

ORDINANCE NO. 2017-15

AN ORDINANCE OF THE CITY OF SOCIAL CIRCLE TO AMEND THE CURRENT PUBLIC COMMENTS SECTION.

WHEREAS, the Mayor and City Council of Social Circle desire to amend the current ordinances regarding public comments during council meetings; and

WHEREAS, the intent of this ordinance is to bring standardized rules and procedures for citizens to make comments and address the council.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Social Circle, Georgia, and it is hereby ordained by authority of same, as follows:

SECTION 1. The Code of the City of Social Circle is hereby amended, by removing Section 3-012 Rules for the Conduct of Business, Number 8. Limitations on Addressing Council and replacing it as follows:

8. Limitations on Addressing Council. Any person not a member of the Council, who desires to address the Council shall first secure the permission of the presiding officer to do so, and then shall step up in front of the podium, give his name and address in an audible tone of voice for the record, and direct his remarks to the Council as a body rather than to any particular member, limiting such remarks to three (3) minutes, unless additional time is granted by the Council.

SECTION 2. The Code of the City of Social Circle is hereby amended, by removing Section 3-010 Meetings and replacing it as follows:

The Council shall hold regular meetings on the third Tuesday of each month at 6:30 p.m., unless otherwise ordered by the Council; provided, that the Mayor may convene the Council whenever, in his opinion, the public business requires it, and he shall do so upon the application of three (3) members of the Council. It shall be the duty of each member of the Council to attend each meeting of the Council, unless prevented by some unavoidable circumstance. Per the Georgia Sunshine Laws, 2012 Rewrite, HB 397, Open and Public Meetings Act (O.C.G.A. 50-14-1 et. seq.) and the Open Records Act (O.C.G.A. 50-18-70 et. seq.), the following apply: The meeting agenda will be available to the general public a week in advance, and a notice containing such information will be posted and maintained in a conspicuous place available to the public at the regular meeting place and on any City website. The agenda shall list all items to be considered and briefly state what action is requested. All items timely submitted by city officials and staff to be on the agenda shall be placed on the agenda, and no one shall prohibit such a timely request from appearing on the agenda. Public requests to have an agenda item require clearly advising the Clerk of the nature and details of the item including a summary of their position, and to provide all

supporting documentation to be referenced in the meeting. To appear on a regular monthly meeting's agenda, the item must be submitted to the Clerk by 1 p.m. on Tuesday of the week prior to the meeting. The agenda, together with data, reports, and memoranda, should be sent early enough to reach each Member at least 3 days before the meeting. Any item received after the deadline will be held over for the next meeting unless a majority present at the meeting vote to add it to the agenda. Failure to include on the agenda an item which becomes necessary to address during the course of a meeting shall not preclude considering and acting upon such item. Public requests are to be added to the agenda as Item IV of the agenda titled, "Citizen Request."

For specially called meetings, the agenda shall consist only of the item or items specifically indicated as the purpose of the called meeting. When any called meeting is to be held, the City will give due notice thereof, the posting of a written notice for at least 24 hours at the place of regular meetings and giving of written or oral notice at least 24 hours in advance of the meeting to the legal organ in the County where regular meetings are held and, upon written request from any local broadcast or print media outlet whose place of business and physical facilities are located in the County, notice by telephone or facsimile to that requesting media outlet at least 24 hours in advance of the called meeting. When special circumstances occur and are so declared by the Mayor and Council at the meeting, they may hold an Emergency meeting with less than 24 hours' notice upon giving such notice of the meeting and subjects expected to be considered at the meeting as is reasonable under the circumstances including notice to said legal organ, in which event the reason for holding the meeting within 24 hours and the nature of the notice shall be recorded in the minutes. Any oral notice required or permitted by this subsection may be given by telephone. 15 A summary of the subjects acted on and those members present at a meeting shall be written and made available to the public for inspection within 2 business days of the adjournment of a meeting. The minutes of a meeting shall be promptly recorded and such records (other than executive session minutes) shall be open to public inspection. Said minutes shall, at a minimum, include the names of the members present at the meeting, a description of each motion or other proposal made, and a record of all votes, who voted for and against. Official minutes of the meetings shall be maintained in the City Hall. Copies of contracts, maps, or similar material or documents related to actions taken may be included in the minutes, or incorporated by reference to an alternate location, in which case, such documents shall be stored in a central location identified by ordinance or resolution. Open Records shall be maintained per the state records retention act, 50-18-90 et seq. See 50-18-71(a). Records must be produced within 3 business days of an Open Records Request if possible. If not, the response must be made within 3 business days as to when the records will be produced, 50-18-71(b)(1)(A). Requests can be made orally or in writing. 50-18-71(b)(1)(B). All written requests shall go to a records custodian, 50-18-71(b)(1)(B), the City Clerk. The legal organ is notified of such, and the custodian is posted on any City website, 50-18-71(b)(2). The 3 day response period starts when the custodian gets the request. Charges for search, retrieval, redaction and production of copies is at the rate of the lowest paid full time employee able to respond, 50-18-71(c)(1), the first 15 minutes are free. The City charges for redacting records, 50-18-71(c)(1). Fees for copying

records are \$.10/page for letter or legal size documents. For odd-size printed documents, the actual cost of producing the documents is charged. For electronic records, the City charges the actual cost of the media on which the records or data are produced, 50-18-71(c)(2). The City charges for requested records, even if not picked up, 50-18-71(c)(3). If estimated cost of producing records is over \$25, the Clerk shall notify the requestor within 3 business days of the request as to the estimated amount. The City can defer search until the requestor agrees to pay. If estimated cost of production is over \$500, the City requires prepayment before the search, retrieval, review or production of records, 50-18-71(d). If costs are not paid to the City, it requires prepayment for all new requests, until the previous charges are paid, 50-18-71(d). If records are sought as part of litigation, the request must be in writing and copied to the City attorney. The City will prepare a duplicate set of the requested documents to the City attorney unless the City attorney elects not to receive them, 50-18-71(e). Requests for emails shall contain information reasonably calculated to allow the Clerk to locate the requested messages such as name, title, office or specific data base to be searched, 50-18-71(g). The City shall not prepare new reports, summaries, or compilations not in existence at the time of the request, 50-18-71(j). Personal email addresses, unlisted phone numbers, cell phone numbers found in public records are exempted and will be redacted, 50-18-72(a)(20)(A). The exemption for home address, home telephone numbers, SSN, DOB, credit card, bank account, and similar personal data is extended to former and current employees, 50-18-72 (a)(21). When any meeting is closed to the public, the specific reasons for such closure shall be entered in the minutes, the meeting shall not be closed except by a majority vote of a quorum, the minutes shall reflect the names of the members present and the names of those voting for closure, and that part of the minutes shall be made available to the public as any other minutes. Any portion of the meeting not subject to any such exception, privilege, or confidentiality shall be open to the public, and the minutes of such portions not subject to any such exception shall be open to public inspection as provided in Georgia Law. Executive session minutes must be kept, but are confidential unless reviewed by a court in chambers. The executive session minutes will specify each issue discussed in executive session. If matters are discussed subject to the attorney-client privilege, the fact that an attorney-client discussion occurred and the subject shall be identified, but the substance of the discussion need not be recorded or identified, 50-14-1 (e)(2)(C). If a non-exempt topic is brought up in executive session, the Mayor must immediately rule the discussion out of order. If the non-exempt discussion continues, the mayor must adjourn the meeting. The Mayor and Council shall execute and file with the official minutes of the meeting a notarized affidavit stating under oath that the subject matter of the closed portion was devoted to matters within the exceptions provided by law and identifying the specific relevant exception. Criminal penalty for violation of the Sunshine Laws is up to \$1000. The penalties will increase to \$2500 for subsequent violations in the same calendar year.

SECTION 3. Unless otherwise provides herein, the penalties provided for violations of this Ordinance are set out in the general penalties sections of the Code of Ordinances of the City of

Social Circle, are under the authority of the Municipal Court as established by the Code and are hereby incorporated herein as if fully set out.

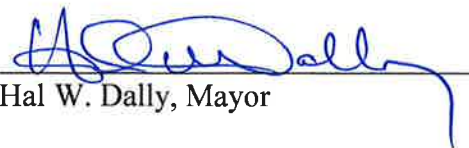
SECTION 4. Except as provided otherwise herein, all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 5. Pursuant to the Section 2.25 of the City Charter, authority is hereby delegated to the City Clerk to cause this Ordinance to be numbered and codified in the City Code of Social Circle, Georgia, in such a way as to place this Ordinance in the Code in an organized and orderly sequence to maximize the organization of the Code. The City Clerk is authorized to designate to the City Attorney or to such other Mayor and Council approved contractors to assist in the effort to codify this provision provided the decision of the City Clerk is final as to the placement of this Ordinance within the City Code of Social Circle, Georgia. The goal of this authorization is to codify and number this Ordinance in the Code in such a way as to be clear and orderly.

SECTION 6. This ordinance shall become effective immediately upon its adoption by the Mayor and Council of the City of Social Circle, Georgia.

SECTION 7. It is hereby declared that if any phrase, sentence, or paragraph hereof shall be found or declared unconstitutional or invalid by a court of competent jurisdiction, the remaining phrases, sentences and paragraphs hereof shall remain in full force and effect as if enacted without the phrase, sentence, or paragraph declared unconstitutional or invalid.


SO ORDAINED this 15th day of September, 2017.


Hal W. Dally, Mayor

ATTEST:


Susan M. Roper, City Clerk

APPROVED AS TO FORM:



Anthony O. L. Powell, City Attorney
Webb, Tanner & Powell P.C.

Adopted by the City Council at a regular meeting on August 15, 2017.

 4 Council members voting in favor

 0 Council members voting against

 0 Council members abstaining