

HABERSHAM COUNTY BOARD OF COMMISSIONERS
EXECUTIVE SUMMARY

SUBJECT: Amendments to the Rules of Procedure for the Habersham County Board of Commissioners

DATE: October 8, 2025

BUDGET INFORMATION:
ANNUAL-
CAPITAL-

☒ **RECOMMENDATION**
☐ **POLICY DISCUSSION**
☐ **STATUS REPORT**
☐ **OTHER**

COMMISSION ACTION REQUESTED ON: October 20, 2025

PURPOSE: To request Board approval of amendments to the Rules of Procedure governing the Habersham County Board of Commissioners.

BACKGROUND / HISTORY

- The current Rules of Procedure were last updated on March 15, 2021.
- County Attorney Angie Davis reviewed the existing policy and is recommending updates to provide clearer guidance.
- The review was prompted by confusion during a recent Map Amendment Hearing originally held on August 18, 2025, with the decision postponed until the September 15, 2025 Board of Commissioners meeting.
- Although such postponements are rare, this incident highlighted the need for improved clarity in the public participation section of the Rules of Procedure.

FACTS AND ISSUES:

- The current Rules of Procedure include language in Section I, #8, that restricts “impertinent, derogatory, offensive, or slanderous remarks” during public participation.
- This language has raised concerns that it may be interpreted as restricting speech based on content, potentially leading to perceptions of bias or claims of partiality.
- While the current procedures do distinguish between general public comment and formal hearing processes, additional clarification is needed to clearly outline the differences and ensure consistency with state laws governing hearings.
- The proposed amendments aim to clarify Section I to better align with constitutional protections of free speech while maintaining orderly conduct during meetings.
- The revisions also provide clearer guidance on the separate protocols for public comment versus formal hearings, promoting transparency and fairness.

OPTIONS:

- 1) Approve the recommendation
 - 2) Deny the recommendation
 - 3) Commission defined alternative
-

RECOMMENDED SAMPLE MOTION: "Motion to approve the proposed amendments to the Rules of Procedure for the Habersham County Board of Commissioners, as presented."

DEPARTMENT:

Prepared by: Brandy Carnes, County Clerk

Director: ____Tim Sims, County Manager_____

**ADMINISTRATIVE
COMMENTS:**_____

County Manager

DATE: _____

**RULES OF PROCEDURE
FOR THE
HABERSHAM COUNTY BOARD OF COMMISSIONERS**

Adopted 05/05/2003

Amended 02/21/2011

Amended 03/20/2017

Amended 08/19/2019

Amended 03/15/2021

Amended 10/20/2025



CONTENTS

SECTION 1: OPERATIONAL PROCEDURES

- A. MEETINGS
- B. QUORUM
- C. CHAIRMAN
- D. CHAIRMAN AND VICE-CHAIRMAN
- E. ABSENCE OF CHAIRMAN AND VICE-CHAIRMAN
- F. MINUTES
- G. AGENDA
- H. VOTING
- I. PUBLIC PARTICIPATION IN BOARD MEETINGS
- J. APPOINTMENTS TO THE BOARD

SECTION 2: DECORUM OF DEBATE

- A. ADHERENCE TO THE AGENDA
- B. DISCUSSION OF THE ISSUE
- C. CALL TO ORDER, REMARKS
- D. DISCUSSION THROUGH THE CHAIR
- E. EQUAL OPPORTUNITY
- F. DISRUPTIONS
- G. CALL TO ORDER, ACTION
- H. OUT OF ORDER

SECTION 3: PROCEDURE IN MEETINGS

- A. MOTIONS
- B. RANKING MOTIONS
- C. MOTIONS USED TO BRING BACK AN ISSUE
- D. INCIDENTAL MOTIONS
- E. PARLIAMENTARIAN
- F. PARLIAMENTARY AUTHORITY
- G. AMENDMENTS

APPENDIX PARLIAMENTARY DEFINITION

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

SECTION 1: OPERATIONAL PROCEDURE

A. MEETINGS

1. Regular and special meetings of the Habersham County Commission (also referred herein as the Commission, the Commissioners or the Board) shall be as determined by Local Act governing this board. Such meetings may not begin before the prescribed time of which the public has been notified.
2. An adjourned meeting is a continuation of the meeting immediately preceding, whether a regular or special meeting:
 - a) If the scheduled business of the Commission is not completed due to time constraints or emergency, the meeting shall be adjourned to the following day or a specific day scheduled by the Commission to allow for the completion of pending business.
 - b) In an adjourned meeting (regular or special), only business which would have been proper to consider at that meeting may be considered and acted upon at the adjourned meeting.
 - c) Adjourned meetings resume business under the same rules, limitations, and rights as the original meeting from which it was adjourned.
3. Executive session meetings shall be conducted in accordance with O.C.G.A. Section 50-14-3 Excluded Proceedings and Section 50-14-4 Procedure when meeting closed, or as these sections may be amended from time to time.

B. QUORUM

Any three (3) of the Commissioners shall constitute a quorum for any meeting of the Habersham County Commission.

1. If a quorum is not present fifteen (15) minutes following the scheduled hour for convening, the Chairman or the Vice-Chairman, or in their absence, the County Manager (or his/her designee), may adjourn the meeting until the next day. By unanimous consent, those present may select another hour and day.
2. If during the meeting there ceases to be a quorum, all business must stop except

that the Board, by majority vote to be recorded in the minutes (naming those present at the time of the vote) may:

- a) fix another day at which to reconvene;
- b) return at the next regular meeting;
- c) recess to determine if a quorum will be present within a short period

C. CHAIRMAN

1. The Chairman shall have the same rights and privileges of the other Commissioners with respect to rights to make motions, debate, and vote. Additionally, his/her duties during meetings shall include:
 - a) convening meetings of the Board by notification of Commissioners and publication in accordance with the Official Code of Georgia Annotated;
 - b) presiding over meetings of the Commission;
 - c) calling the meeting to order at the scheduled hour;
 - d) determining that a quorum is present;
 - e) preserving decorum and order at all meetings;
 - f) making the Commissioners aware of the substance of each motion;
 - g) calling for the vote;
 - h) announcing the results of each vote;
 - i) calling for recess at such times as deemed advisable;
 - j) adjourning executive session and returning to regular session upon advice of County Attorney;
 - k) adjourning meetings
2. The Board shall appoint a Chairman and a vice-Chairman as prescribed in Section I: Paragraph D
3. The Chairman shall exercise other duties as prescribed in the Local Act governing this Board.

D. CHAIRMAN AND VICE-CHAIRMAN

The Board shall appoint a Chairman and a Vice-Chairman from among the district Commissioners at the first meeting in January of each year. The Vice-Chairman shall serve for a period of one year and shall have all rights, privileges, and duties of the Chair in the absence of the Chair. The Chairman and Vice-Chairman may succeed himself/herself.

E. ABSENCE OF CHAIRMAN AND VICE-CHAIRMAN

In the absence of the Chairman and Vice-Chairman, the County Manager shall determine whether a quorum is present. If a quorum is present, the County Manager shall call for the election of a temporary Chair. The temporary Chair shall preside over that meeting or until the conclusion of the business immediately pending at the time the Chairman or Vice-Chairman arrives.

F. MINUTES

1. All actions of the Commission, except for actions described in the O.C.G.A. Section 50-14-3 and Section 50-14-4, or as these sections may be amended from time to time, shall be accurately recorded by the clerk (or his/her designee) in the minutes which shall include:
 - a) all main motions, exactly as worded when adopted (including amendments or stipulations);
 - b) the name of the maker of all important motions;
 - c) disposition of all main motions, whether
 - (1) adopted;
 - (2) defeated;
 - (3) referred to committee or to staff for further information or recommendations;
 - (4) held until (a definite time/date).
 - d) how each Commissioner voted;
 - e) Commissioner's comments (these are only printed in the minutes if, when requested by the Commissioner, the majority votes to have the remarks included).
2. The responsibility for correcting and approving the minutes shall be vested only in the members of the Commission. The minutes of each meeting shall indicate their subsequent approval/correction. The minutes may be corrected whenever an error is noticed regardless of the time which has elapsed.

3. The Chair shall sign the approved minutes and the County Clerk shall attest to the minutes.

G. AGENDA

1. An agenda for the meetings will be prepared by the County Clerk with the advice of the County Manager, Chairman, and Commissioners and will be provided to the Commissioners in advance (at least four (4) calendar days) of the regular meeting.
2. The order of business listed in the published agenda may be changed when it seems advisable pursuant to a majority vote of the Commission.
3. Items on the Consent Agenda will be voted on without discussion or comment. En Gross. Any comments, questions or discussion on an item will require that it be removed from the Consent Agenda. Any Commissioner can request an item's removal. This will take place at the time of adoption of the Agenda. Items removed will be considered during New Business.
4. A non-agenda item shall be defined as that which is deemed by a Commissioner to require urgent attention but has not been placed on the published agenda.
 - a. Adequate information, including the specific topic, shall be given on any items requested to be added as non-agenda items;
 - b. A majority vote of the Board shall be required to add a non-agenda item

H. VOTING

1. An affirmative vote of at least three (3) Commissioners shall be required to adopt a motion, except where otherwise indicated;
2. A tie vote shall cause all motions to be defeated;
3. No Commissioner who is present at any meeting of the Commission at which an official decision, ruling or other official act is to be taken or adopted may abstain from voting in regard to any decision, ruling or act. A vote shall be recorded or counted for each such Commissioner present, except when, with respect to any such Commissioner, there is or appears to be a possible conflict of interest. In such cases, the abstaining Commissioner shall give his/her reason for abstaining

I. PUBLIC PARTICIPATION IN BOARD MEETINGS

The Habersham County Board of Commissioners welcomes visitors to Board meetings and is willing to hear any person ~~or persons~~ desiring to appear before the Board during the Public Comment portion of the Board's agenda, subject to the rules set forth in this section. However, persons wishing to address the Board specific to a topic that is subject to an advertised Public Hearing under the Georgia Zoning Procedures Law, O.C.G.A. § 36-66-1 et seq., shall do so only during the Public Hearing portion of the Board's agenda, irrespective of whether such public hearing has already been conducted, is scheduled to be conducted at a future meeting, is on the agenda, or is yet to be scheduled — who is not currently an announced candidate for public office or a salaried member of the county staff, provided the person's comments are civil in nature.

For all persons wishing to speak during the Public Comment portion of the agenda the following shall apply:

- ~~1. Persons wishing to address the Board shall do so during the Public Comment portion and may also sign in to make specific comments to agenda items of the meeting, excluding items listed under Public Hearings;~~
- ~~2.1. Speakers-Interested persons~~ shall sign-up with the County Clerk or the Code Enforcement Officer on duty on a first-come, first-served basis with sign-up to begin not more than fifteen minutes prior to the announced start time of the meeting. Each speaker will be allotted three (3) minutes for his or her presentation, not 3 minutes per topic. A maximum of five (5) speakers shall be permitted.;
- ~~2. Interested p~~Persons may also be scheduled in advance for public comment by signing up with the County Clerk no later than close of business the Friday before the regularly scheduled Monday meeting. Persons wishing to speak must notify the County Clerk verbally or in writing and include the subject matter. Person(s) signing up hereunder are allotted 5 minutes for their presentation per meeting, not 5 minutes per topic. A maximum of five (5) speakers shall be permitted.;
3. An extension to the total scheduled time for Public Comment, as well as an extension to the time limit for any individual person, may be granted by a majority vote of the Board for good cause shown.
4. All persons speaking during the Public Comment portion of the agenda shall:
 - a. State his/her name and address;
 - b. State whether he/she is speaking for himself/herself or for another;
 - c. State whether he/she or any member of his/her immediate family has a personal interest in the matter addressed to the Board.

~~3.~~

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4.5. After each individual speaker's remarks have concluded, the Chairman may, but shall not be required to, briefly respond, either personally or through another member of the Board of Commissioners whom the Chairman shall ~~delegate~~recognize. In addition, when a request for special action or a grievance has been heard, the matter may be referred by the Board to the County Manager (or his/her designee) who may ~~prepare a response to the matter~~take further action as directed by the Board. ~~If necessary, action on the matter for consideration of the Commission will be placed on the agenda for the second regular meeting following the date of the comment.~~

5. ~~All persons shall address the Commission in the following manner:~~

a. ~~State his/her name and address;~~

b. ~~If requested by the Commission, the speaker may be required to state;~~

(1) ~~whether he/she is speaking for himself/herself or for another;~~

(2) ~~if he/she represents an organization or represents a policy established by an organization or governing body and whether he/she is being compensated by the person(s) for whom he/she speaks;~~

(3) ~~whether he/she or any member of his/her immediate family has a personal interest in the pending matter~~

6. All remarks shall be made to the Commission as a body and addressed through the Chair. Remarks shall not be made to a particular Commissioner.

7. Questions from Commissioners and/or the County Manager may be asked for clarification. However, Public Comment is not intended to be a back-and-forth exchange between the speaker and the Board, no person shall be permitted to enter into any discussion, either directly or through a member of the Commission, without permission of the Chair.

8. No person shall be allowed to engage in speech that constitutes obscenity or that results in a disruption of the meeting. Obscenity is defined as material that the average person, applying contemporary community standards, would find to appeal to the prurient interest; that depict or describes, in a patently offensive way, sexual conduct; and the material, taken as a whole, lacks serious literary, artistic, political or scientific value. If a speaker engages in speech that is obscene or creates a disruption to the meeting, the following actions may apply: make impertinent, derogatory, offensive, or slanderous remarks while addressing the Commission.

a. ~~A person may be barred from further speaking before the Commission in that meeting if his/her conduct is deemed out of order. The Chairman may deem that the speaker is out of order and halt the speaker's allotted time to address the Board. If the speaker continues to make obscene comments or to disrupt the meeting, the Chairman may impose a recess;~~

b. ~~A person, once barred for improper conduct, shall not be permitted to continue or again address the Commission in that meeting unless a majority vote of the Commission allows;~~

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e. ~~b. In the event the speaker thus barred fails to obey the ruling, the Chair may take such action as is deemed appropriate, including the removal of such person from the assembly fails to obey the Chairman's ruling and continues to make obscene comments or disrupts the meeting, the Chairman may request that authorized personnel remove the person from the assembly for the remainder of the meeting.;~~

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d. ~~The Chairman may bar a person from addressing Commission meetings for up to sixty (60) days for improper conduct;~~

e. ~~A person barred by the Commission for this period may request a hearing, by written request, to the Chair stating the reason(s) for a reversal of the decision.~~

f. ~~The hearing shall be placed on an agenda and heard by the Commission. A majority vote of the Board shall be required to overturn the previous decision of the Chairman to bar the person(s).~~

9. ~~Persons wishing to address the Board of Commissioners in duly advertised public hearings will be heard in the order in which they come forward upon announcement of the hearing. Each side, consisting of those opposed and those in favor of the subject of the public hearing, shall have ten (10) minutes (per side, not individual speaker) to address the Board. Rebuttal may be allowed for the proponent of the matter if time remains in the originally allotted ten (10) minutes. Said time limit may be lengthened or shortened by direction of the Chairman. majority vote of the Board. Prior to speaking, the person shall:~~

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a. ~~State his/her name and address;~~

b. ~~State whether he/she is speaking for himself/herself or for another;~~

c. ~~State whether he/she or any member of his/her immediate family has a personal interest in the matter addressed to the Board.~~

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J. APPOINTMENTS OF THE BOARD

1. Appointments shall be made as necessary;
 - a. When it has been determined, by rotation or some other manner, that it is the "turn" of a particular Commissioner to nominate a candidate for a position, such candidate must be elected, by a majority of the Board.
 - b. If the nominee fails to receive a majority vote, the Commissioner who made the nomination may nominate another candidate(s) until the position is filled by majority vote.

SECTION 2: DECORUM OF DEBATE

The following practices shall be followed in the discussions (debate) on motions and matters presented to the Board of Commissioners.

A. ADHERENCE TO AGENDA

In discussion, the remarks made by the Commissioners shall be confined to the motion or matters immediately before the body.

1. Concerning the opportunity for Commissioners to address the public at regular meetings:
 - a. Commissioners may respond to a member of the public or address the public only with leave of the Chair. However, if a Commissioner is refused the opportunity to speak, then he/she may request his/her comments be placed as an agenda item for the next meeting;
 - b. During these remarks, a Commissioner must observe the same rules of decorum as those below in Section 2: Paragraph B, and may be called to order by the Chairman or another Commissioner if there is a breach of those applicable rules;
 - c. A Commissioner may not use this time to interrogate another Commissioner, staff, or citizens. No one shall attempt to enter into discussion with a Commissioner who has chosen to avail himself/herself of this opportunity to share his/her opinions with the public

B. DISCUSSION OF THE ISSUE

In discussion, a Commissioner may condemn the nature or likely consequences of the proposed measure in strong terms, but must avoid personalities, and under no circumstances may he/she attack or question the motives of another Commissioner or staff. The issue, and not a person, shall be the item under discussion.

C. CALL TO ORDER, REMARKS

The Chair shall immediately call as "out of order" any remarks made in regards to comments outside the issue being addressed; or another Commissioner may call this breach of procedure to the attention of the Chair and other Commissioners. In either case, the errant Commissioner shall immediately cease the breach of decorum and continue with his/her remarks confined to the issue.

D. DISCUSSION THROUGH THE CHAIR

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

E. EQUAL OPPORTUNITY

After a Commissioner has spoken or asked questions on a matter before the Commission, other Commissioners shall be given the opportunity to speak. If no other Commissioner wishes to speak to the issue, the Commissioner may continue speaking to the issue.

F. DISRUPTIONS

During discussion or voting, a Commissioner shall not disturb the other Commissioners in any way that may be considered disruptive to the proceedings or hamper the transaction of business.

G. CALL TO ORDER, ACTION

The Chair may rule as "out of order" any action deemed inappropriate or dilatory and may interrupt a speaker for reasons deemed necessary by the Chair.

The Chairman shall say, "Commissioner, those remarks are out of order. Please cease this line of comments and restrict your comments to the inquiry and the merits of the agenda item."

H. OUT OF ORDER

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

1. The Commissioner shall be "called to order" by the Chair, who shall say, "Commissioner (using name), you are now personally out of order. If you persist, an official reprimand (or censure) will be entered into the record;"
2. If a Commissioner chooses to defy the ruling of the Chair, the Chairman shall call for a vote of censure and following an affirmative vote of censure by a majority vote of the Board, the Chair shall state: "Commissioner, you are personally out of order. Madam/Mr. Clerk, let the record indicate a reprimand against Commissioner (NAME)."

SECTION 3: PROCEDURE IN MEETINGS

A. MOTIONS

Prior to taking the vote, the Chair, or at his/her request the Clerk, should state the motion (or resolution) or its substance.

B. RANKING MOTIONS

1. These motions shall take precedence in the order in which they are listed below:
 - a. Adjourn;
 - b. Recess;
 - c. Motions of privilege;
 - d. Call the question;
 - e. Limit discussion or debate by the Commission;
 - f. Hold until a time certain;
 - g. Refer back to staff/committee; or refer to staff/committee;
 - h. Amend;
 - i. Main motion.
2. A main motion shall be a motion whose introduction brings business before the Commission.
3. Assumed Main Motions. A recommendation from staff, or another item published in the agenda for action, shall be handled as an Assumed Main Motion by the Chair, that is, the Chair shall, upon the conclusion of a reproof, state, "The question (or motion) before you is ... " (stating the motion in the affirmative). No second will be required in these instances and the Chair, in assuming such motion, is not presumed to be in favor of the motion and may speak against it if he/she so wishes.
 - a. Possible dispositions of such a motion assumed by the Chair include:
 - (1) Adopt;
 - (2) Amend and adopt with amendments (or stipulations);

- (3) Defeat;
 - (4) Refer back to staff/committee; or refer to staff/committee;
 - (5) Hold until (a definite time).
- b. Incidental motions such as consider en gross, consider by paragraph, or divide the motion (each described in Section 3: Paragraph D) may also be applied to such assumed motions.
- 4. Other Main Motions (motions that are incidental or relating to business of the Commission, or its past or future action, arising as Non-Agenda Items [see Section I: Paragraph G (4)]) shall require a second, and, if such motions fail to obtain a second, the Chairman shall state, "Since there is no second, the motion is not before this meeting."
- 5. Concerning the amending of particular motions:
 - a. If a Commissioner feels that the main motion might be more acceptable in a way other than the way presented, the Commissioner may amend through substitution, insertion of stipulations, striking out portions, or striking out and inserting portions. Such proposed amendments shall be handled in one of the following ways:
 - (1) by unanimous consent of the Commissioners; the Chair, or another Commissioner, through the Chair, may suggest changes or stipulations, and if there are no objections from the Commissioners, the motion shall be amended by unanimous consent;
 - (2) with a second, discussion and a majority vote on the proposed amendment
 - b. If a proposed amendment fails to obtain unanimous consent or a majority vote, the main motion considered shall be the one originally presented.
 - c. An amendment must be germane (relating to the substance of the main motion) and may not introduce an independent question.
 - d. Improper amendments shall be:
 - (1) one which is not germane;
 - (2) one which would make the adoption of the amended motion equivalent to a rejection of the motion;

(3) one which is frivolous or absurd

6. If the Commissioners feel that adequate information has not been given, the Board may, by majority vote, refer the motion to staff (or an agency, committee, etc.) for more information. A date may be set for hearing the additional information or it may be open-ended. This motion shall require a second and shall be debatable only as to whether or not it shall be referred, to whom it shall be referred, or when the person to whom it is referred shall report back.
7. If the motion fails, the motion to be considered shall be that motion which was on the floor prior to the motion to refer.
8. A motion to hold to a time certain (postpone) may be used if a majority of the Commission feels that the motion before them should be considered at a more convenient time or if the discussion shows that a final decision should be made at a later time or date. This motion shall be used if the Commissioners themselves feel that they may obtain information that is needed or that the facts as presented are not adequate for their final vote. A second shall be required and discussion shall be limited to the reason for holding the motion or the time to which it is to be held. If the motion fails, the motion to be considered shall be that motion which was on the floor prior to the motion to hold.
9. If a Commissioner feels that a set period of time for discussion of a motion should be limited as to time for the motion as a whole, or as to individual time given, the Commissioner may move to "limit discussion (or debate) to minutes." This motion shall require a second and no discussion on the motion shall be allowed. It shall require a majority vote of the Board to adopt.
10. A Commissioner may "call the question" (a motion to end discussion) when it is clear that further discussion is unnecessary or that discussion is becoming repetitive. This motion shall require a second and no discussion on the motion shall be allowed. It shall require a majority vote of the Board to adopt.
11. If any matters occur such as to impede a Commissioner in attending to the business, e.g., too much noise, the microphone not working, matters that affect the safety, orderliness, or comfort of the Commissioners, or affects the honor of an individual Commissioner, such Commissioner may state to the Chairman that he/she has a "question of privilege" and the matter must be addressed before, the pending business of the Commission continues, no vote is required unless a motion arises out of the privilege.
12. A recess may be taken as it appears on the agenda or declared by the Chair when he/she deems it advisable.
13. The highest-ranking motion shall be the motion to adjourn, requiring a second and

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

C. MOTIONS USED TO BRING BACK AN ISSUE

Except as otherwise provided by law, if a Commissioner wishes to bring back to the Board a matter which has been adopted, he/she may do so through the motions to reconsider, rescind and amend something previously adopted. These shall have the same rank as a main motion.

1. If a Commissioner wishes to amend an action taken at a previous meeting, the Motion to Amend Something Previously Adopted shall be followed. This motion shall be used when a matter, which was previously adopted by the Commission, needs to be amended. A second shall be required and full discussion shall be allowed. If the item has been listed on the published agenda, a majority vote shall be required for adoption. A majority vote of the Board shall be required if the item is not on the official agenda.
2. If in the same meeting, new information or changed situations make it appear that a different result might reflect the will of the Board, any Commissioner (regardless of how he/she originally voted on the matter) may move to Reconsider the Vote. A motion to reconsider may be applied to a vote that was either affirmative or negative and shall propose no specific change in a decision but simply shall propose that the motion be reopened for discussion and another vote taken. A second shall be required to this motion and discussion shall be allowed as to the reasons for wishing to reconsider the vote. A majority vote shall be required to adopt the motion to reconsider.
3. If a Commissioner wishes to annul an action taken at a previous meeting, the motion to Rescind may be used. The motion to rescind shall require prior notice at a regularly scheduled meeting of the intent to rescind a motion at the next scheduled meeting. The motion to rescind shall not be in order if:
 - a. the motion to reconsider is made, i.e., at the same meeting;
 - b. the motion to reconsider was taken and lost;
 - c. the matter is routine and only part of the action needs to be changed, in which case the motion to "amend something previously adopted" shall be used;
 - d. something has been done as a result of the vote to implement the earlier action adopted.

The motion to rescind shall be placed on the agenda for the following meeting, a second shall be

required, and discussion may go into the merits of the motion involved in rescinding. A majority shall be required to pass the motion after such prior notice.

D. INCIDENTAL MOTIONS

Incidental motions have no rank, but shall be decided immediately before business and may be used throughout the meeting as follows:

1. A Point of Information is a request, directed to or through the Chair, for information relevant to the business at hand, but not related to parliamentary procedure.
2. A Commissioner may call for a Point of Order if he/she believes that the Chair has failed to notice a breach in the rules. This Point of Order shall require the Chair to make a ruling on the question involved.
3. Whenever a Commissioner believes that the Chair is mistaken in his/her ruling, a Commissioner may Appeal the Chair's Decision. An appeal shall require a second and shall be debatable with the Chair speaking first to explain his/her ruling. The Chair may also close out the debate with a statement defending the ruling. An appeal may be made only on a ruling and may not be made:
 - a. in response to a parliamentary inquiry or point of information;
 - b. in areas that challenge verifiable rulings of factual nature.

The Chair shall state the motion as "Shall the Chair's decision be sustained?" A tie vote shall sustain the Chair because a majority of those voting shall be required to overrule the Chair's ruling.

4. A Parliamentary Inquiry is a question directed to the Chair to obtain information on a matter of parliamentary law or the rules of the Commission. The Chair will answer such questions or may ask the County Attorney or parliamentarian for an opinion. The Chair's reply, whether or not he/she has requested advice from the County Attorney or parliamentarian, is an opinion, not a ruling. If a Commissioner does not agree with the Chair's opinion, he/she may act in a way contrary to this opinion and if ruled out of order may then appeal the Chair's ruling. The Chair is not obligated to respond to hypothetical questions.
5. If the motion presented contains two (2) or more parts capable of standing as separate motions, a Commissioner may move to "Divide the Motion." This motion shall require a second and discussion shall be allowed only on why it should or should not be divided. A majority vote shall be required to adopt the motion to "divide the motion."
6. If the main motion is in the form of a resolution or document containing several

paragraphs or sections which are not separate motions, but could be discussed more efficiently if discussed in sections, a motion to Discuss by Paragraphs, Sections, or Numbered Agenda Items under a "tab," may be made. A second shall be required and discussion shall be brief as to the necessity for the action. A majority vote shall be required to "consider by paragraphs, sections, or numbered agenda items under a 'tab'."

7. Once a motion has been moved and seconded, it belongs to the entire Commission and not to the maker of the motion; therefore, if a Commissioner wishes to withdraw a motion that is officially before the Board, action of the Board must be taken in either of the following ways:
 - a. The Chair may ask the Board if there are any objections to the motion being withdrawn. If there are no objections, the motion shall be withdrawn by unanimous consent, without the need for the second to withdraw his/her second;
 - b. If there is, an objection to the motion being withdrawn, then the Chair shall take an official vote, a second being required. A majority vote shall be required to adopt the motion to "withdraw the motion"
8. If a Commissioner feels that time could be saved by acting on all of the agenda items under a "tab", he/she may move that it be "Considered en Gross."
9. When several alternatives need to be considered (such as staff recommendations that propose various options for the Board to consider), unlimited choices may be considered by "Filling the Blank" in the motion:
 - a. No Commissioner may suggest more than one proposal for filling unanimous consent from the other Commissioners;
 - b. Each proposal shall be debatable and shall be treated as an independent item to be voted on separately until one has been approved by a majority. As soon as one proposal has received a majority, no others shall be considered;
 - c. Alternative (from staff recommendations and/or suggestions by Commissioners) are listed in logical order for voting:
 - (1) Names are listed in the order in which they were proposed;
 - (2) Other proposals are listed in the order of their probable acceptability, beginning with the least popular choice.

E. PARLIAMENTARIAN

The County Attorney or his/her designee shall serve as parliamentarian and shall advise and assist the Chair and the Commission in matters of parliamentary law. A professional parliamentarian may be consulted as deemed necessary.

F. PARLIAMENTARY AUTHORITY

The latest edition of ROBERT'S RULES OF ORDER NEWLY REVISED shall govern meetings of the Habersham County Board of Commissioners in all areas in which it is applicable and in which it is not inconsistent with these rules adopted by the Commissioners or higher law.

G. AMENDMENTS

These rules may be amended by a majority vote of the entire Commission at a regular meeting or special meeting of the Habersham County Board of Commissioners, provided notice has been given of the amendment(s) at the meeting prior to the vote on the amendment(s).

APPENDIX

Parliamentary Definitions

The following parliamentary definitions apply to the RULES OF PROCEDURE FOR THE HABERSHAM COUNTY BOARD OF COMMISSIONERS.

Adjourn - to officially terminate a meeting, or to continue a meeting pursuant to Section 1(A)(2) of this policy

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

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

Affirmative Vote - a vote in favor of the motion as stated

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

Approval of Minutes - formal acceptance of the record of a meeting, thus making this record the official minutes of the Commission

Board - the Habersham County Board of Commissioners

Chair - the presiding Commissioner

Clerk - the duly appointed County Clerk

Code - Code of Habersham County, Georgia

Commission - the Habersham County Board of Commissioners

Common Parliamentary Law - the body of rules and principles that is applied by the courts in deciding litigation involving the procedure of any organization; does not include statutory law or particular rules adopted by any organization or board

Convene - to open a meeting

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

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

Demand - an assertion of a parliamentary right by a Commissioner

Dilatory Motions or Tactics - misuse of procedures or motions that are out of order or would delay or prevent progress in a meeting

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

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

Germane Discussion - discussion relating directly to the matter involved

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

In Order - permissible and right from a parliamentary standpoint

Majority Vote - an affirmation vote of at least three (3) district Commissioners, or the Chairman and two (2) district Commissioners

Minutes - the legal record of the action of the Commission after the record has been approved by vote of the body.

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

Objection - the formal expression of opposition to a proposed action

Order of Business - the adopted order in which the business is presented to the meeting of the Commission

Out of Order - to not connect, from a parliamentary standpoint, at the particular time.

Parliamentary Authority - the code of procedure adopted by the Board as its parliamentary guide, governing in all parliamentary situations not otherwise provided for in the charter, the RULES OF PROCEDURE FOR THE HABERSHAM COUNTY BOARD OF COMMISSIONERS

Pending Motion - sometimes referred to as pending question; a motion that has been proposed and stated by the Chair for the Commission's consideration and that is awaiting decision by the Board

Precedence - the rank or priority governing the motion

Precedent - a course of action that may serve as a guide or rule for future similar situations

Procedural motion – a motion to assist the Commission in treating or disposing of a main motion; or, a motion relating to the pending business otherwise at hand

Proposal or Proposition - a statement of a motion of any kind for consideration and action

O.C.G.A. - Official Code of Georgia Annotated

Quorum - the number of persons that must be present at a meeting of the Commission to enable it to act legally on business; any three (3) of the district Commissioners, or the Chairman and any two (2) district Commissioners, shall constitute a quorum for any meeting of the Habersham County Commission

Recognition - acknowledgment by the Chair, giving a person sole right to speak

Reconsider - to review again a matter previously disposed of and to vote on it again; must be made on the same day of business

Request - a statement to the Chair asking a question or some "right"

Rescind - to nullify or cancel out a previous action; cannot be made if action has already been taken to implement the motion it wishes to rescind

Resolution - a formal motion, usually in writing, and introduced by the word "resolved" that is presented to the Commission for a decision

Ruling - the Chair's decision as it relates to the procedure of the Board

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

Seriatim - consideration by sections or paragraphs

Statute - a law passed by the Georgia legislature

Technical Inquiry - request for information relevant to the business at hand

Tie Vote - vote in which the affirmative and negative votes are equal on a motion

Unanimous Consent - deciding on a motion without voting on it but where no Commissioner voices objection; with single objection a vote must be taken.

Unfinished Business - any business that is postponed definitely to a time certain

**RULES OF PROCEDURE
FOR THE
HABERSHAM COUNTY BOARD OF COMMISSIONERS**

Adopted 05/05/2003

Amended 02/21/2011

Amended 03/20/2017

Amended 08/19/2019

Amended 03/15/2021

Amended 10/20/2025



CONTENTS

SECTION 1: OPERATIONAL PROCEDURES

- A. MEETINGS
- B. QUORUM
- C. CHAIRMAN
- D. CHAIRMAN AND VICE-CHAIRMAN
- E. ABSENCE OF CHAIRMAN AND VICE-CHAIRMAN
- F. MINUTES
- G. AGENDA
- H. VOTING
- I. PUBLIC PARTICIPATION IN BOARD MEETINGS
- J. APPOINTMENTS TO THE BOARD

SECTION 2: DECORUM OF DEBATE

- A. ADHERENCE TO THE AGENDA
- B. DISCUSSION OF THE ISSUE
- C. CALL TO ORDER, REMARKS
- D. DISCUSSION THROUGH THE CHAIR
- E. EQUAL OPPORTUNITY
- F. DISRUPTIONS
- G. CALL TO ORDER, ACTION
- H. OUT OF ORDER

SECTION 3: PROCEDURE IN MEETINGS

- A. MOTIONS
- B. RANKING MOTIONS
- C. MOTIONS USED TO BRING BACK AN ISSUE
- D. INCIDENTAL MOTIONS
- E. PARLIAMENTARIAN
- F. PARLIAMENTARY AUTHORITY
- G. AMENDMENTS

APPENDIX PARLIAMENTARY DEFINITION

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

SECTION 1: OPERATIONAL PROCEDURE

A. MEETINGS

1. Regular and special meetings of the Habersham County Commission (also referred herein as the Commission, the Commissioners or the Board) shall be as determined by Local Act governing this board. Such meetings may not begin before the prescribed time of which the public has been notified.
2. An adjourned meeting is a continuation of the meeting immediately preceding, whether a regular or special meeting:
 - a) If the scheduled business of the Commission is not completed due to time constraints or emergency, the meeting shall be adjourned to the following day or a specific day scheduled by the Commission to allow for the completion of pending business.
 - b) In an adjourned meeting (regular or special), only business which would have been proper to consider at that meeting may be considered and acted upon at the adjourned meeting.
 - c) Adjourned meetings resume business under the same rules, limitations, and rights as the original meeting from which it was adjourned.
3. Executive session meetings shall be conducted in accordance with O.C.G.A. Section 50-14-3 Excluded Proceedings and Section 50-14-4 Procedure when meeting closed, or as these sections may be amended from time to time.

B. QUORUM

Any three (3) of the Commissioners shall constitute a quorum for any meeting of the Habersham County Commission.

1. If a quorum is not present fifteen (15) minutes following the scheduled hour for convening, the Chairman or the Vice-Chairman, or in their absence, the County Manager (or his/her designee), may adjourn the meeting until the next day. By unanimous consent, those present may select another hour and day.
2. If during the meeting there ceases to be a quorum, all business must stop except that the Board, by majority vote to be recorded in the minutes (naming those present at the time of the vote) may:

- a) fix another day at which to reconvene;
- b) return at the next regular meeting;
- c) recess to determine if a quorum will be present within a short period

C. CHAIRMAN

1. The Chairman shall have the same rights and privileges of the other Commissioners with respect to rights to make motions, debate, and vote. Additionally, his/her duties during meetings shall include:
 - a) convening meetings of the Board by notification of Commissioners and publication in accordance with the Official Code of Georgia Annotated;
 - b) presiding over meetings of the Commission;
 - c) calling the meeting to order at the scheduled hour;
 - d) determining that a quorum is present;
 - e) preserving decorum and order at all meetings;
 - f) making the Commissioners aware of the substance of each motion;
 - g) calling for the vote;
 - h) announcing the results of each vote;
 - i) calling for recess at such times as deemed advisable;
 - j) adjourning executive session and returning to regular session upon advice of County Attorney;
 - k) adjourning meetings
2. The Board shall appoint a Chairman and a vice-Chairman as prescribed in Section 1: Paragraph D
3. The Chairman shall exercise other duties as prescribed in the Local Act governing this Board.

D. CHAIRMAN AND VICE-CHAIRMAN

The Board shall appoint a Chairman and a Vice-Chairman from among the district Commissioners at the

first meeting in January of each year. The Vice-Chairman shall serve for a period of one year and shall have all rights, privileges, and duties of the Chair in the absence of the Chair. The Chairman and Vice-Chairman may succeed himself/herself.

E. ABSENCE OF CHAIRMAN AND VICE-CHAIRMAN

In the absence of the Chairman and Vice-Chairman, the County Manager shall determine whether a quorum is present. If a quorum is present, the County Manager shall call for the election of a temporary Chair. The temporary Chair shall preside over that meeting or until the conclusion of the business immediately pending at the time the Chairman or Vice-Chairman arrives.

F. MINUTES

1. All actions of the Commission, except for actions described in the O.C.G.A. Section 50-14-3 and Section 50-14-4, or as these sections may be amended from time to time, shall be accurately recorded by the clerk (or his/her designee) in the minutes which shall include:
 - a) all main motions, exactly as worded when adopted (including amendments or stipulations);
 - b) the name of the maker of all important motions;
 - c) disposition of all main motions, whether
 - (1) adopted;
 - (2) defeated;
 - (3) referred to committee or to staff for further information or recommendations;
 - (4) held until (a definite time/date).
 - d) how each Commissioner voted;
 - e) Commissioner's comments (these are only printed in the minutes if, when requested by the Commissioner, the majority votes to have the remarks included).
2. The responsibility for correcting and approving the minutes shall be vested only in the members of the Commission. The minutes of each meeting shall indicate their subsequent approval/correction. The minutes may be corrected whenever an error is noticed regardless of the time which has elapsed.

3. The Chair shall sign the approved minutes and the County Clerk shall attest to the minutes.

G. AGENDA

1. An agenda for the meetings will be prepared by the County Clerk with the advice of the County Manager, Chairman, and Commissioners and will be provided to the Commissioners in advance (at least four (4) calendar days) of the regular meeting.
2. The order of business listed in the published agenda may be changed when it seems advisable pursuant to a majority vote of the Commission.
3. Items on the Consent Agenda will be voted on without discussion or comment. En Gross. Any comments, questions or discussion on an item will require that it be removed from the Consent Agenda. Any Commissioner can request an item's removal. This will take place at the time of adoption of the Agenda. Items removed will be considered during New Business.
4. A non-agenda item shall be defined as that which is deemed by a Commissioner to require urgent attention but has not been placed on the published agenda.
 - a. Adequate information, including the specific topic, shall be given on any items requested to be added as non-agenda items;
 - b. A majority vote of the Board shall be required to add a non-agenda item

H. VOTING

1. An affirmative vote of at least three (3) Commissioners shall be required to adopt a motion, except where otherwise indicated;
2. A tie vote shall cause all motions to be defeated;
3. No Commissioner who is present at any meeting of the Commission at which an official decision, ruling or other official act is to be taken or adopted may abstain from voting in regard to any decision, ruling or act. A vote shall be recorded or counted for each such Commissioner present, except when, with respect to any such Commissioner, there is or appears to be a possible conflict of interest. In such cases, the abstaining Commissioner shall give his/her reason for abstaining

I. PUBLIC PARTICIPATION IN BOARD MEETINGS

The Habersham County Board of Commissioners welcomes visitors to Board meetings and is willing to hear any person desiring to appear before the Board during the Public Comment portion of the Board's agenda, subject to the rules set forth in this section. However, persons wishing to address the Board specific to a topic that is subject to an advertised Public Hearing under the Georgia Zoning Procedures Law, O.C.G.A. § 36-66-1 et seq., shall do so only during the Public Hearing portion of the Board's agenda, irrespective of whether such public hearing has already been conducted, is scheduled to be conducted at a future meeting, is on the agenda, or is yet to be scheduled.

For all persons wishing to speak during the Public Comment portion of the agenda the following shall apply:

1. Interested persons shall sign-up with the County Clerk or the Code Enforcement Officer on duty on a first-come, first-served basis with sign-up to begin not more than fifteen minutes prior to the announced start time of the meeting. Each speaker will be allotted three (3) minutes for his or her presentation, not 3 minutes per topic. A maximum of five (5) speakers shall be permitted.
2. Interested persons may also be scheduled in advance for public comment by signing up with the County Clerk no later than close of business the Friday before the regularly scheduled Monday meeting. Persons wishing to speak must notify the County Clerk verbally or in writing and include the subject matter. Person(s) signing up hereunder are allotted 5 minutes for their presentation per meeting, not 5 minutes per topic. A maximum of five (5) speakers shall be permitted.
3. An extension to the total scheduled time for Public Comment, as well as an extension to the time limit for any individual person, may be granted by a majority vote of the Board for good cause shown.
4. All persons speaking during the Public Comment portion of the agenda shall:
 - a. State his/her name and address;
 - b. State whether he/she is speaking for himself/herself or for another;
 - c. State whether he/she or any member of his/her immediate family has a personal interest in the matter addressed to the Board.
5. After each individual speaker's remarks have concluded, the Chairman may, but shall not be required to, briefly respond, either personally or through another member of the Board of Commissioners whom the Chairman shall recognize. In addition, when a request for special action or a grievance has been heard, the matter may be referred by the Board to the County Manager (or his/her designee) who may take further action as directed by the Board.

6. All remarks shall be made to the Commission as a body and addressed through the Chair. Remarks shall not be made to a particular Commissioner.
7. Questions from Commissioners and/or the County Manager may be asked for clarification. However, Public Comment is not intended to be a back-and-forth exchange between the speaker and the Board.
8. No person shall be allowed to engage in speech that constitutes obscenity or that results in a disruption of the meeting. Obscenity is defined as material that the average person, applying contemporary community standards, would find to appeal to the prurient interest; that depicts or describes, in a patently offensive way, sexual conduct; and the material, taken as a whole, lacks serious literary, artistic, political or scientific value. If a speaker engages in speech that is obscene or creates a disruption to the meeting, the following actions may apply:
 - a. The Chairman may deem that the speaker is out of order and halt the speaker's allotted time to address the Board. If the speaker continues to make obscene comments or to disrupt the meeting, the Chairman may impose a recess;
 - b. In the event the speaker fails to obey the Chairman's ruling and continues to make obscene comments or disrupts the meeting, the Chairman may request that authorized personnel remove the person from the assembly for the remainder of the meeting.
9. Persons wishing to address the Board of Commissioners in duly advertised Public Hearings will be heard in the order in which they come forward upon announcement of the hearing. Each side, consisting of those opposed and those in favor of the subject of the Public Hearing, shall have ten (10) minutes (per side, not individual speaker) to address the Board. Rebuttal may be allowed for the proponent of the matter if time remains in the originally allotted ten (10) minutes. The time limit may be lengthened or shortened by majority vote of the Board. Prior to speaking, the person shall:
 - a. State his/her name and address;
 - b. State whether he/she is speaking for himself/herself or for another;
 - c. State whether he/she or any member of his/her immediate family has a personal interest in the matter addressed to the Board.

J. APPOINTMENTS OF THE BOARD

1. Appointments shall be made as necessary;

- a. When it has been determined, by rotation or some other manner, that it is the "turn" of a particular Commissioner to nominate a candidate for a position, such candidate must be elected, by a majority of the Board.
- b. If the nominee fails to receive a majority vote, the Commissioner who made the nomination may nominate another candidate(s) until the position is filled by majority vote.

SECTION 2: DECORUM OF DEBATE

The following practices shall be followed in the discussions (debate) on motions and matters presented to the Board of Commissioners.

A. ADHERENCE TO AGENDA

In discussion, the remarks made by the Commissioners shall be confined to the motion or matters immediately before the body.

- 1. Concerning the opportunity for Commissioners to address the public at regular meetings:
 - a. Commissioners may respond to a member of the public or address the public only with leave of the Chair. However, if a Commissioner is refused the opportunity to speak, then he/she may request his/her comments be placed as an agenda item for the next meeting;
 - b. During these remarks, a Commissioner must observe the same rules of decorum as those below in Section 2: Paragraph B, and may be called to order by the Chairman or another Commissioner if there is a breach of those applicable rules;
 - c. A Commissioner may not use this time to interrogate another Commissioner, staff, or citizens. No one shall attempt to enter into discussion with a Commissioner who has chosen to avail himself/herself of this opportunity to share his/her opinions with the public

B. DISCUSSION OF THE ISSUE

In discussion, a Commissioner may condemn the nature or likely consequences of the proposed measure in strong terms, but must avoid personalities, and under no circumstances may he/she attack or question the motives of another Commissioner or staff. The issue, and not a person, shall be the item under discussion.

C. CALL TO ORDER, REMARKS

The Chair shall immediately call as "out of order" any remarks made in regards to comments outside the

issue being addressed; or another Commissioner may call this breach of procedure to the attention of the Chair and other Commissioners. In either case, the errant Commissioner shall immediately cease the breach of decorum and continue with his/her remarks confined to the issue.

D. DISCUSSION THROUGH THE CHAIR

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

E. EQUAL OPPORTUNITY

After a Commissioner has spoken or asked questions on a matter before the Commission, other Commissioners shall be given the opportunity to speak. If no other Commissioner wishes to speak to the issue, the Commissioner may continue speaking to the issue.

F. DISRUPTIONS

During discussion or voting, a Commissioner shall not disturb the other Commissioners in any way that may be considered disruptive to the proceedings or hamper the transaction of business.

G. CALL TO ORDER, ACTION

The Chair may rule as "out of order" any action deemed inappropriate or dilatory and may interrupt a speaker for reasons deemed necessary by the Chair.

The Chairman shall say, "Commissioner, those remarks are out of order. Please cease this line of comments and restrict your comments to the inquiry and the merits of the agenda item."

H. OUT OF ORDER

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

1. The Commissioner shall be "called to order" by the Chair, who shall say, "Commissioner (using name), you are now personally out of order. If you persist, an official reprimand (or censure) will be entered into the record;"
2. If a Commissioner chooses to defy the ruling of the Chair, the Chairman shall call for a vote of censure and following an affirmative vote of censure by a majority vote of the Board, the Chair shall state: "Commissioner, you are personally out of order. Madam/Mr. Clerk, let the record indicate a reprimand against Commissioner (NAME)."

SECTION 3: PROCEDURE IN MEETINGS

A. MOTIONS

Prior to taking the vote, the Chair, or at his/her request the Clerk, should state the motion (or resolution) or its substance.

B. RANKING MOTIONS

1. These motions shall take precedence in the order in which they are listed below:
 - a. Adjourn;
 - b. Recess;
 - c. Motions of privilege;
 - d. Call the question;
 - e. Limit discussion or debate by the Commission;
 - f. Hold until a time certain;
 - g. Refer back to staff/committee; or refer to staff/committee;
 - h. Amend;
 - i. Main motion.
2. A main motion shall be a motion whose introduction brings business before the Commission.
3. Assumed Main Motions. A recommendation from staff, or another item published in the agenda for action, shall be handled as an Assumed Main Motion by the Chair, that is, the Chair shall, upon the conclusion of a reproof, state, "The question (or motion) before you is ... " (stating the motion in the affirmative). No second will be required in these instances and the Chair, in assuming such motion, is not presumed to be in favor of the motion and may speak against it if he/she so wishes.
 - a. Possible dispositions of such a motion assumed by the Chair include:
 - (1) Adopt;
 - (2) Amend and adopt with amendments (or stipulations);
 - (3) Defeat;

- (4) Refer back to staff/committee; or refer to staff/committee;
 - (5) Hold until (a definite time).
- b. Incidental motions such as consider en gross, consider by paragraph, or divide the motion (each described in Section 3: Paragraph D) may also be applied to such assumed motions.
- 4. Other Main Motions (motions that are incidental or relating to business of the Commission, or its past or future action, arising as Non-Agenda Items [see Section 1: Paragraph G (4)]) shall require a second, and, if such motions fail to obtain a second, the Chairman shall state, "Since there is no second, the motion is not before this meeting."
- 5. Concerning the amending of particular motions:
 - a. If a Commissioner feels that the main motion might be more acceptable in a way other than the way presented, the Commissioner may amend through substitution, insertion of stipulations, striking out portions, or striking out and inserting portions. Such proposed amendments shall be handled in one of the following ways:
 - (1) by unanimous consent of the Commissioners; the Chair, or another Commissioner, through the Chair, may suggest changes or stipulations, and if there are no objections from the Commissioners, the motion shall be amended by unanimous consent;
 - (2) with a second, discussion and a majority vote on the proposed amendment
 - b. If a proposed amendment fails to obtain unanimous consent or a majority vote, the main motion considered shall be the one originally presented.
 - c. An amendment must be germane (relating to the substance of the main motion) and may not introduce an independent question.
 - d. Improper amendments shall be:
 - (1) one which is not germane;
 - (2) one which would make the adoption of the amended motion equivalent to a rejection of the motion;
 - (3) one which is frivolous or absurd

6. If the Commissioners feel that adequate information has not been given, the Board may, by majority vote, refer the motion to staff (or an agency, committee, etc.) for more information. A date may be set for hearing the additional information or it may be open-ended. This motion shall require a second and shall be debatable only as to whether or not it shall be referred, to whom it shall be referred, or when the person to whom it is referred shall report back.
7. If the motion fails, the motion to be considered shall be that motion which was on the floor prior to the motion to refer.
8. A motion to hold to a time certain (postpone) may be used if a majority of the Commission feels that the motion before them should be considered at a more convenient time or if the discussion shows that a final decision should be made at a later time or date. This motion shall be used if the Commissioners themselves feel that they may obtain information that is needed or that the facts as presented are not adequate for their final vote. A second shall be required and discussion shall be limited to the reason for holding the motion or the time to which it is to be held. If the motion fails, the motion to be considered shall be that motion which was on the floor prior to the motion to hold.
9. If a Commissioner feels that a set period of time for discussion of a motion should be limited as to time for the motion as a whole, or as to individual time given, the Commissioner may move to "limit discussion (or debate) to minutes." This motion shall require a second and no discussion on the motion shall be allowed. It shall require a majority vote of the Board to adopt.
10. A Commissioner may "call the question" (a motion to end discussion) when it is clear that further discussion is unnecessary or that discussion is becoming repetitive. This motion shall require a second and no discussion on the motion shall be allowed. It shall require a majority vote of the Board to adopt.
11. If any matters occur such as to impede a Commissioner in attending to the business, e.g., too much noise, the microphone not working, matters that affect the safety, orderliness, or comfort of the Commissioners, or affects the honor of an individual Commissioner, such Commissioner may state to the Chairman that he/she has a "question of privilege" and the matter must be addressed before, the pending business of the Commission continues, no vote is required unless a motion arises out of the privilege.
12. A recess may be taken as it appears on the agenda or declared by the Chair when he/she deems it advisable.
13. The highest-ranking motion shall be the motion to adjourn, requiring a second and a majority vote with no discussion allowed, except that the motion shall contain a time to hear any non-completed items on the agenda, if such exist. If all business on the agenda has been completed, the Chair may assume the motion and, without

a second, obtain unanimous consent to adjourn.

C. MOTIONS USED TO BRING BACK AN ISSUE

Except as otherwise provided by law, if a Commissioner wishes to bring back to the Board a matter which has been adopted, he/she may do so through the motions to reconsider, rescind and amend something previously adopted. These shall have the same rank as a main motion.

1. If a Commissioner wishes to amend an action taken at a previous meeting, the Motion to Amend Something Previously Adopted shall be followed. This motion shall be used when a matter, which was previously adopted by the Commission, needs to be amended. A second shall be required and full discussion shall be allowed. If the item has been listed on the published agenda, a majority vote shall be required for adoption. A majority vote of the Board shall be required if the item is not on the official agenda.
2. If in the same meeting, new information or changed situations make it appear that a different result might reflect the will of the Board, any Commissioner (regardless of how he/she originally voted on the matter) may move to Reconsider the Vote. A motion to reconsider may be applied to a vote that was either affirmative or negative and shall propose no specific change in a decision but simply shall propose that the motion be reopened for discussion and another vote taken. A second shall be required to this motion and discussion shall be allowed as to the reasons for wishing to reconsider the vote. A majority vote shall be required to adopt the motion to reconsider.
3. If a Commissioner wishes to annul an action taken at a previous meeting, the motion to Rescind may be used. The motion to rescind shall require prior notice at a regularly scheduled meeting of the intent to rescind a motion at the next scheduled meeting. The motion to rescind shall not be in order if:
 - a. the motion to reconsider is made, i.e., at the same meeting;
 - b. the motion to reconsider was taken and lost;
 - c. the matter is routine and only part of the action needs to be changed, in which case the motion to "amend something previously adopted" shall be used;
 - d. something has been done as a result of the vote to implement the earlier action adopted.

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

D. INCIDENTAL MOTIONS

Incidental motions have no rank, but shall be decided immediately before business and may be used throughout the meeting as follows:

1. A Point of Information is a request, directed to or through the Chair, for information relevant to the business at hand, but not related to parliamentary procedure.
2. A Commissioner may call for a Point of Order if he/she believes that the Chair has failed to notice a breach in the rules. This Point of Order shall require the Chair to make a ruling on the question involved.
3. Whenever a Commissioner believes that the Chair is mistaken in his/her ruling, a Commissioner may Appeal the Chair's Decision. An appeal shall require a second and shall be debatable with the Chair speaking first to explain his/her ruling. The Chair may also close out the debate with a statement defending the ruling. An appeal may be made only on a ruling and may not be made:
 - a. in response to a parliamentary inquiry or point of information;
 - b. in areas that challenge verifiable rulings of factual nature.

The Chair shall state the motion as "Shall the Chair's decision be sustained?" A tie vote shall sustain the Chair because a majority of those voting shall be required to overrule the Chair's ruling.

4. A Parliamentary Inquiry is a question directed to the Chair to obtain information on a matter of parliamentary law or the rules of the Commission. The Chair will answer such questions or may ask the County Attorney or parliamentarian for an opinion. The Chair's reply, whether or not he/she has requested advice from the County Attorney or parliamentarian, is an opinion, not a ruling. If a Commissioner does not agree with the Chair's opinion, he/she may act in a way contrary to this opinion and if ruled out of order may then appeal the Chair's ruling. The Chair is not obligated to respond to hypothetical questions.
5. If the motion presented contains two (2) or more parts capable of standing as separate motions, a Commissioner may move to "Divide the Motion." This motion shall require a second and discussion shall be allowed only on why it should or should not be divided. A majority vote shall be required to adopt the motion to "divide the motion."
6. If the main motion is in the form of a resolution or document containing several paragraphs or sections which are not separate motions, but could be discussed more efficiently if discussed in sections, a motion to Discuss by Paragraphs, Sections, or Numbered Agenda Items under a "tab," may be made. A second shall

be required and discussion shall be brief as to the necessity for the action. A majority vote shall be required to "consider by paragraphs, sections, or numbered agenda items under a 'tab'."

7. Once a motion has been moved and seconded, it belongs to the entire Commission and not to the maker of the motion; therefore, if a Commissioner wishes to withdraw a motion that is officially before the Board, action of the Board must be taken in either of the following ways:
 - a. The Chair may ask the Board if there are any objections to the motion being withdrawn. If there are no objections, the motion shall be withdrawn by unanimous consent, without the need for the second to withdraw his/her second;
 - b. If there is, an objection to the motion being withdrawn, then the Chair shall take an official vote, a second being required. A majority vote shall be required to adopt the motion to "withdraw the motion"
8. If a Commissioner feels that time could be saved by acting on all of the agenda items under a "tab", he/she may move that it be "Considered en Gross."
9. When several alternatives need to be considered (such as staff recommendations that propose various options for the Board to consider), unlimited choices may be considered by "Filling the Blank" in the motion:
 - a. No Commissioner may suggest more than one proposal for filling unanimous consent from the other Commissioners;
 - b. Each proposal shall be debatable and shall be treated as an independent item to be voted on separately until one has been approved by a majority. As soon as one proposal has received a majority, no others shall be considered;
 - c. Alternative (from staff recommendations and/or suggestions by Commissioners) are listed in logical order for voting:
 - (1) Names are listed in the order in which they were proposed;
 - (2) Other proposals are listed in the order of their probable acceptability, beginning with the least popular choice.

E. PARLIAMENTARIAN

The County Attorney or his/her designee shall serve as parliamentarian and shall advise and assist the Chair and the Commission in matters of parliamentary law. A professional parliamentarian may be

consulted as deemed necessary.

F. PARLIAMENTARY AUTHORITY

The latest edition of ROBERT'S RULES OF ORDER NEWLY REVISED shall govern meetings of the Habersham County Board of Commissioners in all areas in which it is applicable and in which it is not inconsistent with these rules adopted by the Commissioners or higher law.

G. AMENDMENTS

These rules may be amended by a majority vote of the entire Commission at a regular meeting or special meeting of the Habersham County Board of Commissioners, provided notice has been given of the amendment(s) at the meeting prior to the vote on the amendment(s).

APPENDIX

Parliamentary Definitions

The following parliamentary definitions apply to the RULES OF PROCEDURE FOR THE HABERSHAM COUNTY BOARD OF COMMISSIONERS.

Adjourn - to officially terminate a meeting, or to continue a meeting pursuant to Section 1(A)(2) of this policy

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

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

Affirmative Vote - a vote in favor of the motion as stated

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

Approval of Minutes - formal acceptance of the record of a meeting, thus making this record the official minutes of the Commission

Board - the Habersham County Board of Commissioners

Chair - the presiding Commissioner

Clerk - the duly appointed County Clerk

Code - Code of Habersham County, Georgia

Commission - the Habersham County Board of Commissioners

Common Parliamentary Law - the body of rules and principles that is applied by the courts in deciding litigation involving the procedure of any organization; does not include statutory law or particular rules adopted by any organization or board

Convene - to open a meeting

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

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

Demand - an assertion of a parliamentary right by a Commissioner

Dilatory Motions or Tactics - misuse of procedures or motions that are out of order or would delay or prevent progress in a meeting

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

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

Germane Discussion - discussion relating directly to the matter involved

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

In Order - permissible and right from a parliamentary standpoint

Majority Vote - an affirmation vote of at least three (3) district Commissioners, or the Chairman and two (2) district Commissioners

Minutes - the legal record of the action of the Commission after the record has been approved by vote of the body.

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

Objection - the formal expression of opposition to a proposed action

Order of Business - the adopted order in which the business is presented to the meeting of the Commission

Out of Order – to not connect, from a parliamentary standpoint, at the particular time.

Parliamentary Authority - the code of procedure adopted by the Board as its parliamentary guide, governing in all parliamentary situations not otherwise provided for in the charter, the RULES OF PROCEDURE FOR THE HABERSHAM COUNTY BOARD OF COMMISSIONERS

Pending Motion - sometimes referred to as pending question; a motion that has been proposed and stated by the Chair for the Commission's consideration and that is awaiting decision by the Board

Precedence - the rank or priority governing the motion

Precedent - a course of action that may serve as a guide or rule for future similar situations

Procedural motion – a motion to assist the Commission in treating or disposing of a main motion; or, a

motion relating to the pending business otherwise at hand

Proposal or Proposition - a statement of a motion of any kind for consideration and action

O.C.G.A. - Official Code of Georgia Annotated

Quorum - the number of persons that must be present at a meeting of the Commission to enable it to act legally on business; any three (3) of the district Commissioners, or the Chairman and any two (2) district Commissioners, shall constitute a quorum for any meeting of the Habersham County Commission

Recognition - acknowledgment by the Chair, giving a person sole right to speak

Reconsider - to review again a matter previously disposed of and to vote on it again; must be made on the same day of business

Request - a statement to the Chair asking a question or some "right"

Rescind - to nullify or cancel out a previous action; cannot be made if action has already been taken to implement the motion it wishes to rescind

Resolution - a formal motion, usually in writing, and introduced by the word "resolved" that is presented to the Commission for a decision

Ruling - the Chair's decision as it relates to the procedure of the Board

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

Seriatim - consideration by sections or paragraphs

Statute - a law passed by the Georgia legislature

Technical Inquiry - request for information relevant to the business at hand

Tie Vote - vote in which the affirmative and negative votes are equal on a motion

Unanimous Consent - deciding on a motion without voting on it but where no Commissioner voices objection; with single objection a vote must be taken.

Unfinished Business - any business that is postponed definitely to a time certain