

3
4 AN ORDINANCE
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6 AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY
7 OF EAST POINT, GEORGIA: PART TWO CHAPTER 2, MAYOR AND
8 COUNCIL; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN
9 EFFECTIVE DATE; TO REPEAL CONFLICTING ORDINANCES; AND FOR
10 OTHER PURPOSES.

11
12 WHEREAS, the duly elected governing authority of the City of East Point,
13 Georgia is the Mayor and Council thereof; and

14 WHEREAS, the.

15 BE IT ORDAINED AND IT IS HEREBY ORDAINED BY MAYOR AND
16 CITY COUNCIL OF THE CITY OF EAST POINT, a political subdivision of the State
17 of Georgia, as follows:

18 **Section 1.** The Code of Ordinances, of the City of East Point, Georgia is amended by
19 revising the current language of Part Two, Chapter 2, to read as follows:
20

21 **Sec. 2-2002. - Rules of council.**
22

23 (a) *Rule 1: Adoption of "Robert's Rules of Orders Newly Revised."* The rules of
24 parliamentary practice comprised in the latest published edition of "Robert's Rules of
25 Order Newly Revised" shall govern the Council in all cases to which they are applicable
26 and in which they are not inconsistent with the City Charter, city ordinance or special
27 rules of this council as set forth in section 2-2002

28 (b) *Rule 2: Temporary suspension of rules; amendments of rules.* Any rule not provided
29 for by City Charter or city ordinance (other than Chapter 2), may be temporarily
30 suspended by a vote of two-thirds (2/3) of all the members during a single meeting, and
31 shall not be repealed, altered or amended unless by concurrence of a two-thirds (2/3) of
32 all the members at two consecutive regular scheduled meetings.

33 (c) *Rule 3: Presiding officer of the council; mayor, mayor pro tempore and provisional*
34 *pro tempore as provided by ordinance.*

35 (1) The mayor shall be presiding officer of the council but shall have no vote
36 therein except in the case of a tie. The mayor shall have the authority to veto. The
37 Mayor shall participate in the discussion after all other Council Members have
38 been given the opportunity to speak twice to the subject.

39 (2) In January of each year the city council shall elect one of its members as
40 mayor pro tempore for that year. Candidates for such shall be nominated and
41 seconded and voted for by a roll call vote and no person shall be elected unless he
42 or she receives a majority vote of council. In the course of an election for any of
43 the foregoing positions, a majority) vote of all members present may close

44 nominations at any time. In such event, the presiding officer shall thereafter
45 declare the nominations closed. Such mayor pro tempore shall discharge the
46 duties and exercise the powers and authority of mayor in the absence, disability,
47 or disqualification of the mayor, when requested to do so by the mayor, and
48 during a vacancy in the office of mayor, provided that his or her rights and duties
49 as a councilmember shall remain unimpaired; except that he or she shall not
50 receive the salary and expense of a councilmember while receiving the salary and
51 expense of mayor; nor shall appointment authority vest with the mayor pro
52 tempore unless there is a vacancy in the office of mayor.

53 (3) At the same meeting in January of each year, the city council shall also elect
54 one of its members to serve as provisional mayor pro tempore for that year. In the
55 absence of the mayor pro tempore, the provisional mayor pro tempore shall act as
56 the presiding officer of the city council. If all three are absent, the majority may
57 elect a presiding officer for the present meeting.

58 (4) The mayor pro tempore and the provisional mayor pro tempore, when acting
59 as the presiding officer, shall vote on all questions on which the vote is taken by
60 yeas and nays, his or her name being called last. The mayor pro tempore and the
61 provisional mayor pro tempore shall participate in discussion after all other
62 Councilmembers have been given the opportunity to speak twice to the subject.

63 (d) *Rule 4: Reserved.*

64 *Editor's note—*

65 Rule 4 was repealed by Ord. No. 028-07, § 2, adopted June 18, 2007. Rule 4 formerly
66 pertained to convening the council for regular and special meetings.

67 (e) *Rule 5: Duties and privileges of the presiding officer.* The presiding officer shall
68 preserve order and decorum, and shall immediately speak to points of order and shall
69 decide all questions of order, subject to appeal. In case of any disturbance or disorderly
70 conduct, the presiding officer shall have the power to require the chamber to be cleared or
71 request that the sergeant at arms, (chief of police and or the designee) to remove those
72 individuals ruled by the chair as being out of order. In the event the chair fails to rule
73 individuals out of order that are causing a disturbance, any member of council may call
74 for a point of order and present a motion to have the individual ruled out of order and to
75 instruct the sergeant of arms to remove those individuals ruled as out of order. The
76 motion to remove will require a two-thirds (2/3) vote. The presiding officer shall require
77 the observation of rules of conduct to protect the rights of all council members and
78 citizens.

79 (f) *Rule 6: Quorum; order of business; question relating to priority of business.*

80 A quorum for the transaction of business shall consist of a majority of the members of the
81 city council, and the mayor or six (6) council members. No council member may be
82 compelled to remain more than thirty (30) minutes due to a lack of a quorum. When a
83 quorum is present the council shall proceed to the business before it, which shall be
84 conducted in the following order:

85 Order of business:

86 (1) Meeting called to order.

87 (2) Quorum roll call.

88 (3) Invocation.

89 (4) Pledge to the Flag.

90 (5) Presentation/announcements.
91 (6) Committee Reports.
92 (7) Approval of the council agenda.
93 (8) Approval of city council minutes.
94 (9) Public hearings.
95 (10) Public comments.
96 (11) Consent agenda items. Any Council Member may move an item from the Consent
97 Agenda to the Council Agenda.
98 (12) Agenda items. Only a Council Member who places an item on the Council Agenda
99 may remove the item.
100 (13) Comments from council.
101 (13) Recess to executive session.
102 (14) Adjournment.
103 The chair, without debate, subject to appeal, shall decide all questions relating to the
104 priority of business. The agenda for the meeting may be amended upon two-thirds (2/3)
105 vote of the council.
106 (g) *Rule 7: Members Recognized.* Every member, prior to speaking or making a motion
107 shall be recognized by the presiding officer, and shall not proceed with his/her remarks
108 until recognized and named by the chair. When two (2) or more members request
109 recognition, the presiding officer shall name the council member who is to speak first.
110 Council members shall confine remarks to the subject under debate, avoiding personal
111 comments directed at other members or and refraining from impugning the motives of
112 any other council member's comments or votes. No council member may interrupt
113 another council member except to rise to a point of order.
114 (h) *Rule 8: Debate* No council member shall speak more than once on the same question
115 until every other council member desiring to speak shall have had an opportunity to do
116 so; provided, however, that the proponent of the matter under consideration, or the
117 chairman of the committee whose report is under consideration, as the case may be, shall
118 have the right to open and close debate. No council member shall speak longer than (5)
119 five minutes at any one time, except by consent of the council; and in closing debate on
120 any question, as above provided; the speaker shall be limited to three minutes, except by
121 consent of the council. Members may speak two (2) times to each subject. Council
122 members may only direct their comments to the chair. If information is required from city
123 staff, the council member may request to direct a question to the city manager. All
124 questions are to be directed to the city manager. The city manager may then direct
125 questions to the staff. Each council member may speak up to three (3) minutes on
126 subjects of choice during a general comment period.
127 (i) *Rule 9: Speaking by non-Council members.* Except for staff and contract consultants
128 presented by the city manager and or designee to provide information on a question, no
129 person shall speak on any matter pending before the council without the consent of a
130 majority of the council members present.
131 (j) *Rule 10: Call of council members to Order.* Council members, when called to order by
132 the chair, shall there upon cease speaking and the order or ruling of the chair shall be
133 binding, and conclusive, subject only to the right of appeal on a point of order. While the
134 council is in session, its members present shall occupy the seats or positions in the
135 council chamber assigned to them.

136 **(k) Rule 11: Appeals from decisions of the chair.** Any council member may appeal to the
137 council from a ruling of the chair. The motion to appeal must be entertained immediately.
138 The council member making the appeal may state his/her reason for the same within three
139 (3) minutes, and the chair may explain the ruling within three (3) minutes; but there shall
140 be no debate on the appeal and no other council member shall participate in the
141 discussion. The chair shall then put the question, "Shall the decision of the chair be
142 sustained?" If a majority of the council members' present vote "Yes", the decision of the
143 chair is sustained, otherwise the decision of the chair is overruled. The chair may vote in
144 the event of a tie.

145 **(l) Rule 12: Question of personal privilege.** The right of a council member to address the
146 council on a question of personal privilege shall be limited to cases in which integrity,
147 character or motives are assailed, questioned or impugned. The question of personal
148 privilege must be entertained during council comments for a period of eight (8) minutes
149 which includes the three (3) minutes allowed for council comments.

150 **(m) Rule 13: Point of order.** A point of order will take precedence over all other business.
151 The chair must recognize the council member calling a point of order. Once recognized,
152 the council member may only quote the rule number and the rule. No discussion,
153 explanation or debate is allowed during a point of order. The chair will recognize the
154 point of order and then rule as to the point of order. The council member calling for a
155 point of order may appeal the ruling of the chair. The chair will then call for a vote to
156 uphold the decision.

157 **(n) Rule 14: Attendance; Voting.** Any Council Member who is absent without having
158 been excused by the presiding officer shall have his/her vote counted as a "yea" vote on
159 every non-substitute motion made. Council member shall be present when a question is
160 stated and shall vote thereon, unless excused by the chair. Any council member who
161 leaves the chamber will have their vote recorded as a "yea" vote. Any council member
162 who refused to vote will have that vote recorded as a "yea" vote. Council member may
163 only vote as a yea, nea, or the council member may abstain due to a perceived or actual
164 conflict of interest.

165 **(o) Rule 15: Agenda Items.** Council members may place an item on the agenda provided
166 the item has first been to a work session or presented to council for discussion at a prior
167 council meeting and all associated paper work was submitted to the clerk's office by the
168 established deadline for receiving information, or by a majority vote of council. This
169 shall also apply to staff agenda items.

170 **(p) Rule 16: Adoption of ordinances.** Every adopted ordinance shall become effective
171 upon the date of its adoption or at a later date as specified in such ordinance.
172 Every proposed ordinance shall be introduced in writing and in the form required for final
173 adoption. Each ordinance, which involves lengthy documents not included within the
174 body of such ordinance, shall include a reference to such documents. No ordinance shall
175 contain more than one subject matter, which shall be clearly expressed in its title. The
176 enacting clause shall be "Be it ordained by the City Council of East Point." Any
177 ordinance, which repeals or amends an existing ordinance or part of the City Code, shall
178 set forth the ordinance sections or subsections to be repealed or amended.

179 An ordinance may be introduced by any member of the council at any regular meeting of
180 the city council in accordance with rule governing agenda items or at any special meeting
181 at which an ordinance may be lawfully considered and adopted. Each ordinance shall be

182 read by title at two (2) different regular meetings or the city council unless such reading
183 be waived by affirmative vote of no less than two-thirds (2/3) of the council members
184 present at any meeting of the council duly convened at which a quorum is present;
185 provided, however, any zoning ordinance, assessing ordinance or any other ordinance
186 requiring a public hearing shall not be finally adopted until after such ordinance has been
187 properly advertised and a public hearing held thereon.

188 **(q) Rule 17: Withdrawal of motions.** After the motion or resolution has received a second,
189 it shall be deemed to be in possession of the council, but may be withdrawn at any time
190 before decision, by request of the council member making the motion and with the
191 majority vote of council.

192 **(r) Rule 18: Record of motions.** In all cases where a motion is sounded, the name of the
193 council member moving the same and the council member who sounded a second to the
194 motion shall be entered into the minutes. Minutes will state the motion and the status of
195 the motion with the names of those council members voting yea or those who abstain.
196 "Motion Carried" shall indicate a unanimous vote on the item. Discussion of motions will
197 only be recorded in the minutes when preceded with "For the Record".

198 **(s) Rule 19: Taking and entering of votes; explanation of votes not permitted.** At the
199 request of any council member, the yeas and nays upon any question shall be taken by a
200 roll call and entered in the minutes. Only council members present shall be permitted to
201 vote or have their votes recorded either by "yea" or "nay" on any matter before the city
202 council.

203 When the clerk has commenced to call the roll of the council for the taking of a vote all
204 debate on the question before the council shall be deemed concluded, and during the
205 taking of the vote no member shall be permitted to explain his/her vote but shall respond
206 to the calling of the council members name. Any council member who answers the roll
207 call with any response other than yea or nay will have their vote recorded as a yea.
208 Council members who are present but not seated in their assigned seat at the time a vote
209 is taken will have their vote recorded as a yea. Any council member may recuse him/her
210 self from a vote in the event of a qualifying reason.

211 **(t) Rule 20: Motion to adjourn.** A motion to adjourn the council shall always be in order,
212 except:

- 213 (1) When a council member is in possession of the floor;
- 214 (2) When the council members are voting;
- 215 (3) When adjournment was the last preceding motion;
- 216 (4) When it has been decided that the previous question shall be taken;
- 217 (5) When an executive session is to convene; and
- 218 (6) When a vote to dismiss council comments has failed.

219 **(u) Rule 21: Previous question.** When the previous question is moved on the main
220 question, it shall be put in this form: "I call for the previous question" If such motion is
221 carried by a majority of all the council members authorized by law to be elected, no
222 further amendment, motion or debate shall be allowed and the question shall be put
223 without delay upon the pending amendments or motion in inverse order of presentation,
224 and then upon the main question. The previous question may only be called once all
225 council members have been given the opportunity to speak two (2) times to the subject.

226 (v) *Rule 22: Motions to lay on the table and to take from the table.* A motion to lay a
227 question on the table shall not be debatable. A motion to take a question from the table
228 shall not be debatable.

229 A motion to take any question from the table may be proposed at the same meeting at
230 which such question was laid upon the table, and may be approved by a majority vote of
231 council.

232 (w) *Rule 23: Postponement; motion to defer or postpone without any reference to time.*
233 Consideration of a motion or proposition may not be postponed indefinitely. Unless a
234 definite time is set for its subsequent consideration and final action, a motion to postpone
235 or refer, without any reference to time or committee to refer the motion, shall be
236 construed as a motion to postpone to the next succeeding regular meeting.

237 (x) *Rule 24: Amendments modifying the intentions of a motion.* An amendment modifying
238 the intention of a motion shall be in order; but an amendment relating to a different
239 subject shall not be in order.

240 On an amendment to "Strike out and insert," the paragraph to be amended shall first be
241 read as it stands, then the words proposed to be stricken out, then those to be inserted, and
242 finally the paragraph as it will stand if so amended shall be read.

243 (y) *Rule 25: Motion to substitute.* A substitute for any original proposition under debate
244 or for any pending amendment to such proposition may be entertained. A motion or
245 amendment may only receive two substitute motions.

246 (z) *Rule 26: Re-entertainment of motion.* A motion that has been presented to council
247 may not be presented again for a period of sixty (60) days unless there have been
248 extraordinary changes that would warrant such an action. Extraordinary changes must be
249 approved by two-thirds (2/3) vote of the council.

250 (aa) *Rule 27: Reconsideration.* Only a council member that voted on the prevailing side
251 may reconsider.

252 A vote may be reconsidered at any time during the same meeting.

253 (bb) *Rule 28: Public comment.* The public may speak during the public comment section
254 of the agenda. Speakers must complete a comment form prior to the start of the meeting.
255 Subject may include any subject of choice. There will be a three-minute time limit for
256 each speaker. Speakers that have signed up to speak may give all or part of their time up
257 to three (3) minutes to another speaker for a total of six (6) minutes of speaking time.
258 Speakers may address the council only once during this time of the agenda. Speakers
259 must identify themselves and their address prior to speaking. Questions from the speakers
260 may not be addressed during the public speaking section of the agenda. East Point
261 residents will have priority over other speakers. There will be a total of not more than
262 sixty (60) minutes for the public speaking section of the agenda. Speakers may only
263 address the presiding officer. Speakers shall observe all rules of decorum. No debate,
264 disrespect or obscenities shall be tolerated. The presiding officer shall rule any such
265 individual out of order that fails to comply with the forgoing.

266 (cc) *Rule 29: Public hearing.* Public hearings shall be advertised as per ordinance. The
267 Presiding officer will call for a motion to open and close the hearing. Those in favor of
268 the subject will speak first for a total of fifteen (15) minutes. Each speaker will be limited
269 to not more than three minutes. Those who oppose the subject will then speak for a total
270 of fifteen (15) minutes. Each speaker will be limited to not more than three (3) minutes.

271 Speakers may give a total of three minutes to another speaker after all of those present
272 have had an opportunity to speak. Residents will be given first priority to speak. After all
273 residents have been given an opportunity to speak, non-residents may speak.

274 By a majority vote, the council may increase the total time for each side of the subject to
275 a total of thirty (30) minutes per side. Each side will be given the same amount of time.

276 Speakers must adhere to the rules of decorum.

277 **(dd) Rule 30: Sergeant-at-arms** There shall be appointed by the Mayor a sergeant-at-
278 arms of council and such assistants as the council may direct who shall preserve order,
279 obey the directions of the council and of the chair, and perform all duties usually
280 performed by the office of sergeant-at-arms of deliberative assemblies; provided that
281 such sergeant-at-arms and assistants shall be removable at the will of the council by
282 resolution duly adopted.

283 **(ee) Rule 31: Censure of members; expulsion of members.** Any council member who uses
284 obscene or insulting language to or about any council member, member of the public, city
285 staff (to include statements directed to individual staff members referencing job
286 performance) or any other person and who does not obey the order of the chair to cease
287 such action or who, knowingly and willing, after being cautioned by the chair, continues
288 to violate the city council rules of order may by direction of the chair, be expelled. In
289 case of expulsion the sergeant-at-arms, his/her assistants, or any person acting under
290 direction of the chair shall cause the council member to be expelled to vacate the property
291 for the remainder of the meeting. it will remain within the sole discretion of the presiding
292 officer to rule a councilmember out of order.

293

294 **(ff) Rule 32: Establishment and appointment of committees, commissions, city**
295 **authorities, boards, and taskforces.**

296 **(i)** The creation of any committee composed exclusively of Councilmembers,
297 commission, or any city authority, or board by the mayor or council shall require
298 approval by a majority vote of the council, except those exempted by state law.

299 **(ii)** Appointment of members to such committees composed exclusively of
300 Councilmembers, commissions, city authorities, or boards will be made by the
301 mayor and confirmed by majority vote of the council, except those exempted by
302 state law, or unless the creating ordinance specifies another method of
303 appointment. All appointments to standing committees, commissions, city
304 authorities, or boards shall be made and approved within thirty (30) days of a
305 vacancy.

306 **(iii)** The mayor or council may create task forces to analyze and recommend
307 solutions to specific issues, opportunities, or problems. Task forces may be
308 created by resolution or by ordinance, and the number of members, qualifications,
309 and term shall be provided in the resolution or ordinance. The method of
310 appointment shall be as described in paragraphs (ii) of this Rule, above. Task
311 forces shall have no quasi-judicial or quasi-legislative functions, and shall not be
312 delegated the power of subpoena.

313 **(gg) Rule 33: Ethics Proceedings.** . In the event of a complaint to the Board of Ethics
314 concerning a Council Member the following reports will be read into the minutes during
315 the announcements of the agenda at the next regular scheduled meeting following the

316 submission of any resulting findings to council. The council members charged will have
317 no opportunity to speak during consideration of the report.

318 (1) The final determination by the Board of Ethics to include those who filed the
319 charge, summary of the charge, and the findings and conclusions of the Board. At
320 the reading of this report, a committee will be appointed to make a
321 recommendation to the council.

322 (2) Committee recommendation to the council. At the reading of the
323 recommendation of the committee, the council will vote on the next action.

324 (3) Final action of council.

325 **(hh) Rule 34: Executive session.** As provided hereinabove in section 2-2001(c), meetings
326 of the city council shall comply with the requirements of the Georgia Open Meetings Act,
327 O.C.G.A. §50-14-1, et seq., as it shall be amended from time to time, including the
328 closure of any meeting or portion of a meeting to the public for the reasons set forth in
329 the Georgia Open Meetings Act. Pursuant to Georgia law, the reasons for closing a
330 meeting are as follows:

331 (1) To receive attorney-client privileged information regarding pending or
332 potential litigation, settlements, claims, administrative proceedings, or other
333 judicial actions brought or about to be brought against the City or any officer or
334 employee;

335 (2) To discuss the future acquisition of real estate, subject to certain public notice
336 provisions in the statute;

337 (3) To discuss or deliberate upon the appointment, employment, compensation,
338 hiring, disciplinary action, dismissal, or periodic evaluation of an employee, but
339 not when hearing evidence or arguments. Discussions regarding filling vacancies
340 must be public; and

341 (4) To discuss records that are exempt from disclosure under the Open Records
342 Act exemption related to documents which would compromise security against
343 sabotage or criminal or terrorist acts, and the non-disclosure of which is necessary
344 for the protection of life, safety or public property such as security plans, anti-
345 terrorism plans, locations, plans or blue prints which would reveal security
346 measures.

347 A motion to close all or a portion of a meeting of the city council shall be done in
348 accordance with the Georgia Open Meetings Act, which requires a majority vote
349 of a quorum, entering the closure on the minutes reflecting the names of those
350 voting in favor of closure, and the provision of a notarized statement to be filed
351 with the official minutes.

352 **(ii) Rule 35: Attorney-Client Privilege.** Should attorney-client privileged material be
353 disclosed to the city council in a closed meeting with the city attorney or other counsel
354 engaged to represent the city, or in written legal opinions drafted by the city attorney or
355 outside counsel, the privilege shall belong to the City of East Point. Therefore, the
356 decision to waive that attorney-client privilege by disclosing either orally or in writing
357 the contents of the attorney-client privileged material not subject to disclosure under the
358 Open Records Act may only be made by majority vote of the council and not by an
359 individual member of the city council.

360 (jj) *Rule 36: Request for Legal Opinion.* Requests by one or more Council Members for
361 a formal written legal opinion shall require approval by a majority vote of the full
362 Council.

363 (kk) *Rule 37: Hiring of Department Heads.* At least ten (10) business days prior to the
364 Council vote to fill a vacant Department Head position, the City Manager shall provide
365 the Mayor and Council with the resumes of the top three (3) candidates.

366 (ll) *Rule 38. City-issued Communications Devices.* Each Council member shall be
367 entitled to any two of the following city-issued electronic communication devices,
368 including use of the City's subscription to cellular and internet service for the conduct of
369 city business: cellular phone; laptop computer, or tablet.

370 (*Code 1959, § 2.22; Ord. No. 869A-84, § 1, 12-3-84; Ord. No. 1165-98, § 1, 7-20-98;*
371 *Ord. No. 028-00, §§ 1, 2, 9-18-00; Ord. No. 031-02, § 1, 9-16-02; Ord. No. 027-05, § 1,*
372 *12-12-05; Ord. No. 028-05, § 1, 12-12-05; Ord. No. 029-05, § 1, 12-19-05; Ord. No.*
373 *028-07, § 2, 6-18-07; Ord. No. 027-08, § 1, 9-15-08; Ord. No. 016-09, § 1, 10-19-09;*
374 *Ord. No. 019-10, § 1, 11-15-10)*

375 **Sec. 2-2003. - Standing committee—Budget.**

376 (a) The mayor shall appoint annually three (3) council members to a budget committee.
377 The mayor shall also appoint annually to the committee one (1) citizen who has
378 experience in financial matters including budgeting, auditing and forecasting. Such
379 appointment shall be subject to confirmation by council. The citizen member shall have
380 no voting power, but otherwise shall have the same privileges as other members of the
381 committee. (b) The council shall appoint from among the appointed council members of
382 the committee a chairman of such committee, and the committee shall meet at such times
383 and places as the committee may select.

384 (c) The mayor shall be an ex officio member of the budget committee, and shall have the
385 same voting power and privileges as other council members of the committee.

386 (d) The duties of the budget committee shall be as follows:

387 (1) All proposed annual budgets shall be submitted by the city manager to the
388 budget committee for review.

389 (2) The committee shall prepare annually anticipated revenue projections based on
390 historic data.

391 (3) The committee shall review annually all debt service obligations of the city.

392 (4) The committee shall review annually intergovernmental services expenditures
393 included in proposed budgets.

394 (5) The committee shall submit to the finance committee the final proposed
395 budget including anticipated revenues, debt service obligations and
396 intergovernmental expenditures and report to the finance committee thereon.

397 (6) The committee shall prepare annually a five-year anticipated revenue
398 projection and make revisions as necessary.

399 (7) The committee shall develop standardized (6) forms for preparation by the
400 staff for the committee's budget review, monitoring and evaluation.

401 (e) All meetings of the budget committee will be open to the general public and all
402 members of the city council.

403 (*Ord. No. 1050-93, § 1, 3-1-93; Ord. No. 1163-98, § 1, 7-20-98)*

404 **Sec. 2-2004. - Standing committee—Finance.**

- 405 (a) The mayor shall appoint annually three (3) council members to a finance committee.
406 The mayor shall also appoint annually to the committee one (1) citizen who has
407 experience in financial matters including budgeting, auditing and forecasting. Such
408 appointment shall be subject to confirmation by council. The citizen member shall have
409 no voting power, but otherwise shall have the same privileges as other members of the
410 committee. (b) The council shall appoint from among the appointed council members of
411 the committee a chairman of such committee, and the committee shall meet at such times
412 and places as the committee may select.
413 (c) The mayor shall be an ex-officio member of the finance committee, and shall have the
414 same voting power and privileges as other council members of the committee.
- 415 (d) The duties of the finance committee shall be as follows:
416 (1) Recommend auditing firm to council following bid process;
417 (2) Review and report on audit report and management letter;
418 (3) Recommend to the council priority program audits to be performed by the
419 city's auditor;
420 (4) Develop and review policy for handling of all assets;
421 (5) Review all proposals for bonding and make recommendations to council.
- 422 (e) All meetings of the finance committee will be open to the general public and all
423 members of city council.
- 424 (f) The city manager shall submit to the finance committee such reports, records and
425 financial and accounting data as requested by the committee.

426 *(Ord. No. 005-00, § 1, 3-6-00)*

427 **Sec. 2-2004.5. - Standing committee—Human resources.**

- 428 (a) The mayor shall appoint annually three (3) council members to a human resources
429 committee. Such appointment shall be subject to confirmation by council.
430 (b) The council shall appoint from among the appointed council members of the
431 committee a chairperson of such committee, and the committee shall meet at such times
432 and places as the committee may select.
433 (c) The mayor shall be an ex-officio member of the human resources committee, and
434 shall have the same voting power and privileges as other council members of the
435 committee.
436 (d) The duties of the human resource committee shall include, but not be limited to the
437 following:
438 (1) Developing and implementing an annual performance appraisal of the
439 employees who report directly to the city council;
440 (2) Presenting its recommendations regarding the annual performance appraisal
441 for the council's concurrence;
442 (3) Receive and make recommendations regarding personnel matters directly
443 pertaining to the employees who report directly to the city council;
444 (4) Any other duties assigned to it by majority vote of council.

445 *(Ord. No. 017-09, § 1, 11-16-09)*

446 **Editor's note—**

447 Ord. No. 017-09, § 1, adopted Nov. 16, 2009, amended the Code by adding provisions
448 designated as § 2-2005. In order to avoid conflicts in section numbering the editor has
449 renumbered the provisions of Ord. No. 017-09 as herein set out.

450 **Sec. 2-2005. - Budget policies.**

451 The following budget policies are adopted and are included in each annual budget of the
452 city:

453 (1) The finance director shall review and approve by signature all agenda items requiring
454 expenditure or encumbrance of city funds presented to council, representing that the
455 agenda item presents the appropriate corresponding budget allocation, and that funds are
456 available within such budget line item.

457 (2) No unbudgeted agenda item will be presented to the city council for consideration
458 without a corresponding budget amendment ordinance duly prepared and presented for
459 adoption in accordance with Article V of the City Charter.

460 (3) The city manager will advise council of intra-department budget transfers from
461 compensation budget line items.

462 (4) All non-compensation expenses attributable to individual council members will be
463 charged to such member's budget lines.

464 (5) All council travel and training expenditure items in excess of twenty-five dollars
465 (\$25.00) shall require a written receipt for reimbursement.

466 (6) The city council member per diem for travel shall be equal to or less than the
467 established employee per diem amount.

468 *(Ord. No. 017-01, § 1, 8-20-01; Ord. No. 015-05, § 1, 8-1-05)*

469 **Sec. 2-2006. - Fiscal related policies.**

470 The following policies are hereby adopted by the city:

471 (1) Council shall approve, in advance, all individual expenditures totaling five thousand
472 dollars (\$5,000.00) and up.

473 (2) Council shall approve, in advance, all expenditures totaling five thousand dollars
474 (\$5,000.00) and up in any one-month period of time or ten thousand dollars (\$10,000.00)
475 and up in any three-month period of time to a single vendor.

476 (3) The adopted city budget shall be managed and amended by budget line order.

477 (4) The finance director shall maintain a separate cash account for each fund (i.e.,
478 enterprise fund, operating fund, etc.)

479 (5) Council shall approve, in advance, any expenditure greater than a five (5) percent
480 variance within the "pro-rata" level.

481 (6) The finance director shall update "revenue lines" on a monthly basis, and immediately
482 notify council should there be more than a ten (10) percent variance.

483 (7) Council shall receive and approve all invoices involving legal work for the city.

484 Detailed invoice statements shall include by month: project, work by attorney, rate by
485 attorney, and cost by attorney.

486 (8) Council shall approve any expenditure from contingency or reserve fund accounts.

487 (9) Monthly financial statements shall be posted on city hall bulletin board and the city
488 website.

489 (10) Council shall be notified, by the purchasing office, prior to the purchasing director's
490 approval of a sixty- to ninety-day extension of an expired contract.

491 (11) Except as provided within the terms of a contract for extension by the purchasing
492 director, council approval shall be required to authorize the month to month extension of
493 expired contract, and then for only up to one (1) year.

494 (12) Contracts must be executed by the appropriate official(s) within sixty (60) days of
495 city council approval.

496 (13) Council shall adopt an "employee incentive awards program" in which a percentage
497 of savings resulting from revenue enhancements (without tax or fee increases) or
498 expenditure decreases (without service reduction) will be shared with the employee(s)
499 making the suggestions.

500 (14) Council shall adopt a "suggestion system" rewarding employees with modest gifts.

501 (15) Council shall adopt a "whistleblower" policy.

502 (16) Council shall approve all fund transfers and transactions involving the liquidation of
503 city term invested funds.

504 (17) Council shall approve all invoices for bond related payments.

505 (18) Council shall review the auditor contract every two (2) years, and will consider the
506 necessity of a midyear audit or review covering July through December or January
507 through June of each year.

508 *(Ord. No. 021-02, § 1, 8-12-02; Ord. No. 013-03, 3-3-03; Ord. No. 015-05, § 2, 8-1-05)*

509 **Sec. 2-2007. - Removal of elected officials.**

510 Removal of the mayor or a councilmember arising from misconduct, malfeasance,
511 nonfeasance, malpractice, or willful neglect of duty of the official while in office
512 pursuant to Charter section 2-107, as it shall be amended from time to time, shall be
513 accomplished by one of the following methods:

514 (a) As provided by O.C.G.A. § 45-5-6.1, as it shall be amended from time to time.

515 (b) By an order of the Superior Court of Fulton County following a hearing on a
516 complaint seeking such removal brought by any resident of the city.

517 (c) Following a hearing at which an impartial panel composed of the remaining council
518 members shall render a decision based upon the procedures set forth in 2-2008

519 *(Ord. No. 029-07, § 1, 9-14-07)*

520 **Sec. 2-2008. - Procedures for removal hearings.**

521 (a) The removal of an elected official pursuant to this article and Charter section 2-107
522 shall be accomplished by the following process:

523 (1) Notice. In the event an elected official of the city is sought to be removed by the
524 action of the city council, such officer shall be entitled to a written notice specifying the
525 ground or grounds for removal and to a public hearing, which shall be held not less than
526 ten (10) days after the service of such written notice at a location within the City of East
527 Point determined by the presiding officer of the impartial panel. Such written notice shall
528 be in the form of a resolution adopted by the mayor and council at a regularly scheduled
529 or specially called meeting, and shall include a short and plain statement of the matters
530 asserted as grounds for removal.

531 (2) Within five (5) days following adoption of a resolution by the mayor and council to
532 seek the removal of an elected official, a certified copy of the resolution shall be
533 furnished to the elected official by the city clerk, which notice shall include:

534 (i) A statement of the time and place for the removal hearing, which shall be held
535 not less than ten (10) days after the service of such written notice.

536 (ii) A statement as to the right of the elected official to subpoena witnesses and
537 documentary evidence.

538 (iii) A statement that the elected official shall be entitled to representation by legal
539 counsel, at his or her own expense, and to respond, to cross-examine witnesses,
540 and to present evidence on all issues involved in the removal hearing.

541 **(b) Service of notice; service of pleadings and filings:** Service of notice upon the elected
542 official shall be by certified or registered mail or by personal service, and a copy of such
543 notice shall be filed with the city clerk, and furnished to the city attorney. All other
544 pleadings, motions, and briefs, filed in the case shall be served by first-class mail upon
545 the elected official, or his/her attorney, and a copy of all pleadings, motions and briefs
546 filed by the elected official, shall be served by first-class mail upon the city attorney. The
547 original of all pleadings, motions and briefs shall be filed with the city clerk.

548 **(c) Impartial panel:** The remaining members of the City Council of East Point shall
549 constitute the impartial panel to adjudicate the issue of removal. The elected official
550 subject to removal is disqualified to serve, as is any other elected official against whom
551 removal proceedings are pending.

552 **(d) Presiding officer:** The mayor shall serve as the presiding officer of the impartial panel
553 and shall administer oaths and affirmations; sign and issue subpoenas with the assistance
554 of the city clerk; rule upon offers of proof; regulate the course of the hearing, set the time
555 and place for continued hearings, and fix the time for filing briefs; dispose of motions to
556 dismiss for lack of jurisdiction over the subject matter or parties or for any other ground;
557 dispose of motions to amend; provide for the taking of testimony by a certified court
558 reporter; provide for the taking of testimony by deposition or interrogatory; and
559 reprimand or exclude from the hearing any person for any indecorous or improper
560 conduct committed in the course of the hearing.

561 **(e) Standard of proof:** A legal preponderance of the evidence shall be required in order
562 remove an elected official from office. The affirmative vote of two-thirds (2/3) of the
563 members of the impartial panel shall be necessary to effect removal pursuant to this
564 article and the City Charter.

565 **(f) Subpoenas:** Subpoenas shall be issued by the Presiding Officer, with the assistance of
566 the city clerk, without discrimination between public and private parties. When a
567 subpoena is disobeyed, any party may apply to the Superior Court of Fulton County for
568 an order requiring obedience. The costs of securing the attendance of witnesses, including
569 fees and mileage, shall be computed and assessed in the same manner as prescribed by
570 law in civil cases in the superior court.

571 **(g) Date for removal hearing:** In accordance with Charter section 2-107(b), a public
572 hearing for removal shall be set by the presiding officer for not less than the tenth
573 business day after the service of the certified resolution and written notice upon the
574 elected official. The presiding officer may, in his or her discretion, and upon written
575 request by the accused elected official, re-set the date for the initial hearing.

576 **(h) Record of hearing:** A record shall be kept by the city clerk of the removal hearing and
577 shall include:

- 578 (1) All pleadings, motions and intermediate rulings;
- 579 (2) A summary of the oral testimony plus all other evidence received or
580 considered except that oral proceedings or any part thereof shall be transcribed or
581 recorded upon request of any party. Upon written request therefore, a transcript of
582 the oral proceedings or any part thereof shall be furnished to any party of the
583 proceeding.
- 584 (3) A statement of matters officially noticed;
- 585 (4) Questions and offers of proof and rulings thereon;

586 (5) The decision, opinions, findings of fact and conclusions of law, or final report
587 by the presiding officer at the hearing.

588 (i) *Findings of fact*: Findings of fact shall be based exclusively on the evidence and on
589 the matters officially noticed.

590 (j) *Notice of removal*: An official convicted of impeachment shall be removed from
591 office and said office shall be declared vacant. Notice of removal shall be sent to the
592 removed official by the presiding officer stating the date of the decision and the date the
593 official shall be removed from office.

594 (k) *Right of appeal*: Any elected official convicted of impeachment shall have the right of
595 appeal to the Superior Court of Fulton County. Such appeal shall be governed by the
596 same rules as govern appeals to the superior court from the city's municipal court.

597 (Ord. No. 029-07, § 2, 9-14-07)

598 **Sec. 2-2009. (Deleted)**

599

600 **Sec. 2-2010. - Compensation and expenses for the mayor and Councilmembers.**

601 (a) The mayor shall receive an annual salary of twelve thousand two hundred dollars
602 (\$12,200.00) and an annual expense allowance of one thousand three hundred dollars
603 (\$1,300.00). Said salary and expense allowance shall be paid bi-weekly. Such salary and
604 expense allowance shall be exclusive of amounts paid by the city for group insurance
605 premiums.

606 (b) Each other member of council shall receive an annual salary of nine thousand two
607 hundred dollars (\$9,200.00) and an annual expense allowance of one thousand eight
608 hundred dollars (\$1,800.00). Said salary and expense allowance shall be paid bi-weekly.
609 Such salary and expense allowance shall be exclusive of amounts paid by the city for
610 group insurance premiums.

611 (Ord. No. 015-09, § 1, 10-5-09)

612

613

614 **Section 2. SEVERABILITY.**

615

616 (a) It is hereby declared to be the intention of the Mayor and Council that all
617 sections, paragraphs, sentences, clauses and phrases of this/her Ordinance are or were,
618 upon their enactment, believed by the Mayor and Council to be fully valid, enforceable
619 and constitutional.

620

621 (b) It is hereby declared to be the intention of the Mayor and Council that, to
622 the greatest extent allowed by law, each and every section, paragraph, sentence, clause or
623 phrase of this/her Ordinance is severable from every other section, paragraph, sentence,
624 clause or phrase of this/her Ordinance. It is hereby further declared to be the intention of
625 the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph,
626 sentence, clause or phrase of this/her Ordinance is mutually dependent upon any other
627 section, paragraph, sentence, clause or phrase of this/her Ordinance.

628

629 (c) In the event that any phrase, clause, sentence, paragraph or section of
630 this/her Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional
631 or otherwise unenforceable by the valid judgment or decree of any court of competent

632 jurisdiction, it is the express intent of the Mayor and Council that such invalidity,
633 unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not
634 render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases,
635 clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent
636 allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the
637 Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.
638

639 **Section 3.** EFFECTIVE DATE. This Ordinance shall become effective immediately
640 upon its passage.

641

642 This 6 day of February, 2012.

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Earnestine D. Pittman
EARNESTINE D. PITTMAN
Mayor

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ATTEST:

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Agnes Goodwine
AGNES GOODWINE
CITY CLERK



659

APPROVED AS TO FORM:

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Erin M. Pratt
CITY ATTORNEY

per