

## ORDINANCE 2022 - 003

1st reading and Introduction: February 7, 2022

2nd reading and Public Hearing: February 21, 2022

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**AN ORDINANCE AMENDING THE CODE OF ORDINANCES REGARDING THE RULES AND PROCEDURE FOR PUBLIC PARTICIPATION IN POWDER SPRINGS CITY COUNCIL AND BOARD MEETINGS; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

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**WHEREAS**, the Mayor and Council of the City of Powder Springs are authorized to amend, adopt, and repeal the Code of Ordinances for the City of Powder Springs; and

**WHEREAS**, the City's current Code of Ordinances does not address all procedures and concerns regarding the rules of procedure for public participation in Powder Springs City Council and board meetings; and

**WHEREAS**, the Mayor and Council wish to repeal the City's current ordinance regarding the rules of procedure for public participation in Powder Springs City Council and board meetings and enact a new ordinance in lieu thereof; and

**NOW THEREFORE**, the Mayor and Council of the City of Powder Springs find that in the interest of the public health, safety and welfare it does hereby ordain that the Code of Ordinances is amended as follows:

### SECTION ONE

The Code of Ordinances is amended by repealing Code Section 2-31. Rules of procedure for public participation in Powder Springs City Council and board meetings.

### SECTION TWO

The Code of Ordinances is hereby amended by the adoption of a new Code Section 2-31. Rules of Procedure for Public Participation in Powder Springs City Council and Board Meetings, as follows:

The City of Powder Springs welcomes visitors to all public meetings and is willing to hear any person desiring to appear before the council who is not currently an announced candidate for public office.

- (1) *Council meetings*. Persons wishing to address the Mayor and council shall do so during the public comment portion of the agenda after having been recognized by the presiding officer.
  - a. A total of twelve (12) speakers are allowed to address the City Council during each regular meeting of the council. These speakers shall sign-up with the City Clerk on a first-come basis with sign up to begin twenty minutes before the beginning of the meeting. No prior reservations will be taken for these slots.

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- b. Speakers will be limited to five (5) minutes.
- c. An extension to the sixty (60) minute scheduled public comment section, and/or an extension of the five (5) minute limit per person, may be granted by a majority vote of the council.
- d. If several citizens wish to speak on the same subject, it is encouraged that one be chosen to speak and others express their support. It is encouraged that one not repeat the subject matter.
- e. Public comments should concern matters that are the business of the city; it is not a time for political speeches or advertisements for personal business or interests.
- f. After each individual speaker's remarks have concluded, the mayor may, but shall not be required to, briefly respond, either personally or through another member of the council whom the mayor shall delegate.
- g. Matters pertaining to personnel procedures or personnel grievances will not be heard during public comments. Those should be directed to the city manager.
- h. All persons speaking during public comments shall follow the rules of conduct for public comment, as set forth in subsection (3) of these rules and procedures.

### *(2) Public hearings.*

- a. Persons wishing to address the council or other city board or commission in duly advertised public hearings shall sign up with the city clerk on a first-come basis with sign up to begin twenty minutes before the beginning of the meeting. No prior reservations will be taken. Speakers will be heard first in support of the matter in question followed by those in opposition.
- b. In accordance with O.C.G.A. § 36-66-5, in all hearings required by O.C.G.A. § 36-66-4, the applicant and proponents of each zoning decision shall be allowed not less than ten minutes for presentation of data, evidence and opinion. The opponents of such decision shall have an equal time of not less than ten minutes for presentation.
- c. All persons speaking during public hearings shall follow the rules of conduct for public comment, as set forth in subsection (3) of these rules of procedure.

### *(3) Rules of conduct for public comment.*

- a. All persons, other than salaried members of the city staff, shall address the council, commission, or other public body in the following manner:
  - 1. State his/her name and address.
  - 2. If requested by the council, the speaker may be required to state:
    - (i) Whether he/she is speaking for himself/herself or for another;
    - (ii) If he/she represents an organization or represents a policy established by an organization or governing body and

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whether he/she is being compensated by the person(s) for whom he/she speaks;

- (iii) Whether he/she or any member of his/her immediate family has a personal interest in the pending matter.
- b. Citizens may address the Mayor and Council as a whole, but comments may not be directed to particular members or any city employee. Any comments directed at particular members of council, the mayor, or any city employee will be ruled out of order by the mayor or presiding officer.
- c. The public comments period is not a time for questions or dialogue between a citizen and the Mayor and council members other than for clarification of facts or issues as requested by the Mayor and council members. It is a time to express concerns or views of the citizens. City staff will follow up, as appropriate, with any concerns that need to be addressed by the city.
- d. No person shall make impertinent, derogatory, offensive or slanderous remarks while addressing the Mayor or council.
- e. The failure of any citizen to comply with these rules may be grounds for the Mayor or presiding officer to rule the citizen out of order. If the citizen fails to comply with the directions of the Mayor or presiding officer, they may be removed from the meeting or any other action may be taken by a law enforcement officer as provided by law. A person may be barred from further speaking before the council in that meeting if his/her conduct is deemed out of order.

### SECTION THREE

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

### SECTION FOUR

If any section, subsection, provisions, or clause of any part of this Ordinance shall be declared invalid or unconstitutional, or, if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent of the City Council that this Ordinance would have been adopted in its current form without the invalid or unconstitutional provision contained therein.

### SECTION FIVE

This ordinance shall become effective five (5) days after its adoption by the City Council.


SO ORDAINED this 21 day of February, 2022.

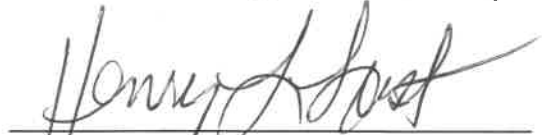
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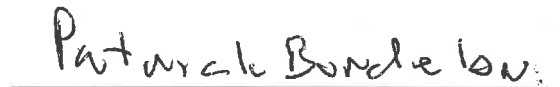
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Albert Thurman, Mayor

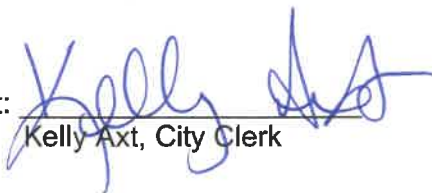
  
Henry Lust, Council Member

  
Doris Dawkins, Council Member

  
Dwayne Green, Council Member

  
Patrick Bordelon, Council Member

  
Patricia Wisdom, Council Member

Attest:   
Kelly Axt, City Clerk