and council reserve the right to adjust said meeting accordingly.
- (c) Nothing contained herein shall preclude the mayor and/or council from calling or holding special council meetings.
- (d) The first city council meeting date of each year shall continue to be at 7:00 p.m. on the first Thursday after January 1st of the year following city elections, at city hall.

(Ord. of 11-19-85; Ord. of 7-8-96; Ord. of 10-9-06, § 1)

Charter references: Annual organizational meeting, § 2-401; regular and special meetings, § 2-403.

State law references: Meetings to be open to public, O.C.G.A. § 50-14-1; requirement to prescribe the time, place and dates of regular meetings of city council, due notice requirements for other than regular meetings, O.C.G.A. § 50-14-1(d); excluded proceedings, O.C.G.A. § 50-14-3.

Sec. 2-37. Agenda.

All reports, communications, ordinances, resolutions, contracts, documents, or other matters to be submitted to the council for discussion or action shall be delivered to the city clerk by 9:00 a.m. on the Wednesday immediately preceding the next council meeting. The city clerk shall immediately arrange an agenda of such matters according to the order of business. Each member of council, the mayor, the city attorney, the city manager, department heads, and the media shall be furnished with a copy of the same by the close of business on the Thursday immediately preceding the council meeting.

(Ord. of 2-21-84, § 1; Ord. of 10-25-93; Ord. of 3-13-95, § 1; Ord. of 2-14-00, § 1; Ord. of 1-3-02, § 1; Ord. of 9-23-02, § 1)

Sec. 2-38. Duties of presiding officer.

The mayor, or in absence, the mayor pro tem, shall be the presiding officer and shall preserve strict order and decorum at all regular and special meetings of the city council. He shall state every question coming before the city council and announce the decision of the city council on all subjects.

(Ord. of 2-21-84, § 2; Ord. of 3-13-95, § II; Ord. of 2-14-00, § II)

Sec. 2-39. Call to order.

All meetings of the city council shall be open to the public except as otherwise allowable by law. The mayor, or in absence, the mayor pro tempore, shall take the chair at the hour appointed for any regular, temporarily adjourned, special or called meeting, and shall immediately call the council to order.

(Ord. of 2-21-84, § 3; Ord. of 3-13-95, § III; Ord. of 2-14-00, § III)

Sec. 2-40. Order of business.

(a) The following order of business shall be observed:

(1) Call to order.

(2) Invocation.

(3) Pledge of Allegiance.

(4) Roll call.

(5) Reading and approval of minutes of previous meeting(s) as provided in these rules of procedure.

(6) Grant audience to the public. The amount of time allotted to each individual being limited to five minutes, provided that such request contains the address and telephone number of the individual requesting to address council. The request shall stipulate the subject, written details relative to the subject or concern to be addressed, and the desired solution.

(7) Old business.

(8) New business.

(9) Report of authorities, boards, commissions, and committees.

(10) Report of mayor.

(11) Report of city manager.

(12) Granting audience to the public. Members of the public shall be permitted to address council in the same manner as prescribed in amended subsection (a)(6) above.

(13) Executive session (if necessary).

(14) Adjournment.

(b) The first Monday night city council meeting of each quarter (January, April, July, and October) will be designated and advertised as a "town meeting" to solicit input and requests from the general public. The issues coming before the town meeting will require no formal agenda. Council shall entertain such other regular business as may come before it pursuant to section 2-37.

(Ord. of 2-21-84, § 4; Ord. of 10-25-93; Ord. of 3-13-95, § IV; Ord. of 2-14-00, § IV; Ord. of 1-3-02, § 2; Ord. of 8-11-03, § 1)

Sec. 2-41. Parliamentarian.

There shall be a position known as parliamentarian which shall be held by the city attorney. All questions of order and procedure shall be referred to the parliamentarian who shall provide the city council with a ruling on such questions. Any person dissatisfied with the decision of the parliamentarian may immediately appeal the same to the entire council, in which event a majority vote of the council shall govern and conclusively determine such question of order.

(Ord. of 2-21-84, § 5; Ord. of 3-13-95, § V; Ord. of 2-14-00, § V)

Charter references: City attorney, § 4-203.

Sec. 2-42. Standing committees.

(a) The permanent standing committees of the council, charged only with the authority to consider, investigate, and report on assigned matters, shall be organized as hereinafter specified on the first Thursday after January 1 of each year and shall consist of:

(1) Public works committee.

(2) Public safety - Fire committee.

- (3) Public safety - Police committee.
- (4) Water/sewer/solid waste committee.
- (5) Budget/finance/taxes committee.
- (6) Tourism/downtown/waterfront development committee.
- (7) Planning/building/city properties committee.
- (8) Personnel/benefits committee.

(b) Each standing committee shall consist of three members, except the public safety committee, which shall have six members. As to those standing committees with three members, these shall be selected as follows: two of the three such members shall be elected from the six councilmembers by majority vote of the council present and voting; the remaining member shall be appointed by the mayor. The entire council shall comprise the public safety committee with the mayor as chairman. The public safety committee shall have two subcommittees appointed and elected in the same manner as the standing committees, except the mayor shall appoint the chairpersons.

(c) With regard to all the standing committees, the committees themselves shall select their own chairperson and organize themselves as is seen fit by majority of the committee members present and voting on such point. Nothing in this section shall be construed as preventing the council or the mayor from replacing, removing, or filling vacancies on any of the standing committee positions over which the council or the mayor has selection or election responsibility at any time where deemed appropriate. As to any standing committees existing as of the date of the approval of this section, such committee shall cease to exist as of such date and the council and mayor shall be given the authority to make such new selections and elections for such committees as was heretofore provided.

(Ord. of 2-21-84, § 6; Ord. of 2-12-90(2); Ord. of 3-13-95, § VI; Ord. of 2-14-00, § VI)

Sec. 2-43. Committee reports.

Any business coming before the city council concerning the subject matter of which any standing or special committee has jurisdiction, may be referred by the majority of council, to the proper committee for investigation and report. It shall be the duty of each standing or special committee, by the majority vote of council, to examine any matter referred to such committee and make a report thereof at the next regular meeting of the city council, or show good cause why no report is made. Such reports shall not be in writing unless so directed by the mayor. Each standing committee shall examine the condition of the matter(s) within its jurisdiction, and make such reports and recommendations from time to time, as may be necessary.

(Ord. of 2-21-84, § 7; Ord. of 2-12-90(2); Ord. of 10-14-91; Ord. of 3-13-95, § VII; Ord. of 2-14-00, § VII)

Sec. 2-44. Quorum.

A quorum shall be considered to be four councilmembers plus the mayor, or in absence, the mayor pro tem, making a total of five persons. In the absence of a quorum, the presiding officer shall, at the instance of any three members present, urge the attendance of absent members by appropriate means. The city clerk, or an appointed alternate, shall also be present.

(Ord. of 2-21-84, § 8; Ord. of 3-13-95, § IX; Ord. of 2-14-00, § IX)

Sec. 2-45. Rules of procedure.

In all cases, Robert's Rules of Order, Newly Revised (1970) shall govern the proceedings of the city council meeting except as otherwise provided in the Charter. In the event the provisions of these rules and Robert's Rules conflict, the provisions of the rules shall govern.

(Ord. of 2-12-90(2); Ord. of 3-13-95, § VIII; Ord. of 2-14-00, § VIII)

Sec. 2-46. Limits on addressing city council.

Any person not a member of the city council who desires to address the council shall first secure the permission of the presiding officer to do so, then shall step up in front of the podium, give his name and address in an audible voice for the record, and direct his remarks to the council as a body rather than to any particular councilmember, limiting such remarks to five minutes unless additional time is granted by the presiding officer.

(Ord. of 2-21-84, § 10; Ord. of 2-12-90(2); Ord. of 3-13-95, § X; Ord. of 2-14-00, § X)

Sec. 2-47. Rules of debate.

No member, while the city council is in session, shall speak on any subject unless recognized by the presiding officer. A member, once recognized, shall not be interrupted when speaking unless it is to call him to order, or as herein otherwise provided. If a member, while speaking be called to order, he shall cease speaking until the question of order be determined, and if in order, he shall be permitted to proceed.

(Ord. of 2-21-84, § 11; Ord. of 3-13-95, § XI; Ord. of 2-14-00, § XI)

Sec. 2-48. Closing debate.

All debate shall cease upon the calling of the question at which time a vote upon the issue shall be taken, provided however, that any councilmember moving for the adoption of any motion shall have the privilege of closing debate before said vote is taken.

(Ord. of 2-21-84, § 12; Ord. of 3-13-95, § XII; Ord. of 2-14-00, § XII)

Sec. 2-49. Recording vote.

The yeas and nays of the councilmembers present shall be recorded in the minutes on any question taken.

(Ord. of 2-21-84, § 13; Ord. of 2-12-90(2); Ord. of 3-13-95, § XIII; Ord. of 2-14-00, § XIII)

Sec. 2-50. Rules governing introduction, passage, etc., of ordinances.

The following rules shall apply to the introduction, passage, amendment, or repeal of ordinances of the city:

- (1) It shall be in order at each regular monthly meeting of the council to introduce ordinances, or other matters, without any previous notice having been given for that purpose;
- (2) Every ordinance before its introduction must be reduced to writing and before its passage must be read at two separate meetings of the council, except that this rule may be waived by a unanimous vote of council and finally passed at the meeting at which introduced.
- (3) No ordinance shall be entertained by the council that contains more than one subject matter; provided, however, this rule shall not apply to the adoption of a code of ordinances for the city.
- (4) No ordinance shall be declared passed and become a law of the City unless it receives at least four votes in favor of its passage.
- (5) No ordinance or section of an ordinance shall be amended or repealed by mere reference to its title, but the amending or repealing ordinance shall distinctly describe the ordinance or code section to be amended or repealed, as well as the alteration to be made.
- (6) No ordinance or resolution appropriating money shall be passed unless its passage the yeas and nays are recorded;

(7) All ordinances shall be prepared or reviewed by the city attorney. No ordinances shall be prepared for presentation to the council unless ordered by the mayor or council.

(Ord. of 2-21-84, § 14; Ord. of 2-12-90(2); Ord. of 3-13-95, § XIV; Ord. of 2-14-00, § XIV)

Charter references: Enactment of ordinances, § 2-404.

Sec. 2-51. Method of voting.

Unless a member of the council states that he is not voting or abstaining, his silence shall be recorded as an affirmative vote.

(Ord. of 2-21-84, § 15; Ord. of 2-12-90(2); Ord. of 3-13-95, § XV; Ord. of 2-14-00, § XV)

Sec. 2-52. Motion to reconsider.

A motion to reconsider any action taken by the council may be made only on the day such action was taken. It may be either immediately or during the same session, or at a recessed or adjourned session thereof. Such motion must be made by one of the prevailing side, but may be seconded by any member. Nothing herein shall be construed to prevent any member of the council from making the same or any other motion at a subsequent meeting of the council.

(Ord. of 2-12-90(2); Ord. of 3-13-95, § XVI; Ord. of 2-14-00, § XVI)

Sec. 2-53. Reading of minutes.

Unless a reading of the minutes of a council meeting is requested by a member of the council, such minutes may be approved without reading, if the clerk has previously furnished each member with a copy thereof.

(Ord. of 2-21-84, § 16; Ord. of 3-13-95, § XVII; Ord. of 2-14-00, § XVII)

Sec. 2-54. Decorum.

(a) *Councilmembers.* When the council is in session, the members must preserve order and decorum and a member shall neither by conversation or otherwise, delay or interrupt the proceedings or the peace of the council, nor disturb any member while speaking, or refuse to obey the orders of the council or its presiding officer, except as otherwise herein provided.

(b) *Others.* Any person making personal impertinent, or slanderous remarks, or who shall become boisterous while addressing the council, shall be forthwith by

the presiding officer, barred from further audience before the council, unless permission to continue be granted by a majority vote of the council.

(Ord. of 2-21-84, § 17; Ord. of 3-13-95, § XVIII; Ord. of 2-14-00, § XVIII)

Sec. 2-55. Enforcement of decorum.

The chief of police, or such member or members of the police department as he may designate, shall be sergeant-at-arms of the council meetings. He or they shall carry out all orders and instructions given by the presiding officer for the purpose of maintaining order and decorum at the council meeting. Upon instructions of the presiding officer, it shall be the duty of the sergeant-at-arms, or any of them present, to remove from the meeting place any person who violates the order of the council meeting.

(Ord. of 2-21-84, § 18; Ord. of 3-13-95, § XIX; Ord. of 2-14-00, § XIX)

Sec. 2-56. Executive session.

The city council may, at any time, upon call therefor by the presiding officer, or if in session, upon a motion of a councilmember, duly carried, meet in executive session. Attendance at such sessions shall be limited to the mayor, members of the council, the city attorney, the city manager, and such invitees as shall be invited with the majority consent of the mayor and council.

(Ord. of 2-21-84, § 19; Ord. of 3-13-95, § XX; Ord. of 2-14-00, § XX)

Sec. 2-57. Governing of members.

The city council shall sit in the judgment of itself and shall have the power to discipline its members by censure, reprimand, or warning, as the conduct of any individual member so warrants.

(Ord. of 2-21-84, § 20; Ord. of 3-13-95, § XXI; Ord. of 2-14-00, § XXI)

Sec. 2-58. Correspondence.

Copies of all correspondence to the mayor and city manager shall be available to all councilmembers and kept in a central location by the city clerk. Copies of all major correspondence should be sent at once to all councilmembers and the city attorney.

(Ord. of 2-21-84, § 21)

Sec. 2-59. Telephone calls.

The city manager shall keep and maintain a written log of all out-going long distance telephone calls concerning city business. Such log shall be maintained on file by the city clerk and shall be open for inspection at all times.

(Ord. of 2-21-84, § 22)

Sec. 2-60. City attorney tasking.

The city attorney may bill the city only for work authorized by the council as a governing body. This would include follow-up paperwork necessary to complete business previously approved by the city council and the planning commission during scheduled sessions. For instance, the council might vote to purchase a parcel of land contingent on some stated criteria. Once the contingent criteria was met, the attorney could proceed with the necessary work. In addition, no individual councilmember, city official or committee, excluding the city manager, shall task the city attorney with more than two hours work which shall be charged to the city without prior council approval.

(Ord. of 2-21-84, § 23)

Charter references: City attorney, § 4-203.

Sec. 2-61. Amendments.

These rules may be amended by a majority vote of the members of the city council.

(Ord. of 2-21-84, § 24; Ord. of 3-13-95, § XXI; Ord. of 2-14-00, § XXII)

Sec. 2-62. Retention of city records.

(a) The City of St. Marys does hereby adopt the records retention policy and schedule attached hereto as Exhibit "A", and by such reference is made a part hereof.

(b) Henceforth, the official Retention Schedule and Policy of the City of St. Marys shall be as adopted and recommended every two years by the Georgia Secretary of State.

(c) The city clerk is hereby designated as the coordinator of the records management program and authorized to act for and on behalf of the City of St. Marys in directing and coordinating all records management matters under the Georgia Records Act.

(d) The City of St. Marys does hereby create a records management committee consisting of the city clerk, police chief, fire chief, public works director, finance

director, and records coordinator (or their designees), and any other necessary staff members to discuss and recommend changes/modification to the records retention schedule. It shall be the duty of the city manager to review and recommend approval, disapproval, or modification of the records retention schedules to the city council. Review of the records retention schedules shall be based upon legal, fiscal, administrative and historical retention requirements. The city clerk shall serve as chairperson of the committee, and final approval and authority shall be with the city council.

(e) An archival depository shall be selected to store those records determined to have permanent historical value.

(f) A centralized records center (and/or local holding area) shall be established, and all records not required for day to day operation shall be transferred to the records center or local holding area until destroyed in accordance with the approved records retention schedule.

(g) No record shall be altered or destroyed except in accordance with provisions set forth in the duly approved records retention schedule as referenced in subsection (a) above.

(h) Records retention schedules approved by the City of St. Marys shall be on file in the office of the city clerk.

(Ord. of 3-28-05, § 1; Ord. of 1-9-06(1))

Editor's note: Exhibit "A" to an ordinance adopted March 28, 2005, referred to in § 2-62 (a) above, has not been set out within this Code, but may be found on file in the office of the city clerk.

Secs. 2-63--2-85. Reserved.