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## Meetings Procedure, Organization, and Public Participation

During meetings of the county governing authority, decisions are made that formally set county programs in motion and authorize the expenditure of county funds.<sup>1</sup> The legislative and executive powers and duties of a county governing authority are joint powers and duties and may be exercised only as a group in meetings of the board. Individual members do not have the authority to act independently unless so authorized by statute.<sup>2</sup>

Properly organized and conducted meetings provide the structure through which a board of commissioners or sole commissioner (i.e., the county governing authority) may debate an issue and come to a decision. A meeting that is well organized will be more productive, more efficient, and above all, more businesslike than a meeting that is unorganized or poorly organized.<sup>3</sup>

### **RULES OF PROCEDURE**

Thomas Jefferson was instrumental in disseminating rules of procedure or parliamentary law throughout the United States with publication of the first American book on parliamentary law in 1801. In 1876, Henry Martyn Robert published *Robert's Rules of Order*, which became and has remained the standard parliamentary law guidebook for a variety of organizations, including governmental bodies at the federal, state, and local levels.<sup>4</sup>

There are several important principles that are typically represented in any adopted rules of procedure. The most important are the following:

- The purpose of parliamentary procedure is to facilitate the transaction of business and to promote cooperation and harmony.
- All members of the deliberative body have equal rights, privileges, and obligations.
- Majority vote decides.
- The rights of the minority must be protected.
- All members of the body have a right to full and free discussion of every proposition presented for a decision.
- All members have the right to know the meaning of the question before the board and what its effect will be.
- All meetings must be characterized by fairness and good faith.<sup>5</sup>

The overall principles of parliamentary procedure are often more important than the specific rules. On occasion, observing the technicalities of parliamentary procedure may be necessary if business is to be accomplished fairly. In other instances, however, the rules can be relaxed, and the meeting can proceed more informally. Generally, the presiding officer is the best judge of these situations. An effective chairman knows when to apply the rules strictly and when to take a more relaxed approach.<sup>6</sup>

Before a commissioner (especially the chairman) can understand and be thoroughly familiar with the rules of procedure applicable to meetings of the governing authority, he or she must first determine which rules of procedure apply or have been adopted, if any. Generally, there are two circumstances that might apply with respect to the existence of rules of procedure. First, the county enabling act (that is, the local act of the General Assembly that created the county's form of government) may provide for specific rules of procedure such as *Robert's Rules of Order*. Second, the enabling act may be silent on the matter, in which case the governing authority may use a standard guide to parliamentary procedure such as *Robert's Rules*, or the commissioners may design their own rules of procedure. Note that failure to follow rules of procedure is not necessarily fatal to a decision made by the commissioners. Unless certain rules of procedure are specified by a local act of the General Assembly, the courts ordinarily will not annul or invalidate an otherwise properly enacted ordinance, even if the rules of procedure are not faithfully observed.<sup>7</sup>

For those counties that have the discretion to adopt their own rules or that choose to supplant procedures specified in the county enabling act by way of home rule,<sup>8</sup> a model ordinance providing simplified rules along with a guide to parliamentary procedure is available from Associa-

tion County Commissioners of Georgia (ACCG).<sup>9</sup> It is highly recommended that all counties adopt some form of parliamentary procedure by ordinance or resolution if the county's enabling act does not specify procedures.

It is critical that the county attorney be directly involved in the adoption of any meetings procedures or rules of order because defective procedures could negate decisions made by the governing authority at a meeting. In addition to avoiding conflicts between any adopted procedures and requirements of local enabling acts, those counties that have adopted zoning ordinances should ensure that any adopted procedures do not conflict with adopted procedures for conducting meetings and hearings related to adopted zoning ordinances.<sup>10</sup>

## **WHAT CAN A COMMISSIONER DO TO PREPARE FOR MEETINGS?**

A commissioner who comes to meetings unprepared may prolong the meeting and create an unfavorable impression on the media and public. A commissioner should know the issues and his or her position on them.

Prior to each meeting, a commissioner should do the following:

1. Study the data, reports, and memoranda that accompany the agenda
2. Review his or her own research and observations on the issues as well as pertinent county resolutions or ordinances
3. Review alternative solutions to each problem
4. Choose what seems to be the best solution, determine what positions others are likely to take, and consider where and how much he or she is willing to compromise
5. Be ready to argue effectively for his or her position

## **HOW ARE MEETINGS CONDUCTED?**

The governing authority and its presiding officer can ensure that governing authority meetings are carried out in an orderly and dignified fashion. Certain organizational matters may be addressed in a county's enabling act. If they are not, a county may adopt an ordinance addressing a variety of organizational issues such as preparation of agendas, use of consent agendas, order of business, procedures for amending agendas, decorum,

abstentions, public hearings, and related matters. A model meetings organization ordinance addressing these issues is available from ACCG.<sup>11</sup>

## Open Meetings

Regardless of the legal basis for organizing and conducting meetings, many critical matters related to meetings of county officials and staff are addressed in the state open meetings law and must be accommodated.<sup>12</sup> The Georgia “sunshine” law stipulates that all meetings, except those expressly exempted by law, are to be open to the public.<sup>13</sup> A meeting is defined as a gathering of a quorum of the members of the governing authority or of any committee of its members, pursuant to a schedule of, or call or notice, at which any public matter, county business, or county policy is to be discussed or at which official action is to be taken.<sup>14</sup> Furthermore, the act states that no resolution, rule, regulation, ordinance, or other official action is binding unless made in accordance with the open meetings act.<sup>15</sup> It is unlawful for any governing authority member to conduct or participate in a meeting not in accordance with the act.<sup>16</sup> See Chapter 25 of this handbook and the handbook on open meetings and records published by ACCG for more detailed information on requirements of the Open Meetings Act.<sup>17</sup>

## When and Where Meetings Are Held

Under Georgia law, all official business of the county must take place at the county site, more commonly referred to as the county seat. That is, the decision-making process of the commissioners, including deliberation and voting on any issue before the board, must occur in the county courthouse or other administrative offices of the county governing authority within the boundaries of the county seat.<sup>18</sup> An exception applies during an emergency or disaster of natural or manmade causes. In such an event, the county may meet anywhere inside or outside the county boundaries as necessary to conduct county business.<sup>19</sup> Notwithstanding the foregoing, committee meetings, public hearings, and the like may be held outside the county seat because such bodies are advisory or administrative in nature and are not authorized to make final decisions for the county.

Although the public must be allowed access to meetings, the county governing authority is not required to provide a meeting place large enough to accommodate all members of the public.<sup>20</sup> Nonetheless, meetings must be accessible to persons with disabilities as required by federal law.<sup>21</sup>

Meetings must be held in accordance with a regular schedule, and the governing authority must prescribe the time, place, and dates of regular meetings.<sup>22</sup> Oftentimes, the county enabling act specifies how many regular meetings will be held by the governing authority each month as well as the day and time of each meeting. Although commissioners must meet at least at the times and on the days specified in the enabling act, nothing in current law bars them from holding additional regularly scheduled or special meetings. The additional meetings can be at whatever time and day the commissioners choose as long as proper notice is given.<sup>23</sup>

## **The Agenda**

Well-run meetings are not a result of chance; rather, they are the result of thorough and careful planning. Careful planning is especially important for those meetings that are likely to be divisive. Members of the board and other officers should submit agenda items for upcoming meetings well in advance of the meeting in order to allow staff sufficient time to gather information and properly prepare it for the board's consideration. The clerk may be directed to contact members of the board or other officers to solicit agenda items.<sup>24</sup>

A formal, written agenda, typically following the official order of business, must be prepared in advance of each meeting. An agenda provides an outline of items to be considered and may list them in order of priority. The agenda must include all items that are expected to be considered at a particular meeting.<sup>25</sup> It may also briefly state what action is requested of the governing authority as well as any previous action taken by it. As a courtesy, and to ensure responsible consideration of the issues coming before the commissioners, the agenda—together with appropriate data, reports, and memoranda—should be provided to each commission member at least one day before the meeting. A copy of the agenda and accompanying materials might also be sent to the local media in time for publication before each meeting. Furthermore, state law requires that the agenda be made available to the public and be posted at the meeting site.<sup>26</sup>

Although state law allows commissioners to add necessary items to the agenda after it is posted, last-minute additions to the agenda that introduce items that members may not have had time to study should be avoided.<sup>27</sup> As a rule, commissioners should establish a deadline for submitting requests or communications for inclusion in the agenda. Any item received after the deadline should be held over for the next

meeting unless a majority of governing authority members present at the meeting vote to add it to the agenda.

### **Consent Agendas**

Consent agendas can be useful when commissioners have a great deal of business to consider. The consent agenda typically includes items that require a decision but that are not controversial. Items on a consent agenda are considered as a group, without debate or amendment. Individual items can, however, be removed from the consent agenda at a meeting and put back on the regular agenda for consideration whenever a commissioner objects to a specific item on the consent agenda.<sup>28</sup>

### **Order of Business**

Meetings should follow an order of business formally included in its rules of procedure. The governing authority should not depart from this order except in unusual cases and then only by majority vote. An order of business makes it easier to prepare the agenda and minutes. A suggested order of business for regular meetings follows (other types of meetings should follow procedures adapted to their special needs):

1. *Call to order.* The presiding officer announces the beginning of the meeting. The name of each member is called, and his or her presence or absence is recorded by the clerk. The presiding officer then determines if a quorum is present.
2. *Minutes.* The minutes of the previous meeting are read, followed by suggestions from members for corrections. The minutes are then approved with corrections, if any.
3. *Administrative-fiscal matters.* This category of business includes advertising for bids and awarding contracts, budgetary and appropriation matters, tax rates and fee schedules, and personnel matters.
4. *Reports.* Reports from committees, department heads, or the administrator or manager (if one is employed) are given.
5. *Old business.* Items of business unfinished prior to adjournment of the previous meeting are completed or continued. For example, proposed resolutions or ordinances that must be read two or more times before enactment are read at this time.
6. *New business.* Subjects and proposed resolutions or ordinances not previously presented to the governing authority are discussed.

7. *Appearances/public comment.* Individual citizens and representatives of groups, associations, and businesses appear in order to make statements, raise issues, present petitions, or otherwise address the commissioners. Although not required, procedures may be adopted requiring citizens to provide advance notice of the topic they wish to address.
8. *Adjournment.* When there is no further business, the presiding officer adjourns the meeting.

## Quorum

A specific number of commissioners must be present at a meeting in order for it to be considered valid. This number is called the quorum. Requiring a quorum to conduct business and ultimately make decisions helps guarantee that the will of the majority of the commissioners prevails and the rights of the minority are protected.<sup>29</sup> The quorum for conducting business may be specifically stated in county enabling acts. If not, the quorum consists of a majority of the positions on the board. Until a quorum is present, there can be no meeting.<sup>30</sup>

## Voting

The underlying principle of any deliberative body, including boards of commissioners, is the concept of majority vote. That is, more than half of the members in attendance must agree on an issue before it becomes effective.<sup>31</sup> Note, however, that county enabling acts may specify otherwise. For example, some enabling acts provide that a majority of the members of the board is necessary in order to pass a resolution or enact an ordinance. In certain instances, more than a simple majority vote is required to pass a measure, but governmental boards cannot limit their own powers by adopting a rule requiring more than a simple majority vote.<sup>32</sup> However, the General Assembly may condition approval of certain acts by a local government upon attaining a “super majority” (for example, a two-thirds or three-fourths vote of the members).

Unless specified in a county’s enabling act, roll-call votes are not required. The only exception is a vote on whether or not to go into executive session (i.e., a meeting that is closed to the public). Those votes must be roll-call votes.<sup>33</sup> Whenever a roll-call vote is held, the name of each person for or against a proposal must be recorded. If a roll-call vote is not held, then the vote is recorded as “all voted in favor” or “four voted in favor and one opposed,” for example. It is presumed that all who are present at a meeting have voted in the affirmative unless the minutes reflect a negative vote or an abstention.<sup>34</sup>

## Abstentions

Although a member of a board of commissioners may refrain from voting, commissioners are under a strong obligation to vote on all motions because decision making is one of the primary discretionary duties of the office to which they were elected. A public officer should abstain from voting only when he or she has a conflict of interest between his or her own interests and those of the county.<sup>35</sup>

## Meeting Summary

Minutes do not become official until approved at the next subsequent meeting of the commissioners. However, state law requires that a summary of each meeting be prepared and made available to the public within two days of any meeting. The summary must describe the subjects considered at the meeting and which commissioners were present at the meeting.<sup>36</sup>

## Minutes

The record of a meeting is called the minutes. All actions taken by the county must be fully and accurately recorded in the minutes. The minutes are intended to be a nonbiased account of the business accomplished at the meeting. As such, the minutes should neither show any member's individual bias nor record verbatim what each member said. The minutes should never be used as a forum in which to comment on something said or done at the meeting. Effective minutes succinctly summarize what happened at the meeting in a straightforward narrative style. Although the specific form and content of the minutes may vary, the minutes should follow the arrangement of items on the agenda of the meeting.<sup>37</sup>

At a minimum, the minutes must include names of commissioners present at the meeting, a description of each proposal or motion made, and a record of all votes.<sup>38</sup> In the event of a called meeting with less than 24 hours' notice, the minutes must reflect the reason or special circumstances that led to holding the meeting with less than 24 hours' notice.<sup>39</sup>

If a board goes into an executive session to discuss an exempt topic, the minutes of the meeting must also record the vote for this decision and indicate the reason for closing the meeting to the public.<sup>40</sup> An affidavit by the presiding officer certifying that the executive session was limited to exempt topics must also be included in the minutes of the open meeting.<sup>41</sup> Generally, however, minutes need not be kept of executive sessions.<sup>42</sup> If they are, they should be kept in a confidential file. The exception is for

executive sessions convened to discuss the acquisition of real estate. In such instances, minutes must be taken, but that portion of the minutes dealing with the real estate can remain confidential until the property in question is acquired or the project is abandoned.<sup>43</sup>

The official minutes of the meetings of a county governing authority must be maintained in the offices of the county governing authority. Any documents related to official actions of the commissioners, such as contracts or maps, may be either included in the minute book or incorporated by reference to a specific central location or locations where such documents are stored.<sup>44</sup>

## **Decorum**

During all meetings, members are expected to behave with dignity and conduct themselves in a professional and respectful manner. All remarks should be directed to the chair and not to individual commissioners, staff, or citizens in attendance. A commissioner should not speak at a meeting until recognized by the chair, and all remarks should be addressed to the motion or agenda item being discussed. Personal remarks are inappropriate and should be ruled out of order by the chair.<sup>45</sup>

## **WHICH OFFICIALS PARTICIPATE IN MEETINGS?**

In addition to the presiding officer and the commissioners, several appointed officials perform tasks vital to the conduct of meetings. They are the clerk of the governing authority, the administrator or manager (if any), and the county attorney.

### **Presiding Officer**

The presiding officer of a county governing authority is the chairperson of the board or the sole commissioner when the said official is the governing authority. The chair of a board of commissioners is normally a member of the governing authority. However, depending on the county's enabling act, the chairperson may or may not have the power to vote and introduce motions. In some counties, the chair's only responsibility relative to the other board members is to preside over meetings. In this situation, the chairperson votes and makes motions like any other member of the board. In other counties, the chair votes only in the case of a tie or to veto actions by the board as a whole. Generally, the situation depends on whether or not the chairperson is elected to represent the entire county or a district within the county. In cases in which the chair represents a district, it is unlikely that the county enabling act would

deprive the chairperson of the power to vote or make motions that would benefit his or her district.<sup>46</sup>

The performance of the presiding officer is the key to effective, businesslike meetings. He or she ensures that meetings are orderly and conducted in conformity with the rules of procedure and that they progress at an appropriate pace. At the same time, the presiding officer is responsible for ensuring that governing authority members and citizens have ample opportunity to express their views. In order to be an effective presiding officer, the chair must

- have a sense of fair play;
- use good manners;
- maintain decorum, even under tense situations;
- act quickly to restore order if a disturbance occurs;
- preserve each participant's right to speak without interruption;
- limit discussion to questions on the floor;
- disallow attacks on members or their motives;
- insist that all remarks be addressed to the chair;
- exercise self-control and not be drawn into verbal battles; and
- maintain dignity and composure.<sup>47</sup>

### **Other Members of the Governing Authority**

Commissioners (i.e., the other members of a board of commissioners) share with the presiding officer the responsibility for properly conducted meetings. This responsibility includes having respect for one another's views. It also requires willingness to compromise, whenever possible, for the good of the county.

Commissioners must use their best judgment on how much time to spend examining a problem before reaching a decision. Actions of a governing authority should be deliberate, and the possible consequences should be carefully weighed. Members will probably never know as much as they would like to about the consequences of various actions. However, failure to make a decision or take action can create as many problems as a decision made too quickly. Moreover, commissioners should not allow a vocal minority that chooses to attend a particular meeting to unduly determine the outcome of a decision. Commissioners must exercise discretion and act for the good of the majority of the citizens.<sup>48</sup>

## **Clerk of the Governing Authority**

Duties of the clerk of the governing authority (county clerk) differ significantly from county to county. They may include recording the governing authority's official actions, preparing and distributing the agenda, bookkeeping and maintaining other records, preparing and processing correspondence and reports, and managing the governing authority office, and in some counties, preparing the budget.

## **Administrator or Manager**

Whether referred to as an administrator or manager, this officer plays a significant part in preparing for business to be considered at governing authority meetings. He or she is called upon to obtain facts and develop alternatives, make recommendations to the governing authority, and carry out policy decisions. This officer's role in meetings is determined largely by the governing authority. A good relationship between the governing authority and the administrator or manager can result in a smooth linkage of policy making to policy execution. Such a relationship can also improve the effectiveness of governing authority members and reduce the amount of time they must spend on county matters.

## **County Attorney**

The county attorney advises the governing authority on its powers and duties under the law. He or she is usually required to attend meetings in order to provide immediate legal advice and keep abreast of county programs and problems. Upon request, the county attorney prepares resolutions or ordinances, local acts to be introduced to the legislature, contracts, and other legal documents. He or she also advises other county officers on official legal matters and represents the county in court and may serve as parliamentarian to the governing authority. The county attorney may also provide legal advice pertaining to pending or potential litigation or other judicial actions in an executive session. He or she must be in attendance at any executive session in order to invoke the attorney-client privilege.<sup>49</sup>

Every county should have an attorney who is accessible to county officials at all times. This person does not need to be a full-time officer but should advise the commissioners regarding the deliberations and decisions of the governing authority.<sup>50</sup>

## WHAT ARE THE VARIOUS TYPES OF MEETINGS?

As a rule, governing authorities may hold regular meetings, pre-meeting work sessions, executive sessions, special meetings, committee meetings, and public hearings.

### Regular Meetings

Regular meetings are official meetings held periodically to consider county business, make policy decisions, approve contracts, establish budgets, and levy taxes, among other things. Many of these matters are effectuated by the enactment of resolutions or ordinances at regular meetings. The time and frequency of meetings are usually specified in enabling acts passed by the legislature, in county resolutions or ordinances, or a combination of the foregoing. For example, a county enabling act may specify one regular meeting per month. The commissioners may, by resolution or ordinance, establish additional regular meeting dates in addition to the one required by law.

### Pre-Meeting Work Sessions

Pre-meeting work sessions can facilitate decision making by providing commissioners the opportunity to discuss issues with staff in advance of regular meetings, finalize agendas, or create consent agendas. Note, however, that pre-meeting work sessions are considered meetings for the purposes of the Open Meetings Act. Therefore, work sessions are subject to the same notice requirements as any regularly scheduled meeting addressing county business.

### Executive Sessions

Governing authority meetings that are closed to the public often are referred to as executive sessions. Such meetings may only be held for very limited purposes expressly authorized by law and by observing procedures specified in the law.<sup>51</sup> For example, a board of commissioners may go into executive session in order to discuss the acquisition of real estate or when discussing certain personnel actions. Only persons necessary to the discussion may attend executive sessions. They may include the members of the governing authority, county clerk, manager or administrator, and county attorney. Generally, if a private citizen is in attendance, the commissioners cannot meet in executive session.<sup>52</sup> There is some authority, however, for including necessary parties in the discussion, even if they are private citizens.<sup>53</sup> See Chapter 25 of this

handbook for further details regarding under what condition executive sessions may be held.

### **Special Meetings**

These meetings are usually convened in order to discuss and vote on one or a limited number of issues. Often these matters directly affect a certain group of citizens, many of whom will attend the meeting to argue for or against a proposed action. For example, some counties schedule special meetings for the limited purpose of considering rezonings. Holding a special meeting on a controversial subject is a good way to avoid a prolonged regular meeting and to focus the staff's and elected officials' attention on the matter at hand.

### **Committee Meetings**

Much of the work of the county governing authority may be done through committees. In essence, county commissioners have the power to provide for a division of labor by creating committees to perform investigations, take evidence, make reports on pending or contemplated actions, and for other purposes relating to their legislative function. A county's enabling legislation may include provisions for this power, but in the absence of authorizing language, committees may still be created as needed.

Committees are instrumentalities of the governing authority. Commissioners may accept or reject the advice and recommendations given by a committee to the governing authority, but the governing authority may not delegate its powers to a committee. It has to make its own decision, albeit with input from the committee. If the governing authority adopts or ratifies the recommendations of the committee, they become the act of the governing authority.<sup>54</sup> Be mindful that committee meetings are subject to the requirements of the open meetings laws in the same manner as meetings of the full board.

### **Public Hearings**

Public hearings allow citizens to express opinions on matters of public concern. Hearings may be held immediately prior to, during, or following a meeting of the governing authority or at other places and times that the governing authority determines. Generally, no official action is taken during a public hearing. Some hearings, such as those for zoning decisions,<sup>55</sup> adoption of a budget,<sup>56</sup> setting property tax millage,<sup>57</sup> adopting development impact fees,<sup>58</sup> or implementing business and occupation taxes,<sup>59</sup> are required by law. Hearings, whether required or voluntary,

are called by the governing authority in order to gather facts related to proposed action, gauge public opinion, or permit citizens to “blow off steam.” Merely giving citizens an opportunity to express their opinions may not eliminate the problem or resolve the issue at hand, but it does allow county officials to demonstrate their concern for citizens’ views. For some hearings, like those regarding zoning decisions, policies and procedures for calling and conducting hearings must be officially adopted by the governing authority and be made available to the public.<sup>60</sup>

## **PUBLIC PARTICIPATION**

Virtually all meetings of the county governing authority as well as all meetings of committees, boards, and commissions of the county are, by law, open to the public. That is, the public must at all times be afforded access to such meetings, and visual and sound recording must be permitted during the meetings.<sup>61</sup>

### **Citizen Comments and Input at Meetings**

Although access is guaranteed by state law, citizens do not have a right to participate in the deliberations of a county governing authority as it conducts its meetings. The exception would be if the meeting is a public hearing.

Most counties do, however, provide for some form of citizen input and remarks at meetings, although the approach varies greatly from county to county. In some counties, citizens are allowed to comment on any matter of business before the commissioners without restriction. In others, a specific time on the agenda is set aside for all public remarks. Members of the public who wish to address the commissioners may be required to submit their name and the topic of their comments to the county clerk or manager a specified number of days prior to the meeting. Some counties may allow, by majority vote, public comment on any agenda item while the matter is being considered by the commissioners. Commissioners may allow citizens to speak to an issue but limit the amount of time made available to each citizen.<sup>62</sup> However, with respect to comments by citizens in zoning proceedings, state law provides that the opponents and the proponents of a zoning decision have equal time to present their case, and that time shall be no less than 10 minutes per side.<sup>63</sup>

Potential problems to do with accommodating citizen input and keeping order can best be avoided by having a set of clearly defined

written rules or procedures that cover citizen participation, including decorum. These rules or procedures should be readily available for distribution to citizens and the media.

### **Encouraging Citizen Attendance**

Meetings of the county governing authority offer an excellent opportunity for citizens to hear from and speak to their elected representatives. In order to encourage greater citizen participation, consider the following steps:

1. *Provide adequate notice of meeting.* Printing the time and location in the legal notice section of the local newspaper is not enough. Publish the agenda in the newspaper. Post the agenda on the county Web site and public buildings and through the government access channel, if available. Take advantage of free time that must be provided by radio and television stations for public service announcements.
2. *Schedule and situate meetings for maximum attendance.* Weekday evenings are usually most convenient. Arrange for adequate parking.
3. *Furnish a congenial setting for meetings.* The meeting room should be well maintained, dignified, adequately lighted, at a comfortable temperature, and large enough to accommodate the public. There should be good acoustics or a public address system and adequate seating provided for citizens. Governing authority members should face the audience and one another; a semicircular arrangement is effective. The clerk, attorney, and other county officials should be seated where they can best assist in the conduct of the meeting.
4. *Schedule business for maximum participation.* Scheduling subjects of greatest public interest early in the meeting is usually a good idea.
5. *Distribute the agenda and other information.* As citizens enter the meeting room, they should be given a copy of the agenda. A seating chart of governing authority members and the respective areas they represent, a simple organization chart of the county government, and a list of the names of the chief administrative officers are also helpful.
6. *Use visual aids for presentations.* Topics often can be presented visually for greater clarity. Zoning change requests, budget presentations, and reports, for example, can be made more informative

and interesting through the use of visual aids such as maps, charts, and PowerPoint presentations.

7. *Assist the news media.* Media reporters should be seated at a table where they can easily see and hear the proceedings. Upon entering the meeting room, they should be given a copy of the agenda. Data, reports, and memoranda sent with the agenda to governing authority members prior to the meeting should also be available for reporters.

## Opening Ceremonies

Many counties open their meetings with the pledge of allegiance. If this is the procedure, the American flag should be prominently and correctly displayed. The presiding officer may lead the pledge, or prominent citizens or representatives of local civic organizations may be invited to do so.<sup>64</sup> An opening ceremony may also provide an opportunity for commissioners to recognize effective employees of the county, significant events taking place in the county, or accomplishments of citizens. Resolutions or certificates may be presented to acknowledge such achievements. Family members of the honorees may also be invited to attend.

## Citizen Decorum

Citizens who attend meetings or comment on agenda items at a meeting do not have the right to interrupt or heckle commissioners, staff, or other citizens who have been granted an opportunity to address the commissioners.<sup>65</sup> Citizens should be held to the same standards of decorum that apply to the commissioners. That is, inappropriate or offensive remarks and personal attacks should not be allowed. Inappropriate behavior can be ruled out of order. If a citizen becomes abusive or disrupts the meeting, the presiding officer may recess the meeting or have a deputy or other law enforcement officer remove the disruptive person from the meeting, if necessary, in order to restore order. A person who knowingly commits any act that prevents or disrupts a lawful meeting may be found guilty of a misdemeanor.<sup>66</sup>

## NOTES

1. Portions of this chapter are drawn from chapter 2 of the *Handbook for Councilmen in Council-Manager Cities*, 3rd ed. (New York: National Municipal League, 1976); "City Council Meetings," in *Handbook for Georgia Mayors and Councilmembers*, 2nd ed., ed. J. Devereux Weeks and Emily Honigberg (Athens: Carl Vinson Institute of Government, University of Georgia, 1984), 15–23; chapter 5 of the *Handbook for Virginia Mayors and Councilmen*, ed. J.

- Devereux Weeks (Richmond and Charlottesville: Virginia Municipal League and Bureau of Public Administration, University of Virginia, 1963); and Elizabeth M. Lee, "Planning and Conducting City Council Meetings," *Management Information Service* 2, no. 5-9: 8-11.
2. See, generally, McQuillin Mun Corp. §13.07 (3rd ed.); *Sturgis Standard Code of Parliamentary Procedure*, 2nd ed. (New York: McGraw-Hill, 1966), 239.
  3. See, for example, the foreword to *Meetings, Organization and Public Access for Counties*, 3rd ed. (Atlanta: Association County Commissioners of Georgia, 1999).
  4. *New Robert's Rules of Order* (New York: Merriam-Webster, 1994), 10-11.
  5. *Sturgis Standard Code of Parliamentary Procedure*, 8-11.
  6. *New Robert's Rules of Order*, 2.
  7. *South Georgia Power v. Baumann*, 169 Ga. 649 (1929).
  8. GA. CONST. art. IX, §2, ¶1(b)(1).
  9. *Parliamentary Procedure for Counties: A Guide and Model Ordinance*, 2nd ed. (Atlanta: Association County Commissioners of Georgia, 1994).
  10. OFFICIAL CODE OF GEORGIA ANNOTATED (O.C.G.A.) §36-66-5.
  11. *Meetings, Organization and Public Access for Counties*.
  12. O.C.G.A. §50-14-1 et seq.
  13. O.C.G.A. §§50-14-1(b), 50-14-2, 50-14-3.
  14. O.C.G.A. §50-14-1(a)(2).
  15. O.C.G.A. §50-14-1(b).
  16. O.C.G.A. §50-14-6.
  17. *Georgia's Open Meetings and Open Records Laws: A Guide for County Commissioners* (Atlanta: Association County Commissioners of Georgia, 2010).
  18. *Brewster v. Houston County*, 235 Ga. 68 (1975). See *Jackson v. Gasses*, 230 Ga. 712 (1973); O.C.G.A. §36-4-1 et seq.; *Dozier et al. v. Norris et al.*, 241 Ga. 230 (1978); Op. Att'y Gen. No. U83-47.
  19. O.C.G.A. §§38-3-54, 38-3-55.
  20. *Maxwell v. Carney*, 273 Ga. 864 (2001); see, generally, McQuillin Mun Corp. §13.07.20 (3rd ed.).
  21. Americans with Disabilities Act, 42 UNITED STATES CODE ANNOTATED (U.S.C.A.) §12101 et seq.
  22. O.C.G.A. §50-14-1(d).
  23. *Ibid.*
  24. *New Robert's Rules of Order*, 184.
  25. O.C.G.A. §50-14-1(e)(1).
  26. *Ibid.*
  27. *Ibid.*
  28. *New Robert's Rules of Order*, 189.
  29. *Ibid.*, 11.
  30. *Sturgis Standard Code of Parliamentary Procedure*, 237; O.C.G.A. §1-3-1(d)(5).
  31. *New Robert's Rules of Order*, 11.
  32. *Sturgis Standard Code of Parliamentary Procedure*, 240.
  33. *Moon v. Terrell County et al.*, 249 Ga. App. 567 (2001).
  34. O.C.G.A. §50-14-1(e)(2).

35. *Sturgis Standard Code of Parliamentary Procedure*, 241. Note, however, that abstaining from voting may not be sufficient to overcome the conflict. See *Department of Transportation et al. v. Brooks et al.*, 254 Ga. 303 (1985) and *Op. Att'y Gen. No. 92-15*; but see also *Dick et al. v. Williams et al.*, 215 Ga. App. 629 (1994).
36. O.C.G.A. §50-14-1(e)(2).
37. *New Robert's Rules of Order*, 218; *Sturgis Standard Code of Parliamentary Procedure*, 238.
38. O.C.G.A. §50-14-1(e)(2).
39. O.C.G.A. §50-14-1(d).
40. O.C.G.A. §50-14-4(a).
41. O.C.G.A. §50-14-4(b).
42. *Op. Att'y Gen. Nos. U88-30, U98-3*.
43. O.C.G.A. §50-14-3(4).
44. O.C.G.A. §36-1-25.
45. *New Robert's Rules of Order*, 260.
46. *Palmer v. Claxton*, 206 Ga. 860 (1950); *Gostin v. Brooks*, 89 Ga. 244 (1892); see, generally, *McQuillin Mun Corp.* §13.25.10 (3rd ed.) and *Sands & Libonati Loc Govt Law* §11.09.
47. *New Robert's Rules of Order*, 272.
48. *City of Smyrna et al. v. R. L. Ruff, Sr. et al.*, 240 Ga. 250 (1977); *Bozik v. Cobb County*, 240 Ga. 537 (1978).
49. O.C.G.A. §50-14-2(1); *The Claxton Enterprise v. Evans County Board of Commissioners*, 249 Ga. App. 870 (2001).
50. As of May 2010, 17 counties had full-time employees serving as county attorneys. The remainder retained private attorneys to serve as county attorneys on a contractual basis.
51. O.C.G.A. §§50-14-2, 50-14-3, 50-14-4.
52. *Jersawitz v. Fortson*, 213 Ga. App. 796 (1994); *Moon v. Terrell County*, 249 Ga. App. 567 (2001).
53. *Op. Att'y Gen. No. U98-3* (1998).
54. See, generally, *McQuillin Mun Corp.* §13.51 (3rd ed.) and *Sands & Libonati Loc Govt Law* §11.13.
55. O.C.G.A. §§36-66-4, 36-66-5.
56. O.C.G.A. §36-81-5(f).
57. O.C.G.A. §48-5-32.1.
58. O.C.G.A. §36-71-6.
59. O.C.G.A. §§48-13-6(c), 48-13-28.
60. O.C.G.A. §36-66-5; *Tilley Properties, Inc. v. Bartow County*, 261 Ga. 153 (1991).
61. O.C.G.A. §50-14-1(c).
62. See, generally, *McQuillin Mun Corp.* §§13.07, 13.07.10 (3rd ed.).
63. O.C.G.A. §36-66-5(a).
64. *New Robert's Rules of Order*, 188.
65. *Sturgis Standard Code of Parliamentary Procedure*, 242.
66. O.C.G.A. §16-11-34.