

ORDINANCE NO. 19 _____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF MONROE COUNTY, GEORGIA BY ADOPTING CHAPTER __, ENTITLED “MEETING ORGANIZATION AND PUBLIC ACCESS TO MEETINGS;” REPEALING ALL PRIOR ORDINANCES IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES.

WHEREAS, the Board of Commissioners of Monroe County, Georgia (hereinafter “the Board”) desires to provide for the health, safety, and welfare of the citizens of Monroe County, Georgia (hereinafter the “County”); and

WHEREAS, well-organized meetings allows the Board of Commissioners to reach decisions in a fair and consistent manner; and

WHEREAS, efficiency is served when the process of planning for and conducting public meetings is clearly stated and understood by public officials and citizens; and

WHEREAS, Properly organized meetings provide the structure through which the Monroe County Board of Commissioners may debate an issue and come to the decisions that are necessary to manage the affairs of the County. A Commission Meeting that is well organized will be more productive, more efficient, and above all, more businesslike than a Commission Meeting that is unorganized.

WHEREAS, after careful study and deliberation, the Board has decided to adopt a Meeting Organization and Public Access to Meetings Ordinance to better protect the health, safety, and welfare of the citizens of the County and provide for the efficient enforcement of the ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Monroe County, Georgia, and it is hereby ordained by authority of the same, as follows:

Section 1. The Chapter _ of the Code of Ordinances of Monroe County, Georgia entitled “Meeting Organization and Public Access to Meetings” and attached hereto as “Exhibit A” is hereby adopted.

Section 2. All ordinances or parts of ordinances in conflict herewith are repealed.

SO ORDAINED, this ___ day of _____, 2024.

MONROE COUNTY, GEORGIA

(SEAL)

By: _____
Gregory V. Tapley, Chairman

Attest: _____
Jim Hedges, Manager

EXHIBIT "A"

MEETING ORGANIZATION AND PUBLIC ACCESS TO MEETINGS ORDINANCE

Section 1. Open Meetings. All meetings of the board of commissioners shall be held in accordance with the provisions of O.C.G.A. § 50-14-1 et seq. The public shall at all times be afforded access to all meetings other than executive sessions.

Section 2. Quorum. A quorum must be present for conducting meetings of the board. A quorum is a majority of all of the members of the board then in office. It is the duty of the Chair to enforce this rule. Any commissioner may raise a point of order directed to the Chair if he or she believes that a quorum is not present. If, during the course of a meeting, a commissioner or commissioners leave and a quorum no longer exists, the meeting may not continue. If a quorum is not attained within thirty minutes, the meeting may be rescheduled by the Chair with the approval of a majority of the commissioners present.

Section 3. Chair. The Chair of the Board of Commissioners, as presiding officer, is responsible for the orderly conduct of the meeting. In order to fulfill this duty, the Chair shall enforce the rules of procedure that are adopted by the Board of Commissioners. The Chair shall be impartial and conduct the meetings in a fair manner. The Chair may introduce motions or second motions and the Chair may introduce or second a motion to go into executive session as authorized by Section 24 of this ordinance.

Section 4. Vice-Chair. The vice-Chair shall fulfill the duties of the Chair if the Chair is not in attendance.

Section 5. Presiding Officer. If the Chair and the vice-Chair are absent or otherwise unable to serve as presiding officer at a meeting and a quorum of commissioners is present, the remaining commissioners shall select a commissioner to serve as presiding officer of the meeting until either the Chair or vice-Chair is present at the meeting.

Section 6. Parliamentarian. The county attorney shall serve as the parliamentarian for board meetings and shall determine and direct action on any procedural matters.

Section 7. Decorum. The Chair shall enforce the rules of decorum. The purpose of meetings of the Board of Commissioners is to conduct the County's business. Meetings shall be conducted in an orderly and respectful fashion. They are not a forum to belittle, ridicule or embarrass county commissioners, other county officials, county employees, or others in attendance at the meeting. Violation of the rules of decorum in this ordinance by a member of the Board of Commissioners, a county employee or county official shall be a violation of the Monroe County Code of Ethics.

a. **Conduct of Members of the Public in Meetings Generally.**

1. All cell phones and other communication devices shall be turned off or switched to silent mode; provided, however, that a cell phone or device may be used to make a video or audio recording of the meeting.
2. All meeting attendees must be silent during the meeting while business is conducted.
3. Anyone who wants to speak must first be recognized by the Chair.
4. All comments must be directed to the Chair and not to individual commissioners, staff or others.
5. All meeting attendees must conduct themselves in a respectful manner.
6. Personal attacks and derogatory or inappropriate remarks are not permitted.
7. There shall be no use of profanity during the meeting.
8. Obscene, derogatory, or slanderous remarks are not permitted.
9. No person shall disrupt the meeting or interfere in any way with the orderly conduct of the meeting.

b. Conduct of Members of the Board of Commissioners.

1. Commissioners should arrive on time for a meeting and be prepared.
2. Commissioners should attend the entire meeting.
3. Commissioners shall conduct themselves in a professional and respectful manner.
4. Commissioners desiring to speak must first be recognized by the Chair.
5. Commissioners may only address the motion that is being discussed. Commissioners shall direct their remarks to the Chair and not to individual commissioners, staff, or citizens in attendance.
6. Only one commissioner at a time is permitted to speak. Commissioners shall not interrupt any other person who has the floor.
7. Personal attacks and inappropriate remarks shall be ruled out of order by the Chair. Commissioners may not use commission meetings to make derogatory comments about particular employees or to air their personal grievances with other commissioners. To do so shall be a violation of the Monroe County Code of Ethics.
8. There shall be no use of profanity during the meeting.

9. Remarks may not address the character of the person involved.
10. Commissioners may raise a point of order if a rule is believed to have been broken. A second is not required. The Chair may rule on the question or may allow the board to debate the issue and decide by majority vote.
11. While commissioners may not agree with all decisions of the board, all commissioners shall recognize the validity of any action approved by a majority of the board. Commissioners shall not refuse to sign any ordinance, resolution, contract or other document because he or she did not vote for the action taken. Commissioners shall not publicly oppose or undermine any decision or action approved by a majority of the board.
12. Commissioners shall keep an open mind on all issues before the board.

c. **Conduct of the Chair or Presiding Officer.** In addition to rules of decorum applicable to commissioners generally, the following rules shall apply to the Chair or presiding officer:

1. The Chair or presiding officer shall recognize any commissioner who has the right to speak.
2. The Chair or presiding officer shall rule out of order any discussion on topics other than the motion being discussed.
3. The Chair or presiding officer shall only permit one commissioner at a time to speak.
4. While the Chair or presiding officer may not agree with all decisions of the board, he or she shall recognize the validity of any action approved by a majority of the board. The Chair or presiding officer shall not refuse to sign any ordinance, resolution, contract or other document because he or she did not vote for the action taken. The Chair or presiding officer shall not publicly oppose or undermine any decision or action approved by a majority of the board.
5. The Chair or presiding officer shall keep an open mind on all issues coming before the board.

Section 8. Rules of Order; Amendments to the Rules. The Board of Commissioners shall adopt rules of order to govern the conduct of meetings of the Board. Any amendments to the rules of order shall be submitted by a commissioner in writing to the County Manger or his/her designee three business days before a regular meeting of the Board. The proposed amendment shall be included in the agenda for that meeting and distributed to all Board members. All amendments require a majority vote of the board to be adopted.

Section 9. Suspending the Rules of Order. Rules of order may be suspended in the case of an emergency. A motion to suspend the rules requires a second, is debatable, and requires a majority vote of the board. Rules governing quorums (Section 2), voting methods and requirements (Section 16), abstentions, (Section 17), notification of meetings (Section ii(a) and (b)) and rules necessary for compliance with state law may not be suspended; provided, however, that, in the event that a state of emergency is declared by the Governor or other authorized state official, the board may waive certain time-consuming procedures and formalities imposed by state law to the extent authorized by O.C.G.A. § 38-3-54.

Section 10. Regular Meetings. Regular (regularly scheduled) meetings of the board of commissioners shall be held the first and third Tuesday's of each month. The first meeting of the month shall be held at 6:00p.m. and the second meeting of the month shall be held at 9:00 a.m. All regular meetings shall be held in the Commissioners' meeting room at the County Administration Building. A notice containing the foregoing information shall be posted at least one week prior to the meeting at the meeting location and on the County Website. Additionally an agenda for the meeting shall be posted the Friday immediately preceding the meeting at the regular meeting location, on the county website and shall be maintained in a conspicuous place available to the general public at the regular meeting place of the board.

Section 11. Meetings Other Than Regular Meetings. The Board may meet at times and locations other than those for regularly scheduled meetings.

a. **Special and Rescheduled Regular Meetings.** A regular meeting may be canceled, rescheduled or moved to a new location within the county site by the Board for any reason. Other special meetings may be scheduled by the Board within the county site. Whenever a rescheduled regular meeting or any other special meeting is to be held at a time or place other than the regularly scheduled time or place, written notice of the change shall be posted for at least 24 hours in advance at the regular meeting place and on the county website. In addition, written or oral notice shall be given by the County Clerk at least 24 hours in advance of the meeting to either the legal organ of the county or a newspaper having general circulation at least equal to that of the legal organ, as well as to each member of the county governing authority.

b. **Emergency Meetings with Less Than 24 Hours Notice.** When emergency circumstances occur, the board may hold a meeting with less than 24 hours notice to the public. When such meetings are to be held, the clerk shall provide notice to the legal organ of the county or a newspaper with a general circulation at least equal to that of the legal organ and to each member of the county governing authority as soon as possible. The notice shall include the subjects expected to be considered at the meeting. In addition, the minutes shall reflect the reason for the emergency meeting and the nature of the notice given to the media. [O.C.G.A. § 50-14-1(d)(3).]

c. **Meetings during Declared State of Emergency.** When it is imprudent, inexpedient or impossible to hold board meetings at the regular meeting place due

to emergency or disaster resulting from man made or natural causes, as declared by the Governor or other authorized state official, the board may meet anywhere within or outside of the county. Such a meeting may be called by the Chair or by any two commissioners. At the meeting, the commissioners shall establish and designate emergency temporary meeting locations where public business may be transacted during the emergency. Any action taken in such meetings shall have the same effect as if performed at the regular meeting site. [O.C.G.A. §§ 50-14-1(d)(3), 38-3- 54, and 38-3-55.]

Section 12. Visual and Sound Recordings. Visual, sound, and visual and sound recordings shall be permitted for all open meetings. [O.C.G.A. § 50-14-1(c).]

Section 13. Order of Business. All regular board meetings shall substantially comply with the following order of business:

- I. Call to order
- II. Minutes
- III. Invited guests
- IV. New business
- V. Speaker Appearances
- VI. Public comments
- VII. Commissioner Comments
- VIII. Executive Session, if needed
- IX. Adjournment

Section 14. Agenda. The *County Manager or his or her designee*, with the advice of the Chair and the commissioners, shall prepare an agenda of subjects to be acted on for each meeting. The agenda shall be provided to each of the commissioners at least three business days before every board meeting.

a. **Requests for Agenda Items.**

1. County commissioners who wish to have an item placed on the agenda must submit an agenda request with supporting documentation to the *County Manager or his or her designee* by Thursday at noon immediately preceding the meeting, unless otherwise approved by a majority vote of the Board.
2. Requests by the County Attorney or other attorneys representing the Board to have agenda items must submit an agenda item request with supporting documentation to the County Manager or his or her designee by Thursday at noon immediately preceding the meeting unless it is shown to the satisfaction of the County Manager that the deadline is infeasible to meet a filing or other legal deadline.
3. Other county officials or department heads who wish to have an item placed on the agenda must submit an agenda request with supporting documentation to

the *County Manager or his or her* by Thursday at noon immediately preceding the meeting.

4. Agenda requests shall include the following:

- i. The date of the meeting that the proposed agenda item that is requested to be considered.
- ii. The amount of money required to implement the agenda item if any, including whether the money has been appropriated and the budget line number as appropriate.
- iii. A clear statement of the agenda request, including why it is needed and its impact upon the county.
- iv. A summary of any requirements, laws, regulations or ordinances that necessitate the agenda item or apply to the agenda item (i.e., purchasing ordinance, advertising requirements, certifications, etc.) and a statement as to whether these requirements have been satisfied or will be satisfied.
- v. A list of any options or alternatives that the board has in approving the request.
- vi. A statement regarding the impact of the requested agenda item on other county departments.
- vii. Analysis from the legal department or information technology department, if available.
- viii. A recommendation for board action on the requested agenda item.

5. Members of the public may request that a particular subject be placed on the agenda for a meeting. To be considered, this request shall be submitted in writing to the *County Manager or his or her designee* and received at least one week before the meeting. If approved by the majority vote of the board, the item may be added to the agenda.

b. **Changing the Agenda.** The order of the agenda may be changed during a meeting by a majority vote of the board. A new item may be added to the agenda by a majority vote of the board only if it becomes necessary to address the item during the meeting.

c. **Agenda Must Be Made Public.** The agenda of all matters to come before the board shall be made available to the public upon request and shall be posted at the meeting site and on the County's website as far in advance as reasonably possible but no later than close of business on the Friday immediately preceding the meeting .

Section 15. Consent Agenda. A consent agenda may be prepared by the *County Manager* for the board to unanimously adopt on routine items. Any items of business that are expected to receive unanimous approval without debate may be placed on a consent agenda. At the appropriate time of the meeting, the Chair shall read all of the items on the consent agenda. If a commissioner objects to an item being on the consent agenda, the Chair shall move that particular item to the regular agenda. Following the reading of the consent agenda, the Chair may ask for unanimous approval of the items on the consent agenda. If there are no objections, all the items on the consent agenda shall be approved by a majority vote of the board.

Section 16. Voting. Passage of a motion shall require the affirmative vote of a majority of commissioners present and voting at a meeting at which a quorum is present. Unless otherwise specified in this ordinance, a majority shall mean at least one-half of the commissioners present plus one commissioner excluding abstentions.

Section 17. Abstentions. A commissioner shall vote on all motions unless he or she has a conflict of interest preventing him or her from making a decision in a fair and legal manner. If a conflict of interest does exist, the commissioner shall explain for the record his or her decision to abstain on any vote including but not limited to any vote on zoning decisions if the commissioner has an interest in property subject to rezoning.

Section 18. Public Participation. Public participation in meetings of the board of commissioners shall be permitted in accordance with the provisions of this section.

a. **Speaker Appearance.** The agenda shall allow for Speaker Appearances from members of the public. Individuals wishing to speak must first state their name and address such that it may be recorded in the minutes. Individuals may be allotted three minutes to make their comments; provided, however, that if the individual wishes to oppose a rezoning action and has contributed more than \$250 to the campaign of a commissioner, the individual shall also file a campaign disclosure form as required by O.C.G.A. § 36-67A-3 at least five calendar days prior to the first hearing by the commissioners.

b. **Decorum.** Members of the public are expected to comply with the rules of decorum established in Section 7 of this ordinance. Individuals violating any rules of the board may be ruled out of order by the Chair or on a point of order made by a commissioner. A majority vote of the board shall rule on the point out of order. An individual violating the rules of decorum may be removed from the meeting at the direction of the Board.

c. **Public Hearings.** The board may schedule public hearings for the purpose of soliciting public comment on any subject of interest to the board. Hearings may be held immediately prior to, during or following a meeting of the board or at such other places and times as the board may determine. Time for public comment may be limited to a specified amount of time per side, except that at least 10 minutes per side shall be allowed for hearings on zoning decisions. Further, other policies and procedures regarding hearings on zoning decisions shall be governed in accordance with the zoning policies and procedures adopted by the board of commissioners required by

O.C.G.A. §§ 36-66-4 and 36-66-5.

Section 19. PUBLIC COMMENTS. At each meeting an agenda item shall be reserved for comments from the Public. As with Commissioner comments this item is for the public to make comments to the Board. It is not intended to be for action items, nor is it intended to be a public debate. Individuals desiring to speak during this item may do so as recognized by the Chair. . Individuals wishing to speak must first state their name and address such that it may be recorded in the minutes. Individuals will be allotted a reasonable amount of time to speak as determined by the Chair. The requirements of Section 18. above are not applicable to public comments under this item.

Section 20. Meeting Summary. The county clerk shall prepare a written summary of the subjects acted upon in a meeting and the names of the commissioners present at a meeting within two business days following the meeting. The meeting summary shall be made available to the public for inspection.

Section 21. Minutes. The clerk of the board shall promptly record the minutes for each board meeting. The minutes shall specify the names of commissioners present at the meeting, a description of each motion or other proposal made at the meeting, the name of the commissioner who proposed each motion, the name of the commissioner who seconded each motion, and a record of all votes. The name of each commissioner voting for or against a proposal shall be recorded. It shall be presumed that a commissioner has voted in the affirmative unless the minutes show otherwise. More detailed information may be included in the minutes at the request of the board.

The board shall approve the minutes before they may be considered as an official record of the board. The minutes shall be open for public inspection once approved as official by the board, but in no case later than immediately following the next regular meeting of the board. A copy of the minutes from the previous meeting shall be distributed to the commissioners at least three business days before the following meeting. The minutes of the previous meeting shall be corrected, if necessary, and approved by the board at the beginning of each meeting. A majority vote is required for approval. Conflicts regarding the content of the minutes shall be decided by a majority vote. Upon being approved, the minutes shall be signed by the Chair and attested to by the clerk of the board of commissioners. [O.C.G.A. § 50-14-1(e)(2)(B)(3)]

Section 22. Maintenance of Minutes and Other Documents. Minutes shall be maintained in the offices of the board of commissioners. Copies of contracts, maps or similar documents related to actions by the commissioners during a meeting may be included in or attached to the minutes or incorporated by reference to an alternative location. Unless otherwise specified in the ordinance or resolution, contracts, maps or similar documents not included in or attached to the minutes shall be stored in the office of Board of Commissioners.

Section 23. Committees. The Chair, with the approval of a majority of the board, may create standing or temporary committees to study any issue before the board. Any such committees may make recommendations to the board of commissioners but no committee shall be empowered to make any final decision on any matter before it for consideration.

Committees may include board members, other county officials, staff, citizens at large, or any combination thereof. Whenever a committee is created, its duties, any limitation on the scope of its duties, and the times, places, and periods of time for which the committee may operate shall be determined by the Chair with the concurrence of the board and in accordance with the Open Meetings Law. The Chair shall serve as an ex officio member of all committees. Committee meetings shall be open to the public and shall comply with the requirements of this meeting organization ordinance and the Open Meetings Law.

Section 24. Participation by Teleconference.

- a. **Emergency Meetings of the Board.** The board of commissioners may meet by teleconference when an emergency arises involving public safety or the preservation of property or public services is at risk.
- b. **Participation Due to Absence or Health.** Individual commissioners may participate in a meeting of the board by teleconference due to health reasons or absence from the county so long as a quorum of commissioners is physically present at the meeting location and all other requirements of the Open Meetings Law are met. Participation of a commissioner by teleconference cannot be utilized more than twice in one calendar year unless there is an emergency or a written opinion from a doctor or other health professional indicating that the commissioner cannot attend the meeting due to health reasons.
- c. **Participation Due to Active Military Service.** Individual commissioners may participate in a meeting of the board by teleconference when on active military duty pursuant to O.C.G.A. § 38-2-279 (g).
- d. **Notice and Public Access.** All meetings by teleconference authorized by this section are subject to the notice requirements of Sections 10 and 11 herein and are conditioned upon the public being afforded simultaneous access to the teleconference meeting. Access shall be provided by telephone, through the Internet, over the public access channel or through any other method that allows for simultaneous public access as determined by the board and in accordance with the Open Meetings Law. Commissioners participating remotely by teleconference are subject to the same requirements of this meeting organization ordinance as commissioners who are physically present at the meeting.

Section 25. Executive Sessions. As provided below or in accordance with Georgia law, the board may close a portion of a meeting to the public to discuss certain topics that are exempted from the Open Meetings Law. Such meetings shall be referred to as executive sessions. Any portion of the meeting not subject to any exemptions authorized by law shall be open to the public.

- a. **Types of Executive Sessions.** Executive sessions of the board may be held for the purpose of discussing the following topics exempted from public access requirements by O.C.G.A. §§ 50-14-2 and 50-14-3(b):

1. **Pending or Potential Litigation.** The board may close an open meeting to discuss topics subject to the attorney client privilege to the extent the commissioners consult and meet with the county attorney or other legal counsel to discuss pending or potential litigation, settlement, claims, administrative proceedings or other judicial actions brought by or against the county, a county official or employee. The county attorney or other attorney representing the county must be present in the executive session. In order to close a meeting because of potential litigation, there must be a real and tangible threat of legal action indicated by a formal demand letter or other writing presenting a claim or a sincere intention to sue, previous or pre-existing litigation between the county and the other party or the hiring of an attorney by the threatening party.
2. **Confidential Tax Matters.** The board may close an open meeting to discuss tax matters that are otherwise made confidential by state law.
3. **Authorize Settlements to Lawsuits and Claims.** The board may close a meeting to discuss or vote to authorize settlements to lawsuits and claims involving the county. No vote by the commissioners in executive session to settle litigation, claims, or administrative proceedings, is binding on the county until a subsequent vote is taken in an open meeting. The parties to the lawsuit or claim and principal settlement terms shall be disclosed before the vote.
4. **Real Estate Decisions by the County.** The board may close an open meeting to discuss or vote to:
 - (i) authorize negotiations to purchase, dispose of, or lease property;
 - (ii) authorize the ordering of an appraisal related to the acquisition or disposal of real estate;
 - (iii) enter into a contract or purchase, dispose of, or lease property subject to approval in a subsequent public vote; or
 - (iv) enter into an option to purchase, dispose of, or lease real estate subject to approval in subsequent public vote.
5. No vote in executive session to acquire, dispose of, or lease real estate, is binding on the county until a subsequent vote is taken in an open meeting where the identity of the property and the terms of the acquisition, disposal, or lease are disclosed before the vote.
6. **Personnel Matters.** The board may close an open meeting to discuss or deliberate on the appointment, employment, compensation, hiring,

disciplinary action, dismissal, or evaluation or rating of a county official or employee, or to interview applicants for the position of the executive head of the county. However, commissioners must receive evidence or hear arguments on proposed disciplinary action or dismissal of a county official or employee in an open meeting. Any votes by the board must be taken in an open meeting and be entered in the minutes of the open meeting. Meetings of the board of commissioners to discuss or take action on the filling of a vacancy on the board shall at all times be open to the public.

7. **Exempt Records.** The board may close an open meeting to review or discuss records or portions of records that are exempt from the Open Records Law if there is no other reasonable way for the county to discuss the record without disclosing the confidential part of the record.

b. **Procedure for Entering into Executive Sessions.** An executive session shall not be held except pursuant to a majority affirmative vote of the board of commissioners taken in an open meeting. The minutes of the open meeting shall reflect the names of the commissioners present, those voting for the executive session, and the specific reasons for the executive session.

[O.C.G.A. § 50-14-4.]

c. **Who Can Attend Executive Sessions.** Board members and only individuals necessary to conduct an executive session may be present. The clerk of the board of commissioners, the county manager, and the county attorney shall be included in any executive session approved by the board of commissioners. The county attorney or other attorney representing the board must be included in any executive session pertaining to litigation or claims against the county. Other individuals may be invited to participate in an executive session by majority vote of the board prior to or during the course of the executive session but only if the presence of such individuals is consistent with the applicable exception authorizing the executive session. No other individuals shall be permitted in an executive session.

[O.C.G.A. § 50-14-2; The Claxton Enterprise v. Evans County Board of Commissioners, 280 Ga. App. 870(2001); 1998 Op. Atey Gen. No. U98-31.]

d. **Non-Exempt Topics.** If a commissioner or any other person in an executive session attempts to discuss a non-exempt topic during an executive session, the Chair or presiding officer, shall immediately rule that commissioner or other person out of order and such discussion shall cease. If the commissioner or other person persists in discussing the non-exempt topic, the Chair or presiding officer shall adjourn the meeting immediately.

[O.C.G.A. § 50-14-4(b)(2)]

e. **Executive Session Minutes.**

- (i) **Content and Preparation.** Minutes of executive sessions shall be recorded, but are not subject to public inspection. The minutes shall

specify each issue discussed in executive session. If matters subject to the attorney-client privilege are discussed in executive session, the fact that an attorney-client discussion occurred and its subject shall be identified, but the substance of the discussion need not be recorded and shall not be identified in the minutes. Draft minutes of executive sessions shall be prepared by the clerk or some other person delegated to do so by the Chair.

- (ii) **Approval.** Draft executive session minutes shall be reviewed by the commissioners prior to the conclusion of the executive session. Following the conclusion of the executive session, the commissioners shall vote regarding approval of the minutes in an open meeting. The minutes of the executive session recorded and approved in accordance with the terms hereof shall be transmitted to the clerk of the board of commissioners to be placed in proper form and kept in a confidential file and preserved for in camera inspection in accordance with O.C.G.A. § 50-14-1(e)(2)(C).
- (iii) **Maintenance.** Executive session minutes shall be kept and preserved in a confidential file, separate from open meeting minutes, for in camera inspection by an appropriate court should a dispute arise as to the propriety of any executive session.
[O.C.G.A. § 50-14-4.]

f. **Executive Session Affidavit.** The Chair or other presiding officer shall execute an affidavit stating, under oath, that the executive session was devoted to topics exempt from the public access requirements. The affidavit shall include the specific exemption authorized by the Open Meetings Law. The affidavit shall be notarized and filed with the minutes of the open meeting.

g. **Discussion of Executive Session Business.** Commissioners, officials, employees and other individuals who attend executive sessions are prohibited from discussing or in any other way disclosing confidential information, legal advice and/or legal strategy discussed in the executive session unless:

1. The disclosure is required by law;
2. The disclosure is part of a judicial or administrative proceeding; or
3. The majority of the board authorizes the disclosure.

In no way shall this subsection prevent a county attorney or other attorney representing the board from discussing any matters discussed in executive session relative to settlement or negotiation of a lawsuit or other claim against the county.

Any commissioner that divulges, has previously divulged, or has threatened to divulge confidential information, legal advice or strategy discussion may be excluded from participation in an executive session by majority affirmative vote of the board of commissioners. A commissioner that divulges confidential information, legal advice, or strategy discussions may be publicly sanctioned or reprimanded by a majority affirmative vote of the board of commissioners.

Section 26. Commissioners Comments. An Agenda item shall be reserved on each meeting Agenda for Commissioners Comments. Comments may be made by each commissioner in District number order with the Chairman being last. This section of the Agenda is intended for comments only and not action items. However, should a majority of the board determine that action on an item raised during commissioner comments is necessary or expedient, then the Board by majority vote may add said item to the agenda and then take action thereon.

Section 27. Repealer. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

Section 28. Effective Date. The ordinance shall become effective the __ day of _____, 20__.